

**COUNCIL COMMITTEE OF THE WHOLE  
Council Chambers  
Monday, June 19, 2017  
6:00 PM**

**AGENDA**

**JORI NELSON, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

- \*COU2017-30 Consider approval of proposed amendments to Chapter XV - Utilities, Article 1-3 related to Solid Waste  
Wes Jordan
  
- COU2017-28 Discussion regarding live streaming and video archiving of city meetings  
Alley Williams
  
- Discussion about a joint drainage project at Corinth Elementary and approve staff to work with SMSD on project financing  
Melissa Prenger

**\*Council Action Requested the same night**



June 19, 2017

COU – 2017-30

Consider Draft Amendments to Chapter XV - Utilities, Article 1-3.

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### RECOMMENDATION

Staff recommends the City Council approve proposed amendments to Chapter XV - Utilities, Article 1-3.

**COUNCIL ACTION REQUESTED ON: June 19, 2017**

### SUGGESTED MOTION

Move to approve proposed amendments as specified to Chapter XV - Utilities, Article 1-3.

### BACKGROUND

The City Attorney and Staff have made additional changes to the Solid Waste Ordinance, Chapter XV, after receiving input and direction from Council during presentations, the latest during the June 5, 2017, Council Meeting. The recommended changes are highlighted and focus on the following items:

- 15-203: Storage Requirements - minor changes as highlighted regarding storage and screening requirements. And, language was added to the fine schedule to specify a graduated schedule to address repeated violations should they occur.
- 15-222: Penalties - this section was restored to address penalties separate from storage, screening, and composting.
- 15-224: Composting - minor changes to clarify permitted materials, size, and moisture content. And, language was added to the fine schedule to specify a graduated schedule to address repeated violations should they occur.

#### Attachments:

- Strikethrough Version of Draft Amendments included for comparison
- Final version to Chapter XV - Utilities, Article 1-3 (Ordinance 2362)

### PREPARED BY

Wes Jordan  
Assistant City Administrator  
Date: June 13, 2017

**CHAPTER XV. UTILITIES**

- Article 1. Sewers
- Article 2. Solid Waste

~~FORMER ARTICLE 1 – GENERAL PROVISIONS CREATING PUBLIC WORKS DEPARTMENT DELETED BECAUSE NOW COVERED BY LATER ADOPTED 1-316 AND 1-317~~

**ARTICLE 1. SEWERS**

15-101. SANITARY CODE; ADOPTED. The Johnson County Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas, 66061, is hereby adopted by reference made a part of this Article as fully as if set forth herein.

15-102. SAME; MARKED COPIES ON FILE. At least three copies of the code adopted by reference in section 15-101 of this Article shall be kept on file in the office of the City Clerk, to which there shall be attached a copy of the incorporating ordinance, shall be marked or stamped "Official Copies as Incorporated by Ordinance No. ~~\_\_\_\_\_~~2362" with all sections or portions thereof intended to be omitted clearly marked to show any deletion or changes adopted by the Governing Body. These copies shall be made available to the public at all reasonable hours. The police department, municipal judges and all administrative departments of the City who are charged with the enforcement of the code adopted by this Article shall be supplied, at the cost of the City, such number of official copies as may be deemed expedient. ~~[previous version of JOCO Env Sanitary Code incorporated by reference was 1994, incorporated by Ord 1877. UPDATE TO 2004 EDITION TO BE ADOPTED BY ORDINANCE]~~

15-103. ADMINISTRATION AND PROSECUTION.  
(a) The director of the Johnson County, Kansas, environmental department and/or his or her designees, shall have the primary authority and responsibility for the administration of this code.  
(b) The Johnson County, Kansas, County Counselor shall have the authority to prosecute all violations of this Article. Prosecution shall be in accordance with the Johnson County Kansas, Code for Prosecution and Enforcement, Resolution No. 116-88 or any amendments or subsequent enactments and shall be commenced in the County codes section of the District Court of Johnson County, Kansas.

**ARTICLE 2. SOLID WASTE**

15-201. DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and their derivation, whether or not capitalized, shall have the meanings given in this section:

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- (a) Agricultural Waste -- Solid waste resulting from the production of farm or agricultural products.
- (b) Approved Container -- Solid waste container, recycling container or container for storage ~~and collection~~ of yard waste or compostables approved by the director and that meets the minimum specifications set forth in Section 15-204.
- (c) Bulk Items -- Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by haulers, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts or trees.
- (d) Collection -- The removal and transportation of solid waste from its place of storage to its place of processing or disposal.
- (e) Commercial Solid Waste -- Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple housing facilities with four or more dwelling units.
- (f) Compostables -- All forms of botanical waste, including yard waste.
- (g) Compost Pile -- A mixture created by the owner or tenant in possession of residential premises consisting of yard waste, dirt and other organic matter permitted under the terms of this Article. Such compost piles are stored in an enclosure and planned and properly developed pursuant to the terms of this Article for the intent of salvaging organic materials for gardening purposes.
- (h) Compost Plant -- A facility where yard waste or other compostable materials are consolidated and progressively decomposed or otherwise processed as required by applicable laws and regulations.
- (i) Construction and Demolition Waste -- Waste building material and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, other structures and pavements.
- (j) County -- Johnson County, Kansas.
- (k) County Solid Waste Management Plan -- The plan approved by the Department and adopted by the County for the purpose of governing solid waste management in the County, and which is entitled and sometime referred to as the *Johnson County Code of Regulations for Solid Waste Management, 2010 Edition* (as may be amended from time to time).
- (l) Department -- The Kansas Department of Health and Environment.
- (m) Director -- The director of solid waste management for the City, appointed by the Mayor and approved by the Governing Body of the City, to administer the storage ~~and collection~~, processing and disposal of solid waste generated in the City in accordance with this Article, or in the event that a regular City officer is designated by the Mayor and approved by the City Council as the responsible officer for the administration and enforcement thereof, the person duly holding such City office shall be director of the solid waste management.
- (n) Disease vector -- Rodents, flies, mosquitos, or other pests capable of transmitting disease to humans.
- (o) Disposal -- The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water including groundwater.
- (p) Dwelling Unit -- Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.
- (q) Garbage -- The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, product and other foods, including unclean containers.

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- (r) Hauler -- Any person, public or private, engaged in the collection of solid waste.
- (s) Hazardous Waste -- Solid and liquid materials which require special handling and disposal to protect and conserve the environment and human health including pesticides, acids, caustics, pathological materials, radioactive materials, flammable or explosive materials, oils and solvents and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous materials. Hazardous waste shall include those materials determined to be hazardous waste as specified by the Department.
- (t) Mixed Refuse -- A mixture of refuse containing putrescible and nonputrescible materials.
- (u) Nuisance -- Anything which (1) is injurious to health or is offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the storage, collection or disposal of solid waste.
- (v) Occupant -- Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner, guest or as a tenant, either with or without the consent of the owner thereof.
- (w) Owner -- Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any dwelling unit or any other interest in, or property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.
- (x) Person -- An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, environmental department or bureau of the state or federal government or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- (y) Processing -- Incinerating, compacting, bailing, shredding, salvaging, and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.
- (z) Putrescible Wastes -- Solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food for birds and disease vectors.
  - (aa) Recyclables -- Materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. recyclables includes, but is not limited to paper, glass, plastic, and metal, but does not include yard waste.
  - (bb) Recycling Container -- A container designed and manufactured specifically for the storage and collection of recyclables.
  - (cc) Refuse -- Unwanted or discarded material resulting from residential, commercial, industrial, and agricultural operations and from normal community activities. Refuse includes in part the following: garbage, rubbish, ashes, and other residue after burning, street refuse, dead animals, animal waste, junked or abandoned motor vehicles, agricultural, commercial, and industrial wastes, Construction and Demolition Wastes, and wastewater treatment residue.
  - (dd) Residential Solid Waste -- Solid waste resulting from the maintenance and operating of dwelling units. The term residential solid waste includes those items approved by the Director to be treated as recyclable under the terms of this Article and the provisions of this Article shall apply to such recyclables, where applicable in addition to any provisions contained in this Article specifically dealing with recyclables.

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(ee) Rubbish -- Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional and agricultural establishments, including yard waste and items commonly referred as trash.

(ff) Solid Waste -- Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard waste, discarded appliances, special wastes, industrial wastes, demolition and construction waste and digested sludges resulting from the treatment of domestic sewage or a combination thereof. The term solid waste includes, for purposes of the provisions of this Article, those items approved by the Director to be treated as recyclable and the provisions of this Article shall apply, where applicable, to such recyclables in addition to any specific provisions contained in this Article pertaining to the collection of recyclables, but does not include materials defined as hazardous waste under the terms of this Article.

(gg) Solid Waste Container -- A container designed and manufactured specifically for the storage and collection of solid waste, including recycling containers.

(hh) Storage -- Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(ii) Yard Waste -- All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings and garden wastes.

15-202. DIRECTOR; APPOINTMENT AND DUTIES.

- (a) The Mayor of the City shall, with the approval of the City Council, appoint a director of solid waste management as defined in section 15-201(m).
- (b) The Director shall administer the storage, collection ~~and transportation, processing and disposal~~ of solid waste generated in the City as provided by this Article and further, shall be the principal enforcement officer of this Article.

15-203. STORAGE.

- (a) The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall store solid waste in accordance with this Article.
- (b) Residential solid waste shall be stored upon the residential premises.
- (c) Commercial solid waste shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (d) All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways, except when placed in position for pickup. Normally, ~~two-sided-three-sided~~ screening is necessary for compliance for dwelling units. If a ~~house dwelling unit~~ is on a corner lot, the containers must be screened in such a way that they are not visible from ~~either any~~ street fronting or adjacent to the housedwelling unit. Screens shall not be comprised of:
  - (1) deciduous trees, shrubs, or bushes that shed their foliage in the fall/winter;
  - (2) air conditioning units;
  - (3) chain link fences without barrier weaving;
  - (4) vehicles
  - (5) tarps; ~~or~~
  - (6) flower pots; ~~or~~
  - (7) similar items.
- (e) Solid waste shall:

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- (1) be stored in approved containers, other than bulk items, agricultural solid waste, or as otherwise required under this Article;
  - (2) not be stored in a manner allowed to attract, provide shelter, or create a breeding place for disease vectors;
  - (3) not be stored in a manner which will create a fire, health or safety hazard;
  - (4) not be stored in an unreasonably unsightly manner;
  - (5) not be stored in a manner which will cause offensive odors off-site; or
  - (6) be allowed to remain uncovered in the rain or snow except for bulk items and agricultural solid waste.
  - (7) Containers shall not be placed at the curb for collection for more than a ~~12-24-~~ hour period.
- (f) ~~Exceptions- Temporary exceptions~~ to these screening requirements may be granted by the Director on a case-by-case basis ~~-, such as~~ for elderly or disabled residents, ~~or during extraordinary inclement weather~~. The Director, or designee, ~~should try may assist the resident~~ to seek available assistance through outside resources ~~prior to granting an exception to to comply with~~ the screening requirement.
- ~~(g) The Director may, during inclement weather, provide for an amnesty period where homes that have difficulty placing containers behind a screen may place their containers in front of their garage or house but removed from the curb line.~~
- ~~(h) In all instances where (g) Where~~ inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-203, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-203. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

15-204. APPROVED CONTAINERS

- (a) The minimum standards for approved containers for the storage of garbage, putrescible wastes and mixed refuse shall be one of the following:
- (1) Rigid containers that are durable, rust resistant, nonabsorbent, water tight, and rodent proof. The container shall be easily cleaned, fixed with close-fitting lids, fly-tight covers, and provided with suitable handles or bails to facilitate handling;
  - (2) Rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage;
  - (3) Nonrigid disposable bags designed for storage of garbage. The bag shall be provided with a wallhung or free standing holder which supports and seals the bag; prevents insects, rodents, and animals from access to the contents; and prevents rain and snow from falling into the bag; or

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- (4) Other types of containers meeting the requirements of KDHE regulations and that are acceptable to the hauler.
  - (b) Recyclables shall be stored in recycling containers.
  - (c) Yard waste shall be stored in a container suitable for composting or such other containers as approved by the Director, or shall be appropriately bundled and tied.
  - (d) The Director has the authority to collect and dispose of or order the collection and disposal of any nonconforming container and its contents with or without notice to the owner thereof.
- 15-205. COLLECTION; RESIDENTIAL.
- (a) The City shall provide for the collection and processing or disposal of all residential solid waste and residential recyclables and residential yard waste generated in the City. The City may provide for the collection service by contracting with a hauler for the benefit of the entire City, or portion thereof, as deemed to be in the best interest of the City and its inhabitants.
  - (b) Collection of residential solid waste shall be weekly and collection of residential recyclables and yard waste shall be at least as frequently as required by the County Solid Waste Management Plan.
  - (c) The Director may, after obtaining the approval of the Governing Body of the City, after specific application has been made to the Director, exempt dwelling units within a homeowners association from City solid waste, recycling and yard waste collection services, provided such exemption will be approved only if the applicant demonstrates to the Director and the Governing Body that all dwelling units included in the application for exemption are provided with solid waste, recycling and yard waste collection services by a City licensed hauler at a standard equal to or higher than that provided by the City and required by this Article, the County Solid Waste Management Plan, and Department regulations governing solid waste.
  - (d) Any homeowners association which applies for an exemption pursuant to subsection (c) of this section shall provide to the Director a list of names and addresses of those owners of homes for which it will provide solid waste, recycling and yard waste collection services. Once an exemption has been granted by the Director and the Governing Body to such home owners association, it shall be required to continue to provide the solid waste, recycling collection and yard waste collection services to all homes included on the list submitted to the Director throughout the contract year.
  - (e) The Director is authorized, after obtaining the approval of the Governing Body of the City, to exempt individuals from City-provided solid waste and recycling collection services in cases where mandatory City service would create a medical or financial hardship to the resident, provided that such individual satisfies the Director that adequate provisions have been made for the collection and processing or disposal of their solid waste and recyclables in a manner that does not constitute a nuisance or health hazard inconsistent with the ordinances of the City pertaining to health and sanitation and the statutes of the state, and the terms and conditions of this Article can otherwise be met by such resident.
- 15-206. COLLECTION; NONRESIDENTIAL.
- (a) The City will not provide solid waste collection services for commercial solid waste.
  - (b) All commercial solid waste, commercial recyclables and commercial yard waste shall be stored in accordance with this Article and collected by a City licensed hauler at least once weekly or at more frequent intervals as may be fixed by the Director upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.
  - (c) The regulatory and penalty provisions of this Article shall apply to the nonresidential properties and it shall be the duty of the owner to provide for collection of all solid waste,



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recyclables and yard waste produced upon all such premises at a standard at least equal to that prescribed by this Article.

15-207. HAULER LICENSE AND VEHICLE PERMIT REQUIREMENTS.

- (a) No Person shall engage in the business of the collection of solid waste, recyclables or yard waste within-generated in the City without first obtaining a hauler license and a separate hauler vehicle permit for each collection or transportation vehicle to be operated within the City.
- (b) Applications for hauler licenses and hauler vehicle permits shall be made on forms approved by the Director, and the information to be provided by the hauler shall include, (1) the addresses of all collection locations to be served, (2) the nature of the collection service to be conducted (storage, collection of solid waste, recyclables or yard waste); (2) the characteristics of the solid waste, recyclables or yard waste to be collected and transported; (3) the number of solid waste, recycling collection or yard waste collection vehicles and pieces of equipment to be operated in the City; (4) the precise location or locations of solid waste processing or disposal site(s), reclamation center(s), recycling plant(s) or compost plant(s) to be used; and (5) such other information as may be required by the Director.
- (c) The hauler and hauler vehicle permit fee schedule shall be as approved by the Governing Body, and those fees shall be paid in full upon application.
- (d) No hauler or hauler vehicle permit shall be issued to any person who has not first obtained any necessary or applicable license or permit from the County in accordance with the County Solid Waste Management Plan. In addition, the expiration, revocation or other termination of any such County license or permit shall have the effect of terminating any hauler or hauler vehicle permit provided for herein.
- (e) The license and permits issued to a contractor shall be issued for the period of one year and must be renewed annually. The Director may revoke any license or permit if a hauler fails to comply with the requirements of the hauler's license and Permit or otherwise fails to comply with the requirements of this Article, the County Solid Waste Management Plan, Department regulations or federal or state law.

15-208. SAME; NON-ISSUANCE, APPEAL, HEARING.

- (a) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the County Solid Waste Management Plan, Department regulations, the laws of the State of Kansas and this Article, the City shall issue the license and permits authorized by this Article. If such showing is not made by the applicant, the Director shall disapprove the application and the City Clerk shall not issue the license and/or permit(s). If the Director disapproves any application, he or she shall give the reasons therefore in writing, file the same with the City Clerk and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Director files his or her statement of reasons for the disapproval.
- (b) A hearing on such appeal shall be held by the Governing Body of the City no more than 30 days after the applicant files such notice of appeal. The Governing Body, after a hearing, may by a majority vote reverse or affirm the decision of the Director.
- (c) Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a license and/or permit(s).

15-209. PERMIT; NOT REQUIRED WHEN. Permits shall not be required for vehicles for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

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- 15-210. LICENSE; PERMIT; INSURANCE REQUIRED FOR ISSUANCE. Before a valid license and permit(s) shall be issued by the City, the applicant must furnish the City a certificate of insurance showing a minimum general liability insurance coverage of at least \$1,000,000 per occurrence for bodily injury and property damage, \$2,000,000 annual aggregate per occurrence. The certificates of insurance shall provide that In the event the insurance is canceled during the term of the license and permit(s), the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation, and further, the insurance policy shall contain written provision which shall place the responsibility for the 10 day written notice upon the company issuing the policy in order that the coverage be considered proper.
- 15-211. RULES AND REGULATIONS PROMULGATION.
- (a) The Director, by and with the consent of the Governing Body of the City, may define and promulgate rules and regulations governing the solid waste management system, which rules and regulations shall be filed in the office of the City Clerk. The rules and regulations shall include, but not be limited to:
- (1) Time and day schedules of, and routes for, collection of solid waste, except as prohibited by this Article;
  - (2) Specifications for solid waste and yard waste containers, including the type, material and size thereof;
  - (3) Identification of solid waste containers and yard waste containers, covers and related equipment;
  - (4) Collection points of solid waste containers and yard waste containers;
  - (5) Handling of special wastes such as hazardous wastes, sludge's, ashes, agricultural wastes, construction wastes, oils, greases or bulky wastes.
- (b) The Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner which meets all City, County, state and federal regulations.
- 15-212. PROCESSING FACILITY OR DISPOSAL SITE. No solid waste shall be disposed of at a processing facility or disposal site except at a facility or site designated and approved by the appropriate governmental agency empowered to regulate such sites and in a manner consistent with all applicable federal, state and locals laws and ordinances pertaining to the handling, transport, processing and disposal of said items.
- 15-213. COLLECTION VEHICLES. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies of thereof shall be enclosed, with only loading hoppers exposed No material shall be transported in the loading hoppers.
- 15-214. PERMIT NUMBERS TO BE DISPLAYED. All motor vehicles operating under any permit required by this Article shall display the permit number or numbers on each side in colors which contrast with that of the vehicle. Such numbers must be clearly legible and not less than three inches high.
- 15-215. HOURS OF COLLECTION; RESTRICTION. Collections on streets defined in this code as

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arterial streets shall be prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. on any weekday

- 15-216. SOLID WASTES BECOME PROPERTY OF HAULER. All solid waste collection shall, upon being loaded into collection equipment, become the property of the licensed hauler.
- 15-217. RIGHT OF ENTRY. Solid waste haulers, employed by the City or solid waste collection agencies operating under contract with the City or solid waste haulers collecting from those dwelling units specifically exempted under Section 15-205 are authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Article.
- 15-218. COSTS DETERMINATION; ASSESSMENT. The Governing Body of the City shall determine a proper amount to be charged for the storage, collection, ~~transportation~~ processing and disposal of solid waste. The costs shall be based upon the cost of providing the service, including the costs of administration and collection. The costs for services provided by the City or provided under a contract pursuant to the terms of this Article shall be paid by the owner or owners of the premises and the City Clerk shall, at the time of certifying other City taxes, certify such charges to the County Clerk and the County Clerk shall extend the same on the tax rolls of the County against the lot or parcel of land.
- 15-219. DIRECTOR; ENFORCEMENT AUTHORITY; RIGHT OF ENTRY. The Director is authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this Article. Included in the powers is the right to inspect all phases of ~~management of~~ solid waste ~~management within generated in~~ the City. The Director has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in the event entry is denied or resisted, the Director shall obtain for this purpose an order from a court of competent jurisdiction.
- 15-220. SAME; NOTICE FOR VIOLATION; EXECUTING COMPLAINT IN COURT. In all instances where inspections by the Director reveal violations of this Article, the Director shall issue notice to the violating person for each such violation, stating the violation or violations found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the Director shall execute a complaint in the municipal court of the City charging the person or persons with a violation or violations of this Article. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the Director before he or she executes the complaint.
- 15-221. SAME; EMPLOYEE APPOINTMENT. The Director further has the power to appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the directions of this Article and further, to delegate any of his or her functions and powers under this Article to such officers, agents and employees as he or she may designate.

15-222. PENALTY FOR VIOLATION.

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(a) It is unlawful for any person to store, collect, transport, process or dispose of any solid wastes in any manner that does not conform to rules and regulations established in this Article.

(b) Any person violating this Article (other than violations of Section 15-203 which shall be governed by Section 15-203(g) and Section 15-224 which shall be governed by Section 5-224(h)) shall upon conviction thereof be punished for each such violation by a fine not to exceed \$100 or a jail sentence of not more than 30 days for each violation or by both such fine and jail sentence. Each day of violation shall constitute a separate violation of this Article.

~~15-222~~15-223. ANTI-SCAVENGER; RECYCLABLE ITEMS. It shall be unlawful for any person which does not have a license from the City as a residential trash hauler to remove any items (except bulk items placed lawfully on the curb for collection), including but not limited to newspapers, aluminum cans, glass and plastic containers which have been placed on or stored at any location within the City for the purpose of having it collected by the licensed contractor which is authorized to collect and remove recyclable materials from the City.

~~15-223~~15-224. COMPOST PILE; CONTENT, SIZE, LOCATION, OPERATION AND USE.

~~(a)~~ Policy Statement. It is the policy of the City to encourage environmentally sound practices and to reduce the flow of items to landfills which might be recycled. It is the policy of the City to encourage the proper composting of yard materials and to establish appropriate standards for the maintenance of compost piles.

(a) ~~(b)~~ Fire Hazards. No owner as defined in section 15-201 or the tenant in possession of residential premises shall maintain a compost pile in a manner which creates a fire hazard pursuant to the Uniform Fire Code, as incorporated by reference in section 7-201. The mere presence of a properly maintained compost pile of yard waste matter defined in such code as combustible or flammable shall not in itself constitute a violation of the City code. The provisions of this section shall control over any provision of the Uniform Fire Code to the contrary.

(b) ~~(c)~~ Nuisances Prohibited, Compliance with Laws and Regulations. No owner or tenant in possession of premises shall maintain a compost pile in a manner which creates a nuisance or which violates the health, building or zoning regulations of the state or City or any other laws or regulations relating to the use of land and use and occupancy of buildings and improvements.

(c) ~~(d)~~ Compost Piles; Permitted Materials. Acceptable materials for composting are limited to: manure, straw, sawdust, hay, grass clippings, leaves and weeds, wood chips and small twigs, evergreen cones and needles, garden refuse, uncooked fruits and vegetables, and commercial ingredients designed to speed or enhance composting. Meat and dairy products are prohibited.

(d) ~~(e)~~ Compost Piles; Permitted Locations. Compost piles may be located only in the rear yards of residential premises as defined in the "Zoning Regulations of the City of Prairie Village" shall not be located in the front or side yards of such premises. In the event residential premises are so situated that it is difficult to determine what constitutes the rear yard, the determination of the code enforcement officer shall be final. Compost piles shall be located so as not to constitute a fire hazard and in no event shall they be placed less than 15 feet from any other building on such premises. In no event shall compost piles be placed less than five feet from a side lot line. No compost piles shall be located in a right-of-way.

(e) ~~(f)~~ Compost Piles; Permitted Size. Compost piles should be at least 3x3x3 (feet) in size

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unless it is a commercially fabricated bin designed for composting, and in no event shall compost piles exceed one hundred fifty (150) cubic feet. No compost pile shall exceed four feet in height. No more than one compost pile shall be placed on any residential premises of up to one acre in size. On residential premises of more than one acre in size, no more than two compost piles may be placed. However, owners of residential premises shall be permitted to compost permitted materials in an unlimited number of storage bins, constructed for the purpose of composting material and approved by the code enforcement officer.

- ~~(f)~~ (g) Compost Piles: Standards, Enclosures. Compost piles shall be deemed to be in compliance with the terms of this Article if the following criteria are met:
- (1) Compost piles shall consist of layers of permitted materials set out in this Article in layers of six to eight inches and quantities of commercial garden fertilizer or manure or one to two inches in depth with the sequence of layers then repeated.
  - (2) The compost pile should have at least a 50 percent moisture content and feel damp ~~like a wrung-out sponge to the touch.~~
  - (3) A compost pile shall be enclosed by an enclosure on at least three sides, the enclosure not to exceed four feet in height. Permitted enclosure materials include woven wire or wood slat fence, cement blocks or bricks and boards of lumber, including redwood or cypress.
  - (4) A compost pile shall be placed in an area where water will not stand.

~~15-224. PENALTY FOR VIOLATION~~

- ~~(a) Any person who fails to do anything required by this Article or who does anything prohibited by this Article is guilty of a violation thereof. Any person convicted of the violation of any provision of this Article where a specific penalty is not otherwise prescribed shall be fined not more than \$100, or imprisoned for not more than 30 days, or be both so fined and imprisoned.~~
- ~~(b) Each day any violation of this Article to which this penalty applies continues constitutes a separate offense.~~
- (g) Penalty. Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-224, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-224. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

**ORDINANCE NO. 2362**

**AN ORDINANCE AMENDING ARTICLE 1. ENTITLED "SEWERS" AND ARTICLE 2. ENTITLED "SOLID WASTE" OF CHAPTER XV ENTITLED "UTILITIES" OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS**

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

SECTION ONE: Article 1 of Chapter XV of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

**ARTICLE 1. SEWERS**

- 15-101. SANITARY CODE; ADOPTED. The Johnson County Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas, 66061, is hereby adopted by reference made a part of this Article as fully as if set forth herein.
- 15-102. SAME; MARKED COPIES ON FILE. At least three copies of the code adopted by reference in section 15-101 of this Article shall be kept on file in the office of the City Clerk, to which there shall be attached a copy of the incorporating ordinance, shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 2362" with all sections or portions thereof intended to be omitted clearly marked to show any deletion or changes adopted by the Governing Body. These copies shall be made available to the public at all reasonable hours. The police department, municipal judges and all administrative departments of the City who are charged with the enforcement of the code adopted by this Article shall be supplied, at the cost of the City, such number of official copies as may be deemed expedient.
- 15-103. ADMINISTRATION AND PROSECUTION.
- (a) The director of the Johnson County, Kansas, environmental department and/or his or her designees, shall have the primary authority and responsibility for the administration of this code.
- (b) The Johnson County, Kansas, County Counselor shall have the authority to prosecute all violations of this Article. Prosecution shall be in accordance with the Johnson County Kansas, Code for Prosecution and Enforcement, Resolution No. 116-88 or any amendments or subsequent enactments and shall be commenced in the County codes section of the District Court of Johnson County, Kansas.

SECTION TWO: Article 2 of Chapter XV of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

## ARTICLE 2. SOLID WASTE

15-201. DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and their derivation, whether or not capitalized, shall have the meanings given in this section:

- (a) Agricultural Waste -- Solid waste resulting from the production of farm or agricultural products.
- (b) Approved Container -- Solid waste container, recycling container or container for storage of yard waste or compostables approved by the director and that meets the minimum specifications set forth in Section 15-204.
- (c) Bulk Items -- Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by haulers, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts or trees.
- (d) Collection -- The removal and transportation of solid waste from its place of storage to its place of processing or disposal.
- (e) Commercial Solid Waste -- Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple housing facilities with four or more dwelling units.
- (f) Compostables -- All forms of botanical waste, including yard waste.
- (g) Compost Pile -- A mixture created by the owner or tenant in possession of residential premises consisting of yard waste, dirt and other organic matter permitted under the terms of this Article. Such compost piles are stored in an enclosure and planned and properly developed pursuant to the terms of this Article for the intent of salvaging organic materials for gardening purposes.
- (h) Compost Plant -- A facility where yard waste or other compostable materials are consolidated and progressively decomposed or otherwise processed as required by applicable laws and regulations.
- (i) Construction and Demolition Waste -- Waste building material and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, other structures and pavements.
- (j) County -- Johnson County, Kansas.
- (k) County Solid Waste Management Plan -- The plan approved by the Department and adopted by the County for the purpose of governing solid waste management in the County, and which is entitled and sometime referred to as the *Johnson County Code of Regulations for Solid Waste Management, 2010 Edition* (as may be amended from time to time).
- (l) Department -- The Kansas Department of Health and Environment.
- (m) Director -- The director of solid waste management for the City, appointed by the Mayor and approved by the Governing Body of the City, to administer the storage, collection, processing and disposal of solid waste generated in the City in accordance with this Article, or in the event that a regular City officer is designated by the Mayor and approved by the City Council as the responsible officer for the administration and enforcement thereof, the person duly holding such City office shall be director of the solid waste management.
- (n) Disease vector -- Rodents, flies, mosquitos, or other pests capable of transmitting disease to humans.
- (o) Disposal -- The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any

constituent thereof may enter the environment or be emitted into the air or discharged into any water including groundwater.

(p) Dwelling Unit -- Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.

(q) Garbage -- The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, product and other foods, including unclean containers.

(r) Hauler -- Any person, public or private, engaged in the collection of solid waste.

(s) Hazardous Waste -- Solid and liquid materials which require special handling and disposal to protect and conserve the environment and human health including pesticides, acids, caustics, pathological materials, radioactive materials, flammable or explosive materials, oils and solvents and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous materials. Hazardous waste shall include those materials determined to be hazardous waste as specified by the Department.

(t) Mixed Refuse -- A mixture of refuse containing putrescible and nonputrescible materials.

(u) Nuisance -- Anything which (1) is injurious to health or is offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the storage, collection or disposal of solid waste.

(v) Occupant -- Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner, guest or as a tenant, either with or without the consent of the owner thereof.

(w) Owner -- Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any dwelling unit or any other interest in, or property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(x) Person -- An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, environmental department or bureau of the state or federal government or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(y) Processing -- Incinerating, compacting, bailing, shredding, salvaging, and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

(z) Putrescible Wastes -- Solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food for birds and disease vectors.

(aa) Recyclables -- Materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. recyclables includes, but is not limited to paper, glass, plastic, and metal, but does not include yard waste.

(bb) Recycling Container -- A container designed and manufactured specifically for the storage and collection of recyclables.



(cc) Refuse -- Unwanted or discarded material resulting from residential, commercial, industrial, and agricultural operations and from normal community activities. Refuse includes in part the following: garbage, rubbish, ashes, and other residue after burning, street refuse, dead animals, animal waste, junked or abandoned motor vehicles, agricultural, commercial, and industrial wastes, Construction and Demolition Wastes, and wastewater treatment residue.

(dd) Residential Solid Waste -- Solid waste resulting from the maintenance and operating of dwelling units. The term residential solid waste includes those items approved by the Director to be treated as recyclable under the terms of this Article and the provisions of this Article shall apply to such recyclables, where applicable in addition to any provisions contained in this Article specifically dealing with recyclables.

(ee) Rubbish -- Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional and agricultural establishments, including yard waste and items commonly referred as trash.

(ff) Solid Waste -- Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard waste, discarded appliances, special wastes, industrial wastes, demolition and construction waste and digested sludges resulting from the treatment of domestic sewage or a combination thereof. The term solid waste includes, for purposes of the provisions of this Article, those items approved by the Director to be treated as recyclable and the provisions of this Article shall apply, where applicable, to such recyclables in addition to any specific provisions contained in this Article pertaining to the collection of recyclables, but does not include materials defined as hazardous waste under the terms of this Article.

(gg) Solid Waste Container -- A container designed and manufactured specifically for the storage and collection of solid waste, including recycling containers.

(hh) Storage -- Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(ii) Yard Waste -- All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings and garden wastes.

#### 15-202. DIRECTOR; APPOINTMENT AND DUTIES.

- (a) The Mayor of the City shall, with the approval of the City Council, appoint a director of solid waste management as defined in section 15-201(m).
- (b) The Director shall administer the storage, collection, processing and disposal of solid waste generated in the City as provided by this Article and further, shall be the principal enforcement officer of this Article.

#### 15-203. STORAGE.

- (a) The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall store solid waste in accordance with this Article.
- (b) Residential solid waste shall be stored upon the residential premises.
- (c) Commercial solid waste shall be stored upon private property, unless the owner shall

have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

- (d) All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways, except when placed in position for pickup. Normally, three-sided screening is necessary for compliance for dwelling units. If a dwelling unit is on a corner lot, the containers must be screened in such a way that they are not visible from any street fronting or adjacent to the dwelling unit. Screens shall not be comprised of:
  - (1) deciduous trees, shrubs, or bushes that shed their foliage in the fall/winter;
  - (2) air conditioning units;
  - (3) chain link fences without barrier weaving;
  - (4) vehicles
  - (5) tarps;
  - (6) flower pots; or
  - (7) similar items.
- (e) Solid waste shall:
  - (1) be stored in approved containers, other than bulk items, agricultural solid waste, or as otherwise required under this Article;
  - (2) not be stored in a manner allowed to attract, provide shelter, or create a breeding place for disease vectors;
  - (3) not be stored in a manner which will create a fire, health or safety hazard;
  - (4) not be stored in an unreasonably unsightly manner;
  - (5) not be stored in a manner which will cause offensive odors off-site; or
  - (6) be allowed to remain uncovered in the rain or snow except for bulk items and agricultural solid waste.
  - (7) Containers shall not be placed at the curb for collection for more than a 24-hour period.
- (f) Temporary exceptions to these screening requirements may be granted by the Director on a case-by-case basis, such as for elderly or disabled residents, or during extraordinary inclement weather. The Director, or designee, may assist the resident to seek available assistance through outside resources to comply with the screening requirement.
- (g) Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-203, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-203. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time

period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

#### 15-204. APPROVED CONTAINERS

- (a) The minimum standards for approved containers for the storage of garbage, putrescible wastes and mixed refuse shall be one of the following:
  - (1) Rigid containers that are durable, rust resistant, nonabsorbent, water tight, and rodent proof. The container shall be easily cleaned, fixed with close-fitting lids, fly-tight covers, and provided with suitable handles or bails to facilitate handling;
  - (2) Rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage;
  - (3) Nonrigid disposable bags designed for storage of garbage. The bag shall be provided with a wallhung or free standing holder which supports and seals the bag; prevents insects, rodents, and animals from access to the contents; and prevents rain and snow from falling into the bag; or
  - (4) Other types of containers meeting the requirements of KDHE regulations and that are acceptable to the hauler.
- (b) Recyclables shall be stored in recycling containers.
- (c) Yard waste shall be stored in a container suitable for composting or such other containers as approved by the Director, or shall be appropriately bundled and tied.
- (d) The Director has the authority to collect and dispose of or order the collection and disposal of any nonconforming container and its contents with or without notice to the owner thereof.

#### 15-205. COLLECTION; RESIDENTIAL.

- (a) The City shall provide for the collection and processing or disposal of all residential solid waste and residential recyclables and residential yard waste generated in the City. The City may provide for the collection service by contracting with a hauler for the benefit of the entire City, or portion thereof, as deemed to be in the best interest of the City and its inhabitants.
- (b) Collection of residential solid waste shall be weekly and collection of residential recyclables and yard waste shall be at least as frequently as required by the County Solid Waste Management Plan.
- (c) The Director may, after obtaining the approval of the Governing Body of the City, after specific application has been made to the Director, exempt dwelling units within a homeowners association from City solid waste, recycling and yard waste collection services, provided such exemption will be approved only if the applicant demonstrates to the Director and the Governing Body that all dwelling units included in the application for exemption are provided with solid waste, recycling and yard waste collection services by a City licensed hauler at a standard equal to or higher than that provided by the City and required by this Article, the County Solid Waste Management Plan, and Department regulations governing solid waste.
- (d) Any homeowners association which applies for an exemption pursuant to subsection (c) of this section shall provide to the Director a list of names and addresses of those

owners of homes for which it will provide solid waste, recycling and yard waste collection services. Once an exemption has been granted by the Director and the Governing Body to such home owners association, it shall be required to continue to provide the solid waste, recycling collection and yard waste collection services to all homes included on the list submitted to the Director throughout the contract year.

- (e) The Director is authorized, after obtaining the approval of the Governing Body of the City, to exempt individuals from City-provided solid waste and recycling collection services in cases where mandatory City service would create a medical or financial hardship to the resident, provided that such individual satisfies the Director that adequate provisions have been made for the collection and processing or disposal of their solid waste and recyclables in a manner that does not constitute a nuisance or health hazard inconsistent with the ordinances of the City pertaining to health and sanitation and the statutes of the state, and the terms and conditions of this Article can otherwise be met by such resident.

#### 15-206. COLLECTION; NONRESIDENTIAL.

- (a) The City will not provide solid waste collection services for commercial solid waste.
- (b) All commercial solid waste, commercial recyclables and commercial yard waste shall be stored in accordance with this Article and collected by a City licensed hauler at least once weekly or at more frequent intervals as may be fixed by the Director upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.
- (c) The regulatory and penalty provisions of this Article shall apply to the nonresidential properties and it shall be the duty of the owner to provide for collection of all solid waste, recyclables and yard waste produced upon all such premises at a standard at least equal to that prescribed by this Article.

#### 15-207. HAULER LICENSE AND VEHICLE PERMIT REQUIREMENTS.

- (a) No Person shall engage in the business of the collection of solid waste, recyclables or yard waste generated in the City without first obtaining a hauler license and a separate hauler vehicle permit for each collection or transportation vehicle to be operated within the City.
- (b) Applications for hauler licenses and hauler vehicle permits shall be made on forms approved by the Director, and the information to be provided by the hauler shall include, (1) the addresses of all collection locations to be served, (2) the nature of the collection service to be conducted (storage, collection of solid waste, recyclables or yard waste); (3) the characteristics of the solid waste, recyclables or yard waste to be collected and transported; (4) the number of solid waste, recycling collection or yard waste collection vehicles and pieces of equipment to be operated in the City; (5) the precise location or locations of solid waste processing or disposal site(s), reclamation center(s), recycling plant(s) or compost plant(s) to be used; and (6) such other information as may be required by the Director.
- (c) The hauler and hauler vehicle permit fee schedule shall be as approved by the Governing Body, and those fees shall be paid in full upon application.
- (d) No hauler or hauler vehicle permit shall be issued to any person who has not first obtained any necessary or applicable license or permit from the County in

accordance with the County Solid Waste Management Plan. In addition, the expiration, revocation or other termination of any such County license or permit shall have the effect of terminating any hauler or hauler vehicle permit provided for herein.

- (e) The license and permits issued to a contractor shall be issued for the period of one year and must be renewed annually. The Director may revoke any license or permit if a hauler fails to comply with the requirements of the hauler's license and Permit or otherwise fails to comply with the requirements of this Article, the County Solid Waste Management Plan, Department regulations or federal or state law.

15-208. SAME; NON-ISSUANCE, APPEAL, HEARING.

- (a) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the County Solid Waste Management Plan, Department regulations, the laws of the State of Kansas and this Article, the City shall issue the license and permits authorized by this Article. If such showing is not made by the applicant, the Director shall disapprove the application and the City Clerk shall not issue the license and/or permit(s). If the Director disapproves any application, he or she shall give the reasons therefore in writing, file the same with the City Clerk and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Director files his or her statement of reasons for the disapproval.
- (b) A hearing on such appeal shall be held by the Governing Body of the City no more than 30 days after the applicant files such notice of appeal. The Governing Body, after a hearing, may by a majority vote reverse or affirm the decision of the Director.
- (c) Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a license and/or permit(s).

15-209. PERMIT; NOT REQUIRED WHEN. Permits shall not be required for vehicles for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

15-210. LICENSE; PERMIT; INSURANCE REQUIRED FOR ISSUANCE. Before a valid license and permit(s) shall be issued by the City, the applicant must furnish the City a certificate of insurance showing a minimum general liability insurance coverage of at least \$1,000,000 per occurrence for bodily injury and property damage, \$2,000,000 annual aggregate per occurrence. The certificates of insurance shall provide that In the event the insurance is canceled during the term of the license and permit(s), the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation, and further, the insurance policy shall contain written provision which shall place the responsibility for the 10 day written notice upon the company issuing the policy in order that the coverage be considered proper.

15-211. RULES AND REGULATIONS PROMULGATION.

- (a) The Director, by and with the consent of the Governing Body of the City, may define and promulgate rules and regulations governing the solid waste management

system, which rules and regulations shall be filed in the office of the City Clerk. The rules and regulations shall include, but not be limited to:

- (1) Time and day schedules of, and routes for, collection of solid waste, except as prohibited by this Article;
  - (2) Specifications for solid waste and yard waste containers, including the type, material and size thereof;
  - (3) Identification of solid waste containers and yard waste containers, covers and related equipment;
  - (4) Collection points of solid waste containers and yard waste containers;
  - (5) Handling of special wastes such as hazardous wastes, sludge's, ashes, agricultural wastes, construction wastes, oils, greases or bulky wastes.
- (b) The Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner which meets all City, County, state and federal regulations.

15-212. **PROCESSING FACILITY OR DISPOSAL SITE.** No solid waste shall be disposed of at a processing facility or disposal site except at a facility or site designated and approved by the appropriate governmental agency empowered to regulate such sites and in a manner consistent with all applicable federal, state and locals laws and ordinances pertaining to the handling, transport, processing and disposal of said items.

15-213. **COLLECTION VEHICLES.** All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies of thereof shall be enclosed, with only loading hoppers exposed No material shall be transported in the loading hoppers.

15-214. **PERMIT NUMBERS TO BE DISPLAYED.** All motor vehicles operating under any permit required by this Article shall display the permit number or numbers on each side in colors which contrast with that of the vehicle. Such numbers must be clearly legible and not less than three inches high.

15-215. **HOURS OF COLLECTION; RESTRICTION.** Collections on streets defined in this code as arterial streets shall be prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. on any weekday

15-216. **SOLID WASTES BECOME PROPERTY OF HAULER.** All solid waste collection shall, upon being loaded into collection equipment, become the property of the licensed hauler.

15-217. **RIGHT OF ENTRY.** Solid waste haulers, employed by the City or solid waste collection agencies operating under contract with the City or solid waste haulers collecting from those dwelling units specifically exempted under Section 15-205 are authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Article.

- 15-218. **COSTS DETERMINATION; ASSESSMENT.** The Governing Body of the City shall determine a proper amount to be charged for the storage, collection, processing and disposal of solid waste. The costs shall be based upon the cost of providing the service, including the costs of administration and collection. The costs for services provided by the City or provided under a contract pursuant to the terms of this Article shall be paid by the owner or owners of the premises and the City Clerk shall, at the time of certifying other City taxes, certify such charges to the County Clerk and the County Clerk shall extend the same on the tax rolls of the County against the lot or parcel of land.
- 15-219. **DIRECTOR; ENFORCEMENT AUTHORITY; RIGHT OF ENTRY.** The Director is authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this Article. Included in the powers is the right to inspect all phases of management of solid waste generated in the City. The Director has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in the event entry is denied or resisted, the Director shall obtain for this purpose an order from a court of competent jurisdiction.
- 15-220. **SAME; NOTICE FOR VIOLATION; EXECUTING COMPLAINT IN COURT.** In all instances where inspections by the Director reveal violations of this Article, the Director shall issue notice to the violating person for each such violation, stating the violation or violations found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the Director shall execute a complaint in the municipal court of the City charging the person or persons with a violation or violations of this Article. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the Director before he or she executes the complaint.
- 15-221. **SAME; EMPLOYEE APPOINTMENT.** The Director further has the power to appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the directions of this Article and further, to delegate any of his or her functions and powers under this Article to such officers, agents and employees as he or she may designate.
- 15-222. **PENALTY FOR VIOLATION.**  
(a) It is unlawful for any person to store, collect, transport, process or dispose of any solid wastes in any manner that does not conform to rules and regulations established in this Article.  
(b) Any person violating this Article (other than violations of Section 15-203 which shall be governed by Section 15-203(g) and Section 15-224 which shall be governed by Section 5-224(h)) shall upon conviction thereof be punished for each such violation by a fine not to exceed \$100 or a jail sentence of not more than 30 days for each violation or by both such fine and jail sentence. Each day of violation shall constitute a separate violation of this Article.

- 15-223. ANTI-SCAVENGER; RECYCLABLE ITEMS. It shall be unlawful for any person which does not have a license from the City as a residential trash hauler to remove any items (except bulk items placed lawfully on the curb for collection), including but not limited to newspapers, aluminum cans, glass and plastic containers which have been placed on or stored at any location within the City for the purpose of having it collected by the licensed contractor which is authorized to collect and remove recyclable materials from the City.
- 15-224. COMPOST PILE; CONTENT, SIZE, LOCATION, OPERATION AND USE.

Policy Statement. It is the policy of the City to encourage environmentally sound practices and to reduce the flow of items to landfills which might be recycled. It is the policy of the City to encourage the proper composting of yard materials and to establish appropriate standards for the maintenance of compost piles.

- (a) Fire Hazards. No owner as defined in section 15-201 or the tenant in possession of residential premises shall maintain a compost pile in a manner which creates a fire hazard pursuant to the Uniform Fire Code, as incorporated by reference in section 7-201. The mere presence of a properly maintained compost pile of yard waste matter defined in such code as combustible or flammable shall not in itself constitute a violation of the City code. The provisions of this section shall control over any provision of the Uniform Fire Code to the contrary.
- (b) Nuisances Prohibited, Compliance with Laws and Regulations. No owner or tenant in possession of premises shall maintain a compost pile in a manner which creates a nuisance or which violates the health, building or zoning regulations of the state or City or any other laws or regulations relating to the use of land and use and occupancy of buildings and improvements.
- (c) Compost Piles; Permitted Materials. Acceptable materials for composting are limited to: manure, straw, sawdust, hay, grass clippings, leaves and weeds, wood chips and small twigs, evergreen cones and needles, garden refuse, uncooked fruits and vegetables, and commercial ingredients designed to speed or enhance composting. Meat and dairy products are prohibited.
- (d) Compost Piles; Permitted Locations. Compost piles may be located only in the rear yards of residential premises as defined in the "Zoning Regulations of the City of Prairie Village" shall not be located in the front or side yards of such premises. In the event residential premises are so situated that it is difficult to determine what constitutes the rear yard, the determination of the code enforcement officer shall be final. Compost piles shall be located so as not to constitute a fire hazard and in no event shall they be placed less than 15 feet from any other building on such premises. In no event shall compost piles be placed less than five feet from a side lot line. No compost piles shall be located in a right-of-way.
- (e) Compost Piles; Permitted Size. Compost piles should be at least 3x3x3 (feet) in size unless it is a commercially fabricated bin designed for composting, and in no event shall compost piles exceed one hundred fifty (150) cubic feet. No compost pile shall exceed four feet in height. No more than one compost pile shall be placed on any residential premises of up to one acre in size. On residential premises of more than one acre in size, no more than two compost piles may be placed. However, owners of residential premises shall be permitted to compost permitted materials in an unlimited number of storage bins, constructed for the purpose of composting material and approved by the code enforcement officer.
- (f) Compost Piles; Standards, Enclosures. Compost piles shall be deemed to be in



compliance with the terms of this Article if the following criteria are met:

- (1) Compost piles shall consist of layers of permitted materials set out in this Article in layers of six to eight inches and quantities of commercial garden fertilizer or manure or one to two inches in depth with the sequence of layers then repeated.
  - (2) The compost pile should have at least a 50 percent moisture content and feel damp to the touch.
  - (3) A compost pile shall be enclosed by an enclosure on at least three sides, the enclosure not to exceed four feet in height. Permitted enclosure materials include woven wire or wood slat fence, cement blocks or bricks and boards of lumber, including redwood or cypress.
  - (4) A compost pile shall be placed in an area where water will not stand.
- (g) Penalty. Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-224, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-224. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

SECTION THREE: Existing Articles 1 and 2 of Chapter XV of the Code of the City of Prairie Village and any provisions in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS \_\_\_\_ DAY OF JUNE, 2017.

\_\_\_\_\_  
Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

\_\_\_\_\_  
Catherine P. Logan, City Attorney



## ADMINISTRATION

Council Committee Date: May 15, 2017

Council Committee Date: June 19, 2017

### Further discuss live streaming and video archiving of City meetings

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#### BACKGROUND

At the May 15, 2017 City Council meeting, Council discussed the initiative to live stream and archive City meetings. Council's motion to pursue live streaming failed on a 5-7 vote. Under Old Business, Council Member Eric Mikkelson made the motion to have City Council place consideration of live streaming at a cost not to exceed \$3,500 on the June 19 agenda. Since that time, staff has further researched the topic.

#### City of Mission, Kansas

The City of Mission was used as an example of a city that live streams Council meetings for an affordable amount. Mission utilizes a desktop computer, a conference HD webcam, an additional conference-type microphone to assist in picking up sound, and the free platforms YouTube and Wirecast Play. Mission reported they kept their budget to roughly \$900 for initial equipment costs.

While this is a budget friendly solution, this model poses a few obstacles for the City of Prairie Village, including:

- Staff time: The City of Mission's Public Information Officer attends every meeting and monitors the live feed
- Audio: Mission reports that even with the additional microphone, being able to hear the video can be an issue
- Camera Placement: Mission has the desktop computer with a camera on a tri-pod at the side of the dais. Due to the size of Prairie Village's dais, a single shot camera would need to be placed in the back of the room to capture every Council Member in a single shot

#### Staff Recommendation

At the May 15 meeting, staff commented that the cost of the system is - generally - inverse of the staff time required. Staff has concerns about the amount of staff time that would be required for a lower cost option. With budget constraints in mind, staff researched going forward with BoxCast as the live streaming platform, which was one of the lower cost options. Another positive of BoxCast is that it should be able to integrate into the proposed audio/visual upgrade in the Council Chambers. Thus providing close to a one-touch solution.

BoxCast's platform costs \$1,559.88 per year. Additionally, the live streaming encoder has a \$139.98 deposit. This still requires the purchase of a camera. For mounted camera options, BoxCast proposed a PTZ Camera for \$1,699.00. Costs would be roughly \$1,000 for the equipment to mount the camera at the back of the room in order to get the dais in a single shot. These estimated costs are presuming there are no issues with installation and integration. The new IT staff would perform the installation.

Staff proposes making the necessary upgrades to the audio/visual equipment in the Council Chambers before proceeding with live streaming. This would allow time for the new Information Technology staff to thoroughly vet live streaming options and hardware as well as solicit expertise from the company selected to upgrade the A/V equipment.

### Options for Motions

- Council Member Mikkelson's motion from May 15 meeting: City Council directs staff to live stream and video record City meetings at a cost not to exceed \$3,500.

Staff's research at this point indicates that an integrated live streaming solution (that requires less staff time) would exceed Council Member Mikkelson's "not to exceed amount" in the first year between a combination of one-time costs for equipment and the annual cost of the live streaming platform. If Council wishes to proceed with live streaming, staff would recommend the following motion:

- Staff recommended motion: City Council directs staff to live stream and video record City meetings at a cost not to exceed \$3,500 for one-time expenditures and an annual cost not to exceed \$2,000 on the timeline proposed by staff.

### **ATTACHMENTS**

May 15, 2017 Agenda Item: Discuss live streaming and video archiving of City meetings

### **PREPARED BY**

Alley Williams

Assistant to the City Administrator

Date: June 14, 2017



## ADMINISTRATION

Council Committee Date: May 15, 2017

### Discuss live streaming and video archiving of City meetings

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#### BACKGROUND

From 1976 to 1997, the City of Prairie Village broadcasted City Council meetings on the local PEG channel. Since its discontinuation, there has not been any official live streaming or video archiving of Council meetings. The City's current practice is to audio record its City Council meetings. The audio recordings are kept on file until the City Council approves the minutes at the next meeting. Once the minutes are approved, the audio file is recorded over. In the interim, the audio file is available to residents for a small fee.

Council Member Schermoly has been live streaming meetings on Facebook via a City iPad and also archives the video from a camera she purchased from the company Livestream.

In September 2014, the City formed a Communications Work Group to evaluate the current processes and provide a recommendation on providing video/audio recordings or live streaming of the Council Committee of the Whole and City Council meetings. The Work Group evaluated five options:

- (1) leave status quo;
- (2) audio only recording with opportunity to convert to action minutes;
- (3) audio and video recording with action item web posting;
- (4) video web posting in entirety; and
- (5) video streaming to the web.

The Work Group believed the current process was working well and did not pursue other options at that time.

Following the City Council Work Session in February 2017, the City Council approved moving up the exploration of live streaming/video archiving of Council meetings to the "In Progress" portion of the project/initiative list. Council also approved adding the live streaming component to the City's Request for Proposals (RFP) to update the audio/visual equipment in the Council Chambers and Multi-Purpose Room. Staff has conducted preliminary research on what surrounding cities do and the numerous programs available for live streaming.

What other Johnson County cities are doing

Live streaming video of Council meetings	Not currently live streaming video of Council meetings
De Soto	Bonner Springs (posts video after)
Mission	Edgerton
Olathe	Fairway
	Gardner (posts video after)
	Lake Quivira
	Leawood (provides DVD after for a fee)
	Lenexa
	Merriam
	Mission Hills
	Mission Woods
	Overland Park
	Roeland Park
	Shawnee
	Spring Hill
	Westwood
	Westwood Hills

\*Further information attached on Kansas cities that have live streaming

Live streaming Programs and Costs

There are several live streaming platforms with varying costs. The list below is not meant to be all inclusive, but rather show the wide range of options available.

1. YouTube: YouTube proves to be a popular choice for live streaming and video archiving for cities in Kansas and there are no monthly program costs. However, this lower cost solution tends to require more staff time. Hardware costs are dependent on what type of equipment is chosen and can range anywhere from \$500 to \$3,000.
2. Livestream & BoxCast: These popular live streaming platforms have similar costs and capabilities. One time cost of equipment starting at \$400, annual cost of \$2,400 for Livestream and for BoxCast it is a one time deposit of \$139.98 for the hardware, annual cost of \$1,559.88.
3. Swagit: This is a complete "hands free" option with all the uploading, archiving, and indexing done by the company. One time costs range from \$5,000 to \$30,000 depending on equipment needs and expectation, and the annual cost is from \$9,000 to \$15,000.

## Staff Time

Video streaming and archiving will require staff time. In the survey of other cities, it varied as to the amount of time and the exactness of reporting. Currently, the unofficial operations require one person for the entire meeting and prep and post time.

The City's new Information Technology (IT) Manager has experience with live streaming and installing the equipment. If the City moves forward with streaming, a staff member will manage and monitor the activity. It is not proposed to add a staff member so the necessary staff time will not be available for other activities.

If approved, installation and implementation will occur by year end of 2017 given the current priorities and the onboarding of the IT Manager.

Staff secured Conference Technologies, Inc. (CTI) to review and make recommendation for the Council Chamber equipment and audio upgrades. As directed by a Council motion, CTI researched several options for live streaming and provided an estimated cost of full integration into the new AV system. The estimated cost was \$8,439.50 for the equipment and installation. This amount does not include the annual subscription service for live streaming and video archiving. Staff viewed this amount was higher than anticipated and have pursued the costs of a non-integrated operation. The non-integrated system will require more staff time, but is less costly for equipment and installation.

## ADA - Closed Captioning

A few questions have been raised about closed captioning and any requirements to do so under the American Disabilities Act. Staff has researched the topic and found that many cities that currently live stream do not offer closed captioning. Certain live streaming platforms, such as BoxCast, do provide closed captioning as an option to archived videos at no additional costs. However, BoxCast reports that the automated closed captioning software currently available on the market is not accurate enough to be utilized with integration so closed captioning during live streaming would require a dedicated City staff member to manually caption the meetings while they occur.

Additionally, the City Attorney provided a memorandum discussing her findings. She states that while there is currently no express requirement under the ADA for the City to provide closed captioning of live streamed videos, she could not find definitive guidance as to whether the City would be required to do so if requested by a person with a hearing disability.

## Motions

1. City Council authorizes the live streaming and video recording of City meetings. Council will need to discuss if this includes Committee of the Whole, City Council, and Planning Commission meetings.
2. City Council authorizes funds up to \$5,000 from the Equipment Reserve Fund to purchase necessary hardware in 2017. Council also authorizes funds up to \$3,000 to be

in the 2018 budget for the annual costs associated with live streaming and video archiving.

3. City Council authorizes staff to separate the live streaming/video recording component from the audio/visual RFP, which will come to City Council after a formal bidding process. The live streaming and video archiving will be a project of the new IT staff. Including the live streaming equipment and platform selection in the bid was complicating the A/V RFP process as a result of the variety of options and costs.

#### **BUDGET**

- One time costs up to \$5,000 for hardware including, but not limited to, a camera suitable for video recording, mounting the camera, electrical, cabling, and audio integration
- Annual cost up to \$3,000 for the monthly fees of a live streaming platform.

#### **ATTACHMENTS**

Chart - Kansas Cities' Experience with Live Streaming Video  
City Attorney Memo - Live streaming ADA Requirements

#### **PREPARED BY**

Alley Williams  
Date: May 10, 2017

Kansas Cities' Experience with Live Streaming Video

City	Population	Video Program	Cost	How Many Viewers?	Staff Time
Andover	12,509	Channel 7 and Civic Media	Website is \$6,000/year; Have a bid to upgrade the sound system, control system, and cameras to high definition, bid came back at \$140,000	Unsure	15-20 minutes to set up and shut down recordings; 2-3 hours a month of routine checking. Everything ran through own IT Department
Augusta	9,242	Channel 7; Vimeo for archiving	Vimeo is \$60/year	Unsure on live; 40-50 archive	Clerk operates the equipment during the meeting and City Manager uploads to archive (1-2 hours)
Coffeyville	9,876	Government Access Channel; Ustream	Ustream is free	Unsure on live; 17-200 archived viewers	IT employee attends all meetings to set up and monitor recordings
Derby	23,234	Swagit	\$617/mo plus one time cost of \$6,000	Unsure	Almost none
De Soto	6,074	YouTube	YouTube is free	5-10 live viewers, 30-60 archived; for contentious meetings 30-40 live and hundreds archive	City Admin the only one involved. Initial setup took roughly 30 hours. Unless there is an issue, takes about 30 minutes
Hutchinson	41,642	Channel 7; YouTube	Entire setup (Tricaster, cameras, monitors, wiring, etc.) was \$50,000. IT staff was able to setup in house	Usually 10 or less live; hundreds for contentious meetings	2 IT staff go 1 hour before meeting and setup and are there during entire meeting to monitor feed
Lawrence	92,763	YouTube	YouTube is free; underwent a massive tech upgrade (new monitors, cameras, etc.) for \$100,000	90 live	Have a part time staffer come in 2 hours before the meeting to set up and works the meeting



Mission	9,491	YouTube	\$900 for equipment	1-2 live; 50-100 archived	20 min/week in addition to Public Information Officer attending every meeting to monitor and work the A/V equipment
Olathe	134,305	Olathe Government Network			
Park City	7,499	Channel 7 contracted out for live; Civic Media for archive	Channel 7 contract is \$18,746/year	Unsure	The City itself does not livestream; meetings are recorded and Channel 7 broadcasts
Topeka	127,215	24/7 Topeka.org channel; YouTube		Unsure	3 staff required 1 hour before the meeting, during the meeting, and 1 hour after
Wichita	388,413	Granicus and Youtube	\$3,000/mo for Granicus	Unsure live; average 70 unique visitors a day on archive	80+ hours on implementation; 6 hours for minutes each week; 2-6 hours/quarter for upkeep

Compiled A. Williams  
Sept. 2016

## MEMORANDUM

To: Quinn Bennion  
Alley Williams

From: Katie Logan, City Attorney

Re: Website access to City public meetings via live streamed video – access to persons with hearing disabilities under the Americans with Disability Act, 42 U.S.C. 12101 *et seq.* (“ADA”).<sup>i</sup>

Dated: May 10, 2017

### **Current ADA Regulations**

There is currently no express requirement under the ADA for the City to provide captioning of audio content of live streamed videos of its public meetings made available through the City’s website.

Although there is no express requirement, I could find no definitive guidance as to whether the City would be required to do so if requested by person with a hearing disability.

The current ADA regulations and guidelines governing communications by local public entities indicate that a city must provide “auxiliary services” when requested by a person who has a communication disability, and must give primary consideration to the choice of aid or service requested. However, the City is not required to honor that person’s choice if it can demonstrate that another equally effective method of communication is available, or that the use of the means requested would result in an undue burden, defined as significant difficulty or expense, to the City.

In its *ADA Title II Technical Assistance Manual*, the DOJ states, “The foundation of many of the specific requirements in the Department’s regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity’s aids, benefits, and services. ILLUSTRATION 1: A deaf individual does not receive an equal opportunity to benefit from attending a city council meeting if he or she does not have access to what is said.”

The following DOJ guidance states that a city would likely be required to provide a sign language interpreter if requested by a deaf person attending a city council meeting. “If a person who is deaf is attending a town council meeting, effective communication would likely require a sign language interpreter or real time captioning, depending upon whether the person’s primary language is sign language or English.” *A Primer for State and Local Governments*, U.S. Department of Justice.

In another guidance publication, the DOJ states that the regulations requiring a public entity to ensure that communications with members of the public with disabilities are as effective as communications with others, *may be satisfied* if a public entity provides “real-time captioning” (computer assisted real-time transcription in which a transcriber types what is being said at a meeting into a computer that projects the words onto a screen) for people who are hearing impaired but do not use sign language. *ADA Requirements - Effective Communication*. U.S. Department of Justice. This guidance does not mandate “real-time captioning” – but rather indicates that “real-time captioning” may satisfy the obligation to ensure effective communication.

I attempted to contact the DOJ directly to obtain further guidance as to the requirements for providing captioning of live streamed videos of public meetings made available through the City’s website, but have not received a response as of completion of this memo. I note that many cities, including the City of Milwaukee, Wisconsin (which entered into a settlement agreement in 2016 with the DOJ on matters relating to ADA requirements for access to the City’s website) do not provide captions for live streamed videos of their public meetings made available through their websites. While the fact that many cities do not provide such captioning is not determinative, it does suggest that such captioning is not required under the current regulations. I will update you of any additional guidance I receive from the DOJ.

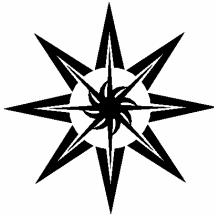
### **Proposed ADA Regulations.**

The DOJ has issued proposed regulations which do require (without request) public entities (effective three years after publication of a final rule) to use real-time captioning of videos it makes available to members of the public via its website to “...enable people who are deaf or hard of hearing to watch real-time presentations. Captions provide the part of the content available via the audio track. Captions not only include dialogue, but also identify who is

speaking and notate sound effects and other significant audio.” PROPOSED RULES  
DEPARTMENT OF JUSTICE 28 CFR Part 35 *Nondiscrimination on the Basis of Disability;  
Accessibility of Web Information and Services of State and Local Government Entities* 81 FR  
28658-01, May 9, 2016. The comment period closed October 7, 2016 and to date the DOJ has  
not issued any of the proposed rules.

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<sup>i</sup> Although I did a limited review of other federal laws, I did not find other federal laws which would impose captioning requirements for live streamed videos of public meetings made available only through the City’s website. I note that there are certain requirements for captioning of videos first broadcast on public, educational, and government (PEG) access television, but those requirements do not apply since the City is not considering using PEG access television for the initial broadcast of its meetings.



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 19, 2017

### **DISCUSSION ABOUT A JOINT DRAINAGE PROJECT AT CORINTH ELEMENTARY AND APPROVE STAFF TO WORK WITH SMSD ON PROJECT FINANCING.**

#### **RECOMMENDATION**

Move to approve staff to bring agreement with Shawnee Mission School District to Council for proposed joint drainage project at Corinth Elementary.

#### **BACKGROUND**

The drainage channel at Corinth Elementary is currently a school maintained channel suffering from erosion on the south side near residential properties. The School District and City staff, after discussion of the existing plat and intended easement, have agreed to bring forth a joint project funded by 50% City drainage funds to the governing body for approval. After the channel is complete, the existing easement limits will be clarified to a standard City drainage easement.

This project is a good mix of working in some more natural features and addressing the erosion concerns that the residents have.

- Install rip-rip along to help stabilize the slope from future erosion.
- Install an upper stone wall on the south side (~200' long and 2' tall) on the steeper portion.
- Install native vegetation along the top of the rip-rap. This helps establish a filter strip of natives as runoff comes off of the south residential properties.
- Leave a 6' wide grass area that is mowable along the south fence line to provide a maintained transition to the natural stream section.
- At the downstream curve place rip-rap to protect the slope and stormsewer outlet.
- Install a rock grade control structure as the stream turns north. This serves many functions: 1) acts as a riffle to establish a more natural stream character, 2) stabilizes the stream upstream and 3) directs the flow away from the timber wall that is on private property.
- Create a rip-rip plunge pool at the end of the concrete channel. This will help dissipate energy to reduce downstream erosion and protect the adjacent parking lot. Similar to the grade control structure this helps establish the pool and riffle character of a natural stream system.

The approximate cost of the project is \$125,000, or \$62,500 from each entity.

#### **FUNDING SOURCE**

Funding is available in the 2017 Drainage Program: Drain17x.

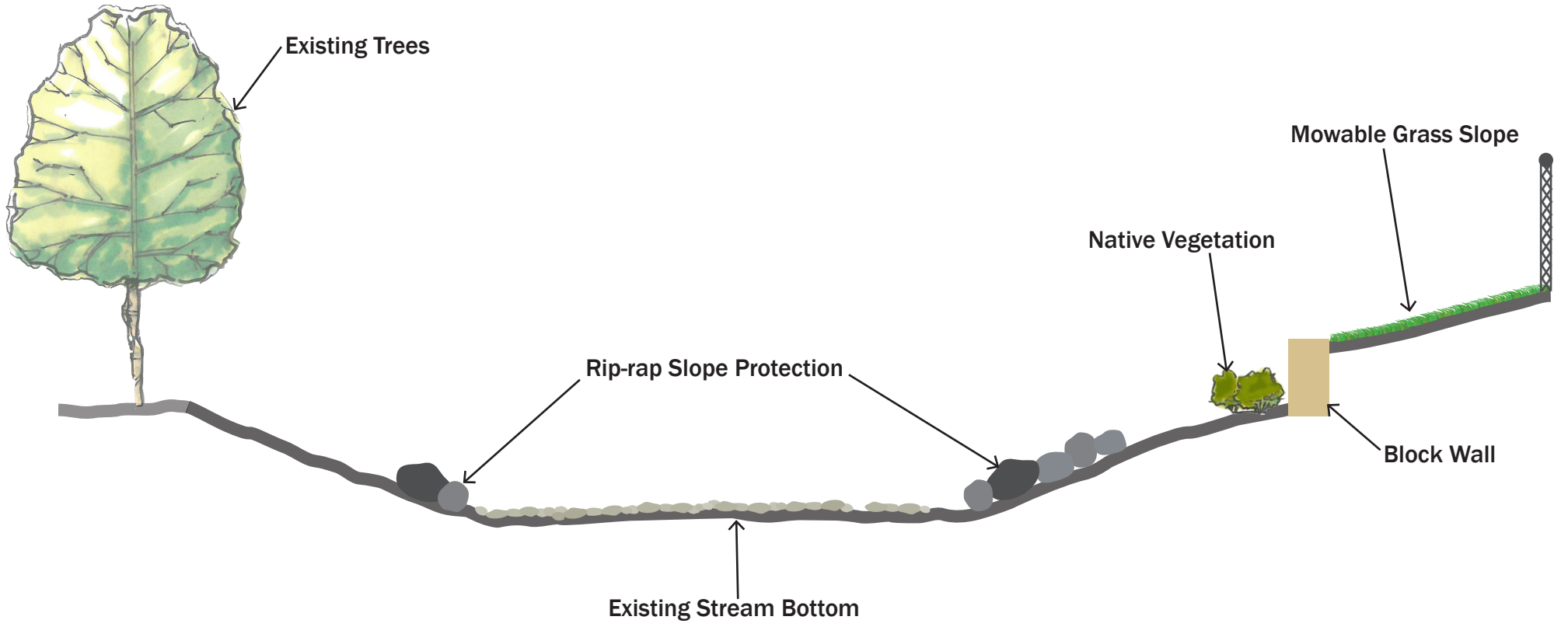
#### **ATTACHMENTS**

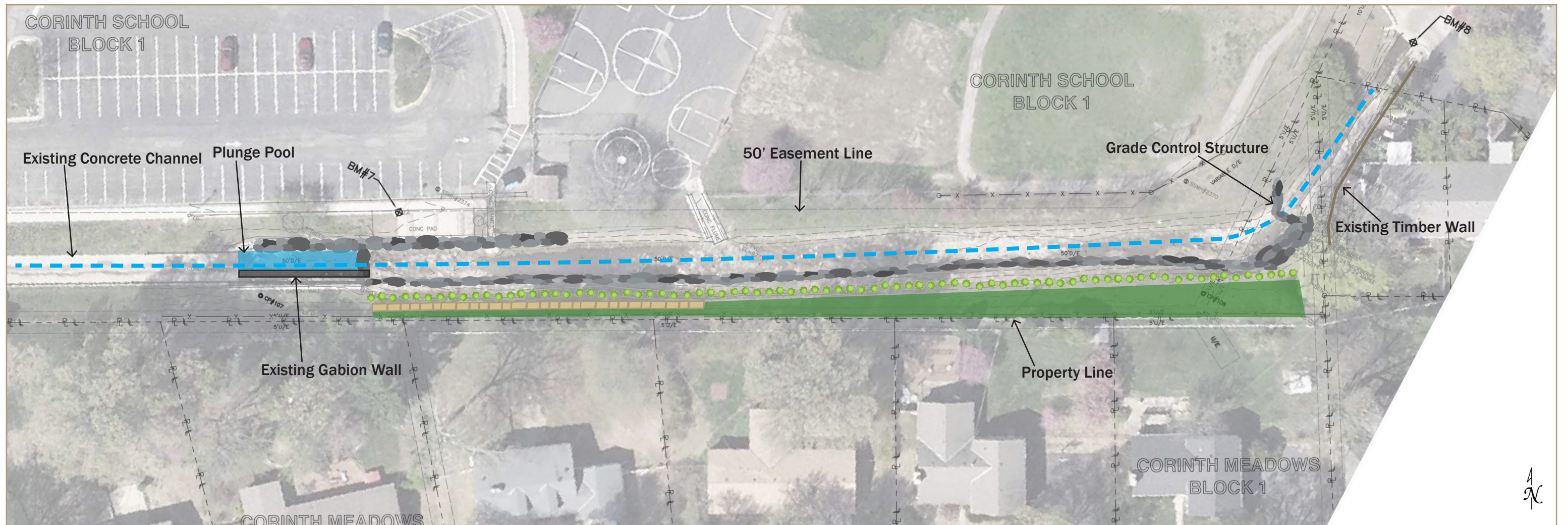
1. Rendering of project






#### **PREPARED BY**

Melissa Prenger, Sr Project Manager

June 14, 2017





LEGEND	
	Channel Centerline
	Rip-rap Protection
	Native Vegetation
	Block Wall
	Sod (Mowable)

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
Monday, June 19, 2017  
7:30 PM**

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **INTRODUCTION OF STUDENTS & SCOUTS**

V. **PUBLIC PARTICIPATION**

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

VI. **CONSENT AGENDA**

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

**By Staff**

1. Approve the regular City Council meeting minutes - June 5, 2017
2. Ratify the reappointment of City Officials: City Attorney, City Treasurer, Municipal Judges, City Prosecutor
3. Authorize staff permission to publish 2018 budget

VII. **PUBLIC HEARING**

**Dangerous Dog Appeal Hearing**

VIII. **COMMITTEE REPORTS**

**Council Committee of the Whole**

COU2017-30 Consider approval of proposed amendments to Chapter XV - Utilities, Article 1-3 related to Solid Waste

IX. **MAYOR'S REPORT**

X. **STAFF REPORTS**

XI. **OLD BUSINESS**

XII. **NEW BUSINESS**



**Appointment of Wes Jordan as the Interim City Administrator effective July 5, 2017**

XIII. EXECUTIVE SESSION

XIV. ANNOUNCEMENTS

XV. ADJOURNMENT

**If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting.**

**If you are unable to attend this meeting, comments may be received by e-mail at [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com)**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE**

**June 5, 2017**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 5, 2017 at 7:35 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

**ROLL CALL**

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Serena Schermoly, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Senior Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Lisa Santa Maria, Finance Director, Alley Williams, Assistant to the City Administrator and Meghan Buum, Deputy City Clerk.

**INTRODUCTION OF STUDENTS & SCOUTS**

One Boy Scout from Troop 98 was in attendance.

**PRESENTATIONS**

**Recognition of Ashley Weaver**

Mayor Laura Wassmer presented Ashley Weaver a proclamation and plaque recognizing her five years of service on the City Council.

## **PUBLIC PARTICIPATION**

Brad Johnson, Mission Hills, KS, stated that he was inspired to donate a piece of art to the City following the reconstruction of Mission Road. Having lived around the world, he recognizes the unique amenities and tradition in Prairie Village. He referenced Vail, CO's efforts to create walkable, beautiful spaces and would like to see those efforts continue here. He selected a statue featuring a child on a bicycle to be emblematic of the safe, family centered community that Prairie Village is. He hopes his donation is a model for other residents to do the same.

## **CONSENT AGENDA**

Dan Runion noted a correction to the Council Committee of the Whole minutes.

Ted Odell moved the approval of the Consent Agenda June 5, 2017 as presented:

1. Approval of the regular City Council meeting minutes - May 15, 2017
2. Adopt Resolution 2017-01 amending 2017 Salary Ranges

A roll call vote was taken with the following members voting "aye": Schermoly, Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher.

## **COMMITTEE REPORTS**

**Council Committee of the Whole**  
**COU2017-22 Approve revisions to Council Policy 001 entitled "City Committees"**

Eric Mikkelson noted that the memo had a strike through "all applications will be sent to the City Council" which should be added back to the policy.

Eric Mikkelson moved the City Council approved revisions to Council Policy 001 entitled “City Committees” with the noted correction. The motion was seconded by Ted Odell and passed unanimously.

**COU2017-22 Approve revisions to Council Policy 029 entitled “President of the Council”**

Ted Odell asked for clarification on the length of the term for the current council president. Eric Mikkelson stated that when the election was held, it was under the previous policy with the expectation that the term would be shortened to align with the new election cycle.

Eric Mikkelson moved the City Council approved revisions to Council Policy 029 entitled “President of the Council” changing the starting date from the first meeting in May to the first meeting in February. The motion was seconded by Ted Odell and passed unanimously.

**COU2017-22 Adopt Ordinance 2361 amending Section 1-803 entitles “Park and Recreation Committee; membership, duties and meeting”**

Serena Schermoly asked to include the requirement of 6 meetings per year as recommended by the governing body. Mayor Wassmer clarified that was included in the Council Policy on committees rather than in the Ordinance. Terrence Gallagher stated that if it was included in the ordinance, it would be law to have the meeting regardless of a quorum or lack of agenda items. Discretion should be left to the committee chair.

Terrence Gallagher moved the City Council adopt Ordinance 2361 amending Chapter 1 entitled “Administration” of the Prairie Village Municipal Code by amending Section 1-803 entitled “Park and Recreation Committee; Membership, Duties and Meetings”. The motion was seconded by Dan Runion.

A roll call vote was taken with the following members voting “aye”: Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher. The following member voted “nay”: Schermoly.

## **MAYOR’S REPORT**

Mayor Wassmer addressed the council about an item that had been weighing on her mind. It is her belief that the governing body has struggled to maintain impartiality and instead are only representing like minded constituents. She believes there is a difference in informing residents of their right to appear before the council versus recruiting residents to attend to persuade the governing body. She believes responsible government should be resident led and the recruiting approach is disrespectful to the 22,000 other citizens whose views aren’t being represented. It is the role of the governing body to represent all the residents, not just those who agree with our views. She welcomed conversation from the Council.

Eric Mikkelson responded that he generally agreed but respectfully disagreed that the residents who show up at the meetings are not representative of the city as a whole. He stated that he believes, as in any democracy, if you don’t participate in the process, you don’t get to complain. He encourages all residents to participate in their local governments.

Mayor Wassmer responded that she wants residents to participate because they want to. She believes it is a fine line to walk to encourage some participation but not others. The governing body should represent everyone regardless of their comfort speaking publicly. Just because someone doesn’t choose to speak publically doesn’t

mean the governing body shouldn't solicit more feedback. She is personally uncomfortable with the direction the council is heading.

Ted Odell stated that the governing body might not always agree on every topic, he would like to see more respect from council member to council member, and resident to resident. He believes we have a tremendous City, and all members of the governing body have the same goal for its success.

Eric Mikkelson asked how to amend Council Committee of the Whole minutes. He doesn't recall stating at the last meeting that "government can never be too transparent." He clarified his belief that the city doesn't need to be transparent on items protected by KOMA, but on the public portion, when minimal expense is required, he doesn't think there is a thing as too transparent. Live streaming is a way to reach more residents who can't attend meetings. Mayor Wassmer clarified that her statement was not about live streaming, and she has yet to share her views publically on that item.

## **STAFF REPORTS**

### **Public Safety**

- Chief Tim Schwartzkopf reported that the department is hosting Cookie with a Cop on Thursday, July 8 at Great Harvest Bread Company.
- The new bike unit uniforms and bicycles are in. The officers will be undergoing training in Emporia soon. The unit will debut at VillageFest.
- The department is purchasing a Polaris Ranger to use in the parks and at special events. They had previously borrowed a gator from Public Works when needed.

### **Public Works**

- Keith Bredehoeft noted that KCP&L will be replacing lines at 95<sup>th</sup> and Roe. It will not completely close traffic on Roe but will cause congestion in the area.
- A public meeting related to the bike/pedestrian plan will be held next Thursday, June 15 from 5 p.m. - 7 p.m. at the Community Center.
- A city-wide traffic study will be conducted soon. A request for proposals will go out on Tuesday, June 6.
- LED streetlight installation continues. 586 have been installed thus far. Public Works has received just one complaint and they will evaluate adjusting the head.
- A traffic signal will be removed at 84<sup>th</sup> and Mission Road. It was no longer warranted after the school closed.

## **Administration**

- Quinn Bennion introduced Gabe Altenbernd, the city's summer intern. He was a part of the inaugural teen council.
- First Washington initiated a public input process for a new piece of art work at the shopping center during the art fair. Mayor and Council expressed that they were unable to find the voting location. Staff will find out the voting process.
- Johnson County Park and Recreation is in the process of soliciting bids for the destination playground at Meadowbrook. Around \$850,000 is budgeted for the playground. The committee will present 2-4 concepts for a public vote at VillageFest.
- After visiting with Mayor and Staff, the July 3 Council Meeting will be cancelled.

## **OLD BUSINESS**

Shelia Myers wanted to follow up on an item previously discussed by Andrew Wang related to quantifying the standards for implementing traffic calming measures. She would like to add that to the Council priority list. Keith Bredehoeft stated that there is a complete traffic calming program that he can provide her to review. Eric Mikkelson stated that he has reviewed the program extensively and it is very comprehensive.

Brooke Morehead stated her desire to see every vote listed by name in the minutes. Staff believed that to be the current practice.

Terrence Gallagher asked about the status of the Prairie Baptist parking lot. Quinn stated that Melissa Prenger did a comprehensive evaluation and determined that the soil in the area failed as a result of their parking lot construction decades ago. The next step for Prairie Baptist would be to hire an engineer. Keith Bredehoeft stated that the city has committed to reconstructing the driveway approach on 75<sup>th</sup> Street.

## **NEW BUSINESS**

### **2018 Budget - Final Capital Improvement Plan**

Keith Bredehoeft continued the CIP budget discussion from the Council Committee of the Whole meeting.

Shelia Meyers thanked Mr. Johnson for his art donation to the city. While she doesn't have a problem with the donation, she has a problem setting a precedent for donations that require additional funding from the city. She stated that donations for the parks have been turned down in the past. She also stated that girls ride bikes, and the statue doesn't have to be a boy. She reminded the council that a young boy was killed after being hit by a car in Prairie Village and doesn't want to hit a raw nerve with residents. Ms. Myers recognizes that Mr. Mikkelson spent a significant amount of time on this project, but would have liked to see this come before the council at an earlier time to gauge support.

Dan Runion stated his belief that a donation of art is a great problem to have. He hopes this does illicit more donations moving forward, and the city could develop a policy moving forward. The city is donating a small fraction of the total value. He is supportive of the project.

Ted Odell thanked Mr. Johnson for his donation. He wants to foster the desire for future donations and the city could address potential concerns. He wondered if there should be an ongoing budget item in the future in case similar opportunities arise. He asked about setting a standard for minimum donation thresholds, or standards for the percentage the city commits.

Eric Mikkelson stated that approving the line item will just allow the concept to move forward, with future approval on details and expenditures. This donation is a much higher price point than a bench or a tree. If the city can leverage a \$25,000 donation into a \$250,000 investment, he encourages it.



Terrence Gallagher stated he would rather see \$30,000 put into parks programming. He also stated that criteria and guidelines need to be set. There has been money in the foundation donated but never used.

Mr. Runion stated that he doesn't believe this sets a precedent. Establishing donation guidelines is unnecessarily bureaucratic. The governing body changes from term to term and judgments can be left to future councils. This allocation is a speck in the entire budget.

Ms. Myers stated that she would welcome a \$25,000 donation, but this is more than just a simple donation since it entails a \$30,000 expense.

Courtney McFadden stated that she welcomed setting a precedent of public art donations in the city.

Andrew Wang stated that this project brings a lot of value added to the city in an area that certainly needs it.

Serena Schermoly brought up other cities support of the arts and would like to establish protocol for future donations.

Terrence Gallagher moved to approve up to \$30,000 towards the installation of the donated statuary after exploring further donations to offset the cost. Serena Schermoly seconded the motion. The motion passed with Morehead and Myers voting nay.

Mr. Bredehoeft that \$50,000 from the streetlight maintenance program would be moved into the paving program. Mr. Odell asked if the funds could be used to paint poles. Mr. Bredehoeft stated that there are funds in the streetlight maintenance program to paint the poles outside of the \$50,000.

## **2018 Budget - Economic Development Fund recommendations**

Lisa Santa Maria provided an overview of decision points left to be made for the 2018 budget, including elections, teen council, legal expenses, resident survey, and streetlight banners.

Eric Mikkelson moved to delete the \$63,000 allocated for elections to be reallocated at a future date. Serena Schermoly seconded the motion.

Dan Runion didn't understand why council members were opposed to a reduction in the mill rate. He is shocked the city is able to spend all the money in the budget. Eric stated that his next motion would be to lower the mill levy based on the outcome of this vote.

Courtney stated her opposition to this motion and to a future motion to reduce the mill levy as she perceives it to be purely symbolic and the funds could be spent for road improvements.

Eric Mikkelson stated that whatever the city doesn't spend goes to road improvements. He believes this is arguably the biggest boom year in Prairie Village history with a 12% increase in property taxes. The needs of the city can still be met even with a reduction in the mill levy. It is not sound fiscal policy to continue to build expenses. He believes that when an inevitable recession occurs, increased expenses will become an issue.

Ms. McFadden stated that when we cycle back to a depressed economy, the city will be in better shape by doing preventative road maintenance now. The city's bond rating has been rock solid which shows that our way of budgeting has been spot on, and she disagrees with Mr. Mikkelson's assessment that there hasn't been sound fiscal policy

in the city. She believes that lowering the mill is symbolic and intended to create a splashy headline.

Mr. Runion doesn't agree with the notion that this motion was made for a splashy headline, rather, it is a gesture that demonstrates a government that isn't spending every last nickel. He stated his concern that the city spends what it brings in as well as the fund balance.

Mayor Wassmer directed discussion back to the original motion. Ms. Schermoly clarified that she seconded the motion to remove the election item from the budget, not the reduction in the mill levy.

Mr. Mikkelson stated that he feels like he has been disrespected by Ms. McFadden's assertion that he made the motion for a splashy headline. He made the motion because he believes it is in the best interest of Prairie Village. Ms. McFadden apologized for her comment.

Terrence Gallagher clarified that the \$63,000 would be removed from the elections line and used elsewhere. Mr. Mikkelson said the use would be determined at a later time.

Sheila Myers stated that item was not for elections, it was for council and mayor pay. Mr. Mikkelson stated that he isn't opposed to council and mayor pay if it was done under the right conditions, after everyone has been up for reelection.

A vote was taken with the following members voting "aye": Schermoly, Mikkelson, Wang, Myers, Runion, Gallagher and the following members voting "nay": Noll, Morehead, McFadden, Odell. The motion passed.

Sheila Myers moved to earmark \$63,000 for mayor and council pay. The motion was seconded by Brooke Morehead.

Terrence Gallagher stated that he cannot support that right now. He would rather use that money towards parks and recreation programming.

Andrew Wang stated he is not comfortable with the governing body voting to pay itself. Ms. Myers stated that it is earmarked for possible pay after further discussion.

Mr. Mikkelson stated that he is voting against the motion. He would approve under the condition that each of the 13 members has been up for reelection. All members of the governing body should stand before the voters.

Mayor Wassmer suggested including the question about pay in a resident survey.

Ted Odell clarified that just because there is a line in the budget, doesn't mean the money is required to be spent. Having the line item just keeps the conversation open in the future. Mayor stated that if the money goes unused, it could be put to the street repairs.

Mr. Gallagher asked if the item could be put on the fall ballot. Quinn Bennion stated that cities cannot put advisory items on the ballot.

Mr. Runion stated that he doesn't think council pay is possible for 2018 and agrees that everyone should be subject to reelection before being paid.

Ms. Myers called the question. A vote was taken with the following members voting "aye": Noll, Myers, Morehead, McFadden, Odell; and the following members voting "nay": Schermoly, Mikkelson, Wang, Runion, Gallagher. Mayor Wassmer voted "aye" to break the tie. The motion passed.

Mr. Runion asked if the resident survey is binding. Mr. Bennion responded that it is not. Mr. Runion asked if responses could be broken down by ward. Mr. Bennion stated that it could be a question on the survey. Ms. Morehead asked who determines the survey questions. Mr. Bennion responded the governing body determines the questions.

Eric Mikkelson moved to reduce the mill levy by 2/10. The motion was seconded by Dan Runion.

Lisa Santa Maria stated that the current mill levey is 19.471 and the motion would reduce the mill levy to approximately 19.271, around \$50,000. That amount would be removed from street improvements.

Andrew Wang asked Ms. Santa Maria to estimate what that would mean per household. Ms. Santa Maria estimated it to be between \$2-\$5 per year.

Mr. Runion stated his concern about the minimalist approach to the proposed reduction and concern about decreasing the fund balance. Mr. Bennion stated that whatever isn't spent in the year moves into the fund balance. That means we've spent less than anticipated or bringing in more than anticipated, which are both good things.

Serena Schermoly asked Ms. Santa Maria her thoughts on reducing the mill levy. Ms. Santa Maria does not recommend it.

Eric Mikkelson restated his motion to decrease the mill by 2/10. A vote was taken with the following members voting "nay": Mikkelson; and the following members voting "nay": Schermoly, Noll, Wang, Myers, Morehead, McFadden, Odell, Gallagher. The motion failed.

Ms. Santa Maria continued her presentation on the 2018 budget. She shared information on the outside agency funding. Mr. Mikkelson asked about the \$0 allocated to sister city. Mr. Bennion stated that the sister city committee dissolved itself but the city still has a sister city agreement with Dolyna, Ukraine. It is not dependent on the Sister City International membership dues.

Ted Odell expressed his opinion that as Jazz Fest continues to grow financially, it becomes more difficult to support the city's contribution. Brooke Morehead responded that the support for the event benefits many thousands of residents.

### **2018 Budget - Parks & Recreation Position**

Alley Williams introduced potential job duties and cost estimates for adding a parks coordinator into the 2018 budget. There have been a number of suggestions on what this new position's job responsibilities would be, including special events such as Jazz Fest and Village Fest, additional parks programming (such as Teen Council recommendation list), events associated with a potential amphitheater at Harmon Park/Village Square, management of the pool and supervision of pool manager, staff support for one or more of the City's Committees (Arts Council, Jazz Fest, Village Fest, Parks & Recreation), facilitate the Prairie Village Foundation and grant writing.

The new position will not feasibly and realistically be able to take on all of the above responsibilities. Therefore, staff would advise assigning the Parks Coordinator the responsibility of managing the pool and taking over the City's Jazz Fest and Village Fest events, as well as implementing some of the additional programming recommended by Teen Council.

There are multiple positives to hiring this position including lessening high workload on current staff, additional programming at the pool and parks and potential new amphitheater.

Staff researched salary ranges for equivalent positions to a parks coordinator in neighboring cities and recommends a salary range of \$42,980-\$64,460 with a total budget need of \$125,000 to cover salary, benefits, vehicle, and programming costs. Options for funding this position include: raising the mill levy, reducing the Capital

Improvement Program's street paving program, or cut other programs or costs included in the 2018 budget.

If this position and range is approved in the budget, there would need to be much more discussion about responsibilities, office location, potential revenue, supervisor, and goals for the parks programming efforts.

Sheila Myers asked if the position could be part time until the future of Village Square is determined and if the programming could be done by an outside partner like KC Crew. Quinn Bennion stated that it could be part time dependent on the job description. If only doing programming or working with contractors, it could be a part time position.

Eric Mikkelson stated his support of parks programming but would like to see this on the resident survey. He believes Village Square is years down the road, and believes adding this to the 2018 budget is premature. Ted Odell agreed that this is premature for 2018. He likes the idea but doesn't believe the timing is right.

Terrence Gallagher stated that he and others on the Parks and Recreation Committee are getting increased feedback from residents desiring more programming.

Serena Schermoly stated that when the topic is revisited, she would like to see increased tennis programming due to the funds invested in renovating tennis courts.

Brooke Morehead moved to further research and discuss hiring a parks coordinator unrelated to the 2018 budget. Eric Mikkelson seconded the motion. The motion passed unanimously.

Eric Mikkelson stated that in light of recent federal cuts to environmental issues, he suggests the governing body invite the Environmental Committee to make recommendations to decrease carbon emissions in Prairie Village, LEED certifications,

smart vehicles, etc. He doesn't want this to be a political statement, rather a way to improve Prairie Village. Ted Odell agreed that progress can be made if politics are put to the side. Steve Noll recalled early recycling efforts in Prairie Village and expressed his support. Mr. Mikkelson moved to invite the Environmental Committee to make recommendations to the governing body. Steve Noll seconded the motion and it passed unanimously.

## **ANNOUNCEMENTS**

### **Committee meetings scheduled for the next two weeks:**

Planning Commission	06/06/2017	7:00 p.m.
Tree Board	06/07/2017	6:00 p.m.
Environment/Recycle Committee on Education	06/08/2017	5:30 p.m.
JazzFest Committee	06/12/2017	5:30 p.m.
Council Committee of the Whole	06/19/2017	6:00 p.m.
City Council	06/19/2017	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature the work of Jean Wender and Janey Greene in the R.G. Endres Gallery during the month of June. The artist reception will be held on Friday, June 9th.

2017 Recreation and Team Memberships are now on sale.

Mark your calendar for the 21<sup>st</sup> Annual MARC Regional Assembly on Friday, June 9<sup>th</sup> from 11:30 to 1:30 at the Westin Crown Center.

Pool closure -The slides and diving well will close at 5 p.m. on Tuesday, June 6<sup>th</sup> for a dive meet; the pool complex will close at 5 p.m. on Thursday, June 8<sup>th</sup> to host a swim meet.

The first Moonlight Swim of the season will be Friday, June 6<sup>th</sup> with the pool remaining open until 10 p.m.

Save the Date for the Annual National League of Cities Conference in Charlotte, November 15-18, 2017. Early Bird registration is available through June 30<sup>th</sup>

## **ADJOURNMENT**



With no further business to come before the City Council the meeting was adjourned  
at 9:50 p.m.

Meghan Buom  
Deputy City Clerk

**Consider appointment of City Officials**

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**RECOMMENDATION**

Ratification of Mayor's reappointment of the following City Officials:

Katie Logan	City Attorney
Fielding Norton, Jr.	City Treasurer
Karen Torline	Municipal Judge
Michelle Decicco	Municipal Judge
Debra A. Vermillion	City Prosecutor

**BACKGROUND**

Under the terms of the Municipal Code, these positions are Mayoral appointments for two-year terms. The compensation of these offices shall be fixed by agreement. All appointees have been invited to the City Council meeting and will attend as schedules allow.

- Katie Logan was appointed as City Attorney in July, 2008. An attorney with Lathrop & Gage, Ms Logan concentrates her practice in the areas of public law, public finance, real estate and real estate finance and business law. She is a graduate of the KU and received her law degree from the UMKC.
- Fielding Norton, Jr. a long time Prairie Village, was appointed City Treasurer in September, 1981. Fielding is a retired CPA.
- Karen Torline was appointed as Municipal Judge in January, replacing retiring Judge M. Virginia "Jennie" Clark. She is a graduate of the Kansas State University and Kansas University School of Law. Ms Torline currently serves as Municipal Judge for the cities of Roeland Park, Edgerton and Olathe. She is also the Assistant City Attorney for the City of Shawnee.
- Michelle DeCicco was appointed as Municipal Judge in January of 2016, replacing Interim Judge Steve Sakoulas. She is a graduate of the University of Kansas and Washburn University School of Law. In addition to her private practice, she serves as Pro tem Judge and Pro tem Prosecutor for the cities of Merriam, Lenexa, Overland Park, Roeland Park, Shawnee and Miami County.
- Debra Vermillion was appointed as City Prosecutor in January, 2009. She is a graduate of UMKC and Washburn University School of Law. Ms. Vermillion served as a prosecutor in the Johnson County District Attorney's office for 11 years. She currently operates her own law office providing civil and criminal litigation.

These are dedicated professionals who have demonstrated their ability and commitment to public service.

**PREPARED BY**  
Joyce Hagen Mundy  
City Clerk

Date: June 12, 2017

PROFESSIONAL SERVICES AGREEMENT  
MUNICIPAL JUDGE CONTRACT

This MUNICIPAL JUDGE CONTRACT (“Contract”), made and entered into effective as of July 1, 2017, by and between Karen Torline (the “Judge”) and the City of Prairie Village, a Kansas municipal corporation (the “City”).

The Judge and the City, for the mutual promises and consideration hereinafter set forth, agree as follows:

1. Scope of Work.

a. The Judge shall provide the services as described in Exhibit A (the “Work”), all as attached and incorporated herein.

b. The Judge shall be solely responsible for all means, methods, techniques and sequences for coordinating all portions of the Work. The Judge shall be responsible to the City for the acts and omissions of his or her agents and employees, and other persons performing any of the Work.

c. The Judge is free to establish and control his or her times of performance of the Work and the City shall not dictate time of performance except as required for presiding over municipal court dockets as noted in Exhibit A.

d. The Judge is not required to perform work exclusively for the City during the term of this Contract.

2. Independent Contractor. This Contract does not create an employer/employee relationship between the parties. It is the parties’ intention that the Judge will be an independent Judge and not the City’s employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Kansas revenue and taxation laws, Kansas workers’ compensation law, and Kansas unemployment insurance law. The Judge will retain sole and absolute discretion and judgment in the manner and means of carrying out the Judge’s activities and responsibilities hereunder. The Judge agrees that it is a separate and independent enterprise from the City, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the Work. This Contract shall not be construed as creating any joint employment relationship between the Judge and the City, and the City will not be liable for any obligation incurred by the Judge, including, but not limited to, unpaid minimum wages and/or overtime premiums.

3. License. The Judge shall at all times hold an unrestricted license to practice law in the State of Kansas. The Judge shall give all notices and comply with all laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the Work.

4. Annual Training. The Judge is strongly encouraged to attend the annual conference for municipal judges continuing legal education conference hosted by the Kansas Supreme Court Office of Judicial Administration (“OJA”). The OJA does not charge a fee to municipal judges for such attendance and also will reimburse Judge for hotel, travel and provide a per diem for food. To the extent that OJA does not cover those costs, they will be covered by the City. Judge will notify the Court Administrator of her ability annually to attend this conference.

5. Indemnification. The Judge shall appear, defend, indemnify and hold harmless the City, members of the City’s governing body, its officers, agents, representatives, successors and assigns from and against all claims of any character or nature, demands, suits, actions and costs arising out of the Work performed under the terms of this Contract, or on account of any act or omission by the Judge or its agents, employees or representatives, or from any claims or amounts arising or recovered under workers’ compensation laws or any other law, bylaw or ordinance, order, decree or any failure on the part of the Judge to fulfill the Judge’s obligations under this Contract. Without limiting the generality of the preceding sentence, it is the intent of the parties to this Contract that the City shall, in all instances, be indemnified against all liability losses and damages of any nature whatsoever for or on account of any injuries to or death of persons or damages to or destruction of property belonging to any person arising out of or in any way connected with the performance of this Contract. The provisions of this paragraph shall survive termination of this Contract.

6. Governing Law. This Contract shall be governed by the laws of the State of Kansas.

7. Contract Fee. The Judge shall be compensated for the Work as set forth in Exhibit A. The Judge shall provide a monthly statement for services. The City shall promptly pay amounts due to the Judge.

8. Contract Term. The term of this Contract will be for a period commencing on July 1, 2017 and continue through June 30, 2019.

9. Termination. If the Judge fails to adequately perform the services or is otherwise determined by the City to have committed misconduct, City may immediately terminate this Contract by written notice to Judge. Either party may terminate this Contract at any time, without cause, subject to an obligation to give notice in writing to the other party at least sixty (60) days’ prior to termination. Termination is effective sixty (60) days from the date of the written notice unless otherwise specified therein. Notwithstanding the termination, the City will remain obligated to pay the Judge all fees incurred prior thereto.

10. Rights and Remedies. The duties and obligations imposed by this Contract and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the City or the Judge shall constitute a waiver of any right or duty afforded the parties under the Contract, nor shall any action or failure to act constitute an approval of or acquiescence to any briefs hereunder, except as may be specifically agreed to in writing.

11. Litigation. Should litigation be necessary to enforce any term or provision under this Contract, or to collect any damages claimed or portion of the amount payable under this Contract, then all litigation and collection expenses, witness fees, court costs and attorney's fees shall be paid to the prevailing party. Nothing herein shall preclude non-binding arbitration if the parties so elect in the event of a dispute hereunder.

12. Entire Agreement. This Contract constitutes the entire agreement between the parties relative to the subject matter.

13. Amendment. No amendment or modification of this Contract shall be valid or effective, unless in writing and signed by the parties to this Contract.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed, the day and year first herein written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Laura Wassmer, Mayor

Attest:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

Approved as to form:

\_\_\_\_\_  
Catherine P. Logan, City Attorney

JUDGE

\_\_\_\_\_  
Karen Torline

EXHIBIT A  
SCOPE OF WORK & CONTRACT RATE

1. The Judge shall serve as one of two municipal court judges for the City of Prairie Village, Kansas. The Judge's primary responsibilities shall include, but are not limited to, the following:
  - (a) Alternatively with the second appointed municipal court judge, presiding over the Court's regularly scheduled dockets, including video appearances when necessary;
  - (b) Scheduling and presiding over such additional or special dockets or hearings as may from time to time be necessary for expeditious disposition of pending matters;
  - (c) Establishing or ratifying a fine schedule applicable to traffic infractions and any other violation for which a scheduled fine is permissible;
  - (d) Establishing or ratifying policies and procedures for posting and revocation of appearance bonds;
  - (e) Adjudging such convictions, acquittals and other dispositions as the evidence and law warrant;
  - (f) Imposing authorized punishment upon persons convicted of violating city ordinances; and
  - (g) Issuing such subpoenas, arrest warrants and other process as court procedures and the facts and law warrant.
2. The Judge shall, in the ordinary course of his or her duties, coordinate administrative aspects of his performance hereunder with the Court Administrator or designee to ensure effective and efficient operation of the Court. Administrative matters not resolved through such coordination shall be submitted to the City Administrator for resolution; provided, that this agreement shall not be construed to require the Judge to perform any act which would violate the Code of Judicial Conduct.
3. All municipal court dockets shall be conducted in the courtroom of the Prairie Village Municipal Court, 7700 Mission Road, Prairie Village, KS 66208; provided, that if the courtroom is unavailable by reason of damage, destruction or public emergency, the City may designate another suitable location.
4. The Municipal Court dockets are held on designated Tuesdays beginning at 8 a.m. and designated Thursdays beginning at 3:00 p.m. as more fully set forth on the City's Municipal Court Calendar. Judge and the second appointed municipal judge will mutually agree upon a schedule of dockets to be presided over by each, and in a manner that assures coverage of all dockets.
5. The Judge will be compensated \$425 per each arraignment docket and \$450 per each plea docket presided over by Judge.

PROFESSIONAL SERVICES AGREEMENT  
MUNICIPAL JUDGE CONTRACT

This MUNICIPAL JUDGE CONTRACT (“Contract”), made and entered into effective as of July 1, 2017, by and between Michelle DeCicco (the “Judge”) and the City of Prairie Village, a Kansas municipal corporation (the “City”).

The Judge and the City, for the mutual promises and consideration hereinafter set forth, agree as follows:

1. Scope of Work.

a. The Judge shall provide the services as described in Exhibit A (the “Work”), all as attached and incorporated herein.

b. The Judge shall be solely responsible for all means, methods, techniques and sequences for coordinating all portions of the Work. The Judge shall be responsible to the City for the acts and omissions of his or her agents and employees, and other persons performing any of the Work.

c. The Judge is free to establish and control his or her times of performance of the Work and the City shall not dictate time of performance except as required for presiding over municipal court dockets as noted in Exhibit A.

d. The Judge is not required to perform work exclusively for the City during the term of this Contract.

2. Independent Contractor. This Contract does not create an employer/employee relationship between the parties. It is the parties’ intention that the Judge will be an independent Judge and not the City’s employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Kansas revenue and taxation laws, Kansas workers’ compensation law, and Kansas unemployment insurance law. The Judge will retain sole and absolute discretion and judgment in the manner and means of carrying out the Judge’s activities and responsibilities hereunder. The Judge agrees that it is a separate and independent enterprise from the City, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the Work. This Contract shall not be construed as creating any joint employment relationship between the Judge and the City, and the City will not be liable for any obligation incurred by the Judge, including, but not limited to, unpaid minimum wages and/or overtime premiums.

3. License. The Judge shall at all times hold an unrestricted license to practice law in the State of Kansas. The Judge shall give all notices and comply with all laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the Work.

4. Annual Training. The Judge is strongly encouraged to attend the annual conference for municipal judges continuing legal education conference hosted by the Kansas Supreme Court Office of Judicial Administration (“OJA”). The OJA does not charge a fee to municipal judges for such attendance and also will reimburse Judge for hotel, travel and provide a per diem for food. To the extent that OJA does not cover those costs, they will be covered by the City. Judge will notify the Court Administrator of her ability annually to attend this conference.

5. Indemnification. The Judge shall appear, defend, indemnify and hold harmless the City, members of the City’s governing body, its officers, agents, representatives, successors and assigns from and against all claims of any character or nature, demands, suits, actions and costs arising out of the Work performed under the terms of this Contract, or on account of any act or omission by the Judge or its agents, employees or representatives, or from any claims or amounts arising or recovered under workers’ compensation laws or any other law, bylaw or ordinance, order, decree or any failure on the part of the Judge to fulfill the Judge’s obligations under this Contract. Without limiting the generality of the preceding sentence, it is the intent of the parties to this Contract that the City shall, in all instances, be indemnified against all liability losses and damages of any nature whatsoever for or on account of any injuries to or death of persons or damages to or destruction of property belonging to any person arising out of or in any way connected with the performance of this Contract. The provisions of this paragraph shall survive termination of this Contract.

6. Governing Law. This Contract shall be governed by the laws of the State of Kansas.

7. Contract Fee. The Judge shall be compensated for the Work as set forth in Exhibit A. The Judge shall provide a monthly statement for services. The City shall promptly pay amounts due to the Judge.

8. Contract Term. The term of this Contract will be for a period commencing on July 1, 2017 and continue through June 30, 2019.

9. Termination. If the Judge fails to adequately perform the services or is otherwise determined by the City to have committed misconduct, City may immediately terminate this Contract by written notice to Judge. Either party may terminate this Contract at any time, without cause, subject to an obligation to give notice in writing to the other party at least sixty (60) days’ prior to termination. Termination is effective sixty (60) days from the date of the written notice unless otherwise specified therein. Notwithstanding the termination, the City will remain obligated to pay the Judge all fees incurred prior thereto.

10. Rights and Remedies. The duties and obligations imposed by this Contract and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the City or the Judge shall constitute a waiver of any right or duty afforded the parties under the Contract, nor shall any action or failure to act constitute an approval of or acquiescence to any briefs hereunder, except as may be specifically agreed to in writing.



11. Litigation. Should litigation be necessary to enforce any term or provision under this Contract, or to collect any damages claimed or portion of the amount payable under this Contract, then all litigation and collection expenses, witness fees, court costs and attorney's fees shall be paid to the prevailing party. Nothing herein shall preclude non-binding arbitration if the parties so elect in the event of a dispute hereunder.

12. Entire Agreement. This Contract constitutes the entire agreement between the parties relative to the subject matter.

13. Amendment. No amendment or modification of this Contract shall be valid or effective, unless in writing and signed by the parties to this Contract.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed, the day and year first herein written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Laura Wassmer, Mayor

Attest:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

Approved as to form:

\_\_\_\_\_  
Catherine P. Logan, City Attorney

JUDGE

\_\_\_\_\_  
Michelle DeCicco

EXHIBIT A  
SCOPE OF WORK & CONTRACT RATE

1. The Judge shall serve as one of two municipal court judges for the City of Prairie Village, Kansas. The Judge's primary responsibilities shall include, but are not limited to, the following:
  - (a) Alternatively with the second appointed municipal court judge, presiding over the Court's regularly scheduled dockets, including video appearances when necessary;
  - (b) Scheduling and presiding over such additional or special dockets or hearings as may from time to time be necessary for expeditious disposition of pending matters;
  - (c) Establishing or ratifying a fine schedule applicable to traffic infractions and any other violation for which a scheduled fine is permissible;
  - (d) Establishing or ratifying policies and procedures for posting and revocation of appearance bonds;
  - (e) Adjudging such convictions, acquittals and other dispositions as the evidence and law warrant;
  - (f) Imposing authorized punishment upon persons convicted of violating city ordinances; and
  - (g) Issuing such subpoenas, arrest warrants and other process as court procedures and the facts and law warrant.
2. The Judge shall, in the ordinary course of his or her duties, coordinate administrative aspects of his performance hereunder with the Court Administrator or designee to ensure effective and efficient operation of the Court. Administrative matters not resolved through such coordination shall be submitted to the City Administrator for resolution; provided, that this agreement shall not be construed to require the Judge to perform any act which would violate the Code of Judicial Conduct.
3. All municipal court dockets shall be conducted in the courtroom of the Prairie Village Municipal Court, 7700 Mission Road, Prairie Village, KS 66208; provided, that if the courtroom is unavailable by reason of damage, destruction or public emergency, the City may designate another suitable location.
4. The Municipal Court dockets are held on designated Tuesdays beginning at 8 a.m. and designated Thursdays beginning at 3:00 p.m. as more fully set forth on the City's Municipal Court Calendar. Judge and the second appointed municipal judge will mutually agree upon a schedule of dockets to be presided over by each, and in a manner that assures coverage of all dockets.
5. The Judge will be compensated \$425 per each arraignment docket and \$450 per each plea docket presided over by Judge.

PROFESSIONAL SERVICES AGREEMENT  
CITY PROSECUTOR CONTRACT

This CITY PROSECUTOR CONTRACT (“Contract”), made and entered into this \_\_\_ day of June, 2017, by and between Debra A. Vermillion (the “Contractor”) and the City of Prairie Village, a Kansas municipal corporation (the “City”).

The Contractor and the City, for the mutual promises and consideration hereinafter set forth, agree as follows:

1. Scope of Work.

a. The Contractor shall provide the services as described in Exhibit A (the “Work”), all as attached and incorporated herein.

b. The Contractor shall be solely responsible for all means, methods, techniques and sequences for coordinating all portions of the Work. The Contractor shall be responsible to the City for the acts and omissions of her agents and employees, and other persons performing any of the Work.

c. The Contractor is free to establish and control her times of performance of the Work and the City shall not dictate time of performance except as stated required by hearings and trials set by the court, and as noted in Exhibit A.

d. The Contractor is not required to perform work exclusively for the City during the term of this Contract.

2. Independent Contractor. This Contract does not create an employer/employee relationship between the parties. It is the parties’ intention that the Contractor will be an independent contractor and not the City’s employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Kansas revenue and taxation laws, Kansas workers’ compensation law, and Kansas unemployment insurance law. The Contractor will retain sole and absolute discretion and judgment in the manner and means of carrying out the Contractor’s activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the City, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the Work. This Contract shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including, but not limited to, unpaid minimum wages and/or overtime premiums.

3. License. The Contractor shall at all times hold an unrestricted license to practice law in the State of Kansas. The Contractor shall give all notices and comply with all laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the Work.

4. Indemnification. The Contractor shall appear, defend, indemnify and hold harmless the City, members of the City’s governing body, its officers, agents,

representatives, successors and assigns from and against all claims of any character or nature, demands, suits, actions and costs arising out of the Work performed under the terms of this Contract, or on account of any act or omission by the Contractor or its agents, employees or representatives, or from any claims or amounts arising or recovered under workers' compensation laws or any other law, bylaw or ordinance, order, decree or any failure on the part of the Contractor to fulfill the Contractor's obligations under this Contract. Without limiting the generality of the preceding sentence, it is the intent of the parties to this Contract that the City shall, in all instances, be indemnified against all liability losses and damages of any nature whatsoever for or on account of any injuries to or death of persons or damages to or destruction of property belonging to any person arising out of or in any way connected with the performance of this Contract. The provisions of this paragraph shall survive termination of this Contract.

5. Governing Law. This Contract shall be governed by the laws of the State of Kansas.

6. Insurance. The Contractor shall purchase and maintain professional liability insurance in minimum amounts of two hundred fifty thousand dollars (\$250,000.00) per specific claim and seven hundred fifty thousand dollars (\$750,000.00) per aggregate claim per occurrence. If required by the City, Certificates of Insurance acceptable to the City shall be filed with the City at all times while this Contract is in effect. The Certificates shall contain a provision stating that coverage is supported and that the policies will not expire, be canceled or changed until all Work has been completed and accepted by the City.

7. Contract Fee. The Contractor shall be compensated for the Work as set forth in Exhibit A. The Contractor shall provide a monthly statement for services. The City shall promptly pay amounts due to the Contractor.

8. Contract Term. The term of this Contract will be for a period of two years commencing on July 1, 2017, and continue through June 30, 2019.

9. Termination. If the Contractor fails to adequately perform the services or is otherwise determined by the City to have committed misconduct, City may immediately terminate this Contract by written notice to Contractor. Either party may terminate this Contract at any time, without cause, subject to an obligation to give notice in writing to the other party at least sixty (60) days' prior to termination. Termination is effective sixty (60) days from the date of the written notice unless otherwise specified therein. Notwithstanding the termination, the City will remain obligated to pay the Contractor all fees incurred prior thereto. If the Contractor fails to adequately perform the services, City may immediately terminate this Contract by written notice to Contractor.

10. Rights and Remedies. The duties and obligations imposed by this Contract and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the City or the Contractor shall constitute a waiver of any right or duty afforded the parties under the Contract, nor shall any action or failure to act constitute an approval of or acquiescence to any briefs hereunder, except as may be specifically agreed to in writing.

11. Litigation. Should litigation be necessary to enforce any term or provision under this Contract, or to collect any damages claimed or portion of the amount payable under this Contract, then all litigation and collection expenses, witness fees, court costs and attorney's fees shall be paid to the prevailing party. Nothing herein shall preclude non-binding arbitration if the parties so elect in the event of a dispute hereunder.

12. Entire Agreement. This Contract constitutes the entire agreement between the parties relative to the subject matter.

13. Amendment. No amendment or modification of this Contract shall be valid or effective, unless in writing and signed by the parties to this Contract.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed, the day and year first herein written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Laura Wassmer, Mayor

Attest:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

Approved as to form:

\_\_\_\_\_  
Catherine P. Logan, City Attorney

CONTRACTOR

\_\_\_\_\_  
Debra A. Vermillion

## EXHIBIT A

### SCOPE OF WORK & CONTRACT RATE

1. The Contractor shall serve as the City Prosecutor for the City of Prairie Village, Kansas. The Contractor's primary responsibilities shall include, but are not limited to, prosecution of misdemeanors, traffic violations that occur within the City and violations of Prairie Village City Ordinances.
2. The Contractor shall render to the best of its abilities, in accordance with applicable professional standards, the services, legal representation and advice described herein during the continuance of this Contract.
3. The Contractor agrees to faithfully represent the interests of the City in carrying out her duties as City Prosecutor and in accordance with established prosecution standards and policies.
4. The Contractor's services shall include attendance at hearings to represent the City of Prairie Village as City Prosecutor in the Municipal Court and preparation for such hearings. Hearing, trial, arraignment and plea dockets will be as specified by the City from time to time and will be held in the council chambers at City Hall.
5. The Contractor will be compensated \$1,816.91 per month for the period July 1, 2017 through June 30, 2019 for prosecution services described in paragraph 4 above.
6. The Contractor shall also be required to continue its representation of the City when a case is appealed to the Johnson County District Court. The Contractor may also be requested from time to time to provide legal advice to the police department not involving the prosecution of individual cases. The Contractor shall be compensated at an hourly rate of \$130.00 for such appeal work and legal advice to the police department.
7. The Contractor shall be responsible for arranging for substitute counsel when unable, for any reason, to appear in Court. Substitute counsel shall not be used routinely. Generally, substitute counsel shall be used only when the Contractor cannot serve as City Prosecutor because of illness or prior legal commitment in another Court. The Contractor shall provide the City and the City Attorney with a list of the name(s), address(es), telephone number(s), Kansas Bar number(s), and professional resumes of substitute counsel who will be responsible for providing City Prosecutor services. All substitute counsel on such list must be approved by the City in advance. All services performed by substitute counsel shall be the sole responsibility of the Contractor, including matters of compensation due and payable to substitute counsel for work performed.



## ADMINISTRATION

Council Meeting Date: June 19, 2017  
CONSENT AGENDA

### Request Permission to Publish the 2018 Proposed Budget

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#### SUGGESTED MOTION

Move to authorize staff to publish the 2018 Proposed Budget as required by State statutes.

#### BACKGROUND

Over the last several months the Council and staff have worked to develop the 2018 budget. The budget review and discussion process began earlier this year due to the Tax Lid Legislation that recommends budgets be completed by June 15<sup>th</sup>. The presented budget maintained the same level of services as the 2017 Budget. The 2018 budget includes these enhanced services.

1. Added full-time IT position to the Police Department (converted from contract services)
2. Increased Police Pension Plan funding \$70,000 (\$550k to \$620k)
3. Compensation and benefits study

Solid Waste Fund - the annual household assessment will remain the same the 2017 assessment:

- |                             |                           |
|-----------------------------|---------------------------|
| ○ 2014 Assessment: \$174.00 | 2015 Assessment: \$174.00 |
| ○ 2016 Assessment: \$174.00 | 2017 Assessment: \$192.00 |
| ○ 2018 Assessment: \$192.00 |                           |

The proposed budget maintains a total mill rate of 19.471. The mill levy rate has been the same since 2012.

The 2018 budget does not exceed the 2018 computed limit per House Bill 2088 (tax lid). HB 2088 states that the governing body of any city or county shall not approve any budget which provides funding by property tax that exceeds the Computed Limit Test. If the Computed Limit is exceeded than an election is required to approve the resolution needed to adopt the budget.

State statutes require that the City hold a public hearing on the proposed budget at least ten days prior to the date the budget is certified to the County Clerk (August 25<sup>th</sup>) and that the City publish the budget at least ten days prior to the date of the public hearing. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's regular meeting on Monday, August 7, 2017.

#### PUBLIC NOTICE

The Budget Summary will be published in The Legal Record on Tuesday, June 20, 2017.

#### ATTACHMENTS:

- State Budget Forms
- 2018 Budget

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Prepared By:  
Lisa Santa Maria  
Finance Director  
Date: 6/14/2017











STATEMENT OF INDEBTEDNESS

Type of Debt	Date of Issue	Date of Retirement	Interest Rate %	Amount Issued	Beginning Amount Outstanding Jan 1, 2017	Date Due		Amount Due 2017		Amount Due 2018	
						Interest	Principal	Interest	Principal	Interest	Principal
<b>General Obligation:</b>											
Series 2009A Ref/Improv	11/19/2009	9/1/2019	2% - 3%	10,085,000	650,000	March & Sept	Sept	18,975	210,000	13,200	215,000
Series 2011A Ref/Improv	10/19/2011	9/21/2021	0.4% - 2.0%	4,555,000	3,245,000	March & Sept	Sept	54,775	535,000	48,088	540,000
Series 2016A Meadowbrook	5/17/2016	3/1/2036	2% - 5%	11,300,000	11,300,000	March & Sept	Sept	0	0	0	0
Series 2016C Streetlight	10/31/2016	9/1/2023	2% - 3%	3,100,000	3,100,000	March & Sept	Sept	67,098	425,000	71,750	420,000
<b>Total G.O. Bonds</b>					<b>18,295,000</b>			<b>140,848</b>	<b>1,170,000</b>	<b>133,038</b>	<b>1,175,000</b>
<b>Revenue Bonds:</b>											
<b>Total Revenue Bonds</b>					<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other:</b>											
<b>Total Other</b>					<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Indebtedness</b>					<b>18,295,000</b>			<b>140,848</b>	<b>1,170,000</b>	<b>133,038</b>	<b>1,175,000</b>

**STATEMENT OF CONDITIONAL LEASE-PURCHASE AND CERTIFICATE OF PARTICIPATION\***

Items Purchased	Contract Date	Term of Contract (Months)	Interest Rate %	Total Amount Financed (Beginning Principal)	Principal Balance On Jan 1, 2017	Payments Due 2017	Payments Due 2018
NONE							
<b>Totals</b>					<b>0</b>	<b>0</b>	<b>0</b>

\*\*\*If you are merely leasing/renting with no intent to purchase, do not list--such transactions are not lease-purchases.





**FUND PAGE FOR FUNDS WITH A TAX LEVY**

Adopted Budget	Prior Year	Current Year	Proposed Budget
Debt Service	Actual for 2016	Estimate for 2017	Year for 2018
Unencumbered Cash Balance Jan 1	81,628	105,727	75,510
Receipts:			
Ad Valorem Tax	518,346	0	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	15,327	0	0
Motor Vehicle Tax	64,912	61,991	
Recreational Vehicle Tax	96	101	
16/20M Vehicle Tax	78	24	
Commercial Vehicle Tax	114	113	
Watercraft Tax	28	0	
Transfer from General Fund		480,696	1,033,038
Transfer from Stormwater Utility Fund	237,608	242,608	241,833
Interest on Idle Funds	1,640	3,000	1,500
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>838,149</b>	<b>788,533</b>	<b>1,276,371</b>
<b>Resources Available:</b>	<b>919,777</b>	<b>894,260</b>	<b>1,351,881</b>
Expenditures:			
Principal	730,000	745,000	1,175,000
Interest	84,050	73,750	133,038
Cash Basis Reserve (2018 column)			
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>814,050</b>	<b>818,750</b>	<b>1,308,038</b>
Unencumbered Cash Balance Dec 31	105,727	75,510	XXXXXXXXXXXXXXXXXXXX
2016/2017/2018 Budget Authority Amount:	814,050	818,750	1,308,038
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	1,308,038
		Tax Required	0
Delinquent Comp Rate:		0.0%	0
		Amount of 2017 Ad Valorem Tax	0



**FUND PAGE FOR FUNDS WITH NO TAX LEVY**

Adopted Budget Special Highway	Prior Year Actual for 2016	Current Year Estimate for 2017	Proposed Budget Year for 2018
Unencumbered Cash Balance Jan 1	105,449	147,676	126,026
Receipts:			
State of Kansas Gas Tax	584,317	585,250	582,720
County Transfers Gas		0	0
Interest on Idle Funds	2,232	3,200	1,800
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>586,549</b>	<b>588,450</b>	<b>584,520</b>
<b>Resources Available:</b>	<b>691,998</b>	<b>736,126</b>	<b>710,546</b>
Expenditures:			
Transfer to Capital Projects Fund	544,322	610,100	643,000
Cash Forward (2018 column)			67,546
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>544,322</b>	<b>610,100</b>	<b>710,546</b>
Unencumbered Cash Balance Dec 31	147,676	126,026	0
2016/2017/2018 Budget Authority Amount:	570,000	677,409	710,546

City of Prairie Village

2018

**FUND PAGE FOR FUNDS WITH NO TAX LEVY**

Adopted Budget Solid Waste Management	Prior Year Actual for 2016	Current Year Estimate for 2017	Proposed Budget Year for 2018
Unencumbered Cash Balance Jan 1	373,792	483,474	396,665
Receipts:			
Licenses & Permits	1,720	1,500	1,650
Charges for Services	1,484,647	1,608,768	1,608,768
Interest on Idle Funds	4,928	6,800	5,000
Miscellaneous	9,698	7,000	9,000
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>1,500,993</b>	<b>1,624,068</b>	<b>1,624,418</b>
<b>Resources Available:</b>	<b>1,874,785</b>	<b>2,107,542</b>	<b>2,021,083</b>
Expenditures:			
Solid Waste & Recycling Collection	1,364,449	1,683,015	1,683,015
Personal Services	26,862	26,862	27,137
Commodities		1,000	1,000
Cash Forward (2018 column)			309,931
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>1,391,311</b>	<b>1,710,877</b>	<b>2,021,083</b>
Unencumbered Cash Balance Dec 31	483,474	396,665	0
2016/2017/2018 Budget Authority Amount:	1,484,605	1,855,104	2,021,083

Adopted Budget

Stormwater Utility	Prior Year Actual for 2016	Current Year Estimate for 2017	Proposed Budget Year for 2018
Unencumbered Cash Balance Jan 1	269,356	249,377	192,852
Receipts:			
Licenses & Permits	10,360	4,500	6,000
Charges for Services	1,602,687	1,575,264	1,581,436
Interest on Idle Funds	4,582	6,319	4,800
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>1,617,629</b>	<b>1,586,083</b>	<b>1,592,236</b>
<b>Resources Available:</b>	<b>1,886,985</b>	<b>1,835,460</b>	<b>1,785,088</b>
Expenditures:			
Contract Services			
Transfer to the General Fund	400,000	400,000	450,000
Transfer to the Capital Projects Fund	1,000,000	1,000,000	1,000,000
Transfer to the Equipment Reserve Fund			
Transfer to the Bond & Interest Fund	237,608	242,608	241,833
Cash Forward (2018 column)			93,255
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>1,637,608</b>	<b>1,642,608</b>	<b>1,785,088</b>
Unencumbered Cash Balance Dec 31	249,377	192,852	0
2016/2017/2018 Budget Authority Amount:	1,637,608	1,802,095	1,785,088

City of Prairie Village

2018

**FUND PAGE FOR FUNDS WITH NO TAX LEVY**

Adopted Budget	Prior Year	Current Year	Proposed Budget
Special Parks	Actual for 2016	Estimate for 2017	Year for 2018
Unencumbered Cash Balance Jan 1	46,370	15,516	0
Receipts:			
Liquor Tax	128,934	130,000	138,647
Interest on Idle Funds	212	750	425
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>129,146</b>	<b>130,750</b>	<b>139,072</b>
<b>Resources Available:</b>	<b>175,516</b>	<b>146,266</b>	<b>139,072</b>
Expenditures:			
Transfer to Capital Projects Fund	160,000	146,266	139,072
Cash Forward (2018 column)			
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>160,000</b>	<b>146,266</b>	<b>139,072</b>
Unencumbered Cash Balance Dec 31	15,516	0	0
2016/2017/2018 Budget Authority Amount:	160,000	208,551	139,072

Adopted Budget

Special Alcohol	Prior Year	Current Year	Proposed Budget
	Actual for 2016	Estimate for 2017	Year for 2018
Unencumbered Cash Balance Jan 1	165,832	177,791	171,991
Receipts:			
Liquor Tax	128,934	130,000	138,647
Interest on Idle Funds	824	2,000	1,300
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>129,758</b>	<b>132,000</b>	<b>139,947</b>
<b>Resources Available:</b>	<b>295,590</b>	<b>309,791</b>	<b>311,938</b>
Expenditures:			
Public Safety	87,799	107,800	164,656
Alcohol Programs	30,000	30,000	40,000
Cash Forward (2018 column)			107,282
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>117,799</b>	<b>137,800</b>	<b>311,938</b>
Unencumbered Cash Balance Dec 31	177,791	171,991	0
2016/2017/2018 Budget Authority Amount:	124,230	314,912	311,938

City of Prairie Village

2018

**FUND PAGE FOR FUNDS WITH NO TAX LEVY**

Adopted Budget CID - Corinth	Prior Year Actual for 2016	Current Year Estimate for 2017	Proposed Budget Year for 2018
Unencumbered Cash Balance Jan 1	143,585	86,828	106,743
Receipts:			
Sales Tax	551,399	535,500	600,000
Interest on Idle Funds	629	1,000	600
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>552,028</b>	<b>536,500</b>	<b>600,600</b>
<b>Resources Available:</b>	<b>695,613</b>	<b>623,328</b>	<b>707,343</b>
Expenditures:			
Urban Planning & Management	608,785	516,585	707,343
Cash Forward (2018 column)			
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>608,785</b>	<b>516,585</b>	<b>707,343</b>
Unencumbered Cash Balance Dec 31	86,828	106,743	0
2016/2017/2018 Budget Authority Amount:	685,000	536,585	707,343

Adopted Budget

Adopted Budget CID - PV Shops	Prior Year Actual for 2016	Current Year Estimate for 2017	Proposed Budget Year for 2018
Unencumbered Cash Balance Jan 1	161,450	89,747	92,297
Receipts:			
Sales Tax	542,693	550,000	550,000
Interest on Idle Funds	835	1,700	600
Miscellaneous			
Does miscellaneous exceed 10% of Total Rec			
<b>Total Receipts</b>	<b>543,528</b>	<b>551,700</b>	<b>550,600</b>
<b>Resources Available:</b>	<b>704,978</b>	<b>641,447</b>	<b>642,897</b>
Expenditures:			
Urban Planning & Management	615,231	549,150	642,897
Cash Forward (2018 column)			
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
<b>Total Expenditures</b>	<b>615,231</b>	<b>549,150</b>	<b>642,897</b>
Unencumbered Cash Balance Dec 31	89,747	92,297	0
2016/2017/2018 Budget Authority Amount:	685,000	569,150	642,897

City of Prairie Village

**NON-BUDGETED FUNDS (A)**  
*(Only the actual budget year for 2016 is to be shown)*

Non-Budgeted Funds-A

(1) Fund Name:		(2) Fund Name:		(3) Fund Name:		(4) Fund Name:		(5) Fund Name:		
Capital Projects		Risk Management Reserve		Economic Development		Equipment Reserve		Grants		Total
Unencumbered		Unencumbered		Unencumbered		Unencumbered		Unencumbered		
Cash Balance Jan 1	2,224,267	Cash Balance Jan 1	96,469	Cash Balance Jan 1	1,887,943	Cash Balance Jan 1	787,225	Cash Balance Jan 1	534,015	5,529,919
Receipts:		Receipts:		Receipts:		Receipts:		Receipts:		
Intergovernmental	1,163,891	Interest on Idle Funds	544	Interest on Idle Funds	8,559	Interest on Idle Funds	3,556	Intergovernmental		
Trans fr General Fund	4,091,021	Trans fr General Fund	35,000			Trans fr General Fund				
Trans fr Spec Highway	544,322	Miscellaneous				Trans fr Storm Water				
Trans fr Spec Park	160,000									
Trans fr Stormwater	1,000,000									
Bond Proceeds	3,267,475									
Miscellaneous	7,110									
Interest on Idle Funds	13,198									
Total Receipts	10,247,017	Total Receipts	35,544	Total Receipts	8,559	Total Receipts	3,556	Total Receipts	0	10,294,676
Resources Available:	12,471,284	Resources Available:	132,013	Resources Available:	1,896,502	Resources Available:	790,781	Resources Available:	534,015	15,824,595
Expenditures:		Expenditures:		Expenditures:		Expenditures:		Expenditures:		
Infrastructure	9,256,045	Insurance Deductibles	39,748	Community Dev	293,302	Equipment Purchases	400,445	Community Dev		
Debt Service	58,276									
Total Expenditures	9,314,321	Total Expenditures	39,748	Total Expenditures	293,302	Total Expenditures	400,445	Total Expenditures	0	10,047,816
Cash Balance Dec 31	3,156,963	Cash Balance Dec 31	92,265	Cash Balance Dec 31	1,603,200	Cash Balance Dec 31	390,336	Cash Balance Dec 31	534,015	5,776,779 **
										5,776,779 **

\*\*Note: These two block figures should agree.



# Expenditures by Line Item



**Expenditures by Character & Line Item  
Combines All Funds For 2015 - 2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Budget</u>	<u>2018 Budget</u>
<b>Personal Services</b>				
Wages/Salaries/Overtime	\$ 6,342,232	\$ 6,496,860	\$ 6,780,725	\$ 7,111,825
Health Care/Other Insurance Coverage	898,144	954,242	1,226,412	1,369,711
Social Security/Pension	1,422,000	1,423,943	1,604,020	1,709,668
<b>Total Personal Services</b>	<b>\$ 8,662,376</b>	<b>\$ 8,875,045</b>	<b>\$ 9,611,157</b>	<b>\$ 10,191,204</b>
<b>Contract Services</b>				
Utilities/Communications	\$ 1,905,870	\$ 1,892,224	\$ 1,927,320	\$ 1,429,150
Insurance	340,789	357,080	393,398	393,398
Elections	-	-	-	-
Special Assessments	36,170	36,587	37,300	37,500
Printing	5,567	5,336	7,800	7,100
Fees for Contract Services	3,654,591	4,066,814	4,206,512	4,448,744
Training, Dues, Publications	183,196	163,085	222,610	233,360
Vehicular & Equipment Maint.	192,170	168,564	230,399	227,775
Building & Grounds Maint.	1,076,512	1,019,334	1,038,950	1,060,600
<b>Total Contract Services</b>	<b>\$ 7,394,865</b>	<b>\$ 7,709,026</b>	<b>\$ 8,064,289</b>	<b>\$ 7,837,627</b>
<b>Commodities</b>				
Postage, Office Supplies	\$ 46,929	\$ 37,060	\$ 55,325	\$ 53,375
Clothing	74,887	81,204	77,000	78,975
Vehicular & Equip. Supplies	234,824	188,538	299,955	297,030
Building & Grounds Supplies	189,671	231,963	232,900	237,900
Other Commodities	91,067	94,368	117,600	120,200
<b>Total Commodities</b>	<b>\$ 637,378</b>	<b>\$ 633,133</b>	<b>\$ 782,780</b>	<b>\$ 787,480</b>
<b>Capital Outlay</b>				
Equipment & Vehicles	\$ 645,696	\$ 650,190	\$ 618,800	\$ 708,700
<b>Total Capital Outlay</b>	<b>\$ 645,696</b>	<b>\$ 650,190</b>	<b>\$ 618,800</b>	<b>\$ 708,700</b>
<b>Total Operating Costs</b>	<b>\$ 17,340,315</b>	<b>\$ 17,867,394</b>	<b>\$ 19,077,026</b>	<b>\$ 19,525,011</b>
<b>Transfers</b>				
Transfers to/from Other Funds	\$ 6,105,602	\$ 6,467,951	\$ 7,258,404	\$ 9,182,503
<b>Total Transfers</b>	<b>\$ 6,105,602</b>	<b>\$ 6,467,951</b>	<b>\$ 7,258,404</b>	<b>\$ 9,182,503</b>
<b>Debt Service</b>				
Principal	\$ 725,000	\$ 730,000	\$ 745,000	\$ 1,175,000
Interest	92,750	84,050	73,750	133,038
<b>Total Debt Service</b>	<b>\$ 817,750</b>	<b>\$ 814,050</b>	<b>\$ 818,750</b>	<b>\$ 1,308,038</b>
<b>Infrastructure</b>				
Park Projects	\$ 262,702	\$ 420,392	\$ 277,000	\$ 1,850,000
Drainage Projects	173,373	443,031	900,000	5,972,536
Street Projects	4,849,451	7,258,005	5,513,100	5,500,382
Building Projects	75	452,342	50,000	50,000
Sidewalk & Curb Projects	710,177	740,552	895,000	755,000
<b>Total Infrastructure</b>	<b>\$ 5,995,778</b>	<b>\$ 9,314,321</b>	<b>\$ 7,635,100</b>	<b>\$ 14,127,918</b>
<b>Reserves &amp; Contingency</b>				
Contingency	\$ -	\$ -	\$ 1,128,925	\$ 1,078,014
Capital Improvement Reserve	-	-	-	-
Risk Management Reserve	-	-	-	-
Economic Development	-	-	-	-
Equipment Reserve	-	-	-	-
<b>Total Reserves</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,128,925</b>	<b>\$ 1,078,014</b>
<b>Total Non-Operating Costs</b>	<b>\$ 12,919,130</b>	<b>\$ 16,596,322</b>	<b>\$ 16,841,179</b>	<b>\$ 25,696,473</b>
<b>Grand Total</b>	<b>\$ 30,259,445</b>	<b>\$ 34,463,716</b>	<b>\$ 35,918,205</b>	<b>\$ 45,221,484</b>



# Budget Summary





**City of Prairie Village  
2018 Budget  
Budget Summary - All Funds**

**City of Prairie Village  
2018 Budget  
Budget Summary - All Funds**

	General Fund	Solid Waste Management	Special Highway	Stormwater Utility	Special Parks & Rec	Special Alcohol	Bond & Interest	Subtotal - Budgeted Funds	Capital Infrastructure	Risk Management	Economic Development	Equipment Reserve	CID Corinth	CID PV Shops	All Funds Total
Fund Balance 1/1	7,028,981	396,664	126,026	192,852	(0)	171,992	75,511	7,992,025	2,772,228	89,853	94,000	40,935	106,742	92,297	11,188,081
Revenues:															
Property Taxes	7,047,043	-	-	-	-	-	-	7,047,043	-	-	-	-	-	-	7,047,043
Sales Taxes	5,300,000	-	-	-	-	-	-	5,300,000	-	-	-	-	600,000	550,000	6,450,000
Use Tax	1,060,000	-	-	-	-	-	-	1,060,000	-	-	-	-	-	-	1,060,000
Motor Vehicle Tax	727,688	-	-	-	-	-	-	727,688	-	-	-	-	-	-	727,688
Liquor Tax	138,647	-	-	-	138,647	138,647	-	415,941	-	-	-	-	-	-	415,941
Franchise Fees	2,101,700	-	-	-	-	-	-	2,101,700	-	-	-	-	-	-	2,101,700
Licenses & Permits	723,250	1,650	-	6,000	-	-	-	730,900	-	-	-	-	-	-	730,900
Intergovernmental	-	-	582,720	-	-	-	-	582,720	6,405,286	-	-	-	-	-	6,988,006
Charges for Services	1,554,302	1,608,768	-	1,581,436	-	-	-	4,744,506	-	-	-	-	-	-	4,744,506
Fines & Fees	907,400	-	-	-	-	-	-	907,400	-	-	-	-	-	-	907,400
Recreational Fees	408,700	-	-	-	-	-	-	408,700	-	-	-	-	-	-	408,700
Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest on Investments	55,000	5,000	1,800	4,800	425	1,300	1,500	69,825	65,000	540	6,000	4,000	600	600	146,565
Miscellaneous	162,500	9,000	-	-	-	-	-	171,500	10,000	-	-	-	-	-	181,500
<b>Total Revenue</b>	<b>20,186,230</b>	<b>1,624,418</b>	<b>584,520</b>	<b>1,592,236</b>	<b>139,072</b>	<b>139,947</b>	<b>1,500</b>	<b>24,267,923</b>	<b>6,480,286</b>	<b>540</b>	<b>6,000</b>	<b>4,000</b>	<b>600,600</b>	<b>550,600</b>	<b>31,909,949</b>
Transfers from Other funds:															
Transfer from General Fund	-	-	-	-	-	-	1,033,038	1,033,038	5,240,560	35,000	-	450,000	-	-	6,758,598
Transfer from Solid Waste Management	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer from Stormwater Utility Fund	450,000	-	-	-	-	-	-	691,833	1,000,000	-	-	-	-	-	1,691,833
Transfer from Special Highway Fund	-	-	-	-	-	-	-	-	643,000	-	-	-	-	-	643,000
Transfer from Special Parks & Rec Fund	-	-	-	-	-	-	-	-	139,072	-	-	-	-	-	139,072
Transfer from Special Alcohol Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>450,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,274,871</b>	<b>1,724,871</b>	<b>7,022,632</b>	<b>35,000</b>	<b>-</b>	<b>450,000</b>	<b>-</b>	<b>-</b>	<b>9,232,503</b>
<b>Total Sources</b>	<b>20,636,230</b>	<b>1,624,418</b>	<b>584,520</b>	<b>1,592,236</b>	<b>139,072</b>	<b>139,947</b>	<b>1,276,371</b>	<b>25,992,794</b>	<b>13,502,918</b>	<b>35,540</b>	<b>6,000</b>	<b>454,000</b>	<b>600,600</b>	<b>550,600</b>	<b>41,142,451</b>
Expenditures:															
Personal Services	10,068,038	27,137	-	-	-	96,029	-	10,191,204	-	-	-	-	-	-	10,191,204
Contract Services	4,582,301	1,683,015	-	-	-	52,072	-	6,317,388	-	70,000	50,000	-	707,342	642,897	7,787,627
Commodities	769,925	1,000	-	-	-	16,555	-	787,480	-	-	-	-	-	-	787,480
Capital Outlay	211,700	-	-	-	-	40,000	-	251,700	-	-	-	457,000	-	-	708,700
Debt Service	-	-	-	-	-	-	1,308,038	1,308,038	-	-	-	-	-	-	1,308,038
Infrastructure	-	-	-	-	-	-	-	-	14,127,918	-	-	-	-	-	14,127,918
Equipment Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Risk Management Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Infrastructure Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contingency	500,000	309,930	67,546	93,255	-	107,283	-	1,078,014	-	-	-	-	-	-	1,078,014
<b>Total Expenditures</b>	<b>16,131,964</b>	<b>2,021,082</b>	<b>67,546</b>	<b>93,255</b>	<b>-</b>	<b>311,939</b>	<b>1,308,038</b>	<b>19,933,824</b>	<b>14,127,918</b>	<b>70,000</b>	<b>50,000</b>	<b>457,000</b>	<b>707,342</b>	<b>642,897</b>	<b>35,988,981</b>
Transfers to Other Funds:															
Transfer to General Fund	-	-	-	450,000	-	-	-	450,000	-	-	-	-	-	-	450,000
Transfer to Bond & Interest Fund	1,033,038	-	-	241,833	-	-	-	1,274,871	-	-	-	-	-	-	1,274,871
Transfer to Capital Infrastructure Fund	5,240,560	-	643,000	1,000,000	139,072	-	-	7,022,632	-	-	-	-	-	-	7,022,632
Transfer to Risk Management Fund	35,000	-	-	-	-	-	-	35,000	-	-	-	-	-	-	35,000
Transfer to Economic Development Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer to Equipment Reserve Fund	450,000	-	-	-	-	-	-	450,000	-	-	-	-	-	-	450,000
<b>Total</b>	<b>6,758,598</b>	<b>-</b>	<b>643,000</b>	<b>1,691,833</b>	<b>139,072</b>	<b>-</b>	<b>-</b>	<b>9,232,503</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,232,503</b>
<b>Total Uses</b>	<b>22,890,562</b>	<b>2,021,082</b>	<b>710,546</b>	<b>1,785,088</b>	<b>139,072</b>	<b>311,939</b>	<b>1,308,038</b>	<b>29,166,327</b>	<b>14,127,918</b>	<b>70,000</b>	<b>50,000</b>	<b>457,000</b>	<b>707,342</b>	<b>642,897</b>	<b>45,221,484</b>
Sources Over(Under) Uses	(2,254,332)	(396,664)	(126,026)	(192,852)	-	(171,992)	(31,667)	(3,173,533)	(625,001)	(34,460)	(44,000)	(3,000)	(106,742)	(92,297)	(4,079,033)
Fund Balance @ 12/31	4,774,649	0	(0)	(0)	(0)	(0)	43,844	4,818,492	2,147,227	55,393	50,000	37,935	0	0	7,109,049



# Expenditures by Fund



**General Fund**

	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Budget</b>	<b>2017 Estimate</b>	<b>2018 Budget</b>
Fund Balance 1/1	\$ 7,059,237	\$ 6,931,243	\$ 6,604,051	\$ 6,834,040	\$ 7,028,981
<b>Revenues:</b>					
Property Taxes	5,314,495	5,484,905	6,331,169	6,331,169	7,047,043
Sales Taxes	4,803,664	4,836,697	4,854,400	5,054,400	5,300,000
Use Tax	994,647	1,112,114	985,000	985,000	1,060,000
Motor Vehicle Tax	511,134	620,575	649,770	649,770	727,688
Liquor Tax	128,353	128,934	130,000	130,000	138,647
Franchise Fees	1,979,976	1,991,903	1,972,750	1,972,750	2,101,700
Licenses & Permits	672,724	819,498	597,080	597,080	723,250
Intergovernmental				-	
Charges for Services	1,531,907	1,516,070	1,523,076	1,523,076	1,554,302
Fines & Fees	905,453	911,058	1,010,900	1,010,900	907,400
Recreational Fees	426,651	433,456	377,825	377,825	408,700
Interest on Investments	80,876	40,315	80,000	80,000	55,000
Miscellaneous	212,325	153,338	165,600	165,600	162,500
Net Inc/Decr in Fair Value	(57,878)	(15,908)			
<b>Total Revenue</b>	<b>17,504,327</b>	<b>18,032,954</b>	<b>18,677,570</b>	<b>18,877,570</b>	<b>20,186,230</b>
<b>Transfers from Other funds:</b>					
Transfer from Stormwater Utility Fund	400,000	400,000	400,000	400,000	450,000
<b>Total</b>	<b>400,000</b>	<b>400,000</b>	<b>400,000</b>	<b>400,000</b>	<b>450,000</b>
<b>Total Sources</b>	<b>17,904,327</b>	<b>18,432,954</b>	<b>19,077,570</b>	<b>19,277,570</b>	<b>20,636,230</b>
<b>Expenditures:</b>					
Personal Services	8,563,935	8,779,090	9,504,543	9,171,884	10,068,038
Contract Services	4,801,397	4,754,921	5,156,285	4,575,815	4,582,301
Commodities	621,564	620,381	765,225	738,442	769,925
Capital Outlay	266,000	249,745	246,800	238,162	211,700
Contingency	-	-	500,000	(457,370)	500,000
<b>Total Expenditures</b>	<b>14,252,896</b>	<b>14,404,136</b>	<b>16,172,853</b>	<b>14,266,933</b>	<b>16,131,964</b>
<b>Transfers to Other Funds:</b>					
Transfer to Capital Infrastructure Fund	3,144,425	4,091,021	4,100,000	4,100,000	5,240,560
Transfer to Bond & Interest Fund			480,696	480,696	1,033,038
Transfer to Risk Management Fund	35,000	35,000	35,000	35,000	35,000
Transfer to Economic Development Fund					
Transfer to Equipment Reserve Fund	600,000		200,000	200,000	450,000
<b>Total</b>	<b>3,779,425</b>	<b>4,126,021</b>	<b>4,815,696</b>	<b>4,815,696</b>	<b>6,758,598</b>
<b>Total Uses</b>	<b>18,032,321</b>	<b>18,530,157</b>	<b>20,988,549</b>	<b>19,082,629</b>	<b>22,890,562</b>
Sources Over(Under) Uses	(127,994)	(97,203)	(1,910,979)	194,941	(2,254,332)
Fund Balance @ 12/31	\$ 6,931,243	\$ 6,834,040	\$ 4,693,072	\$ 7,028,981	\$ 4,774,649

**Funding Sources:** Property tax, sales tax, franchise fees, grants from other governments, user fees and charges.

**Expenditures:** General operating expenditures and a portion of infrastructure improvement expenditures.

## Solid Waste Management Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 303,546	\$ 373,792	\$ 388,599	\$ 483,473	\$ 396,664
<b>Revenues:</b>					
Licenses & Permits	1,515	1,720	1,500	1,500	1,650
Charges for Services	1,459,277	1,484,647	1,451,205	1,608,768	1,608,768
Interest on Investments	6,143	4,928	6,800	6,800	5,000
Miscellaneous	7,150	9,698	7,000	7,000	9,000
<b>Total Revenue</b>	<b>1,474,085</b>	<b>1,500,993</b>	<b>1,466,505</b>	<b>1,624,068</b>	<b>1,624,418</b>
<b>Total Sources</b>	<b>1,474,085</b>	<b>1,500,993</b>	<b>1,466,505</b>	<b>1,624,068</b>	<b>1,624,418</b>
<b>Expenditures:</b>					
Personal Services	25,372	26,862	26,841	26,862	27,137
Contract Services	1,378,467	1,364,449	1,660,797	1,683,015	1,683,015
Commodities	-	-	1,000	1,000	1,000
Contingency	-	-	166,466	-	309,930
<b>Total Expenditures</b>	<b>1,403,839</b>	<b>1,391,311</b>	<b>1,855,104</b>	<b>1,710,877</b>	<b>2,021,082</b>
<b>Total Uses</b>	<b>1,403,839</b>	<b>1,391,311</b>	<b>1,855,104</b>	<b>1,710,877</b>	<b>2,021,082</b>
<b>Sources Over(Under) Uses</b>	<b>70,246</b>	<b>109,681</b>	<b>(388,599)</b>	<b>(86,809)</b>	<b>(396,664)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 373,792</b>	<b>\$ 483,473</b>	<b>\$ -</b>	<b>\$ 396,664</b>	<b>\$ 0</b>

**Funding Sources:** Special assessments on property tax bills.

**Expenditures:** In 2017 the City contracted with Republic Trash Services for solid waste collection, recycling, composting services and large item pick up as well as a portion of the City's administrative costs including personal services and supplies.

2010 Assessment: \$177.62  
 2011 Assessment: \$200.74  
 2012 Assessment: \$200.74  
 2013 Assessment: \$158.52  
 2014 Assessment: \$174.00  
 2015 Assessment: \$174.00  
 2016 Assessment: \$174.00  
 2017 Assessment: \$192.00  
 2018 Assessment: \$192.00

## Special Highway Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 79,777	\$ 105,449	\$ 106,399	\$ 147,676	\$ 126,026
<b>Revenues:</b>					
Intergovernmental	576,553	584,317	567,810	585,250	582,720
Interest on Investments	4,119	2,232	3,200	3,200	1,800
<b>Total Revenue</b>	<u>580,672</u>	<u>586,549</u>	<u>571,010</u>	<u>588,450</u>	<u>584,520</u>
<b>Total Sources</b>	<u>580,672</u>	<u>586,549</u>	<u>571,010</u>	<u>588,450</u>	<u>584,520</u>
<b>Expenditures:</b>					
Contingency	-	-	67,309	-	67,546
<b>Total Expenditures</b>	<u>-</u>	<u>-</u>	<u>67,309</u>	<u>-</u>	<u>67,546</u>
<b>Transfers to Other Funds:</b>					
Transfer to General Fund	-	-	-	-	-
Transfer to Capital Infrastructure Fund	555,000	544,322	610,100	610,100	643,000
<b>Total</b>	<u>555,000</u>	<u>544,322</u>	<u>610,100</u>	<u>610,100</u>	<u>643,000</u>
<b>Total Uses</b>	<u>555,000</u>	<u>544,322</u>	<u>677,409</u>	<u>610,100</u>	<u>710,546</u>
<b>Sources Over(Under) Uses</b>	<u>25,672</u>	<u>42,227</u>	<u>(106,399)</u>	<u>(21,650)</u>	<u>(126,026)</u>
<b>Fund Balance @ 12/31</b>	<u>\$ 105,449</u>	<u>\$ 147,676</u>	<u>\$ -</u>	<u>\$ 126,026</u>	<u>\$ (0)</u>

**Funding Sources:** State gasoline tax (per gallon)

**Expenditures:** Transfer to the Capital Infrastructure Fund for street improvements.

## Stormwater Utility Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 320,111	\$ 269,356	\$ 216,012	\$ 249,377	\$ 192,852
<b>Revenues:</b>					
Licenses & Permits	6,230	10,360	4,500	4,500	6,000
Charges for Services	1,579,416	1,602,687	1,575,264	1,575,264	1,581,436
Interest on Investments	5,707	4,582	6,319	6,319	4,800
<b>Total Revenue</b>	<b>1,591,353</b>	<b>1,617,629</b>	<b>1,586,083</b>	<b>1,586,083</b>	<b>1,592,236</b>
<b>Total Sources</b>	<b>1,591,353</b>	<b>1,617,629</b>	<b>1,586,083</b>	<b>1,586,083</b>	<b>1,592,236</b>
<b>Expenditures:</b>					
Contingency	-	-	159,487	-	93,255
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>159,487</b>	<b>-</b>	<b>93,255</b>
<b>Transfers to Other Funds:</b>					
Transfer to General Fund	400,000	400,000	400,000	400,000	450,000
Transfer to Bond & Interest Fund	242,108	237,608	242,608	242,608	241,833
Transfer to Capital Infrastructure Fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Transfer to Equipment Reserve Fund	-	-	-	-	-
<b>Total</b>	<b>1,642,108</b>	<b>1,637,608</b>	<b>1,642,608</b>	<b>1,642,608</b>	<b>1,691,833</b>
<b>Total Uses</b>	<b>1,642,108</b>	<b>1,637,608</b>	<b>1,802,095</b>	<b>1,642,608</b>	<b>1,785,088</b>
<b>Sources Over(Under) Uses</b>	<b>(50,755)</b>	<b>(19,979)</b>	<b>(216,012)</b>	<b>(56,525)</b>	<b>(192,852)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 269,356</b>	<b>\$ 249,377</b>	<b>\$ -</b>	<b>\$ 192,852</b>	<b>\$ (0)</b>

**Funding Sources:** Special assessments on the property tax bills - fee per square foot of impervious area (\$0.040/sq. ft.) (2015 rate was \$0.040/sq. ft.)

**Expenditures:** Operation and maintenance of the City's stormwater system in accordance with NPDES guidelines.

**Notes:** The stormwater utility fee was a new revenue source in 2009. The fee is dedicated to funding the City's stormwater program and compliance with NPDES guidelines.

## Special Park & Recreation Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 97,301	\$ 46,370	\$ 77,801	\$ 15,516	\$ (0)
<b>Revenues:</b>					
Liquor Tax	128,353	128,934	130,000	130,000	138,647
Interest on Investments	716	212	750	750	425
<b>Total Revenue</b>	<b>129,069</b>	<b>129,146</b>	<b>130,750</b>	<b>130,750</b>	<b>139,072</b>
<b>Total Sources</b>	<b>129,069</b>	<b>129,146</b>	<b>130,750</b>	<b>130,750</b>	<b>139,072</b>
<b>Expenditures:</b>					
Contingency	-	-	18,551	-	-
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>18,551</b>	<b>-</b>	<b>-</b>
<b>Transfers to Other Funds:</b>					
Transfer to Capital Infrastructure Fund	180,000	160,000	190,000	146,266	139,072
<b>Total</b>	<b>180,000</b>	<b>160,000</b>	<b>190,000</b>	<b>146,266</b>	<b>139,072</b>
<b>Total Uses</b>	<b>180,000</b>	<b>160,000</b>	<b>208,551</b>	<b>146,266</b>	<b>139,072</b>
<b>Sources Over(Under) Uses</b>	<b>(50,931)</b>	<b>(30,854)</b>	<b>(77,801)</b>	<b>(15,516)</b>	<b>-</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 46,370</b>	<b>\$ 15,516</b>	<b>\$ -</b>	<b>\$ (0)</b>	<b>\$ (0)</b>

**Funding Sources:** Special alcohol tax per K.S.A. 79-41a04 (1/3 of total alcohol tax received by the City)

**Expenditures:** Park and pool improvements.

## Special Alcohol Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 150,919	\$ 165,832	\$ 182,912	\$ 177,792	\$ 171,992
<b>Revenues:</b>					
Liquor Tax	128,353	128,934	130,000	130,000	138,647
Interest on Investments	3,218	824	2,000	2,000	1,300
Miscellaneous	-	-	-	-	-
<b>Total Revenue</b>	<b>131,571</b>	<b>129,758</b>	<b>132,000</b>	<b>132,000</b>	<b>139,947</b>
<b>Total Sources</b>	<b>131,571</b>	<b>129,758</b>	<b>132,000</b>	<b>132,000</b>	<b>139,947</b>
<b>Expenditures:</b>					
Personal Services	73,068	67,457	79,773	79,773	96,029
Contract Services	27,777	37,589	41,472	41,472	52,072
Commodities	15,813	12,752	16,555	16,555	16,555
Capital Outlay	-	-	-	-	40,000
Contingency	-	-	177,112	-	107,283
<b>Total Expenditures</b>	<b>116,658</b>	<b>117,799</b>	<b>314,912</b>	<b>137,800</b>	<b>311,939</b>
<b>Total Uses</b>	<b>116,658</b>	<b>117,799</b>	<b>314,912</b>	<b>137,800</b>	<b>311,939</b>
<b>Sources Over(Under) Uses</b>	<b>14,913</b>	<b>11,960</b>	<b>(182,912)</b>	<b>(5,800)</b>	<b>(171,992)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 165,832</b>	<b>\$ 177,792</b>	<b>\$ -</b>	<b>\$ 171,992</b>	<b>\$ (0)</b>

**Funding Sources:** Special alcohol tax per K.S.A. 79-41a04 (1/3 of total alcohol tax received by the City)

**Expenditures:** Alcohol rehabilitation, including grants to local agencies through United Community Services and partial funding of the City's D.A.R.E. Program.



## Bond & Interest Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 128,885	\$ 81,628	\$ 71,155	\$ 105,728	\$ 75,511
<b>Revenues:</b>					
Property Taxes	354,750	533,673	-	-	-
Motor Vehicle Tax	170,396	65,228	62,229	62,229	-
Interest on Investments	3,240	1,640	3,000	3,000	1,500
<b>Total Revenue</b>	<b>528,386</b>	<b>600,542</b>	<b>65,229</b>	<b>65,229</b>	<b>1,500</b>
<b>Transfers from Other funds:</b>					
Transfer from General Fund			480,696	480,696	1,033,038
Transfer from Stormwater Fund	242,108	237,608	242,608	242,608	241,833
Transfer from Special Highway Fund					
Transfer from Special Parks & Rec Fund					
Transfer from Special Alcohol Fund					
<b>Total</b>	<b>242,108</b>	<b>237,608</b>	<b>723,304</b>	<b>723,304</b>	<b>1,274,871</b>
<b>Total Sources</b>	<b>770,494</b>	<b>838,150</b>	<b>788,533</b>	<b>788,533</b>	<b>1,276,371</b>
<b>Expenditures:</b>					
Debt Service	817,751	814,050	818,750	818,750	1,308,038
<b>Total Expenditures</b>	<b>817,751</b>	<b>814,050</b>	<b>818,750</b>	<b>818,750</b>	<b>1,308,038</b>
<b>Total Uses</b>	<b>817,751</b>	<b>814,050</b>	<b>818,750</b>	<b>818,750</b>	<b>1,308,038</b>
<b>Sources Over(Under) Uses</b>	<b>(47,257)</b>	<b>24,100</b>	<b>(30,217)</b>	<b>(30,217)</b>	<b>(31,667)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 81,628</b>	<b>\$ 105,728</b>	<b>\$ 40,938</b>	<b>\$ 75,511</b>	<b>\$ 43,844</b>

**Funding Sources:** Property tax, motor vehicle tax, transfers from General Fund

**Expenditures:** Debt service payments on the City's outstanding bonds.

**Notes:** The City's outstanding bonds will be paid off in 2036.

## Capital Infrastructure Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 3,176,319	\$ 2,224,267	\$ 1,812,767	\$ 3,156,962	\$ 2,772,228
<b>Revenues:</b>					
Intergovernmental	138,162	1,163,891	1,294,000	1,294,000	6,405,286
Bond Proceeds	-	3,267,475	-	-	-
Interest on Investments	68,138	52,774	90,000	90,000	65,000
Miscellaneous	-	7,110	10,000	10,000	10,000
Net Inc/Decr in Fair Value	(41,999)	(39,576)	-	-	-
<b>Total Revenue</b>	<b>164,301</b>	<b>4,451,674</b>	<b>1,394,000</b>	<b>1,394,000</b>	<b>6,480,286</b>
<b>Transfers from Other funds:</b>					
Transfer from General Fund	3,144,425	4,091,021	4,100,000	4,100,000	5,240,560
Transfer from Special Highway Fund	555,000	544,322	610,100	610,100	643,000
Transfer from Stormwater Utility Fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Transfer from Grant Fund	-	-	-	-	-
Transfer from Special Parks & Rec Fund	180,000	160,000	190,000	146,266	139,072
Transfer from Economic Development Fund	-	-	-	-	-
<b>Total</b>	<b>4,879,425</b>	<b>5,795,343</b>	<b>5,900,100</b>	<b>5,856,366</b>	<b>7,022,632</b>
<b>Total Sources</b>	<b>5,043,726</b>	<b>10,247,017</b>	<b>7,294,100</b>	<b>7,250,366</b>	<b>13,502,918</b>
<b>Expenditures:</b>					
Debt Service	-	58,276	-	-	-
Infrastructure	5,995,778	9,256,045	7,635,100	7,635,100	14,127,918
<b>Total Expenditures</b>	<b>5,995,778</b>	<b>9,314,322</b>	<b>7,635,100</b>	<b>7,635,100</b>	<b>14,127,918</b>
<b>Total Uses</b>	<b>5,995,778</b>	<b>9,314,322</b>	<b>7,635,100</b>	<b>7,635,100</b>	<b>14,127,918</b>
<b>Sources Over(Under) Uses</b>	<b>(952,052)</b>	<b>932,695</b>	<b>(341,000)</b>	<b>(384,734)</b>	<b>(625,001)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 2,224,267</b>	<b>\$ 3,156,962</b>	<b>\$ 1,471,767</b>	<b>\$ 2,772,228</b>	<b>\$ 2,147,227</b>

**Funding Sources:** Transfers from the General Fund, Stormwater Utility Fund, Special Parks & Recreation Fund, Economic Development Fund, grants from other governments

**Expenditures:** Capital Infrastructure Program - Please see the CIP Section of this document for the detailed plan including projects and programs.

## Capital Infrastructure Fund

CIP Expenditure Total = \$14,127,918

2018 PROJECT DESCRIPTION	2018 EXPENDITURES
Park Infrastructure Reserve	\$120,000
Harmon Park Skate Park	\$320,000
Franklin Park	\$120,000
Porter Park Restrooms	\$240,000
Pool Bathhouse Repairs	\$50,000
Proposed North Park	\$1,000,000
<b>PARK TOTAL PER YEAR</b>	<b>\$1,850,000</b>
Delmar & Fontana Drainage	\$3,468,236
Reinhardt Drainage Project	\$2,504,300
<b>DRAINAGE TOTAL PER YEAR</b>	<b>\$5,972,536</b>
Traffic Calming Program	\$25,000
Paving Program	\$2,998,382
Roe Ave - 67th St to 75th St (CARS)	\$1,775,000
Mission Road - 84th Terr to 95th St (Leawood)	\$627,000
Roe Ave - 63rd St to 67th St (CARS)	\$75,000
<b>STREET TOTAL PER YEAR</b>	<b>\$5,500,382</b>
Building Reserve	\$50,000
<b>BUILDINGS TOTAL PER YEAR</b>	<b>\$50,000</b>
ADA Compliance Program	\$25,000
Concrete Repair Program	\$700,000
Landscape Node & Public Art	\$30,000
<b>OTHER TOTAL PER YEAR</b>	<b>\$755,000</b>
<b>CIP TOTAL</b>	<b>\$14,127,918</b>

## Risk Management Reserve Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	<b>\$ 2,361</b>	<b>\$ 96,469</b>	<b>\$ 94,108</b>	<b>\$ 92,264</b>	<b>\$ 89,853</b>
<b>Revenues:</b>					
Interest on Investments	487	544	450	450	540
Miscellaneous	61,622	-	-	-	-
<b>Total Revenue</b>	<b>62,109</b>	<b>544</b>	<b>450</b>	<b>450</b>	<b>540</b>
<b>Transfers from Other funds:</b>					
Transfer from General Fund	35,000	35,000	35,000	35,000	35,000
Transfer from Special Alcohol Fund	-	-	-	-	-
<b>Total</b>	<b>35,000</b>	<b>35,000</b>	<b>35,000</b>	<b>35,000</b>	<b>35,000</b>
<b>Total Sources</b>	<b>97,109</b>	<b>35,544</b>	<b>35,450</b>	<b>35,450</b>	<b>35,540</b>
<b>Expenditures:</b>					
Contract Services	3,001	39,748	70,000	37,861	70,000
<b>Total Expenditures</b>	<b>3,001</b>	<b>39,748</b>	<b>70,000</b>	<b>37,861</b>	<b>70,000</b>
<b>Total Uses</b>	<b>3,001</b>	<b>39,748</b>	<b>70,000</b>	<b>37,861</b>	<b>70,000</b>
<b>Sources Over(Under) Uses</b>	<b>94,108</b>	<b>(4,205)</b>	<b>(34,550)</b>	<b>(2,411)</b>	<b>(34,460)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 96,469</b>	<b>\$ 92,264</b>	<b>\$ 59,558</b>	<b>\$ 89,853</b>	<b>\$ 55,393</b>

**Funding Sources:** Transfers from the General Fund, insurance claim reimbursements, interest on idle funds

**Expenditures:** Risk management related expenditures, such as insurance deductibles

## Economic Development Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	\$ 1,942,029	\$ 1,887,943	\$ 1,826,943	\$ 1,603,200	\$ 94,000
<b>Revenues:</b>					
Interest on Investments	13,747	8,559	16,000	16,000	6,000
<b>Total Revenue</b>	<b>13,747</b>	<b>8,559</b>	<b>16,000</b>	<b>16,000</b>	<b>6,000</b>
<b>Transfers from Other funds:</b>					
Transfer from General Fund	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Sources</b>	<b>13,747</b>	<b>8,559</b>	<b>16,000</b>	<b>16,000</b>	<b>6,000</b>
<b>Expenditures:</b>					
Contract Services	67,833	293,302	70,000	1,354,465	50,000
Contingency	-	-	-	170,735	-
<b>Total Expenditures</b>	<b>67,833</b>	<b>293,302</b>	<b>70,000</b>	<b>1,525,200</b>	<b>50,000</b>
<b>Total Uses</b>	<b>67,833</b>	<b>293,302</b>	<b>70,000</b>	<b>1,525,200</b>	<b>50,000</b>
<b>Sources Over(Under) Uses</b>	<b>(54,086)</b>	<b>(284,743)</b>	<b>(54,000)</b>	<b>(1,509,200)</b>	<b>(44,000)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 1,887,943</b>	<b>\$ 1,603,200</b>	<b>\$ 1,772,943</b>	<b>\$ 94,000</b>	<b>\$ 50,000</b>

Projects	2015	2016	2017	2017	2018
Exterior Grant Program	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Website renovation & upgrades	-	-	-	-	-
Johnson County Home Repair Program	20,000	20,000	20,000	20,000	-
KCADC Joint Membership w/Chamber	3,000	3,000	-	-	-
<b>Total</b>	<b>\$ 73,000</b>	<b>\$ 73,000</b>	<b>\$ 70,000</b>	<b>\$ 70,000</b>	<b>\$ 50,000</b>

Economic Development Fund Allocation	2017	2017 Est	2018
Park Land Acquisition & Improvements (\$257,353 paid in 2016 for North Park)	\$1,200,000		
Contingency Fund	\$272,943		
Exterior Grant Program (3 years - 2017 - 2019)	\$150,000	\$94,000	\$50,000
Mission Road 75th to 83rd Street - aesthetics	\$100,000		
Village Square Design (Harmon)	\$50,000		
<b>Total</b>	<b>\$1,772,943</b>	<b>\$94,000</b>	<b>\$50,000</b>

## Equipment Reserve Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	<b>\$ 560,882</b>	<b>\$ 787,225</b>	<b>\$ 631,725</b>	<b>\$ 390,335</b>	<b>\$ 40,935</b>
<b>Revenues:</b>					
Intergovernmental	-	-	-	-	-
Interest on Investments	6,039	3,556	5,500	5,500	4,000
<b>Total Revenue</b>	<b>6,039</b>	<b>3,556</b>	<b>5,500</b>	<b>5,500</b>	<b>4,000</b>
<b>Transfers from Other funds:</b>					
Transfer from General Fund	600,000	-	200,000	200,000	450,000
Transfer from Stormwater Utility Fund	-	-	-	-	-
Transfer from Economic Dev Fund	-	-	-	-	-
<b>Total</b>	<b>600,000</b>	<b>-</b>	<b>200,000</b>	<b>200,000</b>	<b>450,000</b>
<b>Total Sources</b>	<b>606,039</b>	<b>3,556</b>	<b>205,500</b>	<b>205,500</b>	<b>454,000</b>
<b>Expenditures:</b>					
Capital Outlay	379,696	400,445	372,000	554,900	457,000
<b>Total Expenditures</b>	<b>379,696</b>	<b>400,445</b>	<b>372,000</b>	<b>554,900</b>	<b>457,000</b>
<b>Total Uses</b>	<b>379,696</b>	<b>400,445</b>	<b>372,000</b>	<b>554,900</b>	<b>457,000</b>
<b>Sources Over(Under) Uses</b>	<b>226,343</b>	<b>(396,890)</b>	<b>(166,500)</b>	<b>(349,400)</b>	<b>(3,000)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 787,225</b>	<b>\$ 390,335</b>	<b>\$ 465,225</b>	<b>\$ 40,935</b>	<b>\$ 37,935</b>

**Funding Sources:** Transfers from the General Fund, interest on idle funds

**Expenditures:** Acquisition of equipment, vehicles and technology projects.

## Equipment Reserve Plan

**Equipment Reserve Expenditure Total = \$457,000**

2018 PROJECT DESCRIPTION	2018 EXPENDITURES
Police Department Radio Replacement	\$375,000
Police Department Laptop Replacement	\$42,000
<b>IT PROJECTS TOTAL</b>	<b>\$417,000</b>
Public Works Mower	\$40,000
<b>EQUIPMENT/VEHICLE TOTAL</b>	<b>\$40,000</b>
<b>EQUIPMENT RESERVE TOTAL</b>	<b>\$457,000</b>

**CID - Corinth Fund**

	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Budget</b>	<b>2017 Estimate</b>	<b>2018 Budget</b>
<b>Fund Balance 1/1</b>	\$ 164,637	\$ 143,585	\$ 85	\$ 86,827	\$ 106,742
<b>Revenues:</b>					
Sales Taxes	527,280	551,399	535,000	535,500	600,000
Interest on Investments	1,689	629	1,500	1,000	600
<b>Total Revenue</b>	<b>528,969</b>	<b>552,027</b>	<b>536,500</b>	<b>536,500</b>	<b>600,600</b>
<b>Total Sources</b>	<b>528,969</b>	<b>552,027</b>	<b>536,500</b>	<b>536,500</b>	<b>600,600</b>
<b>Expenditures:</b>					
Contract Services	550,021	608,785	516,585	516,585	707,342
Contingency			20,000		
<b>Total Expenditures</b>	<b>550,021</b>	<b>608,785</b>	<b>536,585</b>	<b>516,585</b>	<b>707,342</b>
<b>Total Uses</b>	<b>550,021</b>	<b>608,785</b>	<b>536,585</b>	<b>516,585</b>	<b>707,342</b>
<b>Sources Over(Under) Uses</b>	<b>(21,052)</b>	<b>(56,758)</b>	<b>(85)</b>	<b>19,915</b>	<b>(106,742)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 143,585</b>	<b>\$ 86,827</b>	<b>\$ -</b>	<b>\$ 106,742</b>	<b>\$ 0</b>

**Funding Sources:** Monies received from the Community Improvement District additional 1% sales tax

**Expenditures:** Development within Corinth Square per Developer Agreement



## CID - PV Shops Fund

	2015 Actual	2016 Actual	2017 Budget	2017 Estimate	2018 Budget
<b>Fund Balance 1/1</b>	<b>\$ 174,839</b>	<b>\$ 161,450</b>	<b>\$ 17,450</b>	<b>\$ 89,747</b>	<b>\$ 92,297</b>
<b>Revenues:</b>					
Sales Taxes	551,832	542,693	550,000	550,000	550,000
Interest on Investments	1,148	835	1,700	1,700	600
<b>Total Revenue</b>	<b>552,980</b>	<b>543,528</b>	<b>551,700</b>	<b>551,700</b>	<b>550,600</b>
<b>Total Sources</b>	<b>552,980</b>	<b>543,528</b>	<b>551,700</b>	<b>551,700</b>	<b>550,600</b>
<b>Expenditures:</b>					
Contract Services	566,369	615,231	549,150	549,150	642,897
Contingency			20,000		
<b>Total Expenditures</b>	<b>566,369</b>	<b>615,231</b>	<b>569,150</b>	<b>549,150</b>	<b>642,897</b>
<b>Total Uses</b>	<b>566,369</b>	<b>615,231</b>	<b>569,150</b>	<b>549,150</b>	<b>642,897</b>
<b>Sources Over(Under) Uses</b>	<b>(13,389)</b>	<b>(71,703)</b>	<b>(17,450)</b>	<b>2,550</b>	<b>(92,297)</b>
<b>Fund Balance @ 12/31</b>	<b>\$ 161,450</b>	<b>\$ 89,747</b>	<b>\$ -</b>	<b>\$ 92,297</b>	<b>\$ 0</b>

**Funding Sources:** Monies received from the Community Improvement District additional 1% sales tax

**Expenditures:** Development within PV Shops per Developer Agreement

**2018 Budget  
Schedule of Transfers**

**Transfer From**

	<b>Transfer To</b>										<b>Total</b>	
	<b>General</b>	<b>Solid Waste Management</b>	<b>Special Highway</b>	<b>Stormwater Utility</b>	<b>Special Parks &amp; Recreation</b>	<b>Special Alcohol</b>	<b>Bond &amp; Interest</b>	<b>Capital Projects</b>	<b>Risk Management</b>	<b>Economic Development</b>		<b>Equipment Reserve</b>
<b>General Fund</b>	-	-	-	-	-	-	1,033,038	5,240,560	35,000	-	450,000	6,758,598
<b>Solid Waste Management</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Special Highway</b>	-	-	-	-	-	-	-	643,000	-	-	-	643,000
<b>Stormwater Utility</b>	450,000	-	-	-	-	-	241,833	1,000,000	-	-	-	1,691,833
<b>Special Parks &amp; Recreation</b>	-	-	-	-	-	-	-	139,072	-	-	-	139,072
<b>Special Alcohol</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Bond &amp; Interest</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital Projects</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Risk Management Reserve</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Economic Development</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Equipment Reserve</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>450,000</b>	-	-	-	-	-	<b>1,274,871</b>	<b>7,022,632</b>	<b>35,000</b>	-	<b>450,000</b>	<b>9,232,503</b>



# Expenditures by Program



## 2018 Budget

### FTE Summary by Department

Department	2015 Actual	2016 Actual	2017 Budget	2018 Budget
Administration	9.30	9.30	9.30	9.30
Public Works	28.00	28.00	28.00	29.00
Police Department	63.00	60.00	60.00	61.00
Municipal Court	5.25	5.25	5.25	5.25
Community Development	4.70	5.20	6.20	7.20
Parks & Community Programs	20.80	20.80	20.80	20.80
Total FTE	<u>131.05</u>	<u>128.55</u>	<u>129.55</u>	<u>132.55</u>
City Governance <i>(unpaid positions)</i>	13.00	13.00	13.00	13.00

### FTE Summary by Program

Program	2015 Actual	2016 Actual	2017 Budget	2018 Budget
Management & Planning	2.30	2.30	2.30	2.30
Public Works Administration	7.00	7.00	7.00	8.00
Drainage Operation & Maintenance	5.00	5.00	5.00	5.00
Vehicle Maintenance	3.00	3.00	3.00	3.00
Street Operation & Maintenance	5.00	5.00	5.00	5.00
Buildings & Grounds	8.00	8.00	8.00	8.00
Swimming Pool Operation & Maintenance	-	-	-	-
Tennis Operation & Maintenance	-	-	-	-
Building Operation & Maintenance	-	-	-	-
Police Department Operation & Maint.	-	-	-	-
Police Department Administration	2.00	2.00	2.00	2.00
Staff Services	10.00	10.00	10.00	10.00
Community Services	4.00	2.00	2.00	2.00
Crime Prevention	1.00	1.00	1.00	1.00
Patrol	31.00	30.00	30.00	29.00
Investigations	6.00	6.00	6.00	6.00
Special Investigations	2.00	2.00	2.00	2.00
D.A.R.E.	1.00	1.00	1.00	1.00
Professional Standards	1.00	1.00	1.00	1.00
Off-Duty Contractual	-	-	-	-
Traffic	5.00	5.00	5.00	5.00
Information Technology	-	-	-	2.00
Judges	-	-	-	-
Prosecutor	0.25	0.25	0.25	0.25
Court Clerk	5.00	5.00	5.00	5.00
Legal Services	-	-	-	-
Human Resources	1.00	1.00	1.00	1.00
Administrative Services	-	-	-	-
Finance	2.00	2.00	2.00	2.00
Codes Administration	4.40	4.90	5.90	6.90
Solid Waste Management	0.30	0.30	0.30	0.30
City Clerk	4.00	4.00	4.00	4.00
Community Programs	0.78	0.78	0.78	0.78
Swimming Pool	16.82	16.82	16.82	16.82
Concession Stand	3.00	3.00	3.00	3.00
Tennis	0.20	0.20	0.20	0.20
Total FTE	<u>131.05</u>	<u>128.55</u>	<u>129.55</u>	<u>132.55</u>

Mayor & Council *(unpaid positions)*

19

13.00    13.00    13.00    13.00

## 2018 Budget

### FTE Summary by Department

Department	2015 Actual	2016 Actual	2017 Budget	2018 Budget
Administration	9.30	9.30	9.30	9.30
Public Works	28.00	28.00	28.00	29.00
Police Department	63.00	60.00	60.00	61.00
Municipal Court	5.25	5.25	5.25	5.25
Community Development	4.70	5.20	6.20	7.20
Parks & Community Programs	20.80	20.80	20.80	20.80
Total FTE	<u>131.05</u>	<u>128.55</u>	<u>129.55</u>	<u>132.55</u>
City Governance <i>(unpaid positions)</i>	13.00	13.00	13.00	13.00

### FTE Summary by Position

Department/Position	2015 Actual	2016 Actual	2017 Budget	2018 Budget
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#### Administration

City Administrator	1.00	1.00	1.00	1.00
Assistant City Administrator	0.30	0.30	0.30	0.30
Deputy City Clerk / PIO	1.00	1.00	1.00	1.00
Human Resources Specialist	1.00	1.00	1.00	1.00
Finance Director	1.00	1.00	1.00	1.00
Accounting Clerk	-	1.00	1.00	1.00
Administrative Support Specialist	4.00	3.00	3.00	3.00
City Clerk	1.00	1.00	1.00	1.00
Total	<u>9.30</u>	<u>9.30</u>	<u>9.30</u>	<u>9.30</u>

#### Public Works

Public Works Director	1.00	1.00	1.00	1.00
Senior Project Manager	-	-	-	1.00
Project Inspector	-	-	-	1.00
Manager of Engineering Services	1.00	1.00	1.00	-
Office Manager	1.00	1.00	1.00	1.00
Field Superintendent	1.00	1.00	1.00	1.00
Construction Inspector	2.00	2.00	2.00	2.00
Administrative Support Specialist	1.00	1.00	1.00	1.00
Crew Leader	4.00	4.00	4.00	4.00
Maintenance Worker	7.00	7.00	7.00	7.00
Mechanic	1.00	1.00	1.00	1.00
Senior Maintenance Worker	3.00	3.00	3.00	4.00
Laborer	5.00	5.00	5.00	5.00
Seasonal Laborers	1.00	1.00	1.00	-
Total	<u>28.00</u>	<u>28.00</u>	<u>28.00</u>	<u>29.00</u>

#### Police Department

Police Chief	1.00	1.00	1.00	1.00
Police Captain	2.00	2.00	2.00	3.00
Police Sergeant	8.00	8.00	7.00	7.00
Police Corporal	4.00	4.00	4.00	4.00
Police Officer	33.00	32.00	33.00	32.00
Executive Assistant	1.00	1.00	1.00	1.00
Communications Supervisor	1.00	1.00	1.00	-
Dispatcher	6.00	6.00	6.00	6.00
Records Clerk	2.00	2.00	2.00	2.00
Property Room Clerk	1.00	1.00	1.00	1.00
Community Service Officer	2.00	2.00	2.00	2.00
Crossing Guard	2.00	-	-	-
Information Technology	-	-	-	2.00
Total	<u>63.00</u>	<u>60.00</u>	<u>60.00</u>	<u>61.00</u>

## 2018 Budget

### FTE Summary by Position

Department/Position	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Municipal Justice</b>				
Court Baliff	0.25	0.25	0.25	0.25
Court Administrator	1.00	1.00	1.00	1.00
Court Clerk	3.00	3.00	3.00	4.00
Total	<u>5.25</u>	<u>5.25</u>	<u>5.25</u>	<u>5.25</u>
<b>Community Development</b>				
Assistant City Administrator	0.70	0.70	0.70	0.70
Codes Support Specialist	1.00	1.00	1.00	1.00
Building Official	1.00	1.00	1.00	1.00
Code Enforcement Officer	1.00	1.00	2.00	2.00
Building Inspector	1.00	1.00	1.00	2.00
Management Intern	-	0.50	0.50	0.50
Total	<u>4.70</u>	<u>5.20</u>	<u>6.20</u>	<u>7.20</u>
<b>Parks &amp; Community Programs</b>				
Management Assistant	1.00	1.00	1.00	1.00
Pool Manager	0.35	0.35	0.35	0.35
Assistant Pool Manager	0.50	0.50	0.50	0.50
Guards	14.75	14.75	14.75	14.75
Coaches	1.00	1.00	1.00	1.00
Concession Worker	3.00	3.00	3.00	3.00
Tennis Instructor	0.20	0.20	0.20	0.20
Total	<u>20.80</u>	<u>20.80</u>	<u>20.80</u>	<u>20.80</u>
<b>Grand Total</b>	<b>131.05</b>	<b>128.55</b>	<b>129.55</b>	<b>132.55</b>
<b>Unpaid Positions</b>				
Mayor	1.00	1.00	1.00	1.00
Council Member	12.00	12.00	12.00	12.00
Total	<u>13.00</u>	<u>13.00</u>	<u>13.00</u>	<u>13.00</u>
<b>Appointed/Contracted Officials</b>				
City Attorney/Assistant City Attorney	0.05	0.05	0.05	0.05
City Planner	0.05	0.05	0.05	0.05
City Treasurer	0.05	0.05	0.05	0.05
City Prosecutor	0.50	0.50	0.50	0.50
Municipal Judge	0.50	0.50	0.50	0.50
Public Defender	0.25	0.25	0.25	0.25
Total	<u>1.40</u>	<u>1.40</u>	<u>1.40</u>	<u>1.40</u>

## 2018 Budget

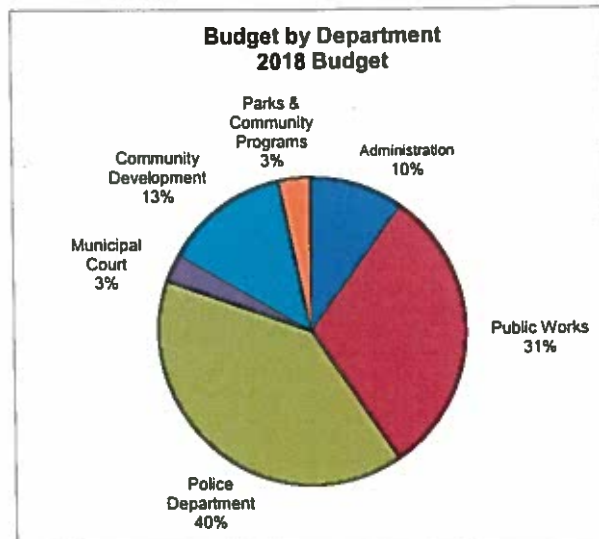
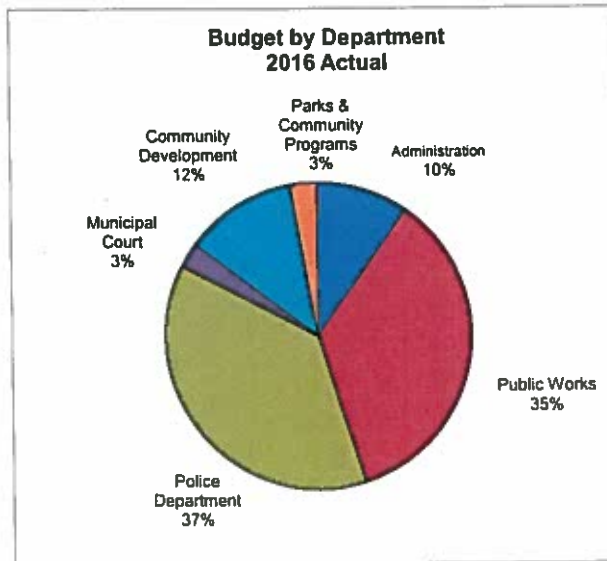
### Summary by Department

Department	2015 Actual	2016 Actual	2017 Budget	2018 Budget
Administration	\$ 1,484,580	\$ 1,552,511	\$ 1,720,915	\$ 1,735,296
Public Works	5,681,085	5,622,665	5,824,530	5,371,607
Police Department	5,833,101	5,930,636	6,578,725	6,956,991
Municipal Court	403,523	428,879	484,964	522,484
Community Development	1,820,377	1,898,895	2,268,455	2,344,204
Parks & Community Programs	533,887	446,297	591,662	577,190
<b>Total</b>	<b>\$ 15,756,552</b>	<b>\$ 15,879,883</b>	<b>\$ 17,469,251</b>	<b>\$ 17,507,772</b>

### Expenditures by Fund

General Fund	\$ 14,260,055	\$ 14,400,773	\$ 15,672,853	\$ 15,631,964
Solid Waste Management Fund	1,403,839	1,391,311	1,688,638	1,711,152
Special Alcohol Fund	92,658	87,799	107,760	164,656
<b>Total</b>	<b>\$ 15,756,552</b>	<b>\$ 15,879,883</b>	<b>\$ 17,469,251</b>	<b>\$ 17,507,772</b>

Note: Only appropriated funds are included in the following department and program schedules. Those funds include: General, Solid Waste Management, Special Highway, Stormwater Utility, Special Parks & Recreation, Special Alcohol and Bond & Interest.





# Expenditures – Administration





## 2018 Budget

### Department: Administration

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Mayor & Council	\$ 87,396	\$ 80,419	\$ 175,410	\$ 175,510
Management & Planning	472,677	522,988	528,935	547,934
Legal Services	188,412	187,668	200,000	175,000
Human Resources	168,456	178,654	189,736	210,646
Finance	278,682	290,734	298,061	307,412
City Clerk	288,956	292,049	328,773	318,794
Total	<b>\$1,484,580</b>	<b>\$ 1,552,511</b>	<b>\$ 1,720,915</b>	<b>\$ 1,735,296</b>

### Expenditures by Character

Personal Services	\$ 892,493	\$ 943,132	\$ 968,536	\$ 1,009,181
Contract Services	527,112	544,709	671,979	650,265
Commodities	58,664	58,540	74,100	74,550
Capital Outlay	6,310	6,130	6,300	1,300
Total	<b>\$1,484,580</b>	<b>\$ 1,552,511</b>	<b>\$ 1,720,915</b>	<b>\$ 1,735,296</b>

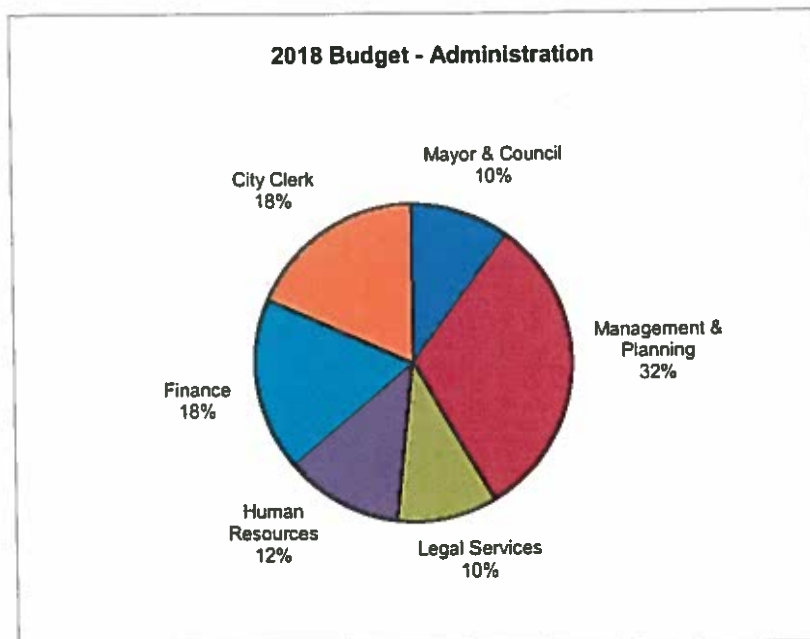
### Expenditures by Fund

General Fund	\$ 1,484,580	\$ 1,552,511	\$ 1,720,915	\$ 1,735,296
Total	<b>\$1,484,580</b>	<b>\$ 1,552,511</b>	<b>\$ 1,720,915</b>	<b>\$ 1,735,296</b>

Full-time Equivalent Positions	9.30	9.30	9.30	9.30
Unpaid Positions	13.00	13.00	13.00	13.00
Appointed/Contracted Officials	0.15	0.15	0.15	0.15

### Notes

- In 2018, Information Technology was moved from the Administration budget to the Police Department budget.



## 2018 Budget

**Department: Administration**  
**Program: Mayor & Council**

The Mayor and 12 elected Council members serve as the legislative and and policy-making body of the City. The Mayor and Council provide leadership, vision and direction for the staff, resources and City.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 2,344	\$ 2,774	\$ 5,606	\$ 5,606
Contract Services	60,415	56,541	138,004	138,004
Commodities	24,637	21,104	31,800	31,900
Capital Outlay	0	0	0	0
<b>Total</b>	<b>\$ 87,396</b>	<b>\$ 80,419</b>	<b>\$ 175,410</b>	<b>\$ 175,510</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 87,396	\$ 80,419	\$ 175,410	\$ 175,510
<b>Total</b>	<b>\$ 87,396</b>	<b>\$ 80,419</b>	<b>\$ 175,410</b>	<b>\$ 175,510</b>

<b>Unpaid Positions</b>				
	13.00	13.00	13.00	13.00
Mayor	1.00	1.00	1.00	1.00
Council Member	12.00	12.00	12.00	12.00
<b>Total</b>	<b>13.00</b>	<b>13.00</b>	<b>13.00</b>	<b>13.00</b>

**Notes**

- The Mayor and Council Members do not receive a salary. They may receive a communications stipend of \$25/month. This rate has not changed since its inception in 2006.

**2018 Contractual Services Budget also Includes the Following:**

Consulting fees, council retreat, photo	\$15,000
Mayor & Council Salary (to be decided on)	63,000
Worker's Compensation	104
Training and conferences	35,700
Dues & Subscriptions:	
MARC, NLC & LKM	24,200
	<u>\$ 138,004</u>

**2018 Commodities Budget Includes the Following:**

Office supplies and postage	\$3,000
Other (Misc. expenses, rentals, etc)	7,000
Volunteer Appreciation Dinner	13,000
Council meals	7,100
Volunteer gift	1,800
	<u>\$ 31,900</u>

## 2018 Budget

**Department: Administration**  
**Program: Management & Planning**

Provides overall management of City operations, coordination of City planning and implementation of Council direction and policy.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 344,988	\$ 379,389	\$ 360,997	\$ 376,496
Contract Services	112,518	124,638	147,438	149,938
Commodities	15,171	18,960	20,500	21,500
<b>Total</b>	<b>\$ 472,677</b>	<b>\$ 522,988</b>	<b>\$ 528,935</b>	<b>\$ 547,934</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 472,677	\$ 522,988	\$ 528,935	\$ 547,934
<b>Total</b>	<b>\$ 472,677</b>	<b>\$ 522,988</b>	<b>\$ 528,935</b>	<b>\$ 547,934</b>

<b>Full-time Equivalent Positions</b>				
	2.30	2.30	2.30	2.30
City Administrator	1.00	1.00	1.00	1.00
Assistant City Administrator	0.30	0.30	0.30	0.30
Deputy City Clerk / PIO	1.00	1.00	1.00	1.00
	2.30	2.30	2.30	2.30

<b>Appointed/Contracted Officials</b>				
	0.15	0.15	0.15	0.15
City Attorney/Assistant City Attorney	0.05	0.05	0.05	0.05
City Planner	0.05	0.05	0.05	0.05
City Treasurer	0.05	0.05	0.05	0.05
	0.15	0.15	0.15	0.15

**2018 Contractual Services Budget Includes the Following:**

Residential Survey	\$ 15,000
Miscellaneous contracts	\$ 8,000
Planning	45,000
Newsletter	30,000
Training & Conferences:	
NE Chamber lunch, MARC, LKM, ICMA, NLC, ASPA, KACM & NE KS Managers	13,220
Dues & Subscriptions:	
ICMA, KACM & ASPA	2,050
Insurance (Property & Workers Comp)	36,668
	<u>\$ 149,938</u>

## 2018 Budget

**Department: Administration**  
**Program: Legal Services**

Provides support to City departments regarding legal matters. This service is provided by law firms retained by the City to handle the City's legal affairs. The law firms bill the City on an hourly basis for these services.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Contract Services	\$ 188,412	\$ 187,668	\$ 200,000	\$ 175,000
Total	\$ 188,412	\$ 187,668	\$ 200,000	\$ 175,000
<b>Expenditures by Fund</b>				
General Fund	\$ 188,412	\$ 187,668	\$ 200,000	\$ 175,000
Total	\$ 188,412	\$ 187,668	\$ 200,000	\$ 175,000

**Notes**

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- Services are provided at an hourly rate.

## 2018 Budget

**Department: Administration**  
**Program: Human Resources**

The Human Resources function is responsible for providing quality service and support to employees, City-wide compliance with federal, state and local employment and benefit laws and regulations, recruitment, policies, employee compensation and benefits, maintenance of personnel records, training and development, and worker's compensation.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 98,881	\$ 101,220	\$ 111,285	\$ 132,155
Contract Services	69,012	77,125	77,151	77,691
Commodities	562	309	1,000	500
Capital Outlay	0	0	300	300
Total	<b>\$ 168,456</b>	<b>\$ 178,654</b>	<b>\$ 189,736</b>	<b>\$ 210,646</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 168,456	\$ 178,654	\$ 189,736	\$ 210,646
Total	<b>\$ 168,456</b>	<b>\$ 178,654</b>	<b>\$ 189,736</b>	<b>\$ 210,646</b>
<b>Full-time Equivalent Positions</b>				
	1.00	1.00	1.00	1.00
Human Resources Specialist	1.00	1.00	1.00	1.00
Total	1.00	1.00	1.00	1.00

## 2018 Budget

**Department: Administration**  
**Program: Finance**

The Finance Department is responsible for payroll, budgeting, accounting and financial reporting operations of the City and providing support to other City departments

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 204,180	\$ 211,053	\$ 214,680	\$ 224,031
Contract Services	70,917	75,782	79,381	82,381
Commodities	586	899	1,000	1,000
Capital Outlay	3,000	3,000	3,000	0
<b>Total</b>	<b>\$ 278,682</b>	<b>\$ 290,734</b>	<b>\$ 298,061</b>	<b>\$ 307,412</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 278,682	\$ 290,734	\$ 298,061	\$ 307,412
<b>Total</b>	<b>\$ 278,682</b>	<b>\$ 290,734</b>	<b>\$ 298,061</b>	<b>\$ 307,412</b>

<b>Full-time Equivalent Positions</b>				
	2.00	2.00	2.00	2.00
Finance Director	1.00	1.00	1.00	1.00
Accounting Clerk	-	1.00	1.00	1.00
Administrative Support Specialist	1.00	-	-	-
<b>Total</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>

**Notes**

**2018 Contractual Services Budget Includes the Following:**

Audit Services	\$ 24,480
Investment Services	25,520
Bank Fees	7,800
Credit Card Fees	13,000
Printing	3,000
Insurance (Property & Workers Comp)	3,981
Training	4,000
Dues & Subscriptions	600
<b>Total</b>	<b>\$ 82,381</b>

## 2018 Budget

**Department: Administration**  
**Program: City Clerk**

City Clerk staff are responsible for maintaining all records of the City. City Clerk staff provides support services to elected officials, City committees and other departments. Staff issue business and animal licenses; register individuals and families for recreation programs; coordinate the reservation of meeting rooms, ball fields, tennis courts and park pavilions.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 242,099	\$ 248,695	\$ 275,968	\$ 270,893
Contract Services	25,839	22,956	30,005	27,251
Commodities	17,708	17,268	19,800	19,650
Capital Outlay	3,310	3,130	3,000	1,000
<b>Total</b>	<b>\$ 288,956</b>	<b>\$ 292,049</b>	<b>\$ 328,773</b>	<b>\$ 318,794</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 288,956	\$ 292,049	\$ 328,773	\$ 318,794
<b>Total</b>	<b>\$ 288,956</b>	<b>\$ 292,049</b>	<b>\$ 328,773</b>	<b>\$ 318,794</b>

<b>Full-time Equivalent Positions</b>				
	4.00	4.00	4.00	4.00
City Clerk	1.00	1.00	1.00	1.00
Administrative Support Specialist	3.00	3.00	3.00	3.00
<b>Total</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>

**Notes**

**2018 Capital Outlay Budget Includes the Following:**

Office equipment and furniture                   \$    1,000



# Expenditures – Public Works





## 2018 Budget

### Department: Public Works

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Public Works Management, Engineering & Administration	\$ 910,107	\$ 923,226	\$ 932,323	\$ 964,124
Drainage Operations & Maintenance	390,105	366,480	360,925	396,889
Vehicle Maintenance	211,735	220,106	232,684	247,745
Street Operations & Maintenance	2,580,422	2,527,572	2,664,375	2,132,470
Parks and Grounds Maintenance	1,004,021	1,061,953	1,057,660	1,066,206
Pool Operations & Maintenance	208,371	205,501	215,150	218,960
Tennis Maintenance	16,827	7,732	13,050	15,050
Building Operations & Maintenance	209,840	173,060	197,350	184,850
Police Department Operation & Maintenance	149,657	137,035	151,013	145,313
<b>Total</b>	<b>\$ 5,681,085</b>	<b>\$ 5,622,665</b>	<b>\$ 5,824,530</b>	<b>\$ 5,371,607</b>

### Expenditures by Character

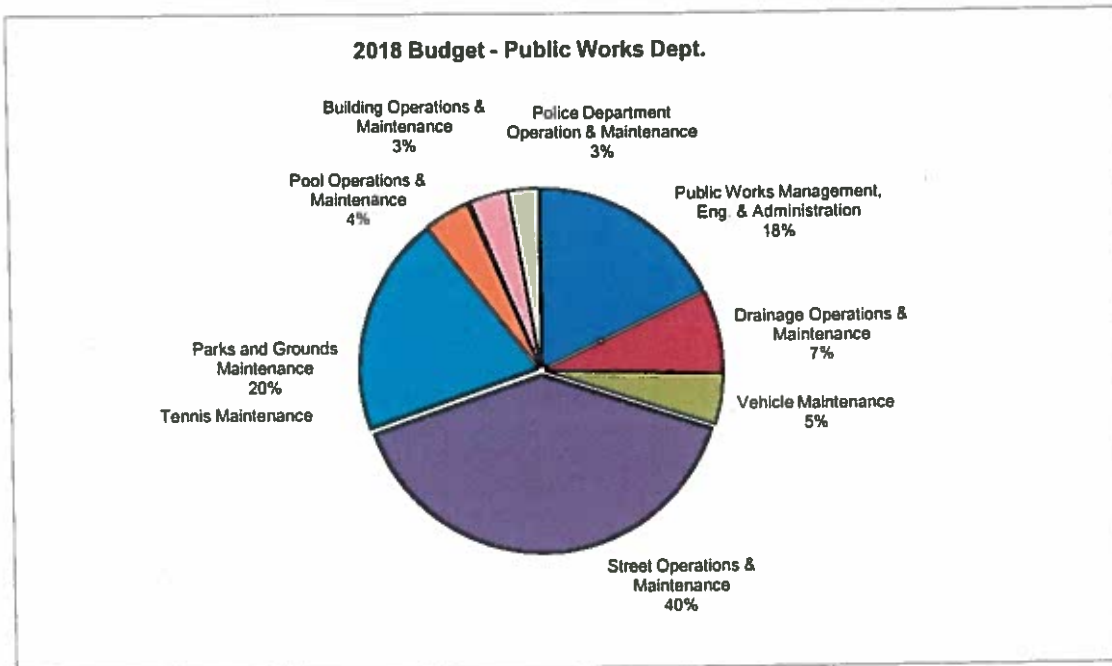
Personal Services	\$ 1,912,504	\$ 1,950,008	\$ 2,092,239	\$ 2,164,106
Contract Services	3,339,478	3,251,657	3,274,891	2,746,951
Commodities	347,886	360,423	421,400	420,050
Capital Outlay	81,217	60,577	36,000	40,500
<b>Total</b>	<b>\$ 5,681,085</b>	<b>\$ 5,622,665</b>	<b>\$ 5,824,530</b>	<b>\$ 5,371,607</b>

### Expenditures by Fund

General Fund	\$ 5,681,085	\$ 5,622,665	\$ 5,824,530	\$ 5,371,607
<b>Total</b>	<b>\$ 5,681,085</b>	<b>\$ 5,622,665</b>	<b>\$ 5,824,530</b>	<b>\$ 5,371,607</b>

### Full-time Equivalent Positions

28.00	28.00	28.00	29.00
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## 2018 Budget

**Department: Public Works**

**Program: Public Works Management, Engineering & Administration**

This program provides general management for Public Works and includes departmental budget preparation and control, purchasing, ADA compliance, public right of way and drainage permits and support to City committees. The program processes and monitors service requests from residents, businesses, City officials and other employees.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 703,214	\$ 737,821	\$ 789,314	\$ 815,665
Contract Services	182,793	162,620	113,609	118,759
Commodities	17,537	16,785	23,400	23,700
Capital Outlay	6,563	6,000	6,000	6,000
Total	<b>\$ 910,107</b>	<b>\$ 923,226</b>	<b>\$ 932,323</b>	<b>\$ 964,124</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 910,107	\$ 923,226	\$ 932,323	\$ 964,124
Total	<b>\$ 910,107</b>	<b>\$ 923,226</b>	<b>\$ 932,323</b>	<b>\$ 964,124</b>
<b>Full-time Equivalent Positions</b>				
	7.00	7.00	7.00	8.00
Public Works Director	1.00	1.00	1.00	1.00
Senior Project Manager	-	-	-	1.00
Project Inspector	-	-	-	1.00
Manager of Engineering Services	1.00	1.00	1.00	-
Office Manager	1.00	1.00	1.00	1.00
Field Superintendent	1.00	1.00	1.00	1.00
Construction Inspector	2.00	2.00	2.00	2.00
Administrative Support Specialist	1.00	1.00	1.00	1.00
Total	<b>7.00</b>	<b>7.00</b>	<b>7.00</b>	<b>8.00</b>

## 2018 Budget

**Department: Public Works**

**Program: Drainage Operations & Maintenance**

The maintenance and repair of almost 2,600 drainage structures, 45 miles of drainage pipes and 9 miles of channels. The primary activities are compliance with Federal stormwater regulations (NPDES) and local stormwater management program including activities such as street sweeping, drainage inlet cleaning, and channel maintenance.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 335,737	\$ 327,617	\$ 307,904	\$ 341,818
Contract Services	17,650	11,775	16,671	17,671
Commodities	36,717	27,088	36,350	37,400
Capital Outlay	0	0	0	0
<b>Total</b>	<b>\$ 390,105</b>	<b>\$ 366,480</b>	<b>\$ 360,925</b>	<b>\$ 396,889</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 390,105	\$ 366,480	\$ 360,925	\$ 396,889
Stormwater Utility Fund	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$ 390,105</b>	<b>\$ 366,480</b>	<b>\$ 360,925</b>	<b>\$ 396,889</b>
<b>Full-time Equivalent Positions</b>				
	5.00	5.00	5.00	5.00
Crew Leader	1.00	1.00	1.00	1.00
Maintenance Workers	4.00	4.00	4.00	4.00
<b>Total</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>

## 2018 Budget

**Department: Public Works**  
**Program: Vehicle Maintenance**

This program provides maintenance of all Public Works vehicles and equipment including: specifications preparation, preventative maintenance, repairs, and fueling.

This program provides fuel and limited vehicle maintenance service to the Police Department and Codes Division. The City provides fuel to the City of Mission Hills and to Johnson County Consolidated Fire District #2.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 188,549	\$ 191,859	\$ 202,414	\$ 215,875
Contract Services	11,730	16,160	16,470	17,970
Commodities	11,456	12,087	13,800	13,900
Capital Outlay	0	0	0	0
Total	<b>\$ 211,735</b>	<b>\$ 220,106</b>	<b>\$ 232,684</b>	<b>\$ 247,745</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 211,735	\$ 220,106	\$ 232,684	\$ 247,745
Total	<b>\$ 211,735</b>	<b>\$ 220,106</b>	<b>\$ 232,684</b>	<b>\$ 247,745</b>
<b>Full-time Equivalent Positions</b>				
	3.00	3.00	3.00	3.00
Mechanic	1.00	1.00	1.00	1.00
Crew Leader	1.00	1.00	1.00	1.00
Senior Maintenance Worker	1.00	1.00	1.00	1.00
Total	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>

## 2018 Budget

**Department: Public Works**  
**Program: Street Operations & Maintenance**

This program provides for the maintenance and repair of approximately 112 miles of streets, 2800 traffic signs, 93 miles of sidewalk, and 1,530 ADA ramps. The primary activities in this program are pothole patching, snow/ice control, sidewalk repairs and curb/gutter repair. Major maintenance activities are annual crack filing, slurry sealing, bridge repairs and traffic line re-marking.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 257,955	\$ 238,726	\$ 306,510	\$ 325,455
Contract Services	2,183,367	2,134,547	2,201,365	1,648,615
Commodities	131,214	154,298	156,500	158,400
Capital Outlay	7,886	0	0	0
Total	<u>\$ 2,580,422</u>	<u>\$ 2,527,572</u>	<u>\$ 2,664,375</u>	<u>\$ 2,132,470</u>
<b>Expenditures by Fund</b>				
General Fund	\$ 2,580,422	\$ 2,527,572	\$ 2,664,375	\$ 2,132,470
Total	<u>\$ 2,580,422</u>	<u>\$ 2,527,572</u>	<u>\$ 2,664,375</u>	<u>\$ 2,132,470</u>
<b>Full-time Equivalent Positions</b>				
	5.00	5.00	5.00	5.00
Laborer	2.00	2.00	2.00	2.00
Maintenance Worker	1.00	1.00	1.00	1.00
Senior Maintenance Worker	1.00	1.00	1.00	1.00
Crew Leader	1.00	1.00	1.00	1.00
Total	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>

**Notes**

**2018 Contractual Services Budget Includes the Following:**

OP Green Light	\$ 5,400	
Street Lights	\$ 258,250	Note: \$471,950 transferred to Bond & Interest Fund
Traffic Signals	800,000	
Water	4,000	
Equipment Maintenance & Repair	5,800	
Equipment Rental	5,000	
Insurance (Property & Workers Comp)	24,665	
Training	3,500	
Street Maintenance & Repair	542,000	
	<u>\$ 1,648,615</u>	

## 2018 Budget

**Department: Public Works**

**Program: Parks and Grounds Maintenance**

This program provides for operation, maintenance and repair of 12 parks,  
6 fountains, 187 city islands, 9 pavilions, 68 acres of turf, 11 playscapes,  
31 flower gardens, and 9,950 public trees.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 427,049	\$ 453,985	\$ 486,097	\$ 465,293
Contract Services	473,341	501,628	453,863	485,013
Commodities	91,384	81,763	117,700	111,400
Capital Outlay	12,247	24,577	0	4,500
<b>Total</b>	<b>\$ 1,004,021</b>	<b>\$ 1,061,953</b>	<b>\$ 1,057,660</b>	<b>\$ 1,066,206</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 1,004,021	\$ 1,061,953	\$ 1,057,660	\$ 1,066,206
<b>Total</b>	<b>\$ 1,004,021</b>	<b>\$ 1,061,953</b>	<b>\$ 1,057,660</b>	<b>\$ 1,066,206</b>
<b>Full-time Equivalent Positions</b>				
	8.00	8.00	8.00	8.00
Crew Leader	1.00	1.00	1.00	1.00
Laborer	3.00	3.00	3.00	3.00
Maintenance Worker	2.00	2.00	2.00	2.00
Senior Maintenance Worker	1.00	1.00	1.00	2.00
Seasonal Laborers	1.00	1.00	1.00	-
<b>Total</b>	<b>8.00</b>	<b>8.00</b>	<b>8.00</b>	<b>8.00</b>

**Notes**

- In 2018, contract services budget includes \$100,000 for Emerald Ash Borer and \$100,000 for tree trimming.

## 2018 Budget

**Department: Public Works**

**Program: Pool Operations & Maintenance**

This program is for the operation and maintenance of the Harmon Park Swimming Pool complex and buildings. The complex has six pools: wading, leisure, slide, diving, lap, and adult.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Contract Services	168,456	160,058	167,550	170,860
Commodities	39,915	45,443	47,600	48,100
<b>Total</b>	<b>\$ 208,371</b>	<b>\$ 205,501</b>	<b>\$ 215,150</b>	<b>\$ 218,960</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 208,371	\$ 205,501	\$ 215,150	\$ 218,960
<b>Total</b>	<b>\$ 208,371</b>	<b>\$ 205,501</b>	<b>\$ 215,150</b>	<b>\$ 218,960</b>

### Notes

- Pool Complex Features:*
- Leisure Pool
  - Wading Pool
  - Adult Pool
  - Lap Lanes
  - Diving Well, Meter Pool
  - Water Slides
  - Concession Stand

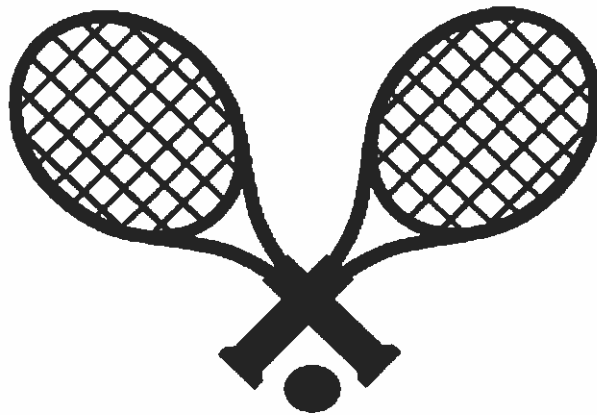


## 2018 Budget

**Department: Public Works**  
**Program: Tennis Maintenance**

This program is for the operation and maintenance of the 15 tennis courts in several City parks.

	<u>2015</u> <u>Actual</u>	<u>2016</u> <u>Actual</u>	<u>2017</u> <u>Budget</u>	<u>2018</u> <u>Budget</u>
<b>Program Expenditures</b>				
Contract Services	14,621	7,454	12,050	12,050
Commodities	2,206	277	1,000	3,000
Total	<b>\$ 16,827</b>	<b>\$ 7,732</b>	<b>\$ 13,050</b>	<b>\$ 15,050</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 16,827	\$ 7,732	\$ 13,050	\$ 15,050
Total	<b>\$ 16,827</b>	<b>\$ 7,732</b>	<b>\$ 13,050</b>	<b>\$ 15,050</b>





## 2018 Budget

**Department: Public Works**

**Program: Building Operations & Maintenance**

This program provides for the maintenance and operation of seven public buildings - Municipal Offices, Community Center and Public Works Facility (5)

	<b>2015 Actual</b>	<b>2016 Actual</b>	<b>2017 Budget</b>	<b>2018 Budget</b>
<b>Program Expenditures</b>				
Contract Services	166,031	154,641	178,800	166,200
Commodities	13,782	18,420	18,550	18,650
Capital Outlay	30,027	0	0	0
<b>Total</b>	<b>\$ 209,840</b>	<b>\$ 173,060</b>	<b>\$ 197,350</b>	<b>\$ 184,850</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 209,840	\$ 173,060	\$ 197,350	\$ 184,850
<b>Total</b>	<b>\$ 209,840</b>	<b>\$ 173,060</b>	<b>\$ 197,350</b>	<b>\$ 184,850</b>

## 2018 Budget

**Department: Public Works**

**Program: Police Building Operations & Maintenance**

This program provides for the maintenance and operation of the Police Building.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Contract Services	121,488	102,774	114,513	109,813
Commodities	3,675	4,261	6,500	5,500
Capital Outlay	24,494	30,000	30,000	30,000
Total	<b>\$ 149,657</b>	<b>\$ 137,035</b>	<b>\$ 151,013</b>	<b>\$ 145,313</b>
<b>Expenditures by Fund</b>				
General Fund	<b>\$ 149,657</b>	<b>\$ 137,035</b>	<b>\$ 151,013</b>	<b>\$ 145,313</b>
Total	<b>\$ 149,657</b>	<b>\$ 137,035</b>	<b>\$ 151,013</b>	<b>\$ 145,313</b>

### **Notes**

**2018 Capital Outlay Budget Includes the Following:**

Records remodel project	\$30,000
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# Expenditures – Police Department



## 2018 Budget

### Department: Police Department

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Administration	\$ 416,689	\$ 449,187	\$ 445,605	\$ 470,552
Staff Services	839,302	884,591	852,447	897,407
Community Services	149,789	160,835	194,856	203,713
Crime Prevention	11,311	10,933	89,262	82,081
Patrol	2,933,661	2,951,738	3,122,228	3,148,981
Investigations	576,445	625,957	663,046	695,305
Special Investigations Unit	171,342	120,866	209,459	221,607
D.A.R.E.	92,658	87,799	107,760	164,656
Professional Standards	168,936	106,130	180,435	186,488
Off-Duty Contractual	42,316	33,856	48,707	48,707
Traffic Unit	275,554	303,932	409,670	430,000
Information Technology	155,096	194,812	255,250	407,494
<b>Total</b>	<b>\$5,833,101</b>	<b>\$ 5,930,636</b>	<b>\$ 6,578,725</b>	<b>\$ 6,956,991</b>

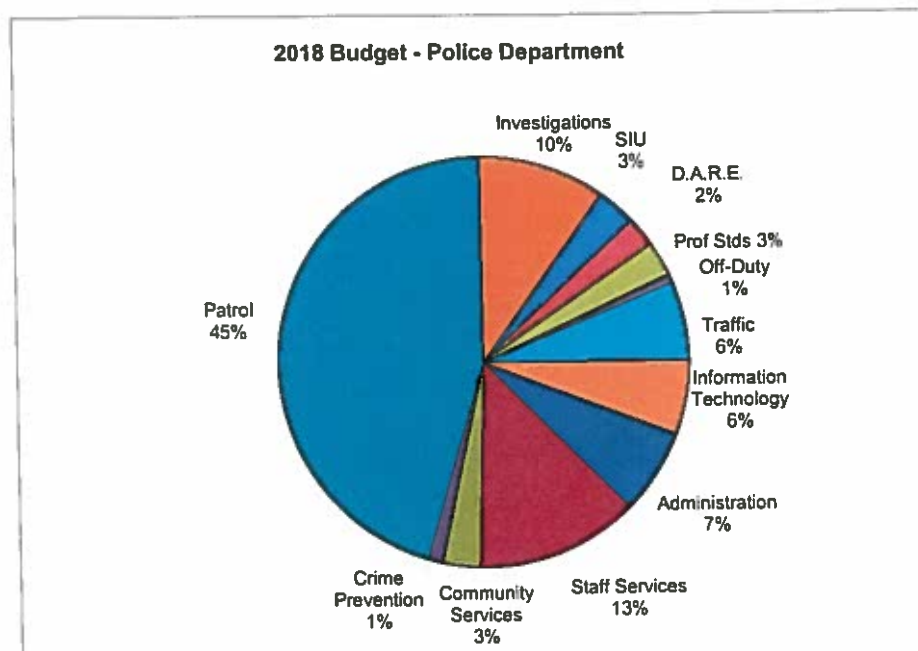
	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Character</b>				
Personal Services	\$4,820,025	\$ 4,868,596	\$ 5,278,327	\$ 5,676,088
Contract Services	689,891	743,438	913,493	874,973
Commodities	173,873	154,690	210,405	213,030
Capital Outlay	149,312	163,912	176,500	152,900
<b>Total</b>	<b>\$5,833,101</b>	<b>\$ 5,930,636</b>	<b>\$ 6,578,725</b>	<b>\$ 6,916,991</b>

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Fund</b>				
General Fund	\$5,740,442	\$ 5,842,837	\$ 6,470,965	\$ 6,792,335
Special Alcohol Fund	92,658	87,799	107,760	164,656
Debt Service Fund	-	-	-	-
<b>Total</b>	<b>\$5,833,101</b>	<b>\$ 5,930,636</b>	<b>\$ 6,578,725</b>	<b>\$ 6,956,991</b>

Full-time Equivalent Positions	63.00	60.00	60.00	61.00
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#### Notes

- in 2018, Information Technology was moved from the Administration budget to the Police Department budget



## 2018 Budget

**Department: Police Department**  
**Program: Administration**

Police administration is responsible for carrying out the directives, policies and procedures established by the City Council for operations of the Police Department. Responsibilities of this program include development of programs and procedures for emergency response, procedures to control or reduce crime and traffic accidents, and the establishment of programs to increase the quality of life in the cities of Prairie Village and Mission Hills.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 255,373	\$ 259,381	\$ 262,128	\$ 274,025
Contract Services	144,476	179,681	171,227	183,527
Commodities	15,531	9,823	11,750	12,500
Capital Outlay	1,308	302	500	500
<b>Total</b>	<b>\$ 416,689</b>	<b>\$ 449,187</b>	<b>\$ 445,605</b>	<b>\$ 470,552</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 416,689	\$ 449,187	\$ 445,605	\$ 470,552
<b>Total</b>	<b>\$ 416,689</b>	<b>\$ 449,187</b>	<b>\$ 445,605</b>	<b>\$ 470,552</b>

<b>Full-time Equivalent Positions</b>				
	2.00	2.00	2.00	2.00
Police Chief	1.00	1.00	1.00	1.00
Executive Assistant	1.00	1.00	1.00	1.00
<b>Total</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>

**Notes**

**2018 Capital Outlay Budget Includes the Following:**

Office Equipment                      \$500

## 2018 Budget

**Department: Police Department**  
**Program: Staff Services**

The staff services division is responsible for the "911" emergency communication system and other calls for service within Prairie Village and Mission Hills. Additional responsibilities include the collection, dissemination, and the security of all police records, as well as monitoring building and court areas where security cameras are available.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 727,579	\$ 761,943	\$ 707,364	\$ 759,339
Contract Services	96,838	110,741	127,233	120,268
Commodities	13,008	9,755	15,350	15,300
Capital Outlay	1,877	2,152	2,500	2,500
<b>Total</b>	<b>\$ 839,302</b>	<b>\$ 884,591</b>	<b>\$ 852,447</b>	<b>\$ 897,407</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 839,302	\$ 884,591	\$ 852,447	\$ 897,407
<b>Total</b>	<b>\$ 839,302</b>	<b>\$ 884,591</b>	<b>\$ 852,447</b>	<b>\$ 897,407</b>

<b>Full-time Equivalent Positions</b>	10.00	10.00	10.00	10.00
Police Captain	-	-	-	1.00
Communications Supervisor	1.00	1.00	1.00	-
Dispatcher	6.00	6.00	6.00	6.00
Records Clerk	2.00	2.00	2.00	2.00
Property Room Clerk	1.00	1.00	1.00	1.00
<b>Total</b>	<b>10.00</b>	<b>10.00</b>	<b>10.00</b>	<b>10.00</b>

**Notes**

**2018 Capital Outlay Budget includes the following:**

Replace Office Chairs	\$ 1,000
Computer Equipment	\$ 1,500
	<b>\$ 2,500</b>

## 2018 Budget

**Department: Police Department**  
**Program: Community Services**

Community Services is responsible for the enforcement of the City's Animal Control Ordinances. Community Service Officers (CSOs) investigate animal complaints to include leash laws and neglect or animal abuse cases.

Community Services also supplements the Patrol Division by directing traffic at accident scenes, and providing extra personnel when needed for special events, vehicle maintenance, and other related duties.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 95,603	\$ 108,815	\$ 116,626	\$ 124,983
Contract Services	49,305	50,036	70,805	70,805
Commodities	4,881	1,983	7,425	7,925
Capital Outlay	0	0	0	0
<b>Total</b>	<b>\$ 149,789</b>	<b>\$ 160,835</b>	<b>\$ 194,856</b>	<b>\$ 203,713</b>

### Expenditures by Fund

General Fund	\$ 149,789	\$ 160,835	\$ 194,856	\$ 203,713
<b>Total</b>	<b>\$ 149,789</b>	<b>\$ 160,835</b>	<b>\$ 194,856</b>	<b>\$ 203,713</b>

### Full-time Equivalent Positions

	4.00	2.00	2.00	2.00
Community Service Officer	2.00	2.00	2.00	2.00
Crossing Guard	2.00	-	-	-
<b>Total</b>	<b>4.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>

### Notes

#### 2018 Contract Services Budget Includes the Following:

Johnson County Co-Responder	\$6,000
Crossing Guards & Animal Services	59,000
Insurance (Property & Workers Comp)	4,205
Vehicle Maintenance & Repair	1,500
Memberships	100
<b>Total</b>	<b>\$ 70,805</b>

## 2018 Budget

**Department: Police Department**  
**Program: Crime Prevention**

Crime Prevention is responsible for speaking to various groups regarding crime prevention methods, distributing literature, alerting victims on how best to avoid future victimization, maintaining the Department's Face book account, and summarizes crime analysis patterns for the Patrol division to identify future enforcement priorities.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 8,271	\$ 8,205	\$ 81,918	\$ 74,737
Contract Services	2,886	2,728	4,494	4,494
Commodities	154	0	2,550	2,550
Capital Outlay	0	0	300	300
<b>Total</b>	<b>\$ 11,311</b>	<b>\$ 10,933</b>	<b>\$ 89,262</b>	<b>\$ 82,081</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 11,311	\$ 10,933	\$ 89,262	\$ 82,081
<b>Total</b>	<b>\$ 11,311</b>	<b>\$ 10,933</b>	<b>\$ 89,262</b>	<b>\$ 82,081</b>
<b>Full-time Equivalent Positions</b>				
	1.00	1.00	1.00	1.00
Police Officer	-	-	1.00	1.00
Sergeant	1.00	1.00	-	-
<b>Total</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>



## 2018 Budget

**Department: Police Department  
Program: Patrol**

The Patrol Division is responsible for initial response to calls for service and provide services through the district patrol concept. The basic emphasis of officers assigned to this Division is the protection of life and property, the detection and arrest of criminal violators of the law, recovery of stolen property and maintenance of a "police presence" throughout the cities of Prairie Village and Mission Hills.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 2,559,930	\$ 2,622,173	\$ 2,723,756	\$ 2,744,059
Contract Services	143,051	130,418	172,997	174,697
Commodities	99,985	99,024	121,475	122,725
Capital Outlay	130,695	100,122	104,000	107,500
Total	<b>\$ 2,933,661</b>	<b>\$ 2,951,738</b>	<b>\$ 3,122,228</b>	<b>\$ 3,148,981</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 2,933,661	\$ 2,951,738	\$ 3,122,228	\$ 3,148,981
Total	<b>\$ 2,933,661</b>	<b>\$ 2,951,738</b>	<b>\$ 3,122,228</b>	<b>\$ 3,148,981</b>

<b>Full-time Equivalent Positions</b>				
	31.00	30.00	30.00	29.00
Police Captain	1.00	1.00	1.00	1.00
Police Sergeant	4.00	4.00	4.00	4.00
Police Corporal	3.00	3.00	3.00	3.00
Police Officer	23.00	22.00	22.00	21.00
Total	<b>31.00</b>	<b>30.00</b>	<b>30.00</b>	<b>29.00</b>

**Notes**

**2018 Contractual Services Budget Includes the Following:**

APS maintenance contract	\$ 8,000
Cleaning	\$ 10,000
Tow expenses	600
Dues & subscriptions	500
Patrol reference manuals	900
Machinery maintenance & repair	59,000
Insurance (Property & Workers Comp)	79,297
Graphics & application	3,800
In car video repairs	3,000
Mobile computer repair	3,500
School crossing beacon repairs	2,000
Department Cell Phones	4,100
Total	<b>\$ 174,697</b>

**2018 Capital Outlay Budget Includes the Following:**

Miscellaneous field equipment	\$ 17,500
Police Vehicles (3)	85,000
Office and computer equipment	5,000
Total	<b>\$ 107,500</b>

## 2018 Budget

**Department: Police Department**

**Program: Investigations**

Investigators conduct criminal investigations into all Part I (felony) and Part II (misdemeanor) crimes within the community. Personnel in this program also conduct juvenile investigations through School Resources Officers (SROs) at Shawnee Mission East High School and Indian Hills Middle School.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 537,598	\$ 561,322	\$ 580,530	\$ 631,239
Contract Services	25,039	25,088	40,041	40,191
Commodities	13,807	16,547	17,975	17,975
Capital Outlay	0	23,000	24,500	5,900
Total	\$ 576,445	\$ 625,957	\$ 663,046	\$ 695,305
<b>Expenditures by Fund</b>				
General Fund	\$ 576,445	\$ 625,957	\$ 663,046	\$ 695,305
Total	\$ 576,445	\$ 625,957	\$ 663,046	\$ 695,305
<b>Full-time Equivalent Positions</b>				
	6.00	6.00	6.00	6.00
Police Captain	1.00	1.00	1.00	1.00
Police Sergeant	1.00	1.00	1.00	1.00
Police Officer	4.00	4.00	4.00	4.00
Total	6.00	6.00	6.00	6.00

**Notes**

**2018 Capital Outlay Budget Includes the Following:**

Office and computer equipment \$5,900

Total \$ 5,900

## 2018 Budget

**Department:** Police Department  
**Program:** Special Investigations Unit

The Special Investigations Unit (SIU) conducts investigations of individuals suspected of selling, distributing or possessing controlled substances. SIU not only focuses on drugs, but also other crimes such as prostitution, theft, liquor sales, and any other suspicious activity that may require undercover and/or surveillance work.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 162,566	\$ 113,360	\$ 196,856	\$ 209,029
Contract Services	5,741	6,569	8,228	8,228
Commodities	3,035	937	4,375	4,350
Capital Outlay	0	0	0	0
Total	<b>\$ 171,342</b>	<b>\$ 120,866</b>	<b>\$ 209,459</b>	<b>\$ 221,607</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 171,342	\$ 120,866	\$ 209,459	\$ 221,607
Total	<b>\$ 171,342</b>	<b>\$ 120,866</b>	<b>\$ 209,459</b>	<b>\$ 221,607</b>
<b>Full-time Equivalent Positions</b>				
	2.00	2.00	2.00	2.00
Police Corporal	1.00	1.00	1.00	1.00
Police Officer	1.00	1.00	1.00	1.00
Total	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>

## 2018 Budget

**Department: Police Department**  
**Program: D.A.R.E.**

The D.A.R.E. officer's primary responsibility is teaching the D.A.R.E. curriculum curriculum in our City's elementary schools. The D.A.R.E. officer is also the liaison between the Department and elementary school administration, participates in community events and and works with staff on school safety.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 73,069	\$ 67,457	\$ 79,733	\$ 96,029
Contract Services	3,777	7,589	11,472	12,072
Commodities	15,813	12,752	16,555	16,555
Capital Outlay	0	0	0	40,000
<b>Total</b>	<b>\$ 92,658</b>	<b>\$ 87,799</b>	<b>\$ 107,760</b>	<b>\$ 164,656</b>
<b>Expenditures by Fund</b>				
General Fund	\$ -	\$ -	\$ -	\$ -
Special Alcohol Fund	92,658	87,799	107,760	164,656
<b>Total</b>	<b>\$ 92,658</b>	<b>\$ 87,799</b>	<b>\$ 107,760</b>	<b>\$ 164,656</b>
<b>Full-time Equivalent Positions</b>				
	1.00	1.00	1.00	1.00
Police Officer	1.00	1.00	1.00	1.00
<b>Total</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>

**Notes**

- In 2018, Capital Outlay budget includes D.A.R.E. vehicle for \$40,000
- D.A.R.E. is funded by a transfer from the Special Alcohol Fund

## 2018 Budget

**Department: Police Department**  
**Program: Professional Standards**

Professional Standards develops and implements training programs for all personnel and is responsible for hiring and recruitment. The training not only includes developing the existing staff, but also maintaining the Field Training Program for new employees.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 101,162	\$ 42,678	\$ 110,719	\$ 111,672
Contract Services	67,179	63,289	69,016	74,116
Commodities	595	163	700	700
<b>Total</b>	<b>\$ 168,936</b>	<b>\$ 106,130</b>	<b>\$ 180,435</b>	<b>\$ 186,488</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 168,936	\$ 106,130	\$ 180,435	\$ 186,488
<b>Total</b>	<b>\$ 168,936</b>	<b>\$ 106,130</b>	<b>\$ 180,435</b>	<b>\$ 186,488</b>
<b>Full-time Equivalent Positions</b>				
	1.00	1.00	1.00	1.00
Police Sergeant	1.00	1.00	1.00	1.00
<b>Total</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>

## 2018 Budget

**Department: Police Department**  
**Program: Off-Duty Contractual**

City organizations and private individuals often desire a police presence at private events. The City Council has stated that an increased police presence within the community by off-duty officers may further reduce crime. This program provides for those off-duty officers at events under conditions administered and controlled by the Department. This program includes security at Council meetings and Court sessions for both Prairie Village and Mission Hills.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 41,240	\$ 32,752	\$ 47,502	\$ 47,502
Contract Services	1,076	1,104	1,205	1,205
Total	<b>\$ 42,316</b>	<b>\$ 33,856</b>	<b>\$ 48,707</b>	<b>\$ 48,707</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 42,316	\$ 33,856	\$ 48,707	\$ 48,707
Total	<b>\$ 42,316</b>	<b>\$ 33,856</b>	<b>\$ 48,707</b>	<b>\$ 48,707</b>

**Notes**

Revenues offset the anticipated expenses for off-duty contractual work.

## 2018 Budget

**Department: Police Department**  
**Program: Traffic Unit**

The Traffic Unit is responsible for providing police services geared toward public safety on roadways, reduction in traffic accidents, and handling special projects.

These responsibilities are accomplished through selective enforcement in high accident areas, citizen complaints, school zones, and areas where speeding vehicles are problematic. In addition, the Traffic Unit handles special projects such as parades, street races, DUI saturation patrol, "Click It or Ticket," educational efforts, and other prevention programs sponsored by the Kansas Department of Transportation (KDOT).

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 257,633	\$ 290,508	\$ 371,195	\$ 401,525
Contract Services	10,858	9,736	16,225	16,225
Commodities	7,063	3,687	12,250	12,250
Capital Outlay	-	-	10,000	-
<b>Total</b>	<b>\$ 275,554</b>	<b>\$ 303,932</b>	<b>\$ 409,670</b>	<b>\$ 430,000</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 275,554	\$ 303,932	\$ 409,670	\$ 430,000
<b>Total</b>	<b>\$ 275,554</b>	<b>\$ 303,932</b>	<b>\$ 409,670</b>	<b>\$ 430,000</b>
<b>Full-time Equivalent Positions</b>				
	5.00	5.00	5.00	5.00
Police Officer	4.00	4.00	4.00	4.00
Police Sergeant	1.00	1.00	1.00	1.00
<b>Total</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>

## 2018 Budget

**Department: Police Department**  
**Program: Information Technology**

Information Technology provides support for all users of the City's network information systems and administers the network hardware, software and communications for all applications.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ -	\$ -	\$ -	\$ 201,949
Contract Services	139,664	156,458	220,550	169,145
Commodities	0	18	0	200
Capital Outlay	15,432	38,336	34,700	36,200
<b>Total</b>	<b>\$ 155,096</b>	<b>\$ 194,812</b>	<b>\$ 255,250</b>	<b>\$ 407,494</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 155,096	\$ 194,812	\$ 255,250	\$ 407,494
<b>Total</b>	<b>\$ 155,096</b>	<b>\$ 194,812</b>	<b>\$ 255,250</b>	<b>\$ 407,494</b>

<b>Full-time Equivalent Positions</b>				
	-	-	-	2.00
IT Specialist	-	-	-	1.00
IT Manager	-	-	-	1.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>

**Notes**

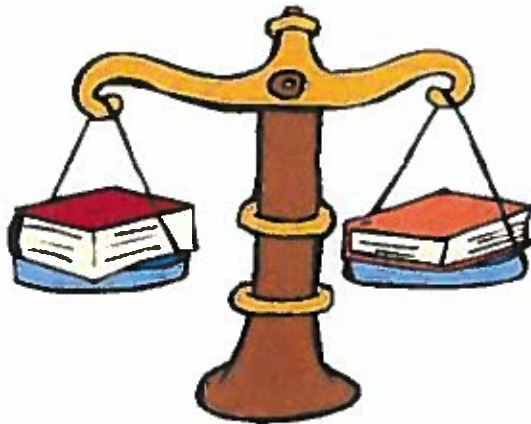
**2018 Capital Outlay Budget Includes the Following:**

Replace PC's - city-wide	\$ 24,000
Software Upgrades	5,000
Miscellaneous & Field Equipment	3,000
Communications Equipment	4,200
<b>Total</b>	<b>\$ 36,200</b>





# Expenditures – Municipal Justice



## 2018 Budget

### Department: Municipal Justice

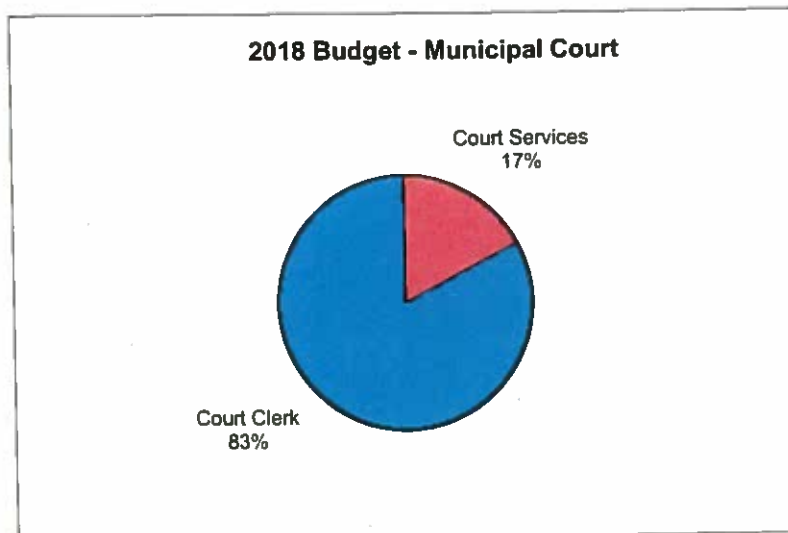
	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Judges	\$ 30,924	\$ -	\$ -	\$ -
Court Services	43,093	78,767	89,535	89,896
Court Clerk	329,507	350,113	395,429	432,588
<b>Total</b>	<b>\$ 403,523</b>	<b>\$ 428,879</b>	<b>\$ 484,964</b>	<b>\$ 522,484</b>

<b>Expenditures by Character</b>				
Personal Services	\$ 283,587	\$ 288,894	\$ 308,759	\$ 349,389
Contract Services	111,924	134,465	168,005	164,895
Commodities	7,930	3,200	5,200	5,200
Capital Outlay	83	2,321	3,000	3,000
<b>Total</b>	<b>\$ 403,523</b>	<b>\$ 428,879</b>	<b>\$ 484,964</b>	<b>\$ 522,484</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 403,523	\$ 428,879	\$ 484,964	\$ 522,484
<b>Total</b>	<b>\$ 403,523</b>	<b>\$ 428,879</b>	<b>\$ 484,964</b>	<b>\$ 522,484</b>

<b>Full-time Equivalent Positions</b>	5.25	5.25	5.25	5.25
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<b>Appointed/Contracted Officials</b>	1.25	1.25	1.25	1.25
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## 2018 Budget

**Department: Municipal Justice**  
**Program: Judges**

The Municipal Court Judges hear arraignments and conduct trials as part of the Municipal Court functions.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 30,206	\$ -	\$ -	\$ -
Contract Services	718	-	-	-
Commodities	-	-	-	-
Total	<b>\$ 30,924</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 30,924	\$ -	\$ -	\$ -
Total	<b>\$ 30,924</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**Notes**

- in 2016, Judges and Bailiff were moved to the contract services budget under Prosecutors.

## 2018 Budget

**Department: Municipal Justice**  
**Program: Court Services**

The Prosecutor is responsible for representing law enforcement and code enforcement interests during trials and in processing the City's Diversion Program for DUI's and other misdemeanor Criminal Offenses.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ -	\$ 8,759	\$ -	\$ 4,561
Contract Services	43,093	70,008	89,535	85,335
<b>Total</b>	<b>\$ 43,093</b>	<b>\$ 78,767</b>	<b>\$ 89,535</b>	<b>\$ 89,896</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 43,093	\$ 78,767	\$ 89,535	\$ 89,896
<b>Total</b>	<b>\$ 43,093</b>	<b>\$ 78,767</b>	<b>\$ 89,535</b>	<b>\$ 89,896</b>
<b>Full-time Equivalent Positions</b>				
	0.25	0.25	0.25	0.25
Court Baliff	0.25	0.25	0.25	0.25
<b>Total</b>	<b>0.25</b>	<b>0.25</b>	<b>0.25</b>	<b>0.25</b>
<b>Appointed/Contracted Officials</b>				
	1.25	1.25	1.25	1.25
City Prosecutor	0.50	0.50	0.50	0.50
Municipal Judge	0.50	0.50	0.50	0.50
Public Defender	0.25	0.25	0.25	0.25
<b>Total</b>	<b>1.25</b>	<b>1.25</b>	<b>1.25</b>	<b>1.25</b>

**Notes**

- in 2016, Judges and Bailiff were moved from the personal services budget under Judges.

## 2018 Budget

**Department: Municipal Justice**  
**Program: Court Clerk**

The City of Prairie Village provides Municipal Court services for the City of Prairie Village and the City of Mission Hills. The Court Clerk office prepares and maintains records, collects fines, schedules Court dockets, and prepares required reports of Court activities.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 253,381	\$ 280,135	\$ 308,759	\$ 344,828
Contract Services	68,114	64,457	78,470	79,560
Commodities	7,930	3,200	5,200	5,200
Capital Outlay	83	2,321	3,000	3,000
Total	<b>\$ 329,507</b>	<b>\$ 350,113</b>	<b>\$ 395,429</b>	<b>\$ 432,588</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 329,507	\$ 350,113	\$ 395,429	\$ 432,588
Total	<b>\$ 329,507</b>	<b>\$ 350,113</b>	<b>\$ 395,429</b>	<b>\$ 432,588</b>
<b>Full-time Equivalent Positions</b>				
	5.00	5.00	5.00	5.00
Court Administrator	1.00	1.00	1.00	1.00
Court Clerk	3.00	3.00	3.00	4.00
Total	5.00	5.00	5.00	5.00



# Expenditures – Community Development



## 2018 Budget

### Department: Community Development

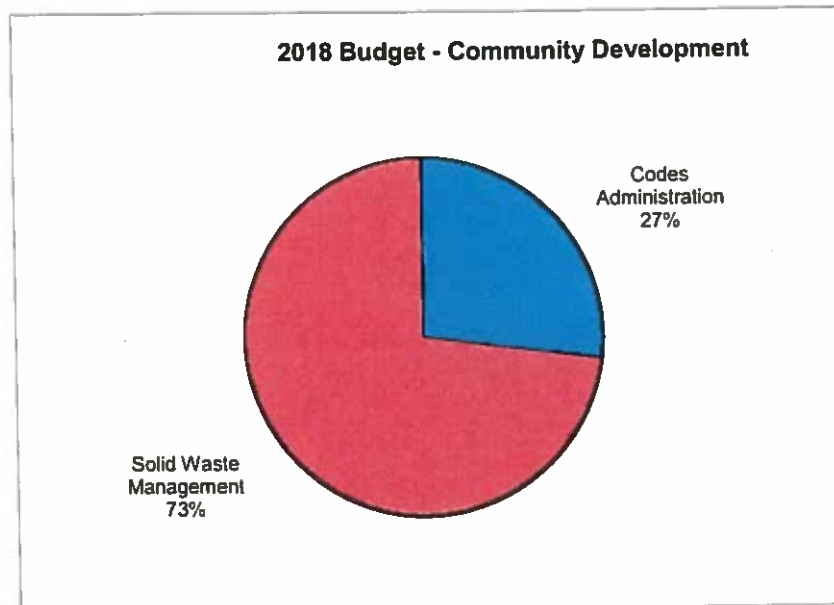
	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Codes Administration	416,538	507,584	579,817	633,052
Solid Waste Management	1,403,839	1,391,311	1,688,638	1,711,152
<b>Total</b>	<b>\$1,820,377</b>	<b>\$1,898,895</b>	<b>\$ 2,268,455</b>	<b>\$ 2,344,204</b>

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Character</b>				
Personal Services	\$ 405,406	\$ 491,524	\$ 545,942	\$ 598,423
Contract Services	1,399,288	1,394,437	1,705,013	1,727,431
Commodities	11,636	10,415	13,300	15,150
Capital Outlay	4,047	2,519	4,200	3,200
Debt Service	-	-	-	-
Contingency	-	-	-	-
<b>Total</b>	<b>\$1,820,377</b>	<b>\$1,898,895</b>	<b>\$ 2,268,455</b>	<b>\$ 2,344,204</b>

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Fund</b>				
General Fund	416,538	507,584	579,817	633,052
Solid Waste Management Fund	1,403,839	1,391,311	1,688,638	1,711,152
<b>Total</b>	<b>\$1,820,377</b>	<b>\$1,898,895</b>	<b>\$ 2,268,455</b>	<b>\$ 2,344,204</b>

<b>Full-time Equivalent Positions</b>	4.70	5.20	6.20	7.20
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- In 2016, personal services reflects budget for full time Code Enforcement Officer.
- In 2017, personal services reflects budget for full time Building Inspector.



## 2018 Budget

**Department: Community Development**  
**Program: Codes Administration**

Codes Administration Program is charges with enforcing building codes, zoning codes, rental licensing and property maintenance codes to ensure the health, safety and welfare of the community. The Codes Administration Program is also responsible for administering the Exterior Grant Program.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 380,034	\$ 464,662	\$ 519,101	\$ 571,286
Contract Services	20,821	29,988	44,216	44,416
Commodities	11,636	10,415	12,300	14,150
Capital Outlay	4,047	2,519	4,200	3,200
<b>Total</b>	<b>\$ 416,538</b>	<b>\$ 507,584</b>	<b>\$ 579,817</b>	<b>\$ 633,052</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 416,538	\$ 507,584	\$ 579,817	\$ 633,052
<b>Total</b>	<b>\$ 416,538</b>	<b>\$ 507,584</b>	<b>\$ 579,817</b>	<b>\$ 633,052</b>

<b>Full-time Equivalent Positions</b>	4.40	4.90	5.90	6.90
Assistant City Administrator	0.40	0.40	0.40	0.40
Building Official	1.00	1.00	1.00	1.00
Code Enforcement Officer	1.00	1.00	2.00	2.00
Building Inspector	1.00	1.00	1.00	2.00
Codes Support Specialist	1.00	1.00	1.00	1.00
Management Intern	-	0.50	0.50	0.50
<b>Total</b>	<b>4.40</b>	<b>4.90</b>	<b>5.90</b>	<b>6.90</b>

### Notes

- In 2016, personal services reflects budget for full time Code Enforcement Officer.
- In 2017, personal services reflects budget for full time Building Inspector.

### 2018 Contract Services Budget Includes the Following:

Insurance (P&C and WC)	\$ 9,686
Training	11,300
Vehicle gas and maintenance	2,000
Dues for professional organizations	5,730
Contract for mowing	7,000
Contract for scanning	5,200
Copier	3,500
	<u>\$ 44,416</u>

### 2018 Capital Outlay Budget Includes the Following:

Office equipment & furniture	\$ 2,000
Computer equipment	600
Field equipment	600
	<u>\$ 3,200</u>



## 2018 Budget

**Department: Community Development**  
**Program: Solid Waste Management**

Solid waste, composting and recyclables collection services are provided weekly for residents. These services are financed by special assessments to residents who subscribe to the service. Ninety-five percent of the single-family homes in the city use the service. Other are provided service through their homes association.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 25,372	\$ 26,862	\$ 26,841	\$ 27,137
Contract Services	1,378,467	1,364,449	1,660,797	1,683,015
Commodities	0	0	1,000	1,000
Contingency	0	0	0	0
<b>Total</b>	<b>\$ 1,403,839</b>	<b>\$ 1,391,311</b>	<b>\$ 1,688,638</b>	<b>\$ 1,711,152</b>
<b>Expenditures by Fund</b>				
Solid Waste Management Fund	1,403,839	1,391,311	1,688,638	1,711,152
<b>Total</b>	<b>\$ 1,403,839</b>	<b>\$ 1,391,311</b>	<b>\$ 1,688,638</b>	<b>\$ 1,711,152</b>
<b>Full-time Equivalent Positions</b>				
	0.30	0.30	0.30	0.30
Assistant City Administrator	0.30	0.30	0.30	0.30
<b>Total</b>	<b>0.30</b>	<b>0.30</b>	<b>0.30</b>	<b>0.30</b>

### Notes

- Contract services budget includes the cost for the annual large item pickup. The cost is \$29,000.

**Funding Sources:** Special assessments on property tax bills.

**Expenditures:** In 2017 the City contracted with Republic Trash Services for solid waste collection, recycling, composting services and large item pick up. The fee also includes a portion of the City's administrative costs including personal services and supplies.

2010 Assessment: \$177.62  
 2011 Assessment: \$200.74  
 2012 Assessment: \$200.74  
 2013 Assessment: \$158.52  
 2014 Assessment: \$174.00  
 2015 Assessment: \$174.00  
 2016 Assessment: \$174.00  
 2017 Assessment: \$192.00  
 2018 Assessment: \$192.00



# Expenditures – Parks & Community Programs



## 2018 Budget

### Department: Parks & Community Programs

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Expenditures by Program</b>				
Community Programs	\$ 184,725	\$ 72,156	\$ 131,977	\$ 147,923
Swimming Pool	295,965	305,712	368,837	339,927
Concession Stand	39,730	53,957	73,648	72,577
Tennis	13,468	14,472	17,200	16,763
<b>Total</b>	<b>\$ 533,887</b>	<b>\$ 446,297</b>	<b>\$ 591,662</b>	<b>\$ 577,190</b>

### Expenditures by Character

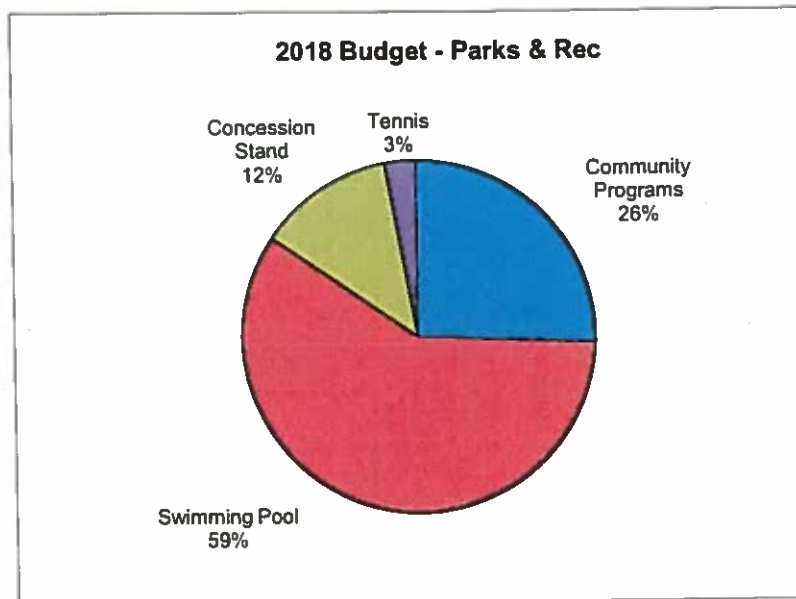
Personal Services	\$ 355,520	\$ 327,893	\$ 417,314	\$ 394,017
Contract Services	115,948	58,253	95,173	112,873
Commodities	37,389	45,866	58,375	59,500
Capital Outlay	25,030	14,286	20,800	10,800
<b>Total</b>	<b>\$ 533,887</b>	<b>\$ 446,297</b>	<b>\$ 591,662</b>	<b>\$ 577,190</b>

### Expenditures by Fund

General Fund	\$ 533,887	\$ 446,297	\$ 591,662	\$ 577,190
Special Alcohol Fund	24,000	30,000	30,000	40,000
Debt Service Fund	0	0	0	0
<b>Total</b>	<b>\$ 557,887</b>	<b>\$ 476,297</b>	<b>\$ 621,662</b>	<b>\$ 617,190</b>

### Full-time Equivalent Positions

20.80	20.80	20.80	20.80
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## 2018 Budget

**Department: Parks & Community Programs**  
**Program: Community Programs**

This program provides funding for special city events and activities such as the annual 4th of July Celebration (Village Fest). It provides cultural programming sponsored by the Prairie Village Arts Council, JazzFest and Environmental Committee initiatives.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 85,694	\$ 47,931	\$ 73,767	\$ 81,263
Contract Services	82,892	23,104	51,960	65,660
Commodities	139	541	1,250	1,000
Capital Outlay	16,000	580	5,000	0
<b>Total</b>	<b>\$ 184,725</b>	<b>\$ 72,156</b>	<b>\$ 131,977</b>	<b>\$ 147,923</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 184,725	\$ 72,156	\$ 131,977	\$ 147,923
Special Alcohol Fund	24,000	30,000	30,000	40,000
<b>Total</b>	<b>\$ 208,725</b>	<b>\$ 102,156</b>	<b>\$ 161,977</b>	<b>\$ 187,923</b>
<b>Full-time Equivalent Positions</b>				
	0.78	0.78	0.78	0.78
Management Assistant	0.78	0.78	0.78	0.78
<b>Total</b>	<b>0.78</b>	<b>0.78</b>	<b>0.78</b>	<b>0.78</b>

### Notes

- Programs include Arts Council, Environmental Committee, Sister City and Village Fest. In 2017, Arts Council utilized funds in the PV Foundation to cover annual expenses

#### 2018 Contract Services Includes the Following:

Insurance (P&C and WC)	\$ 2,560
VillageFest	18,000
Arts Council	13,500
Environmental Committee	8,000
Minor Home Repair	6,000
UCS	7,600
JazzFest	10,000
	<u>\$ 65,660</u>

## 2018 Budget

**Department: Parks & Community Programs**  
**Program: Swimming Pool**

The City provides a swimming pool complex for use during the summer months. The City also sponsors swim and dive teams for youth.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 241,742	\$ 242,618	\$ 299,647	\$ 270,237
Contract Services	28,065	29,499	36,390	40,390
Commodities	17,128	21,820	20,000	21,500
Capital Outlay	9,030	11,776	12,800	7,800
<b>Total</b>	<b>\$ 295,965</b>	<b>\$ 305,712</b>	<b>\$ 368,837</b>	<b>\$ 339,927</b>

<b>Expenditures by Fund</b>				
General Fund	\$ 295,965	\$ 305,712	\$ 368,837	\$ 339,927
<b>Total</b>	<b>\$ 295,965</b>	<b>\$ 305,712</b>	<b>\$ 368,837</b>	<b>\$ 339,927</b>

<b>Full-time Equivalent Positions</b>	16.82	16.82	16.82	16.82
Management Assistant	0.22	0.22	0.22	0.22
Pool Manager	0.35	0.35	0.35	0.35
Assistant Pool Manager	0.50	0.50	0.50	0.50
Guards	14.75	14.75	14.75	14.75
Coaches	1.00	1.00	1.00	1.00
<b>Total</b>	<b>16.82</b>	<b>16.82</b>	<b>16.82</b>	<b>16.82</b>

### Notes

**2018 Capital Outlay Budget Includes the Following:**

Miscellaneous Pool Equipment	7,000
Office Equipment	800
	<u>7,800</u>
<b>\$</b>	<b>7,800</b>

## 2018 Budget

**Department: Parks & Community Programs**  
**Program: Concession Stand**

The concession stand serves the patrons of both the swimming pool complex and Harmon Park.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 16,873	\$ 26,778	\$ 31,611	\$ 30,615
Contract Services	3,167	2,873	3,962	3,962
Commodities	19,690	22,376	35,075	35,000
Capital Outlay	0	1,930	3,000	3,000
Total	<b>\$ 39,730</b>	<b>\$ 53,957</b>	<b>\$ 73,648</b>	<b>\$ 72,577</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 39,730	\$ 53,957	\$ 73,648	\$ 72,577
Total	<b>\$ 39,730</b>	<b>\$ 53,957</b>	<b>\$ 73,648</b>	<b>\$ 72,577</b>
<b>Full-time Equivalent Positions</b>				
	3.00	3.00	3.00	3.00
Concession Worker	3.00	3.00	3.00	3.00
Total	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>

## 2018 Budget

**Department: Parks & Community Programs**  
**Program: Tennis**

The City provides tennis courts in several City parks. The City also sponsors tennis lessons and a Kansas City Junior Tennis League (JTL) team.

	2015 Actual	2016 Actual	2017 Budget	2018 Budget
<b>Program Expenditures</b>				
Personal Services	\$ 11,211	\$ 10,566	\$ 12,289	\$ 11,902
Contract Services	1,824	2,777	2,861	2,861
Commodities	432	1,129	2,050	2,000
<b>Total</b>	<b>\$ 13,468</b>	<b>\$ 14,472</b>	<b>\$ 17,200</b>	<b>\$ 16,763</b>
<b>Expenditures by Fund</b>				
General Fund	\$ 13,468	\$ 14,472	\$ 17,200	\$ 16,763
<b>Total</b>	<b>\$ 13,468</b>	<b>\$ 14,472</b>	<b>\$ 17,200</b>	<b>\$ 16,763</b>
<b>Full-time Equivalent Positions</b>				
	0.20	0.20	0.20	0.20
Tennis Instructor	0.20	0.20	0.20	0.20
<b>Total</b>	<b>0.20</b>	<b>0.20</b>	<b>0.20</b>	<b>0.20</b>



**CITY OF PRAIRIE VILLAGE**  
Council Meeting – June 19th, 2017

**Dangerous Dog Appeal Procedure for City Council**

Before the Governing Body tonight is an appeal of a dangerous dog declaration by Animal Control.

The appeal hearing will be conducted in the following manner:

1. Introduction by the Chief of Police;
2. Testimony from the dog owner;
3. Testimony from Animal Control;
4. Discussion by the Governing Body, and
5. Vote by the Governing Body.





## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown												
D R U G S	Status	Quantity	Type Measure			Suspected Drug Type						
O F F E N D E R	Offender(s) Suspected of Using		Offender 1			Offender 2			Offender 3			Primary Offender Resident Status Resident Non-Resident Unknown
	<input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Age:	Race:	Sex:	Age:	Race:	Sex:	Age:	Race:	Sex:	
			Offender 4			Offender 5			Offender 6			
			Age:	Race:	Sex:	Age:	Race:	Sex:	Age:	Race:	Sex:	
S U S P E C T	Name (L, F M) AKA					Home Address					Home Phone	
	Occupation				Business Address					Business Phone		
	DOB: / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color	
							Hair Style		Hair Length		Glasses	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)											
	Hat			Shirt/Blouse			Coat/Suit			Socks		
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes		
	Was Suspect Armed?		Type of Weapon				Direction of Travel				Mode of Travel	
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin					
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:						
	W I T N E S S	Name (Last, First, Middle)					DOB	Age	Race	Sex		
		Home Address					Home Phone		Employer		Phone	
N A R R I V E	<p>On 12/31/2016 at approximately 1334 hours I was dispatched to Menorah Medical Center in reference to a subject who had been bitten by a dog at 8213 Juniper Lane.</p> <p>At approximately 1347 hours I arrived and met with the dog bite victim, identified as Robert Barickman, in the emergency room waiting area. Waiting with Robert was the dog's owner, identified as Russell Jones. I asked if they could explain to me what happened. Russell stated he lives across the street from Robert at 8212 Juniper Lane and was outside with his dog, Bo; a 5 year old male Labrador mix. Russell stated he had Bo on a leash but Bo got away from him and ran across the street to where Robert was. Russell stated Bo ran up to Robert and Robert put his hand out. Russell stated that when Robert put his hand out Bo bit Robert's right hand. Russell then said he drove Robert to Menorah Medical Center where he was treated and released.</p> <p>Robert's right hand and wrist were bandaged when I arrived. I did not take any pictures of the injury because Robert was already treated and released from the medial center when I arrived.</p>											

## Incident / Investigation Report

*Prairie Village Police Department*

OCA: 2016-03261

### Officer's Narrative (continued)

I then completed an In-Home Animal Impound Form with Russell. Russell told me his dog Bo is license and registered with the City of Prairie Village. Russell also told me Bo is all current with all vaccination shots and rabies shots. I told Russell an Animal Control Officer would be in contact with him in the coming days. I told Russell and Robert to contact me if there were any additional questions or concerns and provided them my business card with the case number attached.

This report has been linked to both Prairie Village Animal Control Officers.

I have nothing further to report at this time.

Respectfully Submitted:  
Officer Machiela #175

# Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

## Officer's Supplement

Officer 1502972

Date / Time Reported SA Dec 31, 2016 13:31

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 1/3/2017 10:55

On 1/3/2017 I spoke with Susan Jones via telephone. She stated she was not present at the time of the bite but was willing to describe the dog "Bo" for me. He is a 5 year old Lab/Rhodesian Ridgeback mix who is red in color. He is current on his rabies vaccine, he recieved a 3 year vaccine from Fairway Animal Clinic on 3/8/2014. Bo is not licensed within the City and is eligible for licensing due to being over 6 months of age and having been in the City since Summer 2016. Bo is originally owned by the daughter of Russell and Susan Jones but is under their care while she is at school, the decision to keep Bo with Russell and Susan was made so Bo could continue working with a trainer.

I also spoke with Bob Barickman who described his injury as 3 individual marks, one is a 2 inch cut, one is a deeper puncture, and the last is a smaller mark. Bob advised he had been standing in his driveway when Bo was let outside with a leash on but the leash was not being held onto, Bo immediately charged at Bob and bit his right hand then released.

Bob also stated that the neighbor Tom Jones of 8209 Juniper Ln has been bitten on two seperate occasions by Bo. He stated Bo bit Tom Jones through the fence earlier this summer (summer 2016). He stated the second bite happened a few weeks later when the owners were working on training Bo and had invited Tom Jones to give Bo treats as part of Bo's training, this is when Bo bit Tom resulting in 8 stitches on the leg. I have called Tom Jones and will follow up on this incident.

On 1/4 I spoke with Tom Jones via telephone and email. He stated he was only bitten once. The other bite in question is involving another neighbor Shari Stephan and her dog and Bo. The bite to Tom Jones occured on 6/16/2016 when Russ and Susan Jones were working with a trainer for Bo and had asked for a neighbor to volunteer to help. Tom rang the Jones' doorbell and Bo stayed sitting, a week or so later they tried again and Tom was to toss Bo a treat. The trainer instructed Tom to back up and then step forward, toss a treat, and back up again. Tom did this twice without incident and on the third time Bo lunged at Tom and bit his leg once. Tom went to an Urgent Care facility but was told to go to the hospital to get layering stitches. At St. Luke's South he recieved 8 stitches for a wound approxiately 2 inches long and 1/4 inch wide, a secondary puncture wound was nearby but did not require stitches. Included is a copy of the email Tom sent with this information. A copy of the medical bills and a picture of the scar for reference are attached as well.

I attempted follow up with Shari Stephan of 8208 Juniper Ln, the potential first victim or victim's owner. On 1/4/2017 she was left a voicemail at the phone number and sent an email to com and as of 0900hrs on 1/5 I have recieved no response. Contact information was provided to me by Tom Jones.

On 1/4 I spoke with Russell Jones to inform him Bo needs to go to the vet for the remainder of the 10 day rabies observation. He informed me he and his wife were leaving town the morning of 1/5 and not returning until 1/8 and had planned to take Bo to a boarding facility, this would be in violation of rabies quarantine. He stated he would take Bo to Fairway Animal Hospital on the morning of 1/5/2017. On 1/5/2017 Fairway Animal Hospital spoke with dispatch and confirmed Bo has been impounded until 1/9 at their facility.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 1/10/2017 07:06

On 1/9/2017 Fairway Animal Hospital released Bo from rabies observation with no signs of rabies. The County and victim have been notified. When I notified Bob he advised that earlier on the same day he was bitten, Bo had aggressively approached two females in the street as they were getting into a car. Bob does not think Russ and Susan Jones are aware this even happened and he will try to have the females contact me.

As of 1/10 Shari Stephan, the possible first victim, has still not been successfully contacted.

On 1/10 (read on 1/11) I received an email from Ashley Edmonds of 8216 Juniper Ln. She expressed concern for the safety of the neighborhood and her family due to the intimidating and aggressive nature of Bo. She stated Bo charges the 4 ft. fence while growling and showing teeth whenever they are outside and when a visitor parks in their driveway. As a preventative measure they have been closing the garage door before letting their three kids out of the car and since the bite to Bob Barickman have not allowed their daughter to play in the driveway out of fear of Bo.

On 1/11/2017 I spoke with Russell Jones via telephone about the other incidences. He stated the family had been working with Beyond The Dog training for help with barking at strangers at the time of the bite to Tom Jones, Bo had been introduced to 7 or 8 other people without incident before Tom. He described Bo as a sweet and loving dog and these instances do not reflect the whole picture. Russell said Bo gets a walk every day and remains unreactive to people but can react to other dogs he thinks in an effort to play. He is aware Bo barks at people passing by the fence and can growl if people come too close to the fence. Russell has advised his neighbors not to try and pet Bo through the fence and has promised to keep Bo confined to the backyard or on a leash at all times to ensure this doesn't happen again. I asked if there have been any situations where Bo has shown aggression to which Russell stated there have not been, beyond barking at people close to the fence and the two bites reported.

I have gone through each of the four factors to consider in determining an animal to be deemed dangerous (attached) and Bo meets each of the requirements.

On 1/12/17 I issued NTA 08586 to Russell Jones for Bo running at large.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 2/3/2017 10:39

On 2/3/2017 myself and Sgt. Washington met with Russ Jones to discuss the next steps for Bo. Russ wants to keep Bo with the family and is willing to keep Bo leashed/muzzled, secured in the backyard or secured inside at all times.

We will discuss if we need to move forward with a dangerous dog declaration and meet with Russ again next week.

On 2/8/2017 I recieved an email from Richard Stephan at 8208 Juniper Ln. He stated his wife, Shari Stephan, had been bitten by Bo on May 22, 2016 through the fence. The couple were talking to Russ and Susan Jones, Russ and Bo were in the backyard of their property with a wrought iron fence seperating Russ and Bo from the rest of thr group. Shari Stephan put her hand down to allow Bo to sniff her and Bo reached through the fence and bit her hand and pulled it through the fence. She was treated for her injuries to the three middle fingers of her right hand at Menorah Medical Center. Richard expressed concern for their Bichon puppy and their two young granddaughters playing in their own back yard.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date / Time 3/13/2017 07:21

On 2/22/2017 Bob Barickman stated he heard about a Bo biting another person while at college with Elizabeth Jones and that bite is what prompted Bo being trained with a professional at home with Susan and Russ Jones. He did not know any further details.

On 3/13/2017 Sgt. Washington and I met with Russ to discuss the bite to Shari Stephen and inquire about the possible bite at college. He stated Shari had put her hand through the fence and there he has no knowledge of a bite while Elizabeth had Bo at college.



## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 4/5/2017 14:09

On 4/5/2017 I mailed the dangerous dog declaration letter to Russell Jones. The decision was made based on the following factors:

At the time of the bite or attack, did the person or domestic animal so bitten have permission to be on the property of the person who owns or harbors such animal? The bite sustained by Bob Barickman occurred on Bob's property, Bo had left his property at the time of the bite. The bite sustained by Tom Jones happened inside the home of Russell and Susan Jones and Tom did have permission to be on the property. The bite sustained by Shari Stephan occurred on the property line with Shari on her side of the fence and Bo on his.

Does the animal have a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals? Yes, three separate bites under three different circumstances have occurred within 8 months as well as another neighbor, Ashley Edmonds, feels the safety of her family is being threatened by Bo.

Has the animal aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property? The bite sustained by Bob Barickman is considered an aggressive bite due to Bo charging and resulting in a bite. The bite to Tom Jones is considered a serious injury due to the injury needing 8 stitches. The bite sustained by Shari Stephen is not considered an aggressive bite, an attack, endangering, or a severe injury. All three bites occurred on private property with one occurring on the victim's property, one on the owner's property, and one on the property line between the victim and owner.

Does the animal have any prior history of bites or attacks? The first reported bite was to Bob Barickman. The bites to Tom Jones and Shari Stephan were unreported until Bob was bitten making for a total of 3 bites in an 8 month period.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date / Time 4/21/2017 10:08

Russell Jones mailed a letter of appeal and the appeal fee dated on 4/13/2017.

The appeal has been set for 5/1/2017 during City Council.

When reaching out to the involved parties to inform them of the City Council hearing and appeal, Richard Stephan the husband of the first known victim Shari Stephan mentioned a conversation with Russ and his son in law where Russ may have said there was a bite at college prior to coming to live with them full time. Both Bob Barickman and Richard Stephan have now said this, however, Russ stated he is not aware of any bites by Bo while Elizabeth had him at college.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 5/5/2017 07:18

Russ Jones mailed a letter dated April 26th as well as calling requesting the appeal be moved to June 19th.

Chief Schwartzkopf mailed a letter in return dated May 1st stating the appeal will be heard on June 19th during City Council and requiring him to follow the dangerous animal ordinance by obtaining a temporary dangerous animal permit. This permit will encompass all aspects of the dangerous animal ordinance with the exception of insurance.

Copies of both letters are attached.

Involved parties were notified of the new appeal date.

Russ Jones applied for a temporary dangerous animal permit in 5/5/2017 and an inspection date has been set for 5/11/2017.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65012) BLANCHARD, ROGER

Supplement Type: INFORMATION

Date / Time 5/14/2017 07:16

On 5/12/2017 at 1700 hours I met with Russ Jones at his residence 8212 Juniper Prairie Village, KS. 66208 to see if he had met the requirements for keeping a dangerous dog. He had a muzzle for the dog, a beware of dog sign on the south fence gate (will put one on the north fence gate) and two colored pictures of the dog. He does not kennel the dog in the house and the only door and window screens he has face the backyard that is fenced. He enrolled the dog in a behavioral class last year but has not enrolled it in one this year. The dog is already microchipped and neutered.

Russ met all the requirements for a temporary dangerous dog permit except for the dog being enrolled in a behavior modification class.

Two colored pictures of the dog are attached to the report.

## Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (65016) JASMINSKI, ALEXANDRA

Supplement Type: INFORMATION

Date/Time 5/23/2017 14:49

On 5/23/2017 I spoke with Michelle Crosby with Beyond the Dog training. She confirmed Bo has been enrolled in a 3 week, 9 session class beginning on 5/30/2017.

The second required "Beware of Dog" sign on the north fence gate has still not been put up. A temporary dangerous animal permit will not be issued until all requirements are met- including the second beware of dog sign.

The microchip number for Bo is: 0A1354742C

On 5/24/2017 I drove by the Jones' and observed the second "Beware of Dog" sign on the north fence gate. He has now agreed to comply with all requirements for a temporary dangerous animal permit- City Clerk Joyce Mundy has been notified.

On 5/25/2017 at approximately 0810 hrs I was dispatched to the Jones house at 8212 Juniper in regards to Bo being walked on a leash longer than 4 ft and without a muzzle while off the property. I did not see Bo and spoke with Russ Jones via telephone who stated he walked Bo this morning with a muzzle and with a 4 ft. leash.

**Bo – Russell and Susan Jones of 8212 Juniper Lane**

**Summer 2016- Bo comes to live with Russell and Susan Jones due to their daughter coming home from school for the summer. At some point Bo possibly bit either Shari Stephan or her dog through the fence shared by the two but she will not respond to my attempted contacts.**

**6/16/2016- Bo bites Tom Jones on the leg resulting in 8 stitches**

**12/31/2016- Bo approaches two unidentified females as they are getting into a car and bites at their bags, this is unsubstantial and unverified but reported to me by Bob Barickman**

**12/31/2016- Bo bites Bob Barickman on the hand/wrist resulting in 3 bite marks**

**1/11/17- Ashley Edmonds reaches out to me to report the aggressive nature of Bo and his threat to public safety**

**Bo- Russell and Susan Jones of 8212 Juniper Lane  
UPDATED**

**Summer 2016- Bo comes to live with Russell and Susan Jones due to their daughter coming home from school for the summer**

**5/23/2016- Bo bites Shari Stephan on her hand through their shared fence**

**6/16/2016- Bo bites Tom Jones on the leg resulting in 8 stitches**

**12/31/2016- Bo bites Bob Barickman on the hand/wrist resulting in 3 bite marks**

**1/11/2017- Ashley Edmonds reaches out to me to report the aggressive nature of Bo and his threat to public safety**

## Allie Jasminski

---

**From:** Tom Jones  
**Sent:** Wednesday, January 04, 2017 10:38 AM  
**To:** Allie Jasminski  
**Subject:** Re: dog bites

Hi Allie. I can tell you what happened in my incident. I do not have any first hand knowledge of the other bite, only third hand comments from others. I only was told that Susan Jones was in in her back yard with Bo and the next door neighbor, Shari Stephan and her dog were in her yard with a fence between the two yards.

In my situation, Bo was being trained by someone Russ and Susan Jones had hired to come to the house and train the dog. Russ sent out an email to neighbors asking someone, a stranger, to ring their doorbell at a particular time. I volunteered and did so. The dog behaved and stayed sitting, which was the objective I suppose. About a week later Russ emailed the same request. I again volunteered and did so. The dog responded the same. Russ invited me inside where the trainer and Susan were located. Russ and the trainer were tossing treats to Bo while he stayed put. Russ gave me some treats to do the same. I tossed several to Bo and the dog stayed put. The trainer then suggested that I back up, take 2 steps forward and toss a treat to Bo and back up. I did this twice. On the third toss, Bo lunged at me, and bit my lower leg below the knee. I had denim jeans on and didn't think I had really been hurt. The trainer grabbed the dog. When I raised my pant leg, I was bleeding. We cleaned the injury and bandaged it. I walked home, changed pants and went to get stitches, first to an urgent care. They suggested I should go to the emergency room to get "layering" stitches that the urgent care facility could not do. The urgent care facility gave me a tetanus shot I then went to St. Luke's South Emergency Care.

After the usual questions about what happened, they put in 8 stitches to close the wound. I returned 2 weeks later to have them removed. I have no pictures but could send you one of the scar on my knee if you want. The wound was about 2 inches long by 1/4 inch wide, a type of gouge, with a puncture wound nearby.

I can look through my medical file of medicare stuff to see what sort of documentation I have if you need it. I do have that file with me in CA. Let me know if you have other questions or if I can help. Tom Jones

On Wed, Jan 4, 2017 at 6:39 AM, Allie Jasminski <[ajasminski@pvkansas.com](mailto:ajasminski@pvkansas.com)> wrote:

Hi Tom,

I hoping you can provide me with some info on the two separate dog bites that happened last summer. If you could let me know what happened, where, when, the injuries sustained, and who was involved that would be great. Additionally if you have medical bills, pictures, or any type of documentation that shows who was involved that would be a big help!

If you have any questions you can either email me or reach me at [913-385-4631](tel:913-385-4631)

CSO Allie Jasminski

Prairie Village Animal Control



## Allie Jasminski

---

**From:** Tom Jones  
**Sent:** Wednesday, January 04, 2017 4:04 PM  
**To:** Allie Jasminski  
**Subject:** Re: dog bites

It looks like the ER visit and the urgent care took place on 6/16/16 according to the medicare and AARP docs. I sent you a pic of each via phone Tom

On Wed, Jan 4, 2017 at 1:12 PM, Allie Jasminski <[ajasminski@pvkansas.com](mailto:ajasminski@pvkansas.com)> wrote:

Tom,

Thank you so much for the information, I'd love a copy of the medical bill and picture of the scar provided you are comfortable with that. Do you happen to know the date of the bite? Also, do you have any contact information for Shari Stephan or know her address by any chance?

Thanks,

Allie

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**From:** Tom Jones [mailto: ]  
**Sent:** Wednesday, January 04, 2017 10:38 AM  
**To:** Allie Jasminski  
**Subject:** Re: dog bites

Hi Allie. I can tell you what happened in my incident. I do not have any first hand knowledge of the other bite, only third hand comments from others. I only was told that Susan Jones was in in her back yard with Bo and the next door neighbor, Shari Stephan and her dog were in her yard with a fence between the two yards.

In my situation, Bo was being trained by someone Russ and Susan Jones had hired to come to the house and train the dog. Russ sent out an email to neighbors asking someone, a stranger, to ring their doorbell at a particular time. I volunteered and did so. The dog behaved and stayed sitting, which was the objective I suppose. About a week later Russ emailed the same request. I again volunteered and did so. The dog responded the same. Russ invited me inside where the trainer and Susan were located. Russ and the trainer were tossing treats to Bo while he stayed put. Russ gave me some treats to do the same. I tossed several to Bo and the dog stayed put. The trainer then suggested that I back up, take 2 steps forward and toss a treat to Bo and back up. I did this twice. On the third toss, Bo lunged at me, and bit my lower leg below the knee. I had denim jeans on and didn't think I had really been hurt. The trainer grabbed the dog. When I raised my pant leg, I was bleeding. We cleaned the injury and bandaged it. I walked home, changed pants and went to get stitches, first to an urgent

DERMATOLOGY & SKIN CANCER SP  
 PO BOX 803317  
 KANSAS CITY, MO 64180-0031

Statement Date: October 14, 2016

Plan Code & Service Date(s) Provider Type of Service	Amount Charged	Medicare Approved Amount	Applied to Medicare Deductible	Medicare Paid	Plan Cost Share	Your Plan Paid	Items & Notes
F 06/14/16 GRAVES Medical services	150.00	57.27		55.42		13.85	A
<b>Totals</b>	<b>150.00</b>	<b>57.27</b>		<b>55.42</b>		<b>13.85</b>	

\$0.00 Your plan paid to you  
 \$13.85 Your plan paid to provider

**Notes**

- Your Plan benefit was based on the Medicare Approved Amount assignment.

**Comments about your claim**

The Medicare Paid Amount may be different than the Medicare Paid Amount shown on your Medicare Statement.  
 This was done simply to process your claim.

*ARP Supplemental bill doc.*

**Claim 61960-607501-1**

MEP KANSAS LLC  
 PO BOX 98217  
 SAINT LOUIS, MO 63178-8217

Processed  
 15/16

Plan Code & Service Date(s) Provider Type of Service	Amount Charged	Medicare Approved Amount	Applied to Medicare Deductible	Medicare Paid	Plan Cost Share	Your Plan Paid	Items & Notes
F 06/16/16 LINDERMA EP visit, doctor services	20.00	60.20		46.16		12.04	A
F 06/16/16 LINDERMA Minor wound repair	256.00	56.66		46.38		11.33	B
<b>Totals</b>	<b>276.00</b>	<b>116.86</b>		<b>92.54</b>		<b>23.37</b>	

\$0.00 Your plan paid to you  
 \$23.37 Your plan paid to provider

**Notes**

- Your Plan benefit was based on the Medicare Approved Amount because your provider accepted Medicare assignment.

**Comments about your claim**

The Medicare Paid Amount may be different than the Medicare Paid Amount shown on your Medicare Statement.  
 This was done simply to process your claim.

Claim Processed  
 07/19/16

Part B Medical Insurance helps pay for outpatient care provided by certified medical facilities, such as hospital outpatient departments, renal dialysis facilities, and community health centers.

### Definitions of Columns

**Service Approved?** This column tells you if Medicare covered the outpatient service.

**Amount Facility Charged:** This is your facility's fee for this service.

**Medicare-Approved Amount:** This is the amount a facility can be paid for a Medicare service. It may be less than the actual amount the facility charged. The

facility has agreed to accept this amount as payment for covered services. Medicare pays 80% of the Medicare-approved amount.

**Amount Medicare Paid:** This is the amount Medicare actually paid.

*Medicare Doc  
ER Visit*

**June 16, 2016**

**Saint Luke's South Hospital, Inc. (913) 317-7000**

**12300 Metcalf Ave. Overland Park, KS 66213-1324**

**Referred by Sarah F. Linderman**

Service Provided & Billing Code	Service Approved?	Amount Facility Charged	Medicare-Approved Amount	Amount Medicare Paid	Maximum You May Be Billed
Repair of wound (2.6 to 7.5 centimeters) of the scalp, underarms, trunk, arms and/or legs (12032)	Yes	\$725.00	\$725.00	\$169.49	\$43.00
Emergency department visit, moderately severe problem (99283)	Yes	1,143.00	1,143.00	147.26	37.50
<b>Total for Claim</b>		<b>\$1,868.00</b>	<b>\$1,868.00</b>	<b>\$316.75</b>	<b>\$80.50</b>

### Notes for Claims Above

**A** The amount Medicare paid the provider for this claim is \$316.75.

**B** After your deductible and coinsurance were applied, the amount Medicare paid was reduced due to federal, state and local rules.

## Allie Jasminski

---

**From:** Ashley Edmonds  
**Sent:** Tuesday, January 10, 2017 8:35 PM  
**To:** Allie Jasminski  
**Subject:** Case # 2016-03261

Allie,

I am writing to you in response to the case you have going on a neighborhood dog, Beau. As you know, he has a history of bites to people here in our neighborhood (Bob Barickman and Tom Jones). We live next door to Russ and Susan Jones who own Beau. A little history on our family: we have a 4 year old daughter and almost 1 year old twin boys as well as a rescued Great Pyrenees. I am an avid animal lover, involved with some of the local shelters and rescued my dogs (we lost Duke last year). I do know that the Jones' have tried very hard to train this dog and work with him regularly. I also know that he is a scary dog to live next to. He charges the fence, growls and shows his teeth, and lunges at my dog. The barks I hear between him and my dog are not the usual barks of two dogs interacting. We have to repeatedly tell me daughter not to go near that side of the yard and fence so she doesn't accidentally stick her hand thru (she is used to our very docile dog and doesn't realize some dogs aren't as friendly). We have a few people who come to the house regularly and have had to be informed on the history of this dog for their safety and awareness. Yet, Beau continues to charge the fence and terrify them when they park in our driveway. It has also been brought to my attention that he may have the ability to jump our 4 foot fence if he is determined enough. I cannot stress enough how much this worries me, not only for my family's safety, but also the safety of my dog. Beau has a history of charging off the Jones' property unexpectedly and attacked Bob Barickman across the street. We live next door. I cannot protect my three little kids if that dog decides to escape while we are outside playing or even getting in to or out of the car. I now shut the garage door before getting anyone out of the car and have not let my daughter go outside to play on our driveway for concerns after this latest incident. In lieu of Beau's history, I am very concerned for our safety as well as anyone else who happens to be nearby. Please do not hesitate to contact me if you have any questions about this email.

On a side note, I am not familiar with the process in matters like this. I am curious what the time frame is for a decision from you and/or the city?

Thank you,  
Ashley Edmonds

## Allie Jasminski

---

**From:** Richard Stephan  
**Sent:** Wednesday, February 08, 2017 5:39 PM  
**To:** Allie Jasminski  
**Cc:** sefisher05@hotmail.com  
**Subject:** Case #2016-03261-Animal Control

To: Allie Jasminski

My wife Shari and I are newcomers to Prairie Village, having purchased a home at 8208 Juniper Lane on May 23, 2016, after a final walk through on Sunday afternoon, May 22.

We have been asked to relate our

frightening experience with the dog next door on May 22..

Susan Jones residing at 8212 Juniper Lane was realtor for seller, and that Sunday we eventually met her husband, Russ through the wrought iron fence between our back yards.

The dog was standing next to him and when my wife put her hand down he reached through fence, biting her hand and pulling it forward through the fence, causing profuse bleeding and intense pain-we quickly got it wrapped and rushed to Menorah where it was cleaned, X-rayed and bandaged.

We didn't know procedures and they never asked where bite occurred. We eventually heard from Kansas City (MO) animal control, as we still were living there and hospital staff must have used her current address, but upon learning where bite occurred, they said they couldn't handle case.

We continue to be concerned about using back yard with our 3 and 5 year old granddaughters and our small Bichon puppy, although neighbors have said they won't leave dog loose in yard if they see us outside.

We hope this information is helpful.

Thank you,

Rich and Sharon Stephan  
Sent from my iPhone

**Allie Jasminski**

---

**From:** Richard Stephan n]  
**Sent:** Thursday, February 09, 2017 8:38 AM  
**To:** Allie Jasminski  
**Subject:** Bite

Sharon put her right hand down for dog to sniff (in a friendly, not threatening manner-on her side of the fence).

Injury was to three middle fingers, skin broken, teeth marks, bleeding freely until it was wrapped and treated at ER. And painful-a strong bite-X-rays taken at ER to be sure no bones were broken.

Hope this info is helpful.

Rich and Shari Stephan.

Sent from my iPhone

## Allie Jasminski

---

**From:** Richard Stephan 1]  
**Sent:** Friday, April 21, 2017 12:05 PM  
**To:** Allie Jasminski  
**Cc:** tfisher@sb-kc.com  
**Subject:** Re: Bo

Allie,

Following up on my phone message yesterday, we are presently in Colorado Springs, CO at the Air Force Academy helping Sharon's daughter, and family (granddaughters now 3 & 5) move in for spouse's next assignment-Commandant of Cadets-at the Academy.

Our plan is to return to PV on Sunday, April 30, so we should be available May 1.

Shari's son, Timothy Fisher and her daughter-in-law Allison Fisher-acting as our realtor, were present on May 22, but not in yard when bite occurred.

In a later phone conversation, Tim asked Russ if dog had bitten anyone before and I believe answer was yes, at college, and that dog would be going back to school with daughter at end of summer, but that never happened. Russ and I discussed installing a 3 foot high or so screen along bottom of wrought iron fence-50 ft. or so-between our back yards-so our granddaughters and our little Bichon puppy would be protected from Bo reaching through-but didn't get it done, as I searched for strong, aesthetically pleasing screen to use, but didn't like items I found by end of summer. We were horrified to learn of the New Years' eve attack-we had four elderly couples arriving at our house that evening-several very frail-and could have been victims.

We are seriously considering selling our lovely home, after less than a year here, even at a loss, and the Bo situation is one of the factors we are weighing in our deliberations.

Rich Stephan

Sent from my iPhone

On Apr 20, 2017, at 6:51 AM, Allie Jasminski <[ajasminski@pvkansas.com](mailto:ajasminski@pvkansas.com)> wrote:

Rich and Sharon,

I have declared Bo a 'Dangerous Animal' within the City and an appeal has been filed so we will be going to City Council to present the case to the members and they will be responsible for upholding or overturning the dangerous animal declaration. Because Shari was bitten by Bo we will be discussing that bite during the City Council meeting. We would like to have you both present at the appeal meeting to share your experience with Bo.

We have not set the date yet but it will most likely be the evening of May 1st. Would you and Shari be able to be present?

Allie  
913-385-4631

## **FACTORS TO CONSIDER IN DETERMINING AN ANIMAL TO BE DEEMED DANGEROUS**

**At the time of the bite or attack, did the person or domestic animal so bitten have permission to be on the property of the person who owns or harbors such dog or cat?**

No, Bo did not have permission to be on Bob Barickman's property.

**Does the cat or dog have a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals?**

Yes. While investigating the bite sustained by Bob a number of previous incidences were brought to my attention. The most significant is a bite to neighbor Tom Jones that resulted in 8 stitches on the leg which occurred on 6/16/2016 was not reported until now. There have been unreported incidences where Bo has caused neighbors to feel threatened by aggressively approaching and/or growling and bearing teeth- Ashley Edmonds and Bob Barickman officially but unofficially Shari Stephan and two other unidentified females.

**Has the cat or dog aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property?**

Yes, Bo has one reported aggressive bite to Bob Barickman and one unreported aggressive bite to Tom Jones.

**Does the cat or dog have any prior history of bites or attacks?**

Yes. The bite to Bob Barickman is the second bite; the first bite to Tom Jones was unreported until now.



16-3261

**FACTORS TO CONSIDER IN DETERMINING AN ANIMAL TO BE DEEMED DANGEROUS  
UPDATED**

**At the time of the bite or attack, did the person or domestic animal so bitten have permission to be on the property of the person who owns or harbors such dog or cat?**

Bo was uncontrolled and off his property when he bit Bob. When Bo bit Tom, Tom had been invited into the home. When Bo bit Shari, Shari had been on her own property having a friendly conversation with the Jones' at the fence separating their backyards and Bo bit her at the property line.

**Does the cat or dog have a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals?**

Yes. While investigating the bite sustained by Bob, previous incidences were brought to my attention. The most significant is a bite to neighbor Tom Jones that resulted in 8 stitches on the leg which occurred on 6/16/2016 and was not reported until now. Shari Stephen also received a bite to her right hand on 5/23/2016, again unreported until now. There have been unreported incidences where Bo has caused neighbors to feel threatened by aggressively approaching and/or growling and bearing teeth- two neighbors have expressed this concern.

**Has the cat or dog aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property?**

Yes, Bo has one reported aggressive bite to Bob Barickman and bite with serious injury to Tom Jones as well as a bite to Shari Stephen.

**Does the cat or dog have any prior history of bites or attacks?**

Yes. The bite to Bob Barickman is the third bite; the first bite to Tom Jones and the second bite to Shari Stephen, both were unreported until now.



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

April 5, 2017

Russell Jones  
8212 Juniper Lane  
Prairie Village, KS 66208

Dear Mr. Jones,

After reviewing your case (2016-03261) concerning your Labrador/Rhodesian Ridgeback mix "Beauregard/Bo" biting a person without provocation we are deeming your dog dangerous as per 2-103 of the Prairie Village City Ordinances:

Where City records indicate a dog or cat has attacked or bitten any person and/or domestic animal without provocation, all known facts shall be considered in determining whether the dog or cat is a "dangerous animal".

Based on the facts of the case, there are two courses of action allowable by ordinance. The first is the permanent removal of your dog from the city, while the second is for you to maintain your dog with increased security precautions. This would involve obtaining a permit for your dog as specified:

**2-117b- PERMIT REQUIRED**

"No person owning, harboring or having charge, custody, control or possession of any dangerous animal shall allow such animal to remain within the City unless and until he/she has first secured and renewed a permit in accordance with this chapter to do so and complies with all terms and conditions of such permit; and, in addition thereto, such animal shall at all times be so confined, controlled and restrained in such a manner so the life, limb or property of any person lawfully entering into premises shall not be endangered."

In order to obtain a permit you must apply to the City Clerk's office. Explanation of how to apply for a permit can be found in Section 2-120 and provisions and/or requirements for keeping a dangerous animal can be found in Section 2-121. Within ten days of receipt of this notice you must either obtain a permit or written notice or statement of appeal to the Governing Body. Explanation on how to file an appeal can be found in Section 2-127.

CSO Allie Jasminski A16

Prairie Village Police Department

7700 MISSION ROAD ✪ PRAIRIE VILLAGE, KANSAS 66208 ✪

MUNICIPAL BUILDING 913/381-6464 913/381-7755 Fax  
PUBLIC SAFETY 913/642-6868 913/385-7710 Fax  
PUBLIC WORKS 913/381-6464 913/642-0117 Fax

♻️ Printed on recycled paper

www.pvkansas.com

**RUSSELL S. JONES, JR.**  
8212 JUNIPER LANE, PRAIRIE VILLAGE, KANSAS 66208

April 13, 2017

City of Prairie Village, Kansas  
Attn: Governing Body  
7700 Mission Road  
Prairie Village, KS 66208

Re: Appeal of Case No. 2016-03261

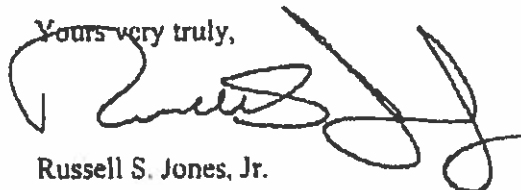
Ladies and Gentlemen:

In accordance with Section 2-127 of the Municipal Code, I hereby give notice of our appeal from the decision of the Animal Control Officer designating our family dog to be a dangerous animal under section 2-102. Our dog does not fit the requirements of the ordinance, and a declaration that he is "dangerous" is unnecessary and will cause substantial financial hardship, while making no person safer or better off.

My check in the amount of \$10.00 is enclosed to cover the appeal fee.

Please let me know what else I need to do in order to effectuate and pursue this appeal. Thank you very much.

Yours very truly,

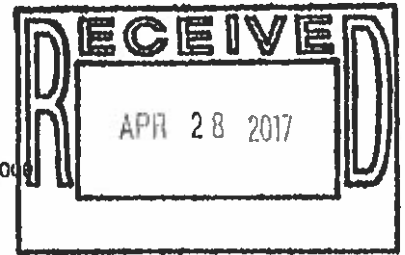


Russell S. Jones, Jr.

Enclosure



900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 • 816.753.1000



April 26, 2017

Russell S. Jones, Jr.  
(816) 374-0532  
(816) 817-0198 Direct Fax  
rjones@polsinelli.com

City of Prairie Village, Kansas  
Attn: Governing Body/City Clerk  
7700 Mission Road  
Prairie Village, Kansas 66208

**Re: Appeal of Case No. 2016-03261**

Ladies and Gentlemen:

I am writing to request formally a continuance of the appeal set in this matter. I received a call and email over the weekend advising that I would receive a letter formally advising me, but that the Council would hear our appeal on May 1, 2017.

I have not yet received any such letter, but I spoke with Chief Schwartzkopf on Monday (April 24) to tell him that this notice – less than a week – did not give us sufficient time to prepare (as I am out of town Wednesday through Friday this week on business), and that we needed a continuance. He said that the next Council meeting is May 15, but I told him that this date was a problem as well, in that I have business travel on May 3, 8 and 10 and we have a daughter graduating from school in North Carolina on May 13, and another daughter getting married on May 20 in Washington, D.C., so we just didn't have time to prepare for a hearing on May 15.

The Chief said he did not think that a continuance would be a problem, but that he would check and call me back. He has not called me back. **Therefore, this is to formally request a continuance until at least the Council meeting on June 19, 2017 or later**, to give us adequate time to prepare for our appeal. We need to review the Police Department's file and any other City records relevant to this appeal, and conduct such other investigation or discovery necessary to make a sufficient administrative record to support an administrative appeal to the District Court should one become necessary.

[polsinelli.com](http://polsinelli.com)

Atlanta Chicago Dallas Denver Kansas City Los Angeles Nashville New York Phoenix St. Louis San Francisco Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

584221681



# PRAIRIE VILLAGE POLICE DEPARTMENT

*"A Tradition of Service"*

Tim M. Schwartzkopf  
Chief of Police



May 1, 2017

Mr. Russell Jones  
8212 Juniper Lane  
Prairie Village, Kansas 66208

Dear Mr. Jones:

As you are aware, the Police Department has declared your dog, Bo, a dangerous animal under City Ordinance. I know you have appealed this decision and we were working with you on a date for that hearing. I am in receipt of your letter dated April 26, 2017, regarding our conversation. Based on your letter, we will schedule the appeal hearing for **June 19, 2017**. This hearing will take place at the regular Council Meeting at 7:30 p.m. In the meantime, we need to follow City Ordinance. Since Bo has been declared a dangerous animal, you need to apply for a Temporary Dangerous Animal Permit. Once you meet the conditions required by Ordinance, we will issue a temporary permit until your appeal hearing.

Per Ordinance, the keeping of a dangerous animal comes with certain conditions that need to be met by the owner. Based on my conversations with Animal Control, you must comply with all of the conditions set forth except for the insurance requirement.

After you have applied for the Dangerous Animal Permit, we will issue you a temporary permit based on you meeting all of the other parameters within City Ordinance. I am asking you to continue to work with Animal Control with this process.

I have enclosed the pertinent sections of the Ordinance for reference and the entire Ordinance can be found on the City's website – [www.pvkansas.com](http://www.pvkansas.com).

Thank you for your cooperation and contact Animal Control or Sgt. Washington with any questions.

Sincerely,

Tim M. Schwartzkopf  
Chief of Police

TMS:jlw



## City of Prairie Village

Application to Temporarily  
Harbor an Animal Declared  
Dangerous By the City of  
Prairie Village Animal Control  
Division

- A. Name Russell Jones  
Address 8212 Juniper Ln, P.V. MS 66208  
Phone \_\_\_\_\_
- B. The applicant's interest in such animal:  
This is our daughter's dog who lives with us
- C. The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any:  
Same as above
- D. The number and general disposition of all animals for which the permit is sought:  
One dog, 5 year-old Lab-Ridgeback mix, Sweet, loyal and loving disposition to people he knows and trusts.
- E. Any information known to the applicant concerning vicious or dangerous propensities of said animal:  
No vicious propensities. He boards and does daycare. Some at Fischer Paradise and gets along well with the other animals and people.
- F. Housing arrangements for all said animals with particular details as to the safety, structure, locks, fences, warning signs, etc:  
Bo spends most of his time inside our house, when we will go out with him, he goes into fenced/gated back yard. There is a warning sign.
- G. Safety precautions to be taken:  
Bo is never out of the house or back yard without being under control on leash. He is muzzled if he will be in crowded areas.

H. Noises or odors anticipated in keeping of such animals:  
None.

I. Prior history of incidents involving the public or safety involving any of said animals:  
See AD report

J. A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from said animal.

K. Additional information required by the animal control officer or law enforcement officer authorized by the governing body to enforce the provision of this ordinance at the time of filing such application or thereafter.

1. Applicant must present a document with proof of current vaccinations for the said animal. Vaccinations must not expire before December 31, of the current year.
2. Applicant must license said animals with the City and keep licenses current.

When reviewing application, an inspection is necessary.

I, Russell Jones, hereby give permission to animal control officer or designated representative to inspect the facilities for the animal. An inspection date and time will be mutually arranged within one week of a request for inspection.

Russell Jones  
Applicant

Joyce Reginal Hardy  
City Clerk

Application Date: 05-05-2017  
Inspection Date: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_

**Allie Jasminski**

---

**From:** Beyond The Dog LLC Info [info@beyondthedogtraining.com]  
**Sent:** Tuesday, May 23, 2017 12:56 PM  
**To:** Allie Jasminski  
**Subject:** Re: Bo- Russell Jones

Hi Allie,

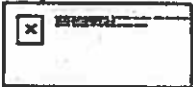
Thank you for contacting me regarding the training for Bo Jones.

Yes, Russell and Susan have enrolled Bo in training. He is currently scheduled to begin a 9-session course of training (over three weeks) on Tuesday, May 30. This was our earliest availability.

I've also left a voicemail at the phone number provided. Please feel free to let me know if you have any additional questions.

Thank you,

Michelle Crosby  
Office Manager  
Beyond the Dog, LLC



(816) 337-6030

(913) 514-4930

[beyondthedogtraining.com](http://beyondthedogtraining.com)

Facebook: /beyondthedogtraining

Twitter: @beyondthedogtrn

On Tue, May 23, 2017 at 12:06 PM, Allie Jasminski <[ajasminski@pvkansas.com](mailto:ajasminski@pvkansas.com)> wrote:

Hello,

I am checking up on a client of yours to ensure he is in training. The City of Prairie Village has required the family to enroll Bo in behavior modification classes so I am making sure they have done so. This training should have been enrolled in within the past few weeks, they have been clients in the past but have been required to re-enroll.

The owners are Russell and Susan Jones and their dog is Bo.

If you have any questions please feel free to call or email.

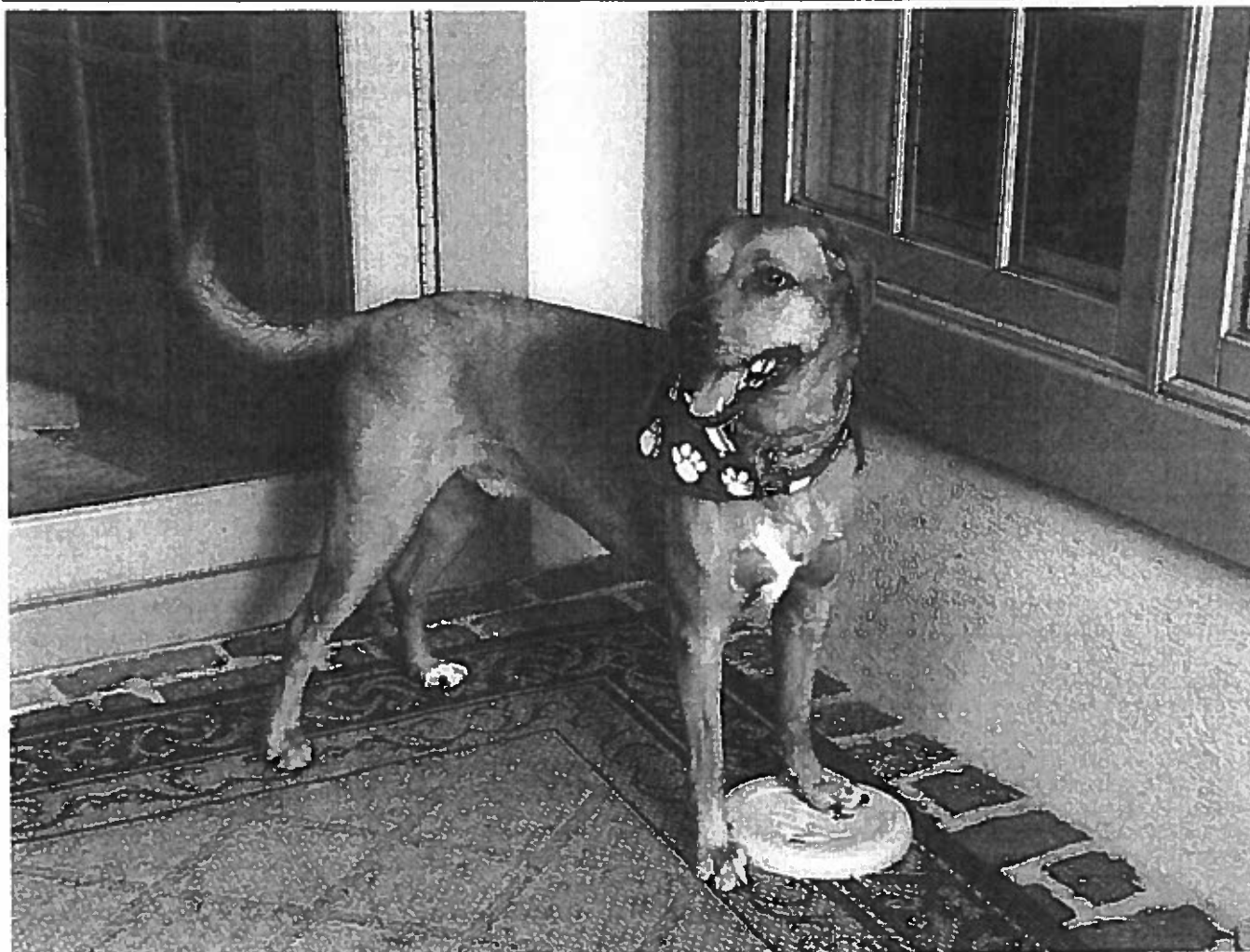


**Incident / Investigation Report**

*Prairie Village Police Department*

OCA: 2016-03261

**Attached Picture: 20160905\_183014\_RESIZED.JPG**



Incident / Investigation Report

Prairie Village Police Department

OCA: 2016-03261

Attached Picture: IMG\_2996.JPG



AGREEMENT FOR ANIMAL CONFINEMENT

Date 12 / 31 / 2016	Complaint-Animal Bite Case # 2016-03261	Prairie Village Tag #	Pet Name Bo
------------------------	--	-----------------------	----------------

I, Russell Jones Jr. the undersigned, being the legal owner of a  
 (Owner Name)

Lab (Mix) residing at 8212 Juniper Ln.  
 (breed) (Address)

Prairie Village, Kansas, do hereby agree to confine said animal on my property for a period of  
 10 days commencing this date 12/31/2016 in accordance with Prairie  
 (Date)

Village Municipal Code 2-136, Subsection E, Part 2. I also agree to allow said animal to be  
 examined periodically to determine the animal's physical condition during the confinement  
 period.

Russell Jones

Owner - Print Name

[Signature]

Owner - Signature

8212 Juniper Ln.  
 Address

[Blank]  
 Telephone Number

[Signature]

Witnessed by - Signature

12/31/2016  
 Date

175  
 Badge #

VICTIM INFORMATION

Name of Victim: Robert Barickman Birth Date: \_\_\_\_\_ Age: 52 Sex: M  
Address: 8213 Juniper Ln City: Prairie Village State: KS ZIP: 66208  
Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

HEALTHCARE INFORMATION

Healthcare Provider Consulted: Menorah Medical Center  
Telephone: 913-488-6000 Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Description/Anatomical Site of Exposure(s): R hand, 3 marks total, 1 deep, 1 ~2 inch gash, 1 smaller

EXPOSURE INCIDENT INFORMATION

Date of Exposure: 12/31/16 Address of Exposure: 8213 Juniper Ln  
Exposure Type: Bite  Non-Bite (Saliva or Nervous Tissue Exposure)  Non-Bite (Scratch or Abrasion)  None   
Persons Exposed to Animal: Victim  Owner  Reporting Officer  DVM/Staff  Other Animals  None

DESCRIPTION OF INCIDENT/COMMENTS

dog ran across the street and bit the neighbor on the right hand

ANIMAL OWNER INFORMATION

Animal Owner: Russell Jones Relationship to Victim: neighbor  
Address: 8212 Juniper Ln City: Prairie Village State: KS ZIP: 66208  
Telephone: Home: 913-648-1064 Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

ANIMAL INFORMATION

Species: canine Breed: lab/pointer mix Color/Description: red  
Age: 5 Sex: M Intact? Yes  No  Owned Pet? Yes  No  Unknown  Origin: \_\_\_\_\_  
Date of Last Rabies Vaccination: Known  3/8/2014 Unknown  No Vaccine Available for Species   
Veterinarian/Veterinary Facility: Fairway Animal Clinic Phone: 913-432-7611 Fax: \_\_\_\_\_  
Was animal injured at time of exposure? Yes  No  Did animal appear sick at time of exposure? Yes  No   
Was bite provoked? Yes  No  If yes to previous, explain: \_\_\_\_\_  
Status of Animal: Alive - 10 Day Isolation  Alive - 45 Day Observation  Alive - 6 Month Quarantine   
Location of Isolation/Observation/Quarantine: home - 8212 Juniper Begin Date: 12/31/16 End Date: 1/9/17  
Deceased  Date Deceased: \_\_\_\_\_ Euthanized?  Date Euthanized: \_\_\_\_\_ Unknown (reason): \_\_\_\_\_  
Cause of Death/Euthanasia: \_\_\_\_\_ Submitted for Rabies Testing? Yes  No  Submittal Date: \_\_\_\_\_

REPORTING OFFICER INFORMATION

Reported By: CSP Allie Jasminski Department: Prairie Village Animal Control Date of Report: 1/5/17  
Address: 7710 Mission Rd  
City: Prairie Village State: KS ZIP: 66208  
Telephone: 913-385-4631 Fax: 913-385-7710 E-mail: ajasminski@pv.kansas.com

Johnson County Department of Health and Environment Information Only:

Date Received: \_\_\_\_\_ Case Number: \_\_\_\_\_ EpiTrax Number: \_\_\_\_\_ Status: \_\_\_\_\_  
Date Investigation Began: \_\_\_\_\_ Date Investigation Completed: \_\_\_\_\_ Investigator Name: \_\_\_\_\_



June 19, 2017

COU – 2017-30

Consider Draft Amendments to Chapter XV - Utilities, Article 1-3.

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### RECOMMENDATION

Staff recommends the City Council approve proposed amendments to Chapter XV - Utilities, Article 1-3.

**COUNCIL ACTION REQUESTED ON: June 19, 2017**

### SUGGESTED MOTION

Move to approve proposed amendments as specified to Chapter XV - Utilities, Article 1-3.

### BACKGROUND

The City Attorney and Staff have made additional changes to the Solid Waste Ordinance, Chapter XV, after receiving input and direction from Council during presentations, the latest during the June 5, 2017, Council Meeting. The recommended changes are highlighted and focus on the following items:

- 15-203: Storage Requirements - minor changes as highlighted regarding storage and screening requirements. And, language was added to the fine schedule to specify a graduated schedule to address repeated violations should they occur.
- 15-222: Penalties - this section was restored to address penalties separate from storage, screening, and composting.
- 15-224: Composting - minor changes to clarify permitted materials, size, and moisture content. And, language was added to the fine schedule to specify a graduated schedule to address repeated violations should they occur.

#### Attachments:

- Strikethrough Version of Draft Amendments included for comparison
- Final version to Chapter XV - Utilities, Article 1-3 (Ordinance 2362)

### PREPARED BY

Wes Jordan  
Assistant City Administrator  
Date: June 13, 2017

**CHAPTER XV. UTILITIES**

Article 1. Sewers

Article 2. Solid Waste

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**ARTICLE 1. SEWERS**

- 15-101. SANITARY CODE; ADOPTED. The Johnson County Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas, 66061, is hereby adopted by reference made a part of this Article as fully as if set forth herein.
- 15-102. SAME; MARKED COPIES ON FILE. At least three copies of the code adopted by reference in section 15-101 of this Article shall be kept on file in the office of the City Clerk, to which there shall be attached a copy of the incorporating ordinance, shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 2362" with all sections or portions thereof intended to be omitted clearly marked to show any deletion or changes adopted by the Governing Body. These copies shall be made available to the public at all reasonable hours. The police department, municipal judges and all administrative departments of the City who are charged with the enforcement of the code adopted by this Article shall be supplied, at the cost of the City, such number of official copies as may be deemed expedient.
- 15-103. ADMINISTRATION AND PROSECUTION.  
(a) The director of the Johnson County, Kansas, environmental department and/or his or her designees, shall have the primary authority and responsibility for the administration of this code.  
(b) The Johnson County, Kansas, County Counselor shall have the authority to prosecute all violations of this Article. Prosecution shall be in accordance with the Johnson County Kansas, Code for Prosecution and Enforcement, Resolution No. 116-88 or any amendments or subsequent enactments and shall be commenced in the County codes section of the District Court of Johnson County, Kansas.

**ARTICLE 2. SOLID WASTE**

- 15-201. DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and their derivation, whether or not capitalized, shall have the meanings given in this section:  
(a) Agricultural Waste -- Solid waste resulting from the production of farm or agricultural products.  
(b) Approved Container – Solid waste container, recycling container or container for storage and collection of yard waste or compostables approved by the director and that meets the minimum specifications set forth in Section 15-204.

- (c) Bulk Items -- Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by haulers, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts or trees.
- (d) Collection -- The removal and transportation of solid waste from its place of storage to its place of processing or disposal.
- (e) Commercial Solid Waste -- Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple housing facilities with four or more dwelling units.
- (f) Compostables -- All forms of botanical waste, including yard waste.
- (g) Compost Pile -- A mixture created by the owner or tenant in possession of residential premises consisting of yard waste, dirt and other organic matter permitted under the terms of this Article. Such compost piles are stored in an enclosure and planned and properly developed pursuant to the terms of this Article for the intent of salvaging organic materials for gardening purposes.
- (h) Compost Plant -- A facility where yard waste or other compostable materials are consolidated and progressively decomposed or otherwise processed as required by applicable laws and regulations.
- (i) Construction and Demolition Waste -- Waste building material and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, other structures and pavements.
- (j) County -- Johnson County, Kansas.
- (k) County Solid Waste Management Plan -- The plan approved by the Department and adopted by the County for the purpose of governing solid waste management in the County, and which is entitled and sometime referred to as the *Johnson County Code of Regulations for Solid Waste Management, 2010 Edition* (as may be amended from time to time).
- (l) Department -- The Kansas Department of Health and Environment.
- (m) Director -- The director of solid waste management for the City, appointed by the Mayor and approved by the Governing Body of the City, to administer the storage and collection and of solid waste in the City in accordance with this Article, or in the event that a regular City officer is designated by the Mayor and approved by the City Council as the responsible officer for the administration and enforcement thereof, the person duly holding such City office shall be director of the solid waste management.
- (n) Disease vector -- Rodents, flies, mosquitos, or other pests capable of transmitting disease to humans.
- (o) Disposal --The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water including groundwater.
- (p) Dwelling Unit -- Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.
- (q) Garbage -- The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, product and other foods, including unclean containers.
- (r) Hauler -- Any person, public or private, engaged in the collection of solid waste.

(s) Hazardous Waste -- Solid and liquid materials which require special handling and disposal to protect and conserve the environment and human health including pesticides, acids, caustics, pathological materials, radioactive materials, flammable or explosive materials, oils and solvents and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous materials. Hazardous waste shall include those materials determined to be hazardous waste as specified by the Department.

(t) Mixed Refuse -- A mixture of refuse containing putrescible and nonputrescible materials.

(u) Nuisance -- Anything which (1) is injurious to health or is offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the storage, collection or disposal of solid waste.

(v) Occupant -- Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner, guest or as a tenant, either with or without the consent of the owner thereof.

(w) Owner -- Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any dwelling unit or any other interest in, or property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(x) Person -- An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, environmental department or bureau of the state or federal government or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(y) Processing -- Incinerating, compacting, bailing, shredding, salvaging, and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

(z) Putrescible Wastes -- Solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food for birds and disease vectors.

(aa) Recyclables -- Materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. recyclables includes, but is not limited to paper, glass, plastic, and metal, but does not include yard waste.

(bb) Recycling Container -- A container designed and manufactured specifically for the storage and collection of recyclables.

(cc) Refuse -- Unwanted or discarded material resulting from residential, commercial, industrial, and agricultural operations and from normal community activities. Refuse includes in part the following: garbage, rubbish, ashes, and other residue after burning, street refuse, dead animals, animal waste, junked or abandoned motor vehicles, agricultural, commercial, and industrial wastes, Construction and Demolition Wastes, and wastewater treatment residue.

(dd) Residential Solid Waste -- Solid waste resulting from the maintenance and operating of dwelling units. The term residential solid waste includes those



items approved by the Director to be treated as recyclable under the terms of this Article and the provisions of this Article shall apply to such recyclables, where applicable in addition to any provisions contained in this Article specifically dealing with recyclables.

(ee) Rubbish -- Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional and agricultural establishments, including yard waste and items commonly referred as trash.

(ff) Solid Waste -- Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard waste, discarded appliances, special wastes, industrial wastes, demolition and construction waste and digested sludges resulting from the treatment of domestic sewage or a combination thereof. The term solid waste includes, for purposes of the provisions of this Article, those items approved by the Director to be treated as recyclable and the provisions of this Article shall apply, where applicable, to such recyclables in addition to any specific provisions contained in this Article pertaining to the collection of recyclables, but does not include materials defined as hazardous waste under the terms of this Article.

(gg) Solid Waste Container -- A container designed and manufactured specifically for the storage and collection of solid waste, including recycling containers.

(hh) Storage -- Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(ii) Yard Waste -- All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings and garden wastes.

15-202. DIRECTOR; APPOINTMENT AND DUTIES.

- (a) The Mayor of the City shall, with the approval of the City Council, appoint a director of solid waste management as defined in section 15-201(m).
- (b) The Director shall administer the storage, collection and transportation of solid waste in the City as provided by this Article and further, shall be the principal enforcement officer of this Article.

15-203. STORAGE.

- (a) The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall store solid waste in accordance with this Article.
- (b) Residential solid waste shall be stored upon the residential premises.
- (c) Commercial solid waste shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (d) All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways, except when placed in position for pickup. Normally, three-sided screening is necessary for compliance for dwelling units. If a dwelling unit is on a corner lot, the containers must be screened in such a way that they are not visible from any street fronting or adjacent to the dwelling unit. Screens shall not be comprised of:

- (1) deciduous trees, shrubs, or bushes that shed their foliage in the fall/winter;
  - (2) air conditioning units;
  - (3) chain link fences without barrier weaving;
  - (4) vehicles
  - (5) tarps;
  - (6) flower pots; or
  - (7) similar items.
- (e) Solid waste shall:
- (1) be stored in approved containers, other than bulk items, agricultural solid waste, or as otherwise required under this Article;
  - (2) not be stored in a manner allowed to attract, provide shelter, or create a breeding place for disease vectors;
  - (3) not be stored in a manner which will create a fire, health or safety hazard;
  - (4) not be stored in an unreasonably unsightly manner;
  - (5) not be stored in a manner which will cause offensive odors off-site; or
  - (6) be allowed to remain uncovered in the rain or snow except for bulk items and agricultural solid waste.
  - (7) Containers shall not be placed at the curb for collection for more than a 24-hour period.
- (f) Temporary exceptions to these screening requirements may be granted by the Director on a case-by-case basis, such as for elderly or disabled residents, or during extraordinary inclement weather. The Director, or designee, may assist the resident to seek available assistance through outside resources to comply with the screening requirement.
- (g) Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-203, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-203. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

15-204. APPROVED CONTAINERS

- (a) The minimum standards for approved containers for the storage of garbage, putrescible wastes and mixed refuse shall be one of the following:
- (1) Rigid containers that are durable, rust resistant, nonabsorbent, water tight, and rodent proof. The container shall be easily cleaned, fixed with

- close-fitting lids, fly-tight covers, and provided with suitable handles or bails to facilitate handling;
  - (2) Rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage;
  - (3) Nonrigid disposable bags designed for storage of garbage. The bag shall be provided with a wallhung or free standing holder which supports and seals the bag; prevents insects, rodents, and animals from access to the contents; and prevents rain and snow from falling into the bag; or
  - (4) Other types of containers meeting the requirements of KDHE regulations and that are acceptable to the hauler.
- (b) Recyclables shall be stored in recycling containers.
  - (c) Yard waste shall be stored in a container suitable for composting or such other containers as approved by the Director, or shall be appropriately bundled and tied.
  - (d) The Director has the authority to collect and dispose of or order the collection and disposal of any nonconforming container and its contents with or without notice to the owner thereof.

15-205. COLLECTION; RESIDENTIAL.

- (a) The City shall provide for the collection of all residential solid waste and residential recyclables and residential yard waste in the City. The City may provide for the collection service by contracting with a hauler for the benefit of the entire City, or portion thereof, as deemed to be in the best interest of the City and its inhabitants.
- (b) Collection of residential solid waste shall be weekly and collection of residential recyclables and yard waste shall be at least as frequently as required by the County Solid Waste Management Plan.
- (c) The Director may, after obtaining the approval of the Governing Body of the City, after specific application has been made to the Director, exempt dwelling units within a homeowners association from City solid waste, recycling and yard waste collection services, provided such exemption will be approved only if the applicant demonstrates to the Director and the Governing Body that all dwelling units included in the application for exemption are provided with solid waste, recycling and yard waste collection services by a City licensed hauler at a standard equal to or higher than that provided by the City and required by this Article, the County Solid Waste Management Plan, and Department regulations governing solid waste.
- (d) Any homeowners association which applies for an exemption pursuant to subsection (c) of this section shall provide to the Director a list of names and addresses of those owners of homes for which it will provide solid waste, recycling and yard waste collection services. Once an exemption has been granted by the Director and the Governing Body to such home owners association, it shall be required to continue to provide the solid waste, recycling collection and yard waste collection services to all homes included on the list submitted to the Director throughout the contract year.
- (e) The Director is authorized, after obtaining the approval of the Governing Body of the City, to exempt individuals from City-provided solid waste and recycling collection services in cases where mandatory City service would create a medical or financial hardship to the resident, provided that such individual satisfies the Director that adequate provisions have been made for the disposal of their solid waste and recyclables in a manner that does not constitute a nuisance or health hazard

6-13-17 Draft

inconsistent with the ordinances of the City pertaining to health and sanitation and the statutes of the state, and the terms and conditions of this Article can otherwise be met by such resident.

15-206. COLLECTION; NONRESIDENTIAL.

- (a) The City will not provide solid waste collection services for commercial solid waste.
- (b) All commercial solid waste, commercial recyclables and commercial yard waste shall be stored in accordance with this Article and collected by a City licensed hauler at least once weekly or at more frequent intervals as may be fixed by the Director upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.
- (c) The regulatory and penalty provisions of this Article shall apply to the nonresidential properties and it shall be the duty of the owner to provide for collection of all solid waste, recyclables and yard waste produced upon all such premises at a standard at least equal to that prescribed by this Article.

15-207. HAULER LICENSE AND VEHICLE PERMIT REQUIREMENTS.

- (a) No Person shall engage in the business of the collection of solid waste, recyclables or yard waste within the City without first obtaining a hauler license and a separate hauler vehicle permit for each collection or transportation vehicle to be operated within the City.
- (b) Applications for hauler licenses and hauler vehicle permits shall be made on forms approved by the Director, and the information to be provided by the hauler shall include, (1) the addresses of all collection locations to be served, (2) the nature of the collection service to be conducted (storage, collection of solid waste, recyclables or yard waste); (2) the characteristics of the solid waste, recyclables or yard waste to be collected and transported; (3) the number of solid waste, recycling collection or yard waste collection vehicles and pieces of equipment to be operated in the City; (4) the precise location or locations of solid waste processing or disposal site(s), reclamation center(s), recycling plant(s) or compost plant(s) to be used; and (5) such other information as may be required by the Director.
- (c) The hauler and hauler vehicle permit fee schedule shall be as approved by the Governing Body, and those fees shall be paid in full upon application.
- (d) No hauler or hauler vehicle permit shall be issued to any person who has not first obtained any necessary or applicable license or permit from the County in accordance with the County Solid Waste Management Plan. In addition, the expiration, revocation or other termination of any such County license or permit shall have the effect of terminating any hauler or hauler vehicle permit provided for herein.
- (e) The license and permits issued to a contractor shall be issued for the period of one year and must be renewed annually. The Director may revoke any license or permit if a hauler fails to comply with the requirements of the hauler's license and Permit or otherwise fails to comply with the requirements of this Article, the County Solid Waste Management Plan, Department regulations or federal or state law.

15-208. SAME; NON-ISSUANCE, APPEAL, HEARING.

- (a) If the application shows that the applicant will collect and transport solid waste

without hazard to the public health or damage to the environment and in conformity with the County Solid Waste Management Plan, Department regulations, the laws of the State of Kansas and this Article, the City shall issue the license and permits authorized by this Article. If such showing is not made by the applicant, the Director shall disapprove the application and the City Clerk shall not issue the license and/or permit(s). If the Director disapproves any application, he or she shall give the reasons therefore in writing, file the same with the City Clerk and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Director files his or her statement of reasons for the disapproval.

- (b) A hearing on such appeal shall be held by the Governing Body of the City no more than 30 days after the applicant files such notice of appeal. The Governing Body, after a hearing, may by a majority vote reverse or affirm the decision of the Director.
- (c) Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a license and/or permit(s).

15-209. PERMIT; NOT REQUIRED WHEN. Permits shall not be required for vehicles for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

15-210. LICENSE; PERMIT; INSURANCE REQUIRED FOR ISSUANCE. Before a valid license and permit(s) shall be issued by the City, the applicant must furnish the City a certificate of insurance showing a minimum general liability insurance coverage of at least \$1,000,000 per occurrence for bodily injury and property damage, \$2,000,000 annual aggregate per occurrence. The certificates of insurance shall provide that In the event the insurance is canceled during the term of the license and permit(s), the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation, and further, the insurance policy shall contain written provision which shall place the responsibility for the 10 day written notice upon the company issuing the policy in order that the coverage be considered proper.

15-211. RULES AND REGULATIONS PROMULGATION.

- (a) The Director, by and with the consent of the Governing Body of the City, may define and promulgate rules and regulations governing the solid waste management system, which rules and regulations shall be filed in the office of the City Clerk. The rules and regulations shall include, but not be limited to:
  - (1) Time and day schedules of, and routes for, collection of solid waste, except as prohibited by this Article;
  - (2) Specifications for solid waste and yard waste containers, including the type, material and size thereof;
  - (3) Identification of solid waste containers and yard waste containers, covers and related equipment;
  - (4) Collection points of solid waste containers and yard waste containers;
  - (5) Handling of special wastes such as hazardous wastes, sludge's, ashes, agricultural wastes, construction wastes, oils, greases or bulky wastes.
- (b) The Director may classify certain wastes as hazardous wastes which will require

special handling and which should be disposed of only in a manner which meets all City, County, state and federal regulations.

- 15-212. PROCESSING FACILITY OR DISPOSAL SITE. No solid waste shall be disposed of at a processing facility or disposal site except at a facility or site designated and approved by the appropriate governmental agency empowered to regulate such sites and in a manner consistent with all applicable federal, state and local laws and ordinances pertaining to the handling, transport, processing and disposal of said items.
- 15-213. COLLECTION VEHICLES. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies of thereof shall be enclosed, with only loading hoppers exposed. No material shall be transported in the loading hoppers.
- 15-214. PERMIT NUMBERS TO BE DISPLAYED. All motor vehicles operating under any permit required by this Article shall display the permit number or numbers on each side in colors which contrast with that of the vehicle. Such numbers must be clearly legible and not less than three inches high.
- 15-215. HOURS OF COLLECTION; RESTRICTION. Collections on streets defined in this code as arterial streets shall be prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. on any weekday.
- 15-216. SOLID WASTES BECOME PROPERTY OF HAULER. All solid waste collection shall, upon being loaded into collection equipment, become the property of the licensed hauler.
- 15-217. RIGHT OF ENTRY. Solid waste haulers, employed by the City or solid waste collection agencies operating under contract with the City or solid waste haulers collecting from those dwelling units specifically exempted under Section 15-205 are authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Article.
- 15-218. COSTS DETERMINATION; ASSESSMENT. The Governing Body of the City shall determine a proper amount to be charged for the storage, collection, transportation processing and disposal of solid waste. The costs shall be based upon the cost of providing the service, including the costs of administration and collection. The costs for services provided by the City or provided under a contract pursuant to the terms of this Article shall be paid by the owner or owners of the premises and the City Clerk shall, at the time of certifying other City taxes, certify such charges to the County Clerk and the County Clerk shall extend the same on the tax rolls of the County against the lot or parcel of land.

- 15-219. DIRECTOR; ENFORCEMENT AUTHORITY; RIGHT OF ENTRY. The Director is authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this Article. Included in the powers is the right to inspect all phases of solid waste management within the City. The Director has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in the event entry is denied or resisted, the Director shall obtain for this purpose an order from a court of competent jurisdiction.
- 15-220. SAME; NOTICE FOR VIOLATION; EXECUTING COMPLAINT IN COURT. In all instances where inspections by the Director reveal violations of this Article, the Director shall issue notice to the violating person for each such violation, stating the violation or violations found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the Director shall execute a complaint in the municipal court of the City charging the person or persons with a violation or violations of this Article. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the Director before he or she executes the complaint.
- 15-221. SAME; EMPLOYEE APPOINTMENT. The Director further has the power to appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the directions of this Article and further, to delegate any of his or her functions and powers under this Article to such officers, agents and employees as he or she may designate.
- 15-222. PENALTY FOR VIOLATION.  
(a) It is unlawful for any person to store, collect, transport, process or dispose of any solid wastes in any manner that does not conform to rules and regulations established in this Article.  
(b) Any person violating this Article (other than violations of Section 15-203 which shall be governed by Section 15-203(g) and Section 15-224 which shall be governed by Section 5-224(h)) shall upon conviction thereof be punished for each such violation by a fine not to exceed \$100 or a jail sentence of not more than 30 days for each violation or by both such fine and jail sentence. Each day of violation shall constitute a separate violation of this Article.
- 15-223. ANTI-SCAVENGER; RECYCLABLE ITEMS. It shall be unlawful for any person which does not have a license from the City as a residential trash hauler to remove any items (except bulk items placed lawfully on the curb for disposal), including but not limited to newspapers, aluminum cans, glass and plastic containers which have been placed on or stored at any location within the City for the purpose of having it collected by the licensed contractor which is authorized to collect and remove recyclable materials from the City.
- 15-224. COMPOST PILE; CONTENT, SIZE, LOCATION, OPERATION AND USE.

- (a) Policy Statement. It is the policy of the City to encourage environmentally sound practices and to reduce the flow of items to landfills which might be recycled. It is the policy of the City to encourage the proper composting of yard materials and to establish appropriate standards for the maintenance of compost piles.
- (b) Fire Hazards. No owner as defined in section 15-201 or the tenant in possession of residential premises shall maintain a compost pile in a manner which creates a fire hazard pursuant to the Uniform Fire Code, as incorporated by reference in section 7-201. The mere presence of a properly maintained compost pile of yard waste matter defined in such code as combustible or flammable shall not in itself constitute a violation of the City code. The provisions of this section shall control over any provision of the Uniform Fire Code to the contrary.
- (c) Nuisances Prohibited, Compliance with Laws and Regulations. No owner or tenant in possession of premises shall maintain a compost pile in a manner which creates a nuisance or which violates the health, building or zoning regulations of the state or City or any other laws or regulations relating to the use of land and use and occupancy of buildings and improvements.
- (d) Compost Piles; Permitted Materials. Acceptable materials for composting are limited to: manure, straw, sawdust, hay, grass clippings, leaves and weeds, wood chips and small twigs, evergreen cones and needles, garden refuse, uncooked fruits and vegetables, and commercial ingredients designed to speed or enhance composting. Meat and dairy products are prohibited.
- (e) Compost Piles; Permitted Locations. Compost piles may be located only in the rear yards of residential premises as defined in the "Zoning Regulations of the City of Prairie Village" shall not be located in the front or side yards of such premises. In the event residential premises are so situated that it is difficult to determine what constitutes the rear yard, the determination of the code enforcement officer shall be final. Compost piles shall be located so as not to constitute a fire hazard and in no event shall they be placed less than 15 feet from any other building on such premises. In no event shall compost piles be placed less than five feet from a side lot line. No compost piles shall be located in a right-of-way.
- (f) Compost Piles; Permitted Size. Compost piles should be at least 3x3x3 (feet) in size unless it is a commercially fabricated bin designed for composting, and in no event shall compost piles exceed one hundred fifty (150) cubic feet. No compost pile shall exceed four feet in height. No more than one compost pile shall be placed on any residential premises of up to one acre in size. On residential premises of more than one acre in size, no more than two compost piles may be placed. However, owners of residential premises shall be permitted to compost permitted materials in an unlimited number of storage bins, constructed for the purpose of composting material and approved by the code enforcement officer.
- (g) Compost Piles; Standards, Enclosures. Compost piles shall be deemed to be in compliance with the terms of this Article if the following criteria are met:
  - (1) Compost piles shall consist of layers of permitted materials set out in this Article in layers of six to eight inches and quantities of commercial garden fertilizer or manure or one to two inches in depth with the sequence of layers then repeated.
  - (2) The compost pile should have at least a 50 percent moisture content and feel damp to the touch.
  - (3) A compost pile shall be enclosed by an enclosure on at least three sides, the enclosure not to exceed four feet in height. Permitted



- enclosure materials include woven wire or wood slat fence, cement blocks or bricks and boards of lumber, including redwood or cypress.
- (4) A compost pile shall be placed in an area where water will not stand.

(h) Penalty. Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-224, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-224. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

**ORDINANCE NO. 2362**

**AN ORDINANCE AMENDING ARTICLE 1. ENTITLED "SEWERS" AND ARTICLE 2. ENTITLED "SOLID WASTE" OF CHAPTER XV ENTITLED "UTILITIES" OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS**

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

SECTION ONE: Article 1 of Chapter XV of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

**ARTICLE 1. SEWERS**

- 15-101. SANITARY CODE; ADOPTED. The Johnson County Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas, 66061, is hereby adopted by reference made a part of this Article as fully as if set forth herein.
- 15-102. SAME; MARKED COPIES ON FILE. At least three copies of the code adopted by reference in section 15-101 of this Article shall be kept on file in the office of the City Clerk, to which there shall be attached a copy of the incorporating ordinance, shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 2362" with all sections or portions thereof intended to be omitted clearly marked to show any deletion or changes adopted by the Governing Body. These copies shall be made available to the public at all reasonable hours. The police department, municipal judges and all administrative departments of the City who are charged with the enforcement of the code adopted by this Article shall be supplied, at the cost of the City, such number of official copies as may be deemed expedient.
- 15-103. ADMINISTRATION AND PROSECUTION.
- (a) The director of the Johnson County, Kansas, environmental department and/or his or her designees, shall have the primary authority and responsibility for the administration of this code.
- (b) The Johnson County, Kansas, County Counselor shall have the authority to prosecute all violations of this Article. Prosecution shall be in accordance with the Johnson County Kansas, Code for Prosecution and Enforcement, Resolution No. 116-88 or any amendments or subsequent enactments and shall be commenced in the County codes section of the District Court of Johnson County, Kansas.

SECTION TWO: Article 2 of Chapter XV of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

## ARTICLE 2. SOLID WASTE

15-201. DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and their derivation, whether or not capitalized, shall have the meanings given in this section:

- (a) Agricultural Waste -- Solid waste resulting from the production of farm or agricultural products.
- (b) Approved Container -- Solid waste container, recycling container or container for storage of yard waste or compostables approved by the director and that meets the minimum specifications set forth in Section 15-204.
- (c) Bulk Items -- Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by haulers, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts or trees.
- (d) Collection -- The removal and transportation of solid waste from its place of storage to its place of processing or disposal.
- (e) Commercial Solid Waste -- Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple housing facilities with four or more dwelling units.
- (f) Compostables -- All forms of botanical waste, including yard waste.
- (g) Compost Pile -- A mixture created by the owner or tenant in possession of residential premises consisting of yard waste, dirt and other organic matter permitted under the terms of this Article. Such compost piles are stored in an enclosure and planned and properly developed pursuant to the terms of this Article for the intent of salvaging organic materials for gardening purposes.
- (h) Compost Plant -- A facility where yard waste or other compostable materials are consolidated and progressively decomposed or otherwise processed as required by applicable laws and regulations.
- (i) Construction and Demolition Waste -- Waste building material and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, other structures and pavements.
- (j) County -- Johnson County, Kansas.
- (k) County Solid Waste Management Plan -- The plan approved by the Department and adopted by the County for the purpose of governing solid waste management in the County, and which is entitled and sometime referred to as the *Johnson County Code of Regulations for Solid Waste Management, 2010 Edition* (as may be amended from time to time).
- (l) Department -- The Kansas Department of Health and Environment.
- (m) Director -- The director of solid waste management for the City, appointed by the Mayor and approved by the Governing Body of the City, to administer the storage, collection, processing and disposal of solid waste generated in the City in accordance with this Article, or in the event that a regular City officer is designated by the Mayor and approved by the City Council as the responsible officer for the administration and enforcement thereof, the person duly holding such City office shall be director of the solid waste management.
- (n) Disease vector -- Rodents, flies, mosquitos, or other pests capable of transmitting disease to humans.
- (o) Disposal -- The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any

constituent thereof may enter the environment or be emitted into the air or discharged into any water including groundwater.

(p) Dwelling Unit -- Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.

(q) Garbage -- The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, product and other foods, including unclean containers.

(r) Hauler -- Any person, public or private, engaged in the collection of solid waste.

(s) Hazardous Waste -- Solid and liquid materials which require special handling and disposal to protect and conserve the environment and human health including pesticides, acids, caustics, pathological materials, radioactive materials, flammable or explosive materials, oils and solvents and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous materials. Hazardous waste shall include those materials determined to be hazardous waste as specified by the Department.

(t) Mixed Refuse -- A mixture of refuse containing putrescible and nonputrescible materials.

(u) Nuisance -- Anything which (1) is injurious to health or is offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the storage, collection or disposal of solid waste.

(v) Occupant -- Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner, guest or as a tenant, either with or without the consent of the owner thereof.

(w) Owner -- Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any dwelling unit or any other interest in, or property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(x) Person -- An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, environmental department or bureau of the state or federal government or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(y) Processing -- Incinerating, compacting, bailing, shredding, salvaging, and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

(z) Putrescible Wastes -- Solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food for birds and disease vectors.

(aa) Recyclables -- Materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. recyclables includes, but is not limited to paper, glass, plastic, and metal, but does not include yard waste.

(bb) Recycling Container -- A container designed and manufactured specifically for the storage and collection of recyclables.

(cc) Refuse -- Unwanted or discarded material resulting from residential, commercial, industrial, and agricultural operations and from normal community activities. Refuse includes in part the following: garbage, rubbish, ashes, and other residue after burning, street refuse, dead animals, animal waste, junked or abandoned motor vehicles, agricultural, commercial, and industrial wastes, Construction and Demolition Wastes, and wastewater treatment residue.

(dd) Residential Solid Waste -- Solid waste resulting from the maintenance and operating of dwelling units. The term residential solid waste includes those items approved by the Director to be treated as recyclable under the terms of this Article and the provisions of this Article shall apply to such recyclables, where applicable in addition to any provisions contained in this Article specifically dealing with recyclables.

(ee) Rubbish -- Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional and agricultural establishments, including yard waste and items commonly referred as trash.

(ff) Solid Waste -- Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard waste, discarded appliances, special wastes, industrial wastes, demolition and construction waste and digested sludges resulting from the treatment of domestic sewage or a combination thereof. The term solid waste includes, for purposes of the provisions of this Article, those items approved by the Director to be treated as recyclable and the provisions of this Article shall apply, where applicable, to such recyclables in addition to any specific provisions contained in this Article pertaining to the collection of recyclables, but does not include materials defined as hazardous waste under the terms of this Article.

(gg) Solid Waste Container -- A container designed and manufactured specifically for the storage and collection of solid waste, including recycling containers.

(hh) Storage -- Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(ii) Yard Waste -- All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings and garden wastes.

#### 15-202. DIRECTOR; APPOINTMENT AND DUTIES.

- (a) The Mayor of the City shall, with the approval of the City Council, appoint a director of solid waste management as defined in section 15-201(m).
- (b) The Director shall administer the storage, collection, processing and disposal of solid waste generated in the City as provided by this Article and further, shall be the principal enforcement officer of this Article.

#### 15-203. STORAGE.

- (a) The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall store solid waste in accordance with this Article.
- (b) Residential solid waste shall be stored upon the residential premises.
- (c) Commercial solid waste shall be stored upon private property, unless the owner shall

have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

- (d) All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways, except when placed in position for pickup. Normally, three-sided screening is necessary for compliance for dwelling units. If a dwelling unit is on a corner lot, the containers must be screened in such a way that they are not visible from any street fronting or adjacent to the dwelling unit. Screens shall not be comprised of:

- (1) deciduous trees, shrubs, or bushes that shed their foliage in the fall/winter;
- (2) air conditioning units;
- (3) chain link fences without barrier weaving;
- (4) vehicles
- (5) tarps;
- (6) flower pots; or
- (7) similar items.

- (e) Solid waste shall:

- (1) be stored in approved containers, other than bulk items, agricultural solid waste, or as otherwise required under this Article;
- (2) not be stored in a manner allowed to attract, provide shelter, or create a breeding place for disease vectors;
- (3) not be stored in a manner which will create a fire, health or safety hazard;
- (4) not be stored in an unreasonably unsightly manner;
- (5) not be stored in a manner which will cause offensive odors off-site; or
- (6) be allowed to remain uncovered in the rain or snow except for bulk items and agricultural solid waste.
- (7) Containers shall not be placed at the curb for collection for more than a 24-hour period.

- (f) Temporary exceptions to these screening requirements may be granted by the Director on a case-by-case basis, such as for elderly or disabled residents, or during extraordinary inclement weather. The Director, or designee, may assist the resident to seek available assistance through outside resources to comply with the screening requirement.

- (g) Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-203, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-203. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time

period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

#### 15-204. APPROVED CONTAINERS

- (a) The minimum standards for approved containers for the storage of garbage, putrescible wastes and mixed refuse shall be one of the following:
  - (1) Rigid containers that are durable, rust resistant, nonabsorbent, water tight, and rodent proof. The container shall be easily cleaned, fixed with close-fitting lids, fly-tight covers, and provided with suitable handles or bails to facilitate handling;
  - (2) Rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage;
  - (3) Nonrigid disposable bags designed for storage of garbage. The bag shall be provided with a wallhung or free standing holder which supports and seals the bag; prevents insects, rodents, and animals from access to the contents; and prevents rain and snow from falling into the bag; or
  - (4) Other types of containers meeting the requirements of KDHE regulations and that are acceptable to the hauler.
- (b) Recyclables shall be stored in recycling containers.
- (c) Yard waste shall be stored in a container suitable for composting or such other containers as approved by the Director, or shall be appropriately bundled and tied.
- (d) The Director has the authority to collect and dispose of or order the collection and disposal of any nonconforming container and its contents with or without notice to the owner thereof.

#### 15-205. COLLECTION; RESIDENTIAL.

- (a) The City shall provide for the collection and processing or disposal of all residential solid waste and residential recyclables and residential yard waste generated in the City. The City may provide for the collection service by contracting with a hauler for the benefit of the entire City, or portion thereof, as deemed to be in the best interest of the City and its inhabitants.
- (b) Collection of residential solid waste shall be weekly and collection of residential recyclables and yard waste shall be at least as frequently as required by the County Solid Waste Management Plan.
- (c) The Director may, after obtaining the approval of the Governing Body of the City, after specific application has been made to the Director, exempt dwelling units within a homeowners association from City solid waste, recycling and yard waste collection services, provided such exemption will be approved only if the applicant demonstrates to the Director and the Governing Body that all dwelling units included in the application for exemption are provided with solid waste, recycling and yard waste collection services by a City licensed hauler at a standard equal to or higher than that provided by the City and required by this Article, the County Solid Waste Management Plan, and Department regulations governing solid waste.
- (d) Any homeowners association which applies for an exemption pursuant to subsection (c) of this section shall provide to the Director a list of names and addresses of those

owners of homes for which it will provide solid waste, recycling and yard waste collection services. Once an exemption has been granted by the Director and the Governing Body to such home owners association, it shall be required to continue to provide the solid waste, recycling collection and yard waste collection services to all homes included on the list submitted to the Director throughout the contract year.

- (e) The Director is authorized, after obtaining the approval of the Governing Body of the City, to exempt individuals from City-provided solid waste and recycling collection services in cases where mandatory City service would create a medical or financial hardship to the resident, provided that such individual satisfies the Director that adequate provisions have been made for the collection and processing or disposal of their solid waste and recyclables in a manner that does not constitute a nuisance or health hazard inconsistent with the ordinances of the City pertaining to health and sanitation and the statutes of the state, and the terms and conditions of this Article can otherwise be met by such resident.

#### 15-206. COLLECTION; NONRESIDENTIAL.

- (a) The City will not provide solid waste collection services for commercial solid waste.
- (b) All commercial solid waste, commercial recyclables and commercial yard waste shall be stored in accordance with this Article and collected by a City licensed hauler at least once weekly or at more frequent intervals as may be fixed by the Director upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.
- (c) The regulatory and penalty provisions of this Article shall apply to the nonresidential properties and it shall be the duty of the owner to provide for collection of all solid waste, recyclables and yard waste produced upon all such premises at a standard at least equal to that prescribed by this Article.

#### 15-207. HAULER LICENSE AND VEHICLE PERMIT REQUIREMENTS.

- (a) No Person shall engage in the business of the collection of solid waste, recyclables or yard waste generated in the City without first obtaining a hauler license and a separate hauler vehicle permit for each collection or transportation vehicle to be operated within the City.
- (b) Applications for hauler licenses and hauler vehicle permits shall be made on forms approved by the Director, and the information to be provided by the hauler shall include, (1) the addresses of all collection locations to be served, (2) the nature of the collection service to be conducted (storage, collection of solid waste, recyclables or yard waste); (2) the characteristics of the solid waste, recyclables or yard waste to be collected and transported; (3) the number of solid waste, recycling collection or yard waste collection vehicles and pieces of equipment to be operated in the City; (4) the precise location or locations of solid waste processing or disposal site(s), reclamation center(s), recycling plant(s) or compost plant(s) to be used; and (5) such other information as may be required by the Director.
- (c) The hauler and hauler vehicle permit fee schedule shall be as approved by the Governing Body, and those fees shall be paid in full upon application.
- (d) No hauler or hauler vehicle permit shall be issued to any person who has not first obtained any necessary or applicable license or permit from the County in



accordance with the County Solid Waste Management Plan. In addition, the expiration, revocation or other termination of any such County license or permit shall have the effect of terminating any hauler or hauler vehicle permit provided for herein.

- (e) The license and permits issued to a contractor shall be issued for the period of one year and must be renewed annually. The Director may revoke any license or permit if a hauler fails to comply with the requirements of the hauler's license and Permit or otherwise fails to comply with the requirements of this Article, the County Solid Waste Management Plan, Department regulations or federal or state law.

15-208. SAME; NON-ISSUANCE, APPEAL, HEARING.

- (a) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the County Solid Waste Management Plan, Department regulations, the laws of the State of Kansas and this Article, the City shall issue the license and permits authorized by this Article. If such showing is not made by the applicant, the Director shall disapprove the application and the City Clerk shall not issue the license and/or permit(s). If the Director disapproves any application, he or she shall give the reasons therefore in writing, file the same with the City Clerk and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Director files his or her statement of reasons for the disapproval.
- (b) A hearing on such appeal shall be held by the Governing Body of the City no more than 30 days after the applicant files such notice of appeal. The Governing Body, after a hearing, may by a majority vote reverse or affirm the decision of the Director.
- (c) Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a license and/or permit(s).

15-209. PERMIT; NOT REQUIRED WHEN. Permits shall not be required for vehicles for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

15-210. LICENSE; PERMIT; INSURANCE REQUIRED FOR ISSUANCE. Before a valid license and permit(s) shall be issued by the City, the applicant must furnish the City a certificate of insurance showing a minimum general liability insurance coverage of at least \$1,000,000 per occurrence for bodily injury and property damage, \$2,000,000 annual aggregate per occurrence. The certificates of insurance shall provide that In the event the insurance is canceled during the term of the license and permit(s), the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation, and further, the insurance policy shall contain written provision which shall place the responsibility for the 10 day written notice upon the company issuing the policy in order that the coverage be considered proper.

15-211. RULES AND REGULATIONS PROMULGATION.

- (a) The Director, by and with the consent of the Governing Body of the City, may define and promulgate rules and regulations governing the solid waste management

system, which rules and regulations shall be filed in the office of the City Clerk. The rules and regulations shall include, but not be limited to:

- (1) Time and day schedules of, and routes for, collection of solid waste, except as prohibited by this Article;
  - (2) Specifications for solid waste and yard waste containers, including the type, material and size thereof;
  - (3) Identification of solid waste containers and yard waste containers, covers and related equipment;
  - (4) Collection points of solid waste containers and yard waste containers;
  - (5) Handling of special wastes such as hazardous wastes, sludge's, ashes, agricultural wastes, construction wastes, oils, greases or bulky wastes.
- (b) The Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner which meets all City, County, state and federal regulations.

15-212. PROCESSING FACILITY OR DISPOSAL SITE. No solid waste shall be disposed of at a processing facility or disposal site except at a facility or site designated and approved by the appropriate governmental agency empowered to regulate such sites and in a manner consistent with all applicable federal, state and locals laws and ordinances pertaining to the handling, transport, processing and disposal of said items.

15-213. COLLECTION VEHICLES. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies of thereof shall be enclosed, with only loading hoppers exposed No material shall be transported in the loading hoppers.

15-214. PERMIT NUMBERS TO BE DISPLAYED. All motor vehicles operating under any permit required by this Article shall display the permit number or numbers on each side in colors which contrast with that of the vehicle. Such numbers must be clearly legible and not less than three inches high.

15-215. HOURS OF COLLECTION; RESTRICTION. Collections on streets defined in this code as arterial streets shall be prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. on any weekday

15-216. SOLID WASTES BECOME PROPERTY OF HAULER. All solid waste collection shall, upon being loaded into collection equipment, become the property of the licensed hauler.

15-217. RIGHT OF ENTRY. Solid waste haulers, employed by the City or solid waste collection agencies operating under contract with the City or solid waste haulers collecting from those dwelling units specifically exempted under Section 15-205 are authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Article.

- 15-218. COSTS DETERMINATION; ASSESSMENT. The Governing Body of the City shall determine a proper amount to be charged for the storage, collection, processing and disposal of solid waste. The costs shall be based upon the cost of providing the service, including the costs of administration and collection. The costs for services provided by the City or provided under a contract pursuant to the terms of this Article shall be paid by the owner or owners of the premises and the City Clerk shall, at the time of certifying other City taxes, certify such charges to the County Clerk and the County Clerk shall extend the same on the tax rolls of the County against the lot or parcel of land.
- 15-219. DIRECTOR; ENFORCEMENT AUTHORITY; RIGHT OF ENTRY. The Director is authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this Article. Included in the powers is the right to inspect all phases of management of solid waste generated in the City. The Director has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in the event entry is denied or resisted, the Director shall obtain for this purpose an order from a court of competent jurisdiction.
- 15-220. SAME; NOTICE FOR VIOLATION; EXECUTING COMPLAINT IN COURT. In all instances where inspections by the Director reveal violations of this Article, the Director shall issue notice to the violating person for each such violation, stating the violation or violations found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the Director shall execute a complaint in the municipal court of the City charging the person or persons with a violation or violations of this Article. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the Director before he or she executes the complaint.
- 15-221. SAME; EMPLOYEE APPOINTMENT. The Director further has the power to appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the directions of this Article and further, to delegate any of his or her functions and powers under this Article to such officers, agents and employees as he or she may designate.
- 15-222. PENALTY FOR VIOLATION.  
(a) It is unlawful for any person to store, collect, transport, process or dispose of any solid wastes in any manner that does not conform to rules and regulations established in this Article.  
(b) Any person violating this Article (other than violations of Section 15-203 which shall be governed by Section 15-203(g) and Section 15-224 which shall be governed by Section 5-224(h)) shall upon conviction thereof be punished for each such violation by a fine not to exceed \$100 or a jail sentence of not more than 30 days for each violation or by both such fine and jail sentence. Each day of violation shall constitute a separate violation of this Article.

- 15-223. ANTI-SCAVENGER; RECYCLABLE ITEMS. It shall be unlawful for any person which does not have a license from the City as a residential trash hauler to remove any items (except bulk items placed lawfully on the curb for collection), including but not limited to newspapers, aluminum cans, glass and plastic containers which have been placed on or stored at any location within the City for the purpose of having it collected by the licensed contractor which is authorized to collect and remove recyclable materials from the City.
- 15-224. COMPOST PILE; CONTENT, SIZE, LOCATION, OPERATION AND USE.

Policy Statement. It is the policy of the City to encourage environmentally sound practices and to reduce the flow of items to landfills which might be recycled. It is the policy of the City to encourage the proper composting of yard materials and to establish appropriate standards for the maintenance of compost piles.

- (a) Fire Hazards. No owner as defined in section 15-201 or the tenant in possession of residential premises shall maintain a compost pile in a manner which creates a fire hazard pursuant to the Uniform Fire Code, as incorporated by reference in section 7-201. The mere presence of a properly maintained compost pile of yard waste matter defined in such code as combustible or flammable shall not in itself constitute a violation of the City code. The provisions of this section shall control over any provision of the Uniform Fire Code to the contrary.
- (b) Nuisances Prohibited, Compliance with Laws and Regulations. No owner or tenant in possession of premises shall maintain a compost pile in a manner which creates a nuisance or which violates the health, building or zoning regulations of the state or City or any other laws or regulations relating to the use of land and use and occupancy of buildings and improvements.
- (c) Compost Piles; Permitted Materials. Acceptable materials for composting are limited to: manure, straw, sawdust, hay, grass clippings, leaves and weeds, wood chips and small twigs, evergreen cones and needles, garden refuse, uncooked fruits and vegetables, and commercial ingredients designed to speed or enhance composting. Meat and dairy products are prohibited.
- (d) Compost Piles; Permitted Locations. Compost piles may be located only in the rear yards of residential premises as defined in the "Zoning Regulations of the City of Prairie Village" shall not be located in the front or side yards of such premises. In the event residential premises are so situated that it is difficult to determine what constitutes the rear yard, the determination of the code enforcement officer shall be final. Compost piles shall be located so as not to constitute a fire hazard and in no event shall they be placed less than 15 feet from any other building on such premises. In no event shall compost piles be placed less than five feet from a side lot line. No compost piles shall be located in a right-of-way.
- (e) Compost Piles; Permitted Size. Compost piles should be at least 3x3x3 (feet) in size unless it is a commercially fabricated bin designed for composting, and in no event shall compost piles exceed one hundred fifty (150) cubic feet. No compost pile shall exceed four feet in height. No more than one compost pile shall be placed on any residential premises of up to one acre in size. On residential premises of more than one acre in size, no more than two compost piles may be placed. However, owners of residential premises shall be permitted to compost permitted materials in an unlimited number of storage bins, constructed for the purpose of composting material and approved by the code enforcement officer.
- (f) Compost Piles; Standards, Enclosures. Compost piles shall be deemed to be in

compliance with the terms of this Article if the following criteria are met:

- (1) Compost piles shall consist of layers of permitted materials set out in this Article in layers of six to eight inches and quantities of commercial garden fertilizer or manure or one to two inches in depth with the sequence of layers then repeated.
  - (2) The compost pile should have at least a 50 percent moisture content and feel damp to the touch.
  - (3) A compost pile shall be enclosed by an enclosure on at least three sides, the enclosure not to exceed four feet in height. Permitted enclosure materials include woven wire or wood slat fence, cement blocks or bricks and boards of lumber, including redwood or cypress.
  - (4) A compost pile shall be placed in an area where water will not stand.
- (g) Penalty. Where inspections of property by the director, or his or her authorized representative, reveal violations of this section 15-224, the director shall issue notice to the owner or occupant of the property for each such violation, stating the violation found, the time and date of the violation and the corrective measures to be taken, together with the time in which such corrections shall be made. If corrective measures have not been taken within the time specified in the notice, the director shall execute a complaint in the municipal court of the city charging the owner or occupant with a violation of this section 15-224. If the director confirms that the specified corrective measures have been taken prior to the municipal court hearing date, the director shall withdraw the complaint. If the complaint is not withdrawn and the violator pleads guilty or is otherwise found guilty of violation of this section, the court shall assess a penalty of \$25.00 for each violation. If any subsequent complaints are issued against the violator pursuant to this section within three (3) years of the initial complaint, a court appearance is mandatory for each subsequent complaint, and the penalty shall increase by \$25.00 per repeat violation in such time period (for example for the second violation in three (3) years the penalty shall be \$50.00, for the third \$75.00, etc.).

SECTION THREE: Existing Articles 1 and 2 of Chapter XV of the Code of the City of Prairie Village and any provisions in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS \_\_\_\_ DAY OF JUNE, 2017.

\_\_\_\_\_  
Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

\_\_\_\_\_  
Catherine P. Logan, City Attorney

## MAYOR'S ANNOUNCEMENTS

Monday, June 19, 2017

### Committee meetings scheduled for the next two weeks:

VillageFest Committee	06/22/2017	5:30 p.m.
Tree Board	07/05/2017	6:00 p.m.
Board of Zoning Appeals	07/11/2017	6:30 p.m.
Planning Commission	07/11/2017	7:00 p.m.
Arts Council	07/12/2017	5:30 p.m.
JazzFest Committee	07/13/2017	5:30 p.m.
Council Committee of the Whole	07/17/2017	6:00 p.m.
City Council	07/17/2017	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature the work of Jackie Keiman-Hale and Sean Ward in the R.G. Endres Gallery during the month of May.

2017 Recreation Memberships are on sale.

Pool closure -The pool complex closes at 5 p.m. on Thursday, June 29<sup>th</sup> for a Swim meet; Wednesday, July 5<sup>th</sup> for a dive meet and Thursday, July 6<sup>th</sup> for a Swim meet.

The second Moonlight Swim of the season will be Friday, July 7<sup>th</sup> with the pool remaining open until 10 p.m.

Save the Date for the Annual National League of Cities Conference in Charlotte, November 15-18, 2017. Early Bird registration is available through June 30<sup>th</sup>

**INFORMATIONAL ITEMS**  
**June 19, 2017**

1. Council Committee of the Whole Minutes - June 5, 2017
2. Planning Commission Minutes - May 2, 2017
3. JazzFest Committee Minutes - May 23 , 2017
4. Mark Your Calendar

**COUNCIL COMMITTEE OF THE WHOLE**  
**June 5, 2017**

The Council Committee of the Whole met on Monday, June 5, 2017 at 6:00 p.m. in the Council Chambers. The meeting was called to order by acting Council President Ted Odell with the following members present: Mayor Laura Wassmer, Serena Schermoly, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Staff Members present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Senior Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Admin; Alley Williams, Assistant to the City Administrator and Meghan Boom, Deputy City Clerk. Also present was David Waters with Lathrop & Gage.

**Small Cell Franchise and Pole Attachment Fee Discussion**

David Waters stated that in October 2016, the Governing Body approved revisions to the City's Right-of-Way ordinance in order to accommodate new requirements under the Kansas New Wireless Deployment Act of 2016, codified at K.S.A. 60-2019 (the "Act"). The Act relates to both "wireless service providers" (such as Verizon, AT&T, Sprint) and "wireless infrastructure providers" (companies that build out networks and then lease the facilities to the wireless service providers themselves). Generally speaking, the Act provides all of these providers with expanded rights to use the City's public right-of-way for the installation of wireless and "small cell" facilities, including utility poles and antenna.

The City has been contacted by both Verizon (as a wireless service provider) and by Mobilitie (as a wireless infrastructure provider) about proceeding with new facilities within the City. Verizon has not filed any formal application yet, but Verizon's intent is to request the attachment of small-cell facilities/antenna on existing City-owned light poles, or replacing such poles when necessary. Mobilitie has approached the City about replacing one existing City pole with a new pole that would incorporate small cell facilities into it (which facilities could then be leased out). City staff is reviewing the application and supporting materials and plans provided by Mobilitie.

Although the Act does expand providers' rights, it is our opinion—one that is shared by neighboring cities, and so far seemingly accepted by the providers—that the City must still grant a "franchise" to the providers under K.S.A. 12-2001. At its simplest, a franchise is the mechanism or vehicle through which providers and utility companies are authorized to utilize the public right-of-way for the provision of utilities and other services. An exception to this is that "video service providers," such as Google, that are governed by a different set of statutes. Accordingly, staff has been negotiating appropriate franchise agreements with both Verizon and Mobilitie.

The franchise agreement only applies to the use of the right-of-way itself, whether facilities are placed above-ground or underground. The franchise agreement itself does not cover the actual connection of facilities to City-owned poles. Mr. Waters stated that for that situation, which would be in addition to the mere granting of access to the right-



of-way, staff has been negotiating a master license agreement or pole attachment agreement with the providers. This work has been performed in conjunction with the city attorneys for Overland Park, Leawood, Shawnee, Westwood, Lenexa, Olathe, Merriam, and Topeka in order to provide a more uniform document to providers working within our cities.

The franchise agreement and the pole attachment agreement cover such things as protection of city property, maintenance obligations, insurance and indemnity, installation methods, compliance with city codes, and the like. City staff continues to work through these provisions. The agreements also provide for the payment of fees to the City for the right to use the right-of-way, and the right to attach to City facilities.

David Waters provided the following information on franchise fees as specified by Kansas statutes and from other cities for discussion by the Governing Body.

### **Franchise Fees.**

K.S.A. 12-2001—the primary franchise statute—states that no franchise shall be given unless it provides for "adequate compensation" for the use of a city's right-of-way. The statute provides that the grantee shall pay such "fixed charge" as may be established in the franchise, which charge "may consist of a percentage of the gross receipts derived from the service permitted by the grant, right, privilege or franchise." For utilities in the right-of-way, we understand that the City—similar to most others—charges a franchise fee of 5% of the gross receipts the utility receives from providing services to residents and businesses in Prairie Village.

A similar approach—a percentage of gross receipts—could be used as to wireless infrastructure service providers such as Mobilitie. For every physical facility/pole/antenna that Mobilitie maintains within the City, and then leases out to wireless service providers, a franchise fee of 5% could be applied to the rent received by Mobilitie. At this time, neighboring cities appear to be agreeing to take this approach.

However, Mr. Waters noted that this approach would not work as well for wireless services providers such as Verizon as it may be practically impossible to measure fees attributable to Verizon customers as they travel through the City and connect, disconnect, and reconnect to various small cell facilities (as signals get passed from antenna to antenna). Second, K.S.A. 12-2001(c)(6) excludes from the definition of gross receipts (against which a percentage fee could be applied) "wireless telecommunications services." Therefore, cities have struggled a bit in calculating an appropriate fee structure for the anticipated use by wireless providers of the right-of-way.

In discussing this with our neighboring cities, most have settled on a per-pole fee of between \$18.00 and \$25.00 per year. These numbers were arrived at first by Overland Park and Leawood, based on their already having poles in their cities which are utilized by wireless infrastructure providers such as Mobilitie and ExteNet. The goal of our joint-city attorney work has been to approximate the annual per-antenna/pole fee paid by wireless infrastructure providers (based on a percentage applied to gross receipts), and then translate that into a fixed fee that can be paid by wireless service providers, such as Verizon. For Overland Park, which has a 3% franchise fee, that

number was close to **\$18.00** per pole/antenna, per year. For Leawood, which has a 5% franchise fee, that number was closer to **\$24.00** per pole/antenna, per year.

Mr. Waters noted that neighboring cities appear to be moving in this direction, so that Verizon and other providers end up paying the same (or reasonably similar) rate as wireless infrastructure providers. But, negotiations with Verizon have not been finalized. Verizon is aware that the municipalities are currently working through this. It is our expectation that whatever is agreed-upon as to Verizon will serve as the model for other providers.

### **Pole Attachment Fees.**

In addition to the franchise fee, the City may also charge a separate pole attachment fee for connections to City-owned poles. Not having historically owned its own poles, the City again does not have historical information that would suggest a proper fee or market rate; therefore staff reached out to neighboring cities and received the following information on rates being charged by them:

<b>Overland Park:</b>	\$45 per month, per pole/antenna (\$540 per year). Set by fee resolution.
<b>Lenexa:</b>	Same as Overland Park (\$45/month, \$540/year for street lights and other poles).
<b>Olathe:</b>	\$45 per pole/antenna per month, with annual CPI escalations.
<b>Leawood:</b>	Also \$45 per pole/antenna.
<b>Shawnee:</b>	They expect to be similar to Overland Park, but have not yet finalized their rates.

Staff is seeking direction from the Governing Body related to its desired fee structure for guidance as negotiations with wireless providers and wireless infrastructure providers continue.

Eric Mikkelson asked why the fixed fees wouldn't be subject to a CPI escalation like the City of Olathe model. Mr. Waters responded that language within the agreement allows for the City to revisit the fee structure and make changes if necessary. He, and most other Johnson County, are taking a more simple approach.

Mr. Mikkelson asked if the \$25 fee was derived from a rough estimate of what 5% of gross receipts would be if that were allowed under the law. Mr. Waters responded that yes, it was calculated to be approximately \$18-25.

Serena Schermoly asked if standards would be set for power boxes. Mr. Waters responded that the details of what would or would not be allowed would be outlined in the right-of-way ordinance, and each site would be individually reviewed by staff. Ms. Schermoly addressed Keith Bredehoeft and stated her desire to see consistency in the power sources. Mr. Bredehoeft is hopeful that eventually the power source would be contained within the pole to minimize impact on the right-of-way.

Terrence Gallagher noted that he had seen large solar panels attached to telephone poles which he believed to power sources for Verizon's WiFi repeaters. He would not

like to see that allowed in Prairie Village. Mr. Waters responded that would be determined by how the City manages the right-of-way. At this point in time, what the City can prevent or control is a bit of an open question. Courtney McFadden stated that the solar panels were likely a backup power source.

Mayor Wassmer asked to include solar panels in the revision of the Special Use Permit requirements. Quinn Bennion responded that staff would look into it.

### **COU2017- 30 Consider approval of proposed amendments to Chapter XV - Utilities; Articles 1 - 3 related to Solid Waste**

Wes Jordan stated the proposed amendments have been discussed over the past few months and have been reviewed by the City Attorney for compliance with state statutes with changes being made after receiving input and direction from Council during presentations, the latest during the April 17, 2017, Council Meeting.

Mr. Jordan highlighted the following revisions to the proposed code:

#### **15-203: Storage Requirements**

- Language was clarified concerning storage and screening requirements
- The types unacceptable screening materials
- How long carts could be placed at the curb
- Exceptions for disabled residents
- Exceptions for inclement weather
- Fine amounts set at \$25.00 with a mechanism for dismissal

#### **15-222: Penalties**

- Penalties were identified as being inconsistent between section 15-222 and 15-223 (h.). In this draft, Section 15-224 was added to allow for a more unified enforcement protocol (excluding screening as outlined in 15-203).

Brooke Morehead noted a reference to a 12 hour cart placement requirement. Mr. Jordan will make the correction in the final version.

Eric Mikkelson would like to strengthen the language allowing the judge latitude to issue fines greater than \$25 in case of repeated non-compliance.

Mr. Mikkelson stated that language related to screening should state three sided rather than two. Mr. Jordan responded that the third side is assumed to be the house. Andrew Wang agreed with that assumption but would like to see it written as three sides.

Mr. Mikkelson had several comments that he would work on directly with Mr. Jordan. Terrence Gallagher asked if holiday pickup dates would be excluded from the 24 hour set up requirement. Mr. Jordan responded that city code enforcement officers would offer leniency in those circumstances.

Mr. Jordan highlighted changes to composting requirements. Staff worked with Johnson County Health and Environment to update requirements

15-223: Composting

- Permitted materials, size, and moisture content

Serena Schermoly stated that she was uncomfortable with “imprisonment” component for failure to comply with the ordinance. She asked how city staff would determine the moisture content of compost. Eric Mikkelson expressed similar concerns and recommended adding “at least” to the 50% moisture requirement. He also would like to see the words “damp wrung out sponge” removed. Courtney McFadden suggesting striking the moisture content requirement from the ordinance entirely.

Mr. Mikkelson asked for clarification on the size requirements. The ordinance as presented has a minimum size requirement rather than a maximum size. Mr. Jordan responded that a minimum size is required for proper composting according Johnson County’s best practices. Mr. Mikkelson would like to see a maximum size added as well. Mr. Jordan suggested going back to the previous language.

Ms. Schermoly followed up on the fine and jail component. Ms. McFadden suggested implementing the same fine system as the screening requirements. Mr. Jordan stated that this has not been in issue in the City before. Terrence Gallagher asked why the city should address this in the ordinance if it hasn’t been an issue. Ted Odell stated that the city should have the ability for recourse if it does become an issue. Mr. Mikkelson agreed that without direction, a resident could call a pile of garbage “compost.”

Mr. Jordan stated that he would rework the proposed ordinance based on Council feedback to be presented at a future meeting date.

### **Presentation and discussion of the 2018 Capital Improvement Plan CIP and Economic Development Fund**

Melissa Prenger, Project Engineer, began with a brief review of the current 2017 CIP Projects including work on 14 streets, 1 CARS project, 1 drainage project, concrete repair project, asphalt repairs and crack seal/microsurface project and the City Hall parking lot.

Melissa Prenger explained the infrastructure rating process done by the City on an annual basis and noted the change in the condition ratings over the past year. She reported that 72% of the city's arterial and collector streets have received a good to excellent rating, down from 86% in 2016.

She noted that 70% of the residential streets have this rating, down slightly (73%) in 2016. In 2016, 16% of residential streets had a rating of poor while in 2017 17% of the residential streets rated poor with 13% rated fair reflecting a continuing decline in the condition of city streets.

While the majority of City streets are in good to excellent condition, the number of fair to poor streets increased to 31% in 2017 up from 23% in 2016. It costs approximately \$1M

to reconstruct one mile of street. At the current level of funding streets falling into the poor category in 2017 would be addressed in seven years.

Ted Odell asked what causes the roads to deteriorate more quickly, and for a total dollar amount to expedite the repair process. Ms. Prenger responded that salt is the biggest enemy to roads. She reinforced that maintaining the streets in the “good” category is the best line of defense. If no maintenance is done to the good roads, the city can expect the fair/poor category to grow by five miles per year. It is roughly \$1M to reconstruct a mile of street, so it would require \$31M to bring all streets into the excellent/good categories. Public Works currently has a budget of around \$3M to address deteriorating roads. She stated that streets do have a life cycle, so there will always be a few in the fair/poor category. Keith Bredehoeft stated that if a \$3.5M program was implemented, headway could be made to increase the response time on deteriorating streets. It is difficult to make headway as the amount of fair/poor streets increases.

Mayor Wassmer recalled a previous Public Works Director stating it would take \$6M per year to get all the streets into the good category, and that was many years ago. Mr. Bredehoeft stated that the Council needs to determine what an acceptable timeframe is for repair. He doesn’t believe that seven years is an acceptable timeframe.

Eric Mikkelson stated that he doesn’t believe it is fiscally responsible to have all streets in good or excellent condition, as long as there is a plan for eventual repair.

Brooke Morehead stated she hears more complaints about snow on the streets than the condition of the streets. She asked how the more expensive salt has impacted deterioration. Mr. Bredehoeft stated that less salt has to be used, and believes it to be a good product.

Ms. Morehead asked if the reconstruction of the City Hall parking lot could wait until the future of Village Square was decided. Mr. Bredehoeft stated that the city will see how the concepts develop over the next several months and adjust accordingly.

Keith Bredehoeft shared historical information on the General Fund transfers to the CIP. The proposed General Fund transfer to CIP is \$5.24M with a \$50K transfer from Street Lights.

The proposed 2018 CIP funding is from the following sources:

• Transfer from General Fund	\$5,240,560
• Transfer from Special Highway Fund	\$ 643,000
• Transfer from Stormwater Utility Fund	\$1,000,000
• Transfer from Special Park & Rec Fund	<u>\$ 139,000</u>
Total	\$7,022,632
• Prior Year CIP funding	\$ 700,000
• Funding from CARS and Federal Funds	<u>\$6,405,286</u>
<b>CIP TOTAL</b>	<b><u>\$14,127,918</u></b>

**Recommended Parks Program - \$1,850,000**

The 2018 Parks Program includes the following projects:

• Park Infrastructure Reserve	\$ 120,000
• Harmon Park Skate Park	\$ 320,000
• Franklin Park	\$ 120,000
• Porter Park Restrooms	\$ 240,000
• Pool Bathhouse Repairs	\$ 50,000
• North Park	<u>\$ 1,000,000</u>
Total	\$ 1,850,000

Mr. Bredehoeft noted that the 2017 funding for the Skate Park was for design with construction funded in the 2018 budget.

Terrence Gallagher asked how the results of the MARC bike and pedestrian plan study will impact the budget. Mr. Bredehoeft responded that would be addressed following the study but would not impact the 2018 budget.

**Recommended Drainage Program - \$5,972,536**

Public Works Director Keith Bredehoeft noted this program includes two potential SMAC Projects.

• Delmar & Fontana Drainage	\$3,468,236
• Reinhardt Drainage Project	\$2,504,300

Brooke Morehead asked what percentage of the projects comes from the City budget. Mr. Bredehoeft stated that 75% of the project is covered by SMAC. The city is always responsible for the design component.

**Recommended Streets Program - \$5,500,382**

The 2018 Streets Program includes the following projects:

• Traffic Calming	\$ 25,000
• Paving Program	\$2,998,382
• Roe Avenue - 67 <sup>th</sup> Street to 75 <sup>th</sup> Street (CARS)	\$1,775,000
• Mission Road - 84 <sup>th</sup> Ter to 95 <sup>th</sup> St. (Leawood)	\$ 627,000
• Nall Avenue - 83 <sup>rd</sup> St. to 95 <sup>th</sup> St. (OP)	<u>\$ 75,000</u>
Total	\$5,500,382

Andrew Wang commented on the traffic calming measures. He has previously voted against traffic calming measures due to the lack of measureable components on which to base a decision. On the Tomahawk item discussed at the last meeting, there are variety of issues including cut-through traffic, speed, and volume. He believes that volume is the main issue, and a reduction in speed limit will not address these issues. He does not agree with the sentiment stated by a resident that too many people who don't live in his neighborhood are driving through the area.

**Recommended Buildings Program - \$50,000**

This budget contains funding for the Building Reserve.

The 2018 Buildings Program includes the following project:

• Building Reserve	\$ 50,000
Total	\$ 50,000

Mr. Bredehoeft stated that there are no building projects planned in 2018 so the funds will be set aside for future projects.

**Recommended Other Programs - \$755,000**

The 2018 Other Program includes the following projects:

• ADA Compliance Program	\$ 25,000
• Concrete Repair Program	\$ 700,000
• Landscape Node & Public Art	\$ 30,000
Total	\$ 755,000

Keith Bredehoeft stated that the public art item is related to a resident who would like to donate a sculpture to the city. He outlined an example of scale and type of landscaping which would be around \$30,000. Sheila Myers stated that she has not agreed to fund this and would like to see a council vote. She has an issue spending additional funds in response to a donation. Eric Mikkelson introduced Mr. Brad Johnson, the donor, who will speak during public participation at the City Council meeting. Mr. Mikkelson stated that Mr. Johnson was inspired by the improvements made to Mission Road after living here for decades during his youth. He has asked for very little recognition in return. A group of people have been meeting for more than a year to discuss options, and it was determined that the statue would be a boy on a bicycle created by a local artist who was also a Shawnee Mission East graduate, who offered to create the piece at a discount. First Washington has donated the land in the easement. Mr. Mikkelson is confident that this might be an impetus for future donations. He believes a commitment from the city is the next step to jumpstart the project. It won't necessarily cost \$30,000 but up to that amount in case it can't be funded through private donations. It is high visibility corner of the city. \$250,000 worth of value in exchange for \$30,000 is a significant bang for the buck. Mr. Mikkelson also stated that it has the support of the arts council, unanimously endorsing the project.

**ADJOURNMENT**

Mr. Odell moved to continue the remaining items to New Business in the City Council meeting. The Council Committee of the Whole meeting was adjourned at 7:30 p.m.

Ted Odell  
Acting Council President

**PLANNING COMMISSION MINUTES**  
**May 2, 2017**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, May 2, 2017 in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:15 p.m. with the following members present: Melissa Brown, Patrick Lenahan, James Breneman, Gregory Wolf, Jeffrey Valentino and Jonathan Birkel.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Wes Jordan, Assistant City Administrator and Joyce Hagen Mundy, Commission Secretary.

**APPROVAL OF MINUTES**

James Breneman moved for the approval of the minutes of the April 4, 2017 regular Planning Commission meeting as submitted. The motion was seconded by Patrick Lenahan and passed by unanimously.

**PUBLIC HEARINGS**

**PC2017-01    Amendment to Prairie Village Zoning Regulations repealing  
Design Guidelines for Countryside East Homes Association  
PVMC 19.25.010**

Chairman Nancy Wallerstein announced that this is a continuation of the public hearing first held on Tuesday, March 7, 2017. Since that meeting the following actions have been taken:

- Public Meetings were held for members of the homes association on March 29<sup>th</sup> and 30<sup>th</sup> at City Hall with City Staff present (Mr. Brewster, Mr. Jordan & Mr. Dringman)
- Three staff options were sent to the Homes Association Board for further consideration and discussion:
  - Option 1 - Repeal the Overlay and the Homes Association could enforce its current covenants.
  - Option 2 - Repeal the Overlay and modify the overlay as an addendum to current covenants with staff assistance.
  - Option 3 - Modify the current Overlay to focus on key elements or restrictions with the appeal process going through the City process.
- Homes Association meeting was held on April 18<sup>th</sup> at City Hall.
- The Homes Association completed and distributed a survey to its residents.
- The Homes Association sent two additional options to the City staff for consideration:
  - Option 4 - Revise the Overlay with an ARB assisting in the review and approval process.



- Option 5 - Similar to Option 3 with the Planning Commission granting an extension of time to modify the current Overlay, then the existing Overlay would be repealed at the end of the time extension if the Overlay revision was unsuccessful.

Wes Jordan stated it is obvious that residents are concerned about the possibility of “over building” occurring in their community. They also seem to understand the unintended challenges the Overlay has presented for Staff. The difficulty is the elusive solution that can be reached that would be an acceptable outcome. And, in the midst of this deliberation a 5<sup>th</sup> appeal of the Overlay is pending pertaining to the side set back and a garage expansion.

Staff is certainly open to finding a compromise, and in that vein, believes there is merit to exploring the possibility of crafting a modified version of the Overlay into a simplified document of building standards that focuses on acceptable height, setbacks, and possible front porch extensions. Mr. Jordan noted that this type of process seems to have worked well in two other Homes Associations in Prairie Village and would require a more active role of the homes association and likely some legal costs.

Staff would support a 90-day extension of the Public Hearing to allow time to determine if the HOA Board and/or residents would be open to exploring the possibility of building standards as an addendum to existing Countryside East Covenants or even another similar mechanism. The addendum could also specify a process of review by an independent entity (much like an architectural review board) to minimize the burden of review by the HOA Board. In process, once that review was completed, city staff would then be responsible for compliance with City Zoning prior to permitting.

Gregory Wolf asked how many households were in the homes association. Mr. Jordan replied approximately 300. Mr. Wolf noted that 118 households responded to the survey. Chairman Nancy Wallerstein asked for a show of hands from those in attendance to reflect the number of households present. Twenty-one households were represented or less than 10% of its membership.

Leslie Darrington noted the Board met on April 18<sup>th</sup> and went over the three options provided by city staff and brainstormed possible actions resulting in options 4 and 5. At this time there is not a clear consensus. From the responses to their survey they were able to identify the “must haves” of the residents which included height and setbacks as they define the integrity of the neighborhood. She noted that no one on the current board is familiar with building codes; therefore, at this time the board would like to request a 90 day extension before the Commission takes any action on the proposed repeal.

Mrs. Wallerstein agreed that height and the space between homes does impact the integrity of the established neighborhood. Jonathan Birkel confirmed that the building height is restricted to one and a half stories. Mr. Birkel asked how many of the appeals to the setback restrictions had been denied. Mr. Jordan responded that none were denied.

Gregory Wolf asked if there was any objection to the 90 day continuance. Jeffrey Valentino noted the 90 days would provide them time to put something in place if the Overlay was repealed.

Wes Jordan stated that as long as the Commission follows the action being considered; i.e., the repeal of the overlay, the public hearing can be continued. If the Commission changes direction to consideration of a modification of the Overlay, the public hearing cannot be continued. This would require new notification as the action being considered is different from what was published and the notice that was previously sent. This would require the re-notification of all homes association members and the surrounding property owners. Mr. Jordan noted the initial mailing for this hearing cost approximately \$3,000. The primary purpose of option #2 is to repeal the overlay and continuing the application would provide the homes association with time to put another process in place to address their concerns if they felt that was necessary. Mr. Breneman confirmed a continuance could only be done if the Commission were considering action on Options 1 or 2 without republishing and renotification.

Nancy Wallerstein asked what option the homes association board preferred. Mrs. Darrington replied that the board meets next week and has not made that determination. Mr. Wolf asked if the application was continued for 90 days if the Board would come back with a plan of action and what the Board hoped to accomplish in 90 days.

Ms. Darrington replied with the following items that she feels needs to be done:

- Get quotes from 3 attorneys
- Select an attorney
- Have them review all of the covenants
- Make decision on how to proceed
- Create an addendum focusing on the “must haves” i.e., setbacks and as the board moves further along add other items

Patrick Lenahan asked whether the goal of their actions would be to establish and develop an amendment to the covenants of the homes association that would allow for the Overlay to be repealed with the homes association being able to retain its restrictions under the structure of its covenants.

Gregory Wolf asked if the Commission had to take action or if it could give them 90 more days. Mr. Lenahan stated that he felt a continuance of 90 days would give the homes association time to determine the appropriate mechanism and develop a process to implement it. He suspects that once that is done, the homes association would be supportive of the recommended repeal. He would be supportive of a continuance.

Wes Jordan stated that the homes association board is looking for direction from the Commission. Ms. Darrington stated that homes association would be willing to pursue Options 3 or 4 if that was the direction of the Commission.

Nancy Wallerstein asked if the city has received a lot of building requests that are being held up. Mr. Jordan stated they have not, but part of that problem is that when builders

call to question what they can and cannot do staff doesn't know what to say. Yes, the Overlay restricts the setback, but all four appeals to the setback have been granted.

Mr. Jordan noted that the City of Leawood is doing something similar. They have a 30-day holding period during which homes associations reviews plans and once approved the plans are submitted to the city for a building permit based on city code. The Town & Country and Corinth Downs homes association operate in a similar manner in that they require plans to be reviewed by the homes association prior to submitting for a building permit.

Nancy Wallerstein asked if the Board has discussed this option. Ms Darrington the Board is exploring options and determining what the residents really want the Overlay to address. Their task thus far in the process has been to notify and educate. She noted that in the process they have discovered other underlying issues. She does not have a personnel preference on what direction is taken.

Wes Jordan reminded the Commission that discussion cannot be had on modifying the Overlay District as it currently exists in city code without a complete new process with publication of a new notice of mailing and certified letters being resent. However, if the Overlay process was revised and place in the hands of the homes association is a modified format allowing the City to repeal it, no new application or notification would be required.

James Breneman suggested a combination of options 2 and 4 which would repeal the Overlay as a city code and connect it to the homes association covenant, but require any appeal to be heard by the City. Mr. Breneman stated that having an Overlay District in place that contradicts city regulations makes no sense to him. Mr. Wolf questioned if there was a legal mechanism to do this. Melissa Brown stated the city cannot enforce covenants.

Mr. Jordan noted the city was not completely severing ties with the homes association. Jeffrey Valentino confirmed that the city would not have to follow up on the covenants but only be enforcing its code and not independent covenants.

Chris Brewster stated that all homes association who register with the city receive notification whenever a building permit that creates a new living space or adds square footage is submitted. Under the proposed process, that information would first be submitted to the homes association. Once approved by the homes association, the applicant would submit verification of that approval and building documents for review. He stressed that the city cannot enforce independent homes association's deed restrictions or covenants.

Nancy Wallerstein noted that not all households in Prairie Village are part of a home's association. Town & Country applications are reviewed by the homes association board before being submitted for permitting to the City. The establishment of an architectural review board or similar entity would be the responsibility of the homes association. Mr. Jordan stated staff felt the options presented were a fair compromise. How the processes are going to work is still unknown.

Mr. Birkel noted that the city could provide assistance to the homes association in the drafting of criteria for the review process.

Patrick Lenahan noted the agenda item for Commission action deals only with the repeal of the existing Overlay District. If the Commission took that action this evening, the homes association would be left without anything in place to address the requirements of their Overlay. However, if the Commission granted a continuance, the existing Overlay District would remain in place while the homes association does their due diligence in developing a process to address their concerns themselves reducing the involvement of the city through more active involvement of the homes association understanding that the Commission is seeking to eventually repeal the Overlay.

Nancy Wallerstein clarified that action of the Commission would need to address the repeal of the Overlay District. The public hearing was reopened for public comment at 8 p.m.

Gregory Wolf stated that what he would like to hear from the public is if the homes association members were in support of having applications go before the association for review and approval based the restrictions set by the homes association before submitting an application for a building permit that would be reviewed solely on the city's zoning regulations.

Ms Darrington confirmed that the Board would have the ability to enforce or waive their requirements under the covenants and deed restrictions. Mr. Breneman added, however, they would not be able to grant a variance to any of the city's zoning requirements.

John Matthews, 4916 West 68<sup>th</sup> Street, stated he was unclear how elected officials can hand off the responsibility to the homes association to make these decisions, he felt this was the responsibility of the City noting that such decisions are above the scope and ability of the homes association board and city officials have the knowledge and expertise to make these decisions on an impartial basis.

Nancy Wallerstein responded that the Commission members are not elected, but appointed to make recommendations to the City Council who may or may not adopt the recommendations. She added that the Countryside East Overlay was used by the city as a prototype for the creation of new city zoning guidelines now in place throughout the city. She stated there are some differences between those city regulations, which are enforced by the Building Official, and those of the Overlay District. The Building Officials have to follow city regulations. The City cannot oversee or enforce covenants and deed restrictions. The Commission believes it would be in the best interest to repeal the Overlay and have the entire city under the new regulations which can be enforced. There has been misunderstanding of the repeal and the homes associations' role in continuing to enforce its restrictions. The Commission appreciates the concerns expressed and wants to help the Board put into place a mechanism that would replace

those “must haves” of the overlay that would be enforced by the homes association prior to applications being submitted for a building permit.

Mr. Matthews noted that the homes association does not have the expertise and manpower to make decisions and arrive at consensus or to provide the services of an architectural review board. Such action would place more responsibility on the board. He noted that homes association board members are volunteers and do not want to take on that additional responsibility. Mrs. Wallerstein stated the City is trying to assist the homes association in determining what issues addressed by the Overlay are “must haves”, what have been addressed by the revised building codes and what process or mechanism is the best way for both to be enforced. It is the decision of the homes association how to proceed. She noted that most homes association boards are volunteers and they do not want the additional responsibility of reviewing plans for compliance with their covenants and deed restrictions.

Patrick Lenahan stated that the city does not have the authority to enforce private homes association covenants or deed restrictions. The reason the Overlay exists is that your homes association determined that there was a building problem that was not being addressed by covenants, so they sought city assistance with the placement of an Overlay District through the city’s code that could be enforced by city building staff. He noted that the granting of all appeals to the Overlay District has invalidated the restrictions and that the new city regulations address many of the issues addressed in the Overlay District, reducing the usefulness of this document. The city is not trying to force additional burdens on the association; but feels that the Overlay District has declined in its usefulness and feels that it should be repealed. Recognizing that some of the elements of the Overlay are still important to the homes association, it supports a process being implemented and overseen by the homes association to administer those elements.

Peter Gogol, 5019 West 65<sup>th</sup> Terrace, noted he previously served on the homes association board both prior to and after the implementation of the overlay district. He answered earlier questions raised by the Commission regarding the building height restriction of one and a half stories. This is found in the deed restrictions with the overlay providing criteria for defining what one and a half story is. The element of a five foot kneewall height on any floor above the first floor is a key element in the definition of one and a half stories in the Overlay District guidelines. He noted there are other elements in the definition that should be removed or revised. However, the results of the survey clearly indicated that residents want to retain the one and a half story restriction.

Addressing Mr. Wolf’s question of whether residents are comfortable with the HOA sign-off on building plans prior to submittal for a building permit. His personal opinion is based on his experiences being on the board. He has some reservations with requiring the HOA approval prior to submittal. He suggested a better scenario may be that if a set of plans are submitted with proof of the HOA approval they are reviewed by the City. If plans are submitted without HOA, they be held for 30 to 60 days or until approved. He

is concerned with the liability if the HOA board is unable to meet within that timeframe, noting the difficulty in getting the board together.

Patrick Lenahan clarified that Mr. Gogol was suggesting that the city and the homes association could do concurrent reviews with the city not issuing the permit until reviewed by both entities. Mr. Gogol responded that the city could sign off on plans without the HOA approval if they had not been able to meet not holding up the building process.

Mr. Gogol stated that he supported the creation of the Overlay District but feels that it would work better with some radical simplification of requirements. He noted that they have approved four appeals to the setback requirements so obviously that can be removed. The appeals process is too subjective currently. Mr. Wolf requested a specific proposal, not just direction to simplify the overlay. Mr. Gogol stated the association is unable to do that at this point, but would be supportive of a resolution to continue the repeal action for a 90 day period to allow the homes association to develop a plan. Mr. Wolf replied that he does not feel the city should need to track or hold an application for "x" number of days.

Wes Jordan stated that the City of Leawood uses a 30 day clock for submittal of a home's association. He noted that people are anxious to start their building process.

Melissa Brown noted that once a building permit is issued the contractor has legal authority to begin. She feels the City approval has to be the final step. Mr. Breneman would not support city staff spending time reviewing plans that have not been approved by the HOA. Mrs. Brown noted that if the HOA required modifications, the city would need to then review a second set of plans. Jonathan Birkel noted the time and expense required for the submittal of final drawings.

Mrs. Brown asked if the homes association had considered a zoning change to R-1b using the mechanisms that the City has in place. Mrs. Wallerstein stated looking at the conditions of the Overlay and the city code there are not many differences. The limitation of height to one and a half stories is already in place in the deed restrictions. Mrs. Brown asked if the setback has been the main appeal. Mr. Jordan replied at this time all of the appeals have been to setback. He is not aware of any teardown rebuild applications, primarily expansions, room additions, roofing, etc. type of applications.

Todd Wetherilt, 6344 Ash, wanted to address the proposed repeal. He noted the city came to them for a partnership to create a document that the city could enforce. Whatever generated the legal notice has given this question a life of its own where now different options are being suggested. It seems to him to be an all or nothing process. The dialogue has been good, but they are faced with the repeal of the Overlay and everything going back to the HOA and the HOA does not have the processes or resources to fashion a replacement mechanism for the Overlay and there is motivation to do so.

In the interim he does not want to see the Overlay repealed at this time as it would expose the neighborhood. He requests no action be taken until the HOA is ready to take it over. Mr. Wolf asked how much time was needed. Mr. Wetherilt noted that it took four years to draft the Overlay. He does not know if 90 days is sufficient time to create a new process. He does not understand why options #3, #4 and #5 would require renotification and a new process. Mrs. Wallerstein replied the action residents were notified of was the proposed repeal, not a modification of the Overlay. Therefore, under this application only action on the repeal can be taken. Mr. Wetherilt asked how the original notice came about.

Mrs. Wallerstein stated in November, 2016, City Administrator Wes Jordan and City Planning Consultant Chris Brewster attended the annual Countryside East HOA meeting and discussed the city's challenges with the enforcement of the Overlay District and recommend the HOA repeal the Overlay District in view of the new strengthened building guidelines adopted by the City. In January, 2017, the HOA Board informed the City that it had voted to support the repeal of the Overlay District. Based on that application, staff filed the necessary application to accomplish the repeal. This action is similar to the rezoning of a property and the code requires notification of all the property owners of the impacted property and properties within 200' of that property to be notified by a certified return receipt letter notifying them of the public hearing to be held on this request.

Gregory Wolf stated the HOA needs to determine what action, if any, they will take to keep the restrictions established in the Overlay in place after the formal repeal of the Overlay District. The Commission does not want to take action on that repeal until the HOA is ready, but not indefinitely.

Mr. Jordan reminded the Board that their action this evening needs to specifically address the repeal of the Overlay District, whether that is to repeal, not to repeal or to continue. Any action dealing with a modification would have to take place as a separate application. The HOA needs guidance from the Commission.

Patrick Lenahan noted he can see the following scenario: 1) the application is continued for 90 days; 2) during that time the HOA meets and decides what to do and begins to put that process in place; 3) after action is determined and taken by the HOA, the Commission/City Council votes on the repeal of the Overlay District.

Jonathan Birkel confirmed that if they want to retain parts of the Overlay a process and mechanism needs to be put in place by the HOA for them to enforce/administer those requirements.

Nancy Wallerstein clarified that if the City repeals the Overlay District, the HOA can take over administering the requirements under a process established by the HOA with the City only enforcing its building and zoning regulations.

Jeffrey Valentino stated he is hearing that there is a general consensus that a modification of the Overlay District is necessary. The City believes that this would be

better handled through a process administered through the homes association than the city as an Overlay District. He stated city staff has demonstrated how difficult it is for the city to administer this Overlay with contracting guidelines from city code and consistent approvals of appeals to the Overlay.

Todd Wetherilt stated that he believes the HOA has come to that understanding. His concern is that under options 1 or 2 is that they now have some groundwork to do figuring out how to create their own safety net to protect the integrity of their neighborhood. They had been under the assumption for the past four years that had been taken on by the city through a partnership and is now resolving with the repeal of the Overlay District.

Among the things yet to be determined by the HOA are the following: Are they going to assess their homeowners additional fees to create a legal defense fund? Are they going to formulate an architectural review board? Are they going to hire outside consultants? Are they going to get legal counsel involved? These are things they now need to pursue. They understand that the Overlay District is going to be repealed at some time and they need to make decisions and take actions.

Melissa Brown stated the Overlay District was a great pilot project and greatly assisted the city in the development of its revised building regulations. It is not the intent of the City to abandon the homes association. Jeffrey Valentino acknowledged the statement that the city was transferring the burden of administration to the HOA. He noted the easiest solution to this would be the buy-in and commitment of the HOA to the city's revised building regulations enforced throughout the entire city. This would place no additional burdens on the HOA, on its Board or on the City. The other options have been presented as alternatives to allow the HOA to keep some additional restrictions that appear to be desired by your residents to protect the integrity of your existing neighborhood, that are not required throughout the entire city.

Todd Wetherilt stated that they would like to see what develops from the Phase II study of potential city design guidelines acknowledging that these may or may not address the concerns of their neighborhood.

Connie Mattoon, 4801 West 65th Terrace, supports the existing Overlay and noted that the HOA does not have the legal resources to enforce its covenants. She does not feel that overlays are uncommon and that if someone wants to renovate or rebuild in Countryside East they know the specific guidelines that are in place without having to take plans to a review board for review. The Board is not burdened with additional work, additional fees are not required to be paid to a consultant for review, you are not placing neighbors in the position of having to approve or reject a neighbor's plan and plans can be submitted directly to the City. She does not feel 90 days is sufficient time for the HOA to put in place a new process and mechanism to address what would be lost with the repeal of the Overlay District. She feels that 180 days would be a more appropriate time frame, noting this action needs to be done during on a volunteer's free time.



Dennis O’Roark, 5007 West 63<sup>rd</sup> Terrace, stated that he was a member of the Board for four years and currently sits on the appeals board. He is not supportive of the Overlay District and feels that it is too restrictive holding back development and improvements to property within Countryside East. He said it needs to be simplified to allow investment in the community. He added that vacant or unmaintained homes also impact the integrity of the neighborhood. He feels the common thread is to simplify and wants a time period implemented to phase out the Overlay District.

Mr. O’Roark questioned how not giving a permit for a plan that did not received approval from an HOA isn’t enforcing covenants and deed restrictions. The main goal should be to see investment occur within the City. He does not want to see investment held up. He believes that there is sufficient experience and expertise within the HOA to form an architectural review board, but that it would be in the Board’s best interest to contract with an independent party.

Jonathan Birkel noted that the criteria are clearly stated in the design guidelines and feels that a review checklist could be created from these without much difficulty or a major time commitment. He supported the 90 day continuance.

Melissa Brown asked if the ordinance repealing the Overlay District could have a specific date or would it become effective immediately upon adoption. The Commission Secretary replied that the ordinance could be drafted with an effective date as was done when the city repealed its recreational vehicle regulations.

Gregory Wolf moved the Planning Commission continue PC2017-01 consideration of the repeal of the Countryside East Overlay District for 90 days (August 1, 2017) to allow the HOA to determine and plan action prior to the Commission taking action on the proposed repeal. The motion was seconded by James Breneman and passed unanimously.

**NON PUBLIC HEARINGS**  
**PC2017-105 Building Line Modification**  
**4602 Homestead**

Bruce Wendlandt, 7924 Floyd, architect for the home owners Brian and Edie Larson at 4602 Homestead, addressed the Commission requesting approval of a building line modification to the platted side yard setback on Granada to construct a detached accessory building to be used as a garage. The proposed garage would extend over the platted 30’ building line and be located 25’ from the lot line at its closest point.

The lot is located at the corner of Homestead Drive and Granada Street. The existing home is situated at an angle with a corner orientation. Although the building footprint is skewed on the lot, it is entirely within the platted building lines of 40’ along Homestead Drive and 35’ along Granada Street. The southeast corner of the existing home is closest to Granada Street at approximately 31.5’ from the lot line. The proposed accessory building would be located at the edge of the current driveway access off Granada Street and would be skewed to share the same orientation as the principle

building. With this orientation, the accessory building would meet the platted building line at the closest point to the property to the north, and the majority of the proposed accessory building would be within the 35' platted building. Due to the skewed orientation portion of the southeast corner would extend over the building line, with the closest point being 25' from the lot line on Granada Street.

Chris Brewster noted the location of the proposed accessory building meets all requirements of the zoning ordinance. (Section 19.34.020 dealing with detached garages requires a 3' setback from the north lot line and a 25' setback from the east lot line along Granada Street.) The homes to the north of this home have a deeper setback along Granada Street (approximately 70'), as they are all primarily oriented to Granada and are much deeper lots than this corner lot. Homes immediately across Granada Street to the east have a similar orientation as this house, with a side orientation on Granada, and the primary orientation to West 64<sup>th</sup> Street and Homestead Drive respectively. The sides on Granada have garage access and are much closer to the street (angled slightly, but approximately 20' at the closest point and 35' at the farthest point).

The Commission reviewed the following criteria for consideration of a building line modification:

**1. That there are special circumstances or conditions affecting the property;**

This is a corner lot with the building oriented to the corner of Homestead Drive and Granada Street, though Granada is primarily the side orientation. The lot is irregularly shaped due to curvature of the streets and the shorter dimensions of this lot compared to others on the block. The principle building is skewed slightly within the buildable footprint, as similar to other corner lots in this neighborhood.

**2. The building line modification is necessary for reasonable and acceptable development of the property in question;**

The buildable area of the lot is reduced as a result of the platted setbacks, the smaller corner lot, and its corner orientation of the building. While the lot is large and there is a reasonable amount of buildable area under the platted setbacks, the platted building lines are more constraining than zoning setbacks. A small portion of the current home extends beyond the platted building line.

**3. That the granting of the building line modification will not be detrimental to the public welfare or injurious to or adversely affect adjacent property or other property in the vicinity in which the particular property is situated;**

The property most impacted by this modification would be the property immediately to the north. This lot is much deeper, and the building is setback approximately 70' from Granada Street. The proposed accessory building meets the platting building line requirement at the closest point to this lot, and encroaches into the building line area as you move south due to the skewed building footprint. This is a similar orientation as the buildings directly across Granada Street. Other corner lots in this neighborhood share a similar orientation towards the corner with garage and access off the "side" street with reduced setbacks. The proposed accessory structure would meet all setbacks required by zoning. The applicant has supplied architectural drawings to demonstrate

compatibility of the accessory building with the principle building and with the general character of the neighborhood.

James Valentino asked if the garage could be moved over five feet to be in compliance. Mr. Wendlandt replied that was discussed when he met with Mitch Dringman, Building Official. Such a move would impact the portal entry in the rear yard and essentially become an attached garage, not a detached garage.

Mr. Valentino suggested that if the columns were removed it could be in compliance. Mr. Wendlandt noted that would be an option but at the cost of good design he would not see that happening. The corner is in compliance with setbacks for this use. He noted the houses to the east and north set more squarely on their lots. They are dealing with the angular placement of this house on the lot. Mr. Valentino stated he can find in favor of criteria one and three, but not two.

Patrick Lenahan noted that if the garage was moved to the west it would be very close to the existing house making it difficult to maneuver. Jonathan Birkel questioned if the structure could be rotated to be more parallel to the property line would solve the problem.

Mr. Wendlandt replied that looking at the architecture of the property being very classical it would not fit. It would also be more difficult to have in and out access of the south door for the vehicles making an acute angle. From the architectural viewpoint alone, he feels the proposal is justified. Mr. Wendlandt noted that the property directly across the street to the east has a three car garage facing this property.

James Breneman asked if this was really a garage. Mr. Wendlandt stated that it would be for classic cars. Mr. Breneman noted that it meets the accessory structure setbacks and asked why it was before the Commission.

Chris Brewster replied that the more restrictive nature of the platted building lines take precedence over the zoning regulations. The project does meet the city's zoning regulations. The criteria for building line modifications is part of the subdivision regulations and unlike the variance heard earlier, the criteria need to be considered, but all do not have to be met to grant the modification. If the Planning Commission determines that this reflects a good design that on balance meets the criteria and protects the interest represented by the criteria, they can approve the modification. This is not a variance.

Mr. Wendlandt noted that the immediate neighbors were all met with and shown the documents and do not have any objections to the request.

Patrick Lenahan moved that the Planning Commission approve PC2017-105 granting the building line modification for 4602 Homestead Drive as presented adopting Resolution PC2017-105 that must be recorded with the register of deeds prior to obtaining a building permit. The motion was seconded by Gregory Wolf and passed by a 6 to 1 vote with Melissa Brown voting in opposition.

Doug Stehl, 3007 West 71<sup>st</sup> Terrace, appeared before the Commission requesting to replace an existing wood fence and locate it with a more consistent alignment to the surveyed property lines. Due to the slight gradual changes in elevation between adjacent lots on this block, he would like to replace a retaining wall on the east side of the lot and build a retaining wall on the west side of the lot, with the fence located on top of the wall. The retaining wall will be less than 3' in height at all locations and the proposed wood fence is 4' high.

Chris Brewster noted the proposed fence is generally compliant with the standards of 19.44.025, except that 19.44.025.D.1. that requires all retaining walls be setback at least 2' from the property line, with additional setbacks for larger retaining walls. However, this section allows the Planning Commission to approve deviations from this requirement through site plan review if it "results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site .

In this case, the applicant proposes the retaining wall on the property line, and it is under the height requirement that requires additional setbacks (6'). The applicant has submitted letters mailed to the adjacent property owners along with returned signed statements with their agreement with the proposed fence location and construction of the fence and retaining wall combination.

The Commission reviewed the following criteria as presented by staff:

**A. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscape.**

This site is capable of meeting all requirements for residential property, and the fence and retaining wall meet the standards in all respects with the exception of the location of the retaining wall.

**B. Utilities are available with adequate capacity to serve the proposed development.**

This site is currently served by utilities and they should be adequate to serve the proposed use. The proposed wall and fence combination does not present any complications for utility easements different from fences and retaining walls meeting the standards.

**C. The plan provides for adequate management of stormwater runoff.**

The location of the proposed retaining wall will need to be reviewed by Public Works for any drainage issues prior to or at the time of permitting.

**D. The plan provides for safe ingress/egress and internal traffic circulation.**

N/A

**E. The plan is consistent with good land planning and site engineering design principles.**

The replacement of the fence will align better with surveyed property lines and result in a better relationship of private rear yards.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.**

Other than as noted above in A., the fence complies with all design standards and is compatible for the area.

**G. The plan represents an overall development pattern that is consistent with Village Vision and other adopted planning policies.**

N/A

Patrick Lenahan asked if the footings would extend beyond the property line. Mr. Stehl replied the footings are 18 inches wide. James Breneman asked how wide the retaining wall would be. Mr. Stehl stated it would be 12 inches with the footings two to three inches beyond the wall. Mr. Breneman stated that the footings cannot extend beyond his property line. Mrs. Wallerstein noted that this could be added as a condition of approval.

Patrick Lenahan moved the Planning Commission approve PC2017-106 approving the site plan for a fence and retaining wall with a portion of the fence height exceeding six feet subject to the following conditions: 1) Prior to or at the time of building permits, public works shall review the plans for potential grading or drainage issues with the location of the retaining wall and proposed fence and 2) That the footing for the retaining wall remain on or within the applicant's property line. The motion was seconded by Gregory Wolf and passed unanimously.

**OTHER BUSINESS  
NEXT MEETING**

The secretary confirmed an application has been filed for a building line modification for the June meeting with the filing deadline being this Friday, May 5<sup>th</sup>.

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9:45 p.m.

Nancy Wallerstein  
Chairman

## JazzFest Committee Minutes May 23, 2017

Present: JD Kinney, John Wilinski, Dan Andersen, Kyle Kristopher, Mike Polich, Alex Toepfer, Jane Andrews, Meghan Buum, Brian Peters and Joyce Hagen Mundy. Guest Robert Roberge, Jr.

The minutes of the April 25, 2017 meeting were distributed.

### **Talent**

Jane and Alex reported the following tentative line-up: SME Blue Knights; Open for Dixieland Group; Project H; Gerald Strait; Eddie Moore and Oleta Adams. Talent costs were reviewed and approved. John Wilinski confirmed the two hotel rooms for two nights for Oleta Adams' people had been booked at a cost of \$525.

### **Budget/Fundraising**

JD Kinney reported the committee has received three \$5,000 sponsorships - Republic, First Washington and VanTrust. The committee discussed ways to appropriately recognize these companies. Discussion included possible changes to the VIP area, interaction with performers, stage introductions and more publicity. The festival will have a "hold the date" add in the next issue of JAM magazine and the full page back cover of the September issue. The festival will again be promoted through the PV Post, the Pitch and the City's newsletter. JD indicated that he was also considering radio promotion through KPR. Based on the minimal participation by sponsors in the past, committee members felt their support was general support of community events with no specific outcomes desired. JD stated that he would contact each of the primary sponsors to confirm their expectations from their donation. Joyce noted that with the opening of Meadowbrook units and Mission Chateau units she would anticipate that they would want marketing booths.

JD distributed the current budget status and reported that he expects the committee to reach its budgeted revenue prior to the event, which would provide funding for the expenses of the event without day of event proceeds. Additional funds were added for anticipated additional costs for the piano.

### **Marketing**

JD stated that he will be asking Mike to design the yard signs to be vertical rather than horizontal. The committee will not be working a booth at the PV Art Fair, but will have a booth at VillageFest. The city discussed the purchase and sale of blankets for \$20 at the festival with the JazzFest logo and no dates so they could be sold multiple years. Staff will continue to get costs; JD has placed additional funds in the merchandise budget for these.

**Next Meeting:** The next meeting will be Monday, June 12<sup>th</sup> at 5:30 p.m.

**Adjournment:** The meeting was adjourned at 6:15 p.m.

**Council Members  
Mark Your Calendars  
June 19, 2017**

<b>June 2017</b>	<b>Jean Wender and Janey Greene in the R.G. Endres Gallery</b>
June 20	Dive meet - pool complex closes at 5 pm
June 29	Swim meet - pool complex closes at 5 pm
<b>July 2017</b>	<b>Dion Hitchings and Sonia Jones in the R.G. Endres Gallery</b>
<b>July 3</b>	<b>City Council Meeting - CANCELLED</b>
July 4	VillageFest - free swim for PV residents - pool closes at 6 pm
July 5	Dive meet - pool complex closes at 5 pm
July 6	Swim meet - pool complex closes at 5 pm
July 7	Moonlight Swim- Pool Complex remains open until 10 p.m.
July 14	Artist reception in the R.G. Endres Gallery
July 17	City Council Meeting
July 21	Moonlight Swim - Pool Complex remains open until 10 p.m.
<b>August 2017</b>	<b>Rachel Singel and Hal Moran in the R.G. Endres Gallery</b>
August 4	Final Moonlight Swim - Pool Complex remains open until 10 p.m.
August 7	City Council Meeting
August 7	Reduced pool hours begin - <b>Pool opens at 4:30 p.m. on weekdays</b>
August 11	Artist reception in the R.G. Endres Gallery
August 21	City Council Meeting
<b>September 2017</b>	<b>Nanci Stoeffler and Rachel Williams in the R.G. Endres Gallery</b>
September 4	Labor Day Holiday - Pool closes for the season at 6:00 p.m.
September 5	Puppy Pool-Ooza (Dog Swim) 5:00 p.m. to 7 p.m.
September 5	City Council Meeting
September 8	Artist Reception in the R.G. Endres Gallery
September 9	Prairie Village Jazz Festival - 2:30 p.m. to 10:30 p.m.
September 18	City Council Meeting