

# City Council Meeting

May 7, 2007



Dinner will be provided by:

**Oklahoma Joe's BBQ**

**Wood Smoked Combo including  
Brisket and Pulled Pork  
BBQ Beans  
Potato Salad and Cole Slaw  
Bread and Pickle Tray**

**COUNCIL COMMITTEE  
May 7, 2007**

**Council Chamber  
6:00 p.m.**

**ANDREW WANG**

**CONSENT AGENDA**

**COU2007-19      Consider project 190860 – 2007 Paving Program  
Construction Change Order #1**

**COU2006-27      Consider project 190855: Tomahawk Road  
Bridge Replacement**

**AGENDA ITEMS**

**COU2007-38      Consider Planning Commission  
Recommendation for Mixed Use District ordinance  
Ron Williamson**

**COU2007-35      Consider Project 190709: 83<sup>rd</sup> Street, Delmar Street  
Drainage Improvements  
Presentation by Neighbors**

**COU2007-40      Consider Code Enforcement – Interior Inspections  
Doug Luther**

## **COU2007-19 CONSIDER PROJECT 190860 - 2007 PAVING PROGRAM CONSTRUCTION CHANGE ORDER #1**

### **Background:**

The south half of 92<sup>nd</sup> Terrace, between Delmar Street and Roe Avenue, was resurfaced a few years ago by Water One after a water main break. Bids for Project 190860: 2007 Paving Program came in under budget and money would be available to resurface the other half of this street and therefore put this entire road segment on a uniform maintenance schedule. The Construction Change Order is for \$12,605.00 and includes two inches of asphalt milling and resurfacing.

### **Financial Impact:**

Funds are available in the Capital Infrastructure Program under Project 190860.

### **Suggested Motion:**

Move to approve Construction Change Order #1 with J. M. Fahey Construction Company in the amount of \$12,605.00.

## COU2006-27 CONSIDER PROJECT 190855: TOMAHAWK ROAD BRIDGE REPLACEMENT

### **Background:**

The first Interlocal agreement was in September 28, 2006, between Johnson County, Mission Hills and Prairie Village. It was the CARS agreement setting the project cost at \$1,064,000. The funding was \$532,000 from the County, \$266,000 from Mission Hills and \$266,000 from Prairie Village.

On April 6, 2007, a second Interlocal agreement with Mission Hills was executed for construction and construction administration. The cost of the project had escalated to \$1,253,000 as already explained to the Council. After deduction of the County share of \$532,000, the balance of \$870,000 was split, \$435,000 for each city.

The Interlocal agreement between the cities for design services was approved by the City Council on November 21, 2005 with the splitting the cost of design as this is not funded by the CARS program. The design fee has a budget of \$131,000, with the split being \$65,500 for each city.

### **Financial Impact:**

The 2007 Capital Infrastructure Program had a budget of \$202,500 for this project. On February 15, 2007, an additional \$63,500 was transferred from Street Unallocated to increase the funding to \$266,000 - the CARS agreement amount for Prairie Village. On March 26, 2007, an additional \$55,000 was transferred from Street Unallocated for design. On April 19, 2007, an additional transfer of \$435,000 (\$200,000 from Street Unallocated and \$235,000 from General Fund Contingency) was approved for construction. The total budget funded is \$255,000 more than the estimated cost of \$500,500.

A transfer is request to return \$235,000 to General Fund Contingency and \$20,500 to Street Unallocated.

### **Suggested Motion**

Approve the transfer of \$235,000 from Project 190855 to General Fund Contingency and \$20,500 to Street Unallocated.



## COU2007-38 Consider "MXD" Planned Mixed Use District amendment

**Issue:** Should the Council amend the Zoning Regulations to add a Planned Mixed Use District (MXD)?

### **Background:**

During the past months the Planning Commission has reviewed several "mixed use district" regulations from area cities. Mixed use regulations are a tool to assist in redevelopment. The regulations allow for a mixture of uses within one area such as office, commercial and residential or differing types of residential development at the same locations. The proposed regulations were based on the regulations currently in place in Overland Park and Mission with items also taken from other area cities' regulations blended together to apply to the needs and desires for Prairie Village. The purpose is to provide an opportunity for more types and variety of planned development that is creative and sustainable.

The proposed uses would be identified for each specific plan. An application for a Mixed Use District includes the request for rezoning along with a preliminary plan addressing 23 specific items such as the location of existing and proposed buildings, all dimensions of the buildings, building elevations, sketches depicting the general style, sidewalks, parking, lighting, stormwater plans, etc.

A public hearing would be held by the Planning Commission for each specific application and a recommendation would be forwarded to the City Council. The rezoning would be based on the plan presented and approved. If the rezoning were granted and the preliminary plan approved by the City Council, the applicant would return to the Planning Commission for approval of the final plan and final plat.

On May 1, 2007, the Planning Commission held a public hearing on the proposed revisions. Several residents were in attendance and addressed the Commission. The residents appeared because of a misunderstanding about information contained on the Comprehensive Plan map. After an explanation, the residents were not opposed to the "MXD" District. More details of those comments can be found in the attached minutes. The proposed language is found as an attachment to the minutes.

The Planning Commission members support an amendment to allow planned "mixed use districts" in the City; however, some members are concerned with the clarity of the definition of "mixed use", while others felt the whole zoning ordinance should be reviewed. The result was a three to three tie on the motion to recommend approval of the proposed regulations. By State Statutes, a tie vote is a failure to recommend, which comes to the City Council as a recommendation to disapprove.

### **Options:**

- The Council can adopt the recommendation of the Planning Commission, and disapprove the "MXD" District; or
- The Council can override the recommendation of the Planning commission by a 2/3 vote; or
- The Council can return such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.

**PLANNING COMMISSION MINUTES  
MEETING OF APRIL 3, 2007**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 3, 2007 in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Robb McKim, Marc Russell, Nancy Vennard and Bob Lindeblad.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Laura Wassmer, Council Liaison and Joyce Hagen Mundy, Planning Commission Secretary.

**APPROVAL OF MINUTES**

Bob Lindeblad noted the minutes distributed contained a printing error omitting all capital A's. Bob Lindeblad moved the approval of the minutes with the corrections noted for March 6, 2006. The motion was seconded by Randy Kronblad and passed unanimously.

**PUBLIC HEARINGS**

**PC2007-08 Request for Conditional Use Permit for Drive-up Window  
7920 State Line Road  
Zoning: CP-1 (Planned Restricted Business District)  
Applicant: Taco Bueno Restaurants, Inc.  
(Published, but withdrawn)**

**PC2007-09 Request for Amendment to Preliminary Development Plan  
7920 State Line Road  
Zoning: CP-1 (Planned Restricted Business District)  
Applicant: Taco Bueno Restaurants, Inc.  
(Published, but withdrawn)**

**PC2007-10 Proposed Amendment to Zoning Regulations adding  
Chapter 19.23 entitled "MXD Planned Mixed Use District"  
Applicant: City of Prairie Village**

Chairman Ken Vaughn reviewed the procedures to be followed for the public hearing on the proposed amendment to the zoning regulations adding Chapter 19.23 entitled "MXD Planned Mixed Use District" and called upon the City's Planning Consultant Ron Williamson to present the application.

Ron Williamson reviewed the history behind the proposed zoning regulations, noting for the past two years the City has been undergoing a review of its Comprehensive Plan. During the process one of the recommendations made by residents attending meetings was the need for update the zoning regulations to allow for mixed-use development.

In the process areas of the City were identified for possible redevelopment as well as areas for potential improvement. Mr. Williamson reviewed these maps with those present at the hearing. Those areas identified for improvement are areas where the City wants to encourage maintenance and reinvestment in the properties. Areas identified for redevelopment are areas that have the potential to be redeveloped. The proposed mixed use regulations are a tool to assist in that redevelopment. The regulations allow for a mixture of uses within one area such as office, commercial and residential or differing types of residential development at the same location. The proposed regulations were based on the regulations currently in place at the City of Overland Park with items also taken from other area cities' regulations blended together to apply to the needs and desires for Prairie Village. The purpose is to provide the opportunity for more types of planned development.

Mr. Williamson stressed the proposed district is not for a mapped area, but the language to allow a developer to present a plan for consideration on property they own.

The Planning Framework Map presented at a recent Open House on the Comprehensive Plan, "Village Vision" contained an omission which was that the legend did not include the "Neighborhood Improvement areas". The "Neighborhood Improvement areas" were designated in bright yellow, but the legend did not indicate that. Consequently, some drew the conclusion that they redevelopment areas. The 71<sup>st</sup> and Nall area is a "Neighborhood Improvement area" and the proposed mixed use regulations are not intended for that area.

Mr. Williamson noted the proposed uses would be identified for each specific plan. An application for a Mixed Use District includes the request for rezoning along with a preliminary plan including 23 specific items such as location of existing and proposed buildings, all dimensions of the buildings, building elevations, sketches depicting the general style, design, size and exterior materials and colors; location of driveways, sidewalks, parking, lighting, stormwater plans, etc.

The application will be considered by the Commission and forwarded to the City Council with a recommendation. The rezoning would be based on the plan presented and approved. If the rezoning were granted, the applicant would return to the Planning Commission for approval of a final plan and final plat.

Ken Vaughn emphasized this is for planned development and a final development plan will need to be approved before any building permits can be issued.

Chairman Ken Vaughn then opened the public hearing.

Susan Forest, 6705 El Monte, stated she had distributed the flyers because she was not able to get answers from people. For the past two years she has heard of people wanting to redevelop her neighborhood. When she saw the map at the Village Vision open house with the area identified, she asked four different "Village Vision" individuals what it meant and was told it was a mixed-use area. When she received the information on the proposed new zoning district and read it her concern heightened as it was not what she wanted in her neighborhood. She went on-line and looked up the eminent domain law to see what protection residents had. She then created and distributed 500 flyers with the information she had learned. She is very relieved to learn that a mistake was made and the City is not looking at mixed use in this area and pleased with the response of the neighborhood demonstrating their desire to be involved in what happens to their neighborhood. She apologized to those who took time out to come to the meeting.

Larry Winn, 6201 College Blvd. spoke on behalf of the Meadowbrook Country Club, expressing their view of the proposed regulations as a positive step for their vision and noted several successful implementations of these regulations in area cities. He commended the Commission for their work and stated, with the extensive knowledge of the Commission members, he was confident that they would be able to identify a good planned development and recommended adoption of the proposed regulations.

Brittany Swartz, 6927 Birch Street, expressed concern with the lack of a maximum height in the regulations. She feels this is particularly important in areas where there are ranch-style homes.

Shawn Vadnais, 5133 West 73<sup>rd</sup> Street, noted he read the entire Village Vision report and was pleased with the amount of thought that went into the plan and the extensive citizen input. He stated he moved to Prairie Village because it was Prairie Village. He wants to allow the City to grow and improve. He acknowledged the height is a gray area. He would like to see identified areas where mixed use development would be specifically excluded. Mr. Vadnais noted that clearer language defining mixed use would be beneficial and lessen the possibility of misconceptions. He works in Overland Park and although, mixed use development can be very good, he noted he has seen it overrun a neighborhood, such as at College and Lowell.

Edwin Provost, a long-time resident at 5417 West 72<sup>nd</sup> Street, stated he has seen a lot of growth over the past years. He is glad to know his neighborhood is viewed as an "area improvement zone" and not a redevelopment area. Mr.

Provost encouraged the City to adopt a policy that if it were to choose to use eminent domain to acquire property that it be done with 200% compensation, not 100% compensation.

Ann Doyle, 5118 West 71<sup>st</sup> Street, noted this area has been identified in two comprehensive plans as an area of improvement. She asked how the residents would be notified of any pending actions. Mrs. Doyle also expressed the need for sidewalks on both sides of 71<sup>st</sup> Street, not only one side as currently exists.

Ken Vaughn responded the public hearing on the "Village Vision" will be held May 1<sup>st</sup> at 8 o'clock in the Council Chambers and encouraged residents to attend. After the public hearing, the Commission will forward the comprehensive plan to the Council with a recommendation and the City Council will need to adopt the plan. The Plan will be used in future years to guide the development of the City and public improvements and will be reviewed annually by the Planning Commission.

Laura Wassmer advised those present that the Council is excited about the "Village Vision" but it is still at the stage of looking at the big picture for the City and has no specific plans for implementation at this time. She assured the residents the Council would seek neighborhood input as they proceed.

Jori Nelson, 4902 West 69<sup>th</sup> Street, asked if the minutes of the Planning Commission and City Council are available on line after meetings. Doug Luther responded that the Friday prior to every City Council meeting the Council packet containing information to be considered by the Council and minutes from all committee meetings is posted on line. He encouraged residents to access this information. He also noted most of the applications coming before the Planning Commission require prior notification to the area residents.

Eric Hanson, 7340 Ash, confirmed the area of 71<sup>st</sup> and Nall is not being considered for rezoning as a mixed use district. Ken Vaughn responded the proposed ordinance sets the criteria for evaluation of proposed mixed-use developments. He noted these applications are not initiated by the City, but are brought to the City by property owners. The proposed regulations would allow for newer types of developments with each application being different and being based on a specific plan. Mr. Hanson stated he felt apartment buildings should not be placed in single family residential neighborhoods.

Nancy Vennard stated the City has 17 different zoning districts that are applied throughout the City. Currently all the land in the City has been zoned and any change to that zoning would require approval of City Council. This new district is simply another tool that can be used to assist in the growth and development of the City. It allows for the combination of uses, but also gives the City significant input into how the property is developed.

Laura Wassmer pointed out some of the mixed-use districts found in area cities as examples of potential types of development that could occur.

Karen and Steve McKelvey, 3716 West 73<sup>rd</sup> Terrace, stated as the owners of the Wild Bird Center at the Corinth Shopping Center, they wanted to know what was planned for the shopping center as it has been identified as a redevelopment area. Mr. McKelvey stated he does not support changing the center, although he understands the City's need to increase their tax base.

Ron Williamson responded that one of the issues raised during meetings on the comprehensive plan was the need for alternative housing options that are not now available. Perhaps condominiums or patio homes that would allow older residents to stay in Prairie Village while opening their single-family homes for new incoming families. We also need to address the declining population which is impacting our schools. Mr. Williamson stated they are no immediate plan to redevelop the Corinth area, but because of the number of different uses and zoning districts existing in the area, it would be a better fit for a mixed use development where all the uses could be integrated. He stressed again that any actions would be initiated by the property owners, not the City. The property owners of the Meadowbrook Country Club are exploring possible redevelopment of their property and this is one of the reasons for exploring the proposed new district at this time.

Michael Doyle, 5118 West 71<sup>st</sup> Street, noted he moved to his present home to be within a specific distance from the Prairie Village Shopping Center so they could walk to the center. He has been following the mixed-use development in Mission and sees potential benefit to the concept, noting mixed use could bring services within walking distance of residences, could offer greater use of existing limited land and offer more secure neighborhoods.

David Woolridge, 2115 Somerset, asked to speak on the application for the property at 7920 State Line Road. Ken Vaughn advised Mr. Woolridge that application had been withdrawn by the applicant.

Matt Hussey, 4819 West 71<sup>st</sup> Terrace, stated it is important for Prairie Village to be attractive to developers as long as there is good planning and consideration of the impact on the neighborhood. There is a critical difference between here is a good plan from a land owner that fits with the City vision vs. here's a good plan and it fits with the vision, but they don't own the land yet and instead of going to the neighbors to purchase the land they ask the City to condemn it. He is strongly against the City taking land from private property owners to give to another private property owner and would like to see that stance taken in the comprehensive plan.

With no further comments to be heard, the public hearing was closed at 8:00 p.m. and the residents were thanked for attending and for their comments.

Bob Lindeblad stated the concerns he heard from the public hearing were concerns on height potential and scale of development in relation to the existing environment. He does not feel a maximum height needs to be identified. The City is required to look at the characteristics of the neighborhood when considering a zoning request and that is where height is decided. He feels to put a maximum on all developments is too restrictive. Mr. Lindeblad does not feel the Commission can legally exclude an area from consideration for mixed-use as any land owner has the right to request any zoning classification; however, that does not mean the City has to grant it.

Mr. Lindeblad stated he does have a concern with Section 19.23.070 regarding the publishing of the ordinance changing the zoning. He asked if the current planned districts do not publish the ordinance until after final plan approval. Mr. Williamson stated they are now published after the preliminary plan approval. Mr. Lindeblad feels the ordinance should be published after the Council approval of the preliminary plan, based on his experience. There may be a significant length of time between the approval of a preliminary plan for a mixed-use developments and the approval of the final plan.

Ken Vaughn stated he was concerned earlier with adopting an ordinance that did not have specific conditions, but he can see how you can't make specific conditions that would be applicable to the wide potential of variations that could be presented. He feels the proposed ordinance gives the Commission several grounds for denial of a plan they do not feel is compatible with an area. Nancy Vennard commended Bob Pryzby for his comments on the proposed language addressing areas of his expertise and experience.

Ron Williamson stated the requirements for the preliminary plan submittal will give the Commission and the Council a very good picture of the proposed development on which to review an application.

Mr. Williamson noted in Section 19.23.050 entitled "City Council Action" in the second line the word "proposed" should be replaced with "prepared" and in 19.23.065 "and" should be "any".

Robb McKim asked if there should be a sunset period on an application. Mr. Williamson responded since any changes to the plan would require the application to come back to the Planning Commission, he did not feel it was necessary.

Randy Kronblad asked what would happen if the neighborhood changed impacting its compatibility. Bob Lindeblad stated once a property is zoned, that zoning remains with the property until changed. He stated he has known redevelopment projects to take five years, especially when the renovation or removal of existing buildings is involved

Ken Vaughn confirmed there are strict limitations on the amount of deviation allowed from the preliminary plan.

Robb McKim questioned the requirement that at least fifty (50%) of the total floor area, except for auditoriums, conference facilities, theaters, and other similar uses, shall be located above the ground. Mr. Williamson noted the intent of this zoning is to encourage greater density development and vertical rather than horizontal development.

Mr. McKim expressed concern with the relationship of the development to the surrounding properties and the establishment of connectivity between the two and suggested perhaps a written statement be required addressing how this would be achieved. Mr. Lindeblad responded that would be demonstrated on the plan. Mr. McKim stated he would like to see a written design response.

Ken Vaughn confirmed that Mr. McKim wants the applicant to tell how the project is compatible. Mr. Lindeblad stated in rezoning the applicant has to make his case to the Commission through the plan that is submitted that their application is a good plan for the development of a specific area. He is not sure how that can be written into a zoning district.

Ron Williamson stated under the "Golden Factors", the character of the adjacent neighborhood must be considered and in the proposed language under the preservation of natural features is listed "preserving the character of existing neighborhoods."

Robb McKim asked if the applicant could be asked to submit the number of residential units and types and the approximate square footage or percentage of area of different uses at the preliminary plan level. He noted this information is given at the final plan level under Section 19.23.055D.

Mr. Williamson stated language could be added under Section 19.23.35D. Bob Lindeblad stated he doesn't think the size of the units should be included, only the number of units. Nancy Vennard noted this information is shown on the floor plan. She questioned the ability to have the size of the units on the preliminary plan, noting the example of "Crescent Court" which initially came in with five large units and now has determined the market wants smaller units. Ken Vaughn feels the size of the units is important. Mr. McKim stated he was requesting the number and type of units.

Mr. Williamson suggested the words "number and type of dwelling units" be inserted into Section 19.23.035D. Mr. McKim would like to see the approximate percentage of different types of uses. Mrs. Vennard agreed. Mr. Williamson suggested this be addressed by adding the words "square footage of commercial office uses." Mr. McKim noted this could be given by the approximate percentage of the different uses.



Marc Russell asked if a definition could be added to Section 19.23.015B for “total floor area” as it is confusing. Mr. Lindeblad stated it is defined elsewhere in the zoning regulations. Ron Williamson noted the definition listed is for gross floor area and suggested the language be changed to agree with that language.

Chairman Ken Vaughn asked Mr. Williamson to list the changes agreed upon. They are as follows:

- 19.23.035 B adds in “ number and type of dwelling units and square footage of floor area of office and commercial uses.”
- 19.23.015 B insert “gross” floor area
- 19.23.050 change word “proposed” to “prepared”
- 19.23.065 typo change “and” to “any”
- “published after the approval of the zoning and preliminary development plan by the City Council”.

Robb McKim asked if the regulations required two or more uses. Ron Williamson responded that is not stated as it could be mixed residential. He would expect if there was only going to be one use the application would be submitted under another zoning.

Mr. McKim asked if mixed residential developments should be addressed separately. Mr. Williamson responded that was discussed but it was decided based on the limited amount of activity anticipated in the city, it would be better to have just the one mixed-use district and that mixed-use residential could be included under the proposed language. Mr. Lindeblad stated at a later time the Commission may want separate residential mixed use district regulations.

Robb McKim stated, as the current language reads, a building could be a single use as it states mixed use is encouraged, but there is no language requiring it.

Nancy Vennard suggested adding language to stating each district is “required” not encouraged to include a mix of residential, office and commercial uses. Mr. Williamson responded the mixture could all be residential uses. Mr. McKim did not feel the district should be required to be both residential and commercial, he would prefer to simply require two more uses. Ken Vaughn asked why an application would be made if there was only one use, noting that approval under this district is going to be more difficult than under the other zoning districts.

Marc Russell agrees with Mr. McKim’s point that a commercial development under these regulations gives the discretion to the Commission and City Council on setbacks and other considerations.

Bob Lindeblad stated the key for redevelopment is to be able to be flexible with the regulations especially for small areas as it is the only way to successfully develop that piece of land in an updated manner consistent with more urban design criteria. It allows it to be done only under a good plan. This is being done to encourage redevelopment.

Ken Vaughn stated an individual wanting to redevelop under this district will need to convince a lot of people that it is a good thing to do.

Randy Kronblad said he thought the intention of this district was to have mixed uses. Mr. Lindeblad noted however it is very difficult to legislate specific uses—they are determined by the market.

Robb McKim asked if other than the requirement that at least 50% of the total floor area be located above ground floor if there were any other zoning classification, everything that is over two stories could be done under this district. Bob Lindeblad responded some people may want the traditional one story designs and that option is available for a portion of the project, and restated the difficulty in foreseeing what uses will be from year to year.

Ken Vaughn stated he sees this as a tool the City needs and is in favor of the proposed ordinance. He feels the corrections made by the Commission are good. He views the language as open enough to give the Planning Commission freedom in both approving and denying an application.

Nancy Vennard asked for clarification of Section 19.23.035P, asking if the language referred only to traffic flow within the site or also outside traffic flow. Bob Pryzby responded the 200' reference area identifies the area impacted by curb cuts, ingress and egress, not actual neighborhood traffic flow. Mr. Williamson noted surrounding traffic flow would be measured on 1000 feet is addressed under Q.

Robb McKim acknowledged Mr. Lindeblad's comments, but he feels this zoning category has to have a requirement for two or more zoning uses. Mr. Williamson asked if by uses, he meant two kinds of residential uses or residential and commercial. Mr. McKim answered that he understood Mr. Williamson reasons for one mixed use district; however, he would prefer to have mixed-use residential dealt with as a separate category with the mixed-use category requiring two or more different uses.

Ken Vaughn asked how requiring two or more uses would provide limitation. Mr. McKim responded it would mean that someone would not propose a project if they didn't intend to design and build it so that it would have two or more uses. If they only intended to have one use, they would have to do it under another zoning category.

Ron Williamson stated the Commission may not like what it gets for a project under a conventional zoning district for a particular area because there is not the flexibility to address other issues that can be addressed under the proposed MXD District through design. Mr. McKim stated that is a fundamental problem with the zoning regulations which needs to be addressed universally.

Mr. Williamson stated what he's saying is there is a limit of 35' in height everywhere in the City, but there may be some places that higher buildings would be appropriate and it can not be done by going through the variance procedure as it would not meet the five conditions required. By using this district, the Commission can say it makes sense to have the higher building, where it can't be done under the existing regulations.

The City has a very limited amount of land area that can or will be redeveloped. There are not that many places where redevelopment can happen and the City needs to be able to get the best plan, the best piece of development, the best thing that will work for the neighborhood and the best thing for the City that will result in the biggest return to the community as a whole and he feels with the proposed district there is a better opportunity to do that.

Randy Kronblad stated he agreed with Mr. Williamson's statements on mixed-use, but he is not sure he understands the fine points. If followed he sees the Commission relaxing rules to let development happen, which is fine, but he has concerns with the cost to neighborhoods. He agrees the City wants to encourage redevelopment, but he wants to make sure it is good development. Mr. Lindeblad responded that can be determine through the review of the plan presented, noting the Commission and the City Council have the final say on the approved plan.

Mr. Williamson reminded the Commission that the development of 75<sup>th</sup> and Reinhardt was started in 1996 and went through several plans before finding a plan that was acceptable to the residents, the developer, the Commission and the Council. This process will work the same way. The Planning Commission spent significant time working on that site eventually, came out with a very good plan; however, he noted there were problems created by the current regulations prohibiting the carports which required a variance and amended site plan presentations.

Mr. McKim noted the Village Vision recommended revising the zoning ordinances to make possible a wider range of development types. He feels this could be done two ways. One way would be to add an open planned development category, not specifically mixed-use. The other way would be to review the entire zoning regulations, which would be his preference.

Marc Russell agreed with Mr. McKim. He is concerned with the amount of discretion given to the Planning Commission and the Governing Body over zoning. What are the criteria?

Bob Lindeblad stated the criteria for considering rezoning has been set by the "Golden Factors" and that state of Kansas has given Planning Commissions and Governing Bodies the authority to determine zoning under those criteria.

Mr. Russell noted it is not specific as to height and setback. He noted that any time you have an area where you are using discretion, you are opening yourself up to litigation.

Mr. Lindeblad noted the State of Kansas has specifically given the Commission that discretion on plans and design and it has been upheld in the courts on numerous occasions. The evaluation of a mixed-use district would follow the same process as the evaluation of any zoning request. He noted this City has not had a lot of opportunity to evaluate zoning requests in the past years. He reminded the Commission it is going to be a huge challenge for a developer to come up with a redevelopment plan for the limited potential locations in the City.

Ken Vaughn asked if Mr. Lindeblad knew of any instances of non-mixed mixed use. Mr. Lindeblad stated the City of Overland Park has approved several two story buildings on 151<sup>st</sup> Street and whether or not they can be leased as mixed use is yet to be determined.

Randy Kronblad asked if other mixed-use ordinances in the surrounding cities have wording that requires at least two uses. Ron Williamson replied one of the cities did. Nancy Vennard confirmed that in commercial areas you can have mixed commercial uses under the current regulations if the property is zoned for C-2 General Business District as that is the least restrictive zoning.

Bob Lindeblad noted types of businesses are no longer as clearly defined as eye doctor's operating out of offices are also selling eye wear; consultant's have showrooms, etc.

Nancy Vennard noted the language states "mixed" and mixed to her means more than one thing; however, the language used with it is "allowed and expected". She questioned if "required" should be used instead of "encouraged".

Bob Lindeblad stated he felt down the road a separate district could be created for mixed-use residential. The City of Overland Park started with one district and later created a specific residential district.

Mr. Williamson stated the first application that is probably going to come before the City will be Meadowbrook and from earlier conversations they are probably looking at condominiums, elderly housing and relocating the club which operates under a Special Use Permit. Their application will probably be mixed residential, but to do that under our conventional zoning would be very difficult.

Nancy Vennard asked what if they added a restaurant or hair stylist, then it would have to be a mixed-use district.

Nancy Vennard stated she is willing to move forward as it stands, noting that as it is used and problems are discovered, the language could be amended. In reviewing the large number of regulations from other cities, only one specifically addressed the number of uses.

Ken Vaughn stated he feels the proposed language is good enough at this period of time. He acknowledged the concerns expressed with saying it is mixed use when mixed uses are not required, but he thinks it fits what the City needs to have at this point in time and he would support it.

Randy Kronblad stated he agreed with Mr. Vaughn's comments.

Bob Lindeblad moved the Planning Commission recommend approval of the MXD ordinance with the changes directed by the Commission and attached to these minutes as Exhibit A. The motion was seconded by Nancy Vennard.

Robb McKim stated he strongly believes in mixed use development and if greater improvements and flexibility are required by the zoning regulations that the proper and appropriate way to do that is to re-evaluate the entire zoning regulations. If this requires reviewing other cities' regulation, this should be done before this ordinance is recommended.

Marc Russell echoed Mr. McKim's feeling and feels this is something that can be worked through. He does not see the need to rush this ordinance noting that he too supports mixed used development. He feels the Commission needs to take the time and figure out exactly what is needed.

Ron Williamson restated the revisions made by the Commission.

Randy Kronblad asked if this does pass and projects that are being submitted are not of mixed use and more definition is needed, what would be the procedure and how difficult would it be to change the wording. He confirmed it would go through another public hearing and back to the City Council. Mr. Kronblad asked again how many of the other municipalities that were reviewed by the Commission actually defined or required two or more uses. Mr. Williamson stated he does not know how many, he remembers one ordinance requiring two or more uses and noted that some of them separated residential mixed use out in separate districts.

The motion was voted on with the following votes cast: "aye" Lindeblad, Vennard and Vaughn and "nay" Kronblad, McKim and Russell. The motion was declared to be failed.

Ron Williamson stated by statute on a failure to recommend the ordinance will go forward to the Council with a negative recommendation.

## **OTHER BUSINESS**

The May 1<sup>st</sup> meeting agenda has seven public hearings and a non-public hearing. The public hearings include the hearing on the adoption of the comprehensive plan and six applications from AT&T for Conditional Use Permits for

communication utility boxes. The non-public hearing item is the review of sign standards for 7400 State Line Road since this is now a multi-tenant building.

#### **ADJOURNMENT**

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 9:00 p.m.

Ken Vaughn,  
Chairman

## Chapter 19.23 - "MXD" PLANNED MIXED use District

### Sections:

19.23.005	Purpose and Intent
19.23.010	Use Regulations
19.23.015	Building Height
19.23.020	Front Yard
19.23.025	Side Yard
19.23.030	Rear Yard
19.23.035	Preliminary Development Plan Submittal
19.23.040	Public Improvements
19.23.045	Planning Commission Action
19.23.050	City Council Action
19.23.055	Final Development Plan Generally
19.23.060	Final Development Plan Submittal
19.23.065	Recording of Approved Plan
19.23.070	Publishing of Ordinance Changing the Zoning

### ***19.23.005 Purpose and Intent***

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts.

### ***19.23.010 Use Regulations***

Permitted uses shall be established in the conditions of the Ordinance governing the particular Mixed Use Development. Permitted uses may include any uses permitted in any district, uses listed as Special Use Permits, uses listed as Conditional Use Permits, or other uses otherwise not listed that may be compatible with the development. Each planned mixed use district is encouraged to include a mix of residential, office and commercial uses and those uses shall be listed on the development plan. After approval of the "MXD District uses may be added, changed or deleted by amendment. The procedure for considering an amendment shall be the same as for the original adoption;

### ***19.23.015 Building Height***

A. No maximum height; the height of buildings shall be as determined by the plan;

- B. At least fifty percent (50%) of the total floor area, except for auditoriums, conference facilities, theaters, and other similar uses, shall be located above the ground floor.

**19.23.020 Front Yard**

No minimum requirement. The front yard setback shall be established as shown on the plans.

**19.23.025 Side Yard**

No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.

**19.23.030 Rear Yard**

No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.

**19.23.035 Preliminary Development Plan Submittal**

A tract of land may be zoned "MXD" only upon approval of a Preliminary Development Plan which shall include the following information:

- A. Name of the project, address, boundaries, date, north arrow and scale of the plan;
- B. Name and address of the owner of record, developer, and name, address and phone number of preparers;
- C. All existing lot lines, easements, rights-of-way including area in acres or square feet;
- D. The location and use of all existing and proposed buildings and structures within the development. **The number and types of dwellings and square footage or floor area for office and commercial uses.** All dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations. Preliminary sketches depicting the general style, design, size and exterior materials and colors of existing buildings to be retained and new buildings to be constructed. Said sketches shall include building elevations, but detailed drawings are not required.
- E. The location of all existing and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences; specific emphasis shall be placed on connectivity and walkability with and adjacent to the project;
- F. Location of required parking areas including parking stalls, setbacks and loading and service areas and the type of pavement proposed;
- G. A preliminary outdoor lighting plan in accordance with outdoor lighting regulations of the Zoning Ordinance plus a plan for the proposed lighting of public and private streets;
- H. Sign Standards including the location, height, size, materials and design of all proposed monument and structure mounted signage;
- I. Location, type and screening details for all waste disposal containers;
- J. Location, size and screening details for all external HVAC units antennas and other equipment;



- K. A preliminary landscape plan showing all existing open space and trees to be retained, all proposed changes to these features including the location, size and type of proposed plant material, and any proposed screening for adjacent properties which may include solid or semi-solid, fencing, walls or hedges or a combination thereof;
- L. The location and size of all existing and proposed utility systems including:
  1. sewer lines and manholes;
  2. water lines and fire hydrants;
  3. telephone, cable and electrical systems;
  4. storm drainage system including drain pipes, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales/ditches; and
  5. structure mounted telecommunications equipment (satellite dishes, antennas, etc.).
- M. A stormwater management plan including plans to prevent: (a) the pollution of surface or groundwater; (b) the erosion of soil both during and after construction; (c) excessive run-off-, (d) and flooding of other properties, as applicable. Said plans shall include stormwater run-off calculations and shall provide for on-site stormwater management in accordance with Stormwater Management Regulations of the City Code;
- N. Existing and proposed topography shown at not more than two-foot contour intervals and the location of flood plains. All elevations shall refer to U. S. G. S. datum and shall be compatible with Johnson County datum;
- O. Zoning districts adjacent to the site;
- P. Traffic flow patterns within the site including, entrances and exits, emergency access, loading and unloading areas, and curb cuts and street patterns within 200 feet of the site;
- Q. The Planning Commission may require a detailed traffic impact study for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:
  1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  2. The projected traffic flow pattern within 1000 feet of the site including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
  3. The impact of this traffic upon existing, abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
  4. The satisfying of traffic warrants for traffic signals and signs in accordance with MUTCD within 1000 feet of the site.
- R. A list of the uses proposed for the MXD District.
- S. Off-street parking and loading shall be provided on the premises in accordance with the requirements for each type of use permitted, as set out in the off-street Parking and Loading Regulations of the Zoning Ordinance except as follow:
  1. The Planning Commission may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent properties and uses neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times; design and

- maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.
2. Parking spaces on public and private streets may be counted towards the minimum requirements as set forth above; provided the on-street spaces are located on an adjacent or internal street that allows on-street parking. On-street parking spaces being counted towards the credit must be identified on plans at time of submittal to the City.
  3. No open parking areas shall be located closer than fifteen (15) feet to a public street, or no closer than eight (8) feet to a property line other than a street line. Parking areas within the building, or within a parking structure extending more than six (6) feet above the finished grade, shall comply with the setback regulations of the main building. Such parking setback and other open areas shall be brought to finish grade and planted with grass, shrubs and trees, and maintained to at least the average level of maintenance of the other developed property within the immediate neighborhood.
- T. Preservation of Natural Features: Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
1. Enhancing the quality of new development;
  2. Protecting the natural environment;
  3. Providing buffering between new development and surrounding properties;
  4. Preserving the character of existing neighborhoods;
  5. Handling of stormwater flows in natural channels;
  6. Maintaining existing vegetation along stream corridors as water quality filters; and
  7. Creation of rain gardens.
- U. Submission of all easement and preliminary covenant documents that will be filed with the County.
- V. A phasing plan if the project is not going to be constructed at one time.

#### ***19.23.040 Public Improvements***

The Planning Commission may recommend and the City Council may require the applicant to construct or install infrastructure improvements such as sidewalks, traffic signals, street lighting, pedestrian lighting, street widening and channelization, acceleration and deceleration lanes, waterlines, sewer lines, storm drainage improvements and other similar improvements that are related to the proposed project.

#### ***19.23.045 Planning Commission Action***

The Planning Commission shall hold one or more public hearings on the preliminary development and rezoning. Upon conclusion of the public hearing or hearings, the Planning Commission, by a majority of members present and voting, shall make a recommendation to the City Council to approve the proposal as submitted, to approve the proposed subject to conditions, or to deny the proposal.

#### ***19.23.050 City Council Action***

Upon approval of the preliminary development plan and the rezoning of the property by the City Council, a final development plan for *construction of the* project shall be prepared and submitted to the Planning Commission for final approval. Permits for construction shall not be issued until final plans have been reviewed and approved by the Planning Commission. It is the intent of this chapter that the project as constructed

shall conform closely to the preliminary plans reviewed and approved at the time of the public hearing.

**19.23.055 Final Development Plan Generally**

Final plan for a project or a portion thereof shall not be approved if one or more of the following conditions, in the judgment of the Commission, exist:

- A. Final plans vary substantially from the concept of the development plan presented and agreed to at the time of rezoning;
- B. The final plans would increase the density (number of units per acre) or intensity (concentration of development) of residential uses more than five percent;
- C. The final plans would increase the floor area of nonresidential buildings by more than ten percent;
- D. The final plans would increase by more than ten percent the ground covered by buildings or paved areas;
- E. The final plans would increase the height of a building by one or more stories or four or more feet;
- F. The final plans involve changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality, or impose substantially greater loads on streets and neighborhood facilities;
- G. The final plans vary from specific development or design criteria including traffic impact and stormwater management that may have been adopted by the Planning Commission or City Council at the time the preliminary development plan and rezoning were approved.

Variations between the preliminary and final plans, which do not, in the judgment of the Planning Commission, violate or exceed the above seven criteria, shall be approved by the Planning Commission in its administrative role and no public hearing shall be required. If, however, variations and departures from the approved preliminary plan exceed the above criteria or are sought by the developer or other party at the time of final plan review or building permit application, the applicant shall request an amendment to the plan which shall be handled in the same manner as the approval of the original preliminary plan.

**19.23.060 Final Development Plan Submittal**

- A. A detailed site plan showing the physical layout and design of all streets, easements, rights-of-way, lots, sidewalks, parking, blocks, greenspace, structures and uses.
- B. Preliminary building plans, including floor plans, **gross floor area of office and commercial uses** and exterior elevations.
- C. Final landscaping plans.
- D. Copies of any easements and restrictive covenants and proof of recording of the same.
- E. Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space.
- F. Evidence that no lots, parcels, tracts or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.
- G. Such bonds and other documents that may have been required to guarantee the installation of required public improvements.

- H. Drawings showing size, type and location of all monument and wall mounted signs.
- I. Final lighting plan.
- J. Final stormwater control plan.
- K. Bond for public improvements and agreement to pay for City inspection services.

***19.23.065 Recording of Approved Plan***

After rezoning to a "MXD" district has been approved and the final plan has been approved by the Planning Commission there shall be filed with the Register of Deeds a statement that a development plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such plan and any constraints thereon. The landowner shall submit this statement to the City Clerk with the appropriate recording fee and the city shall be responsible for recording the statement.

***19.23.70 Publishing of Ordinance Changing the Zoning***

The ordinance effectuating the zone change shall not be published until such time as the Zoning and Preliminary Development Plan have been approved by the City Council.

## COU2007-40 Consider Property Maintenance Code

### Issue:

Should the City revise the current property maintenance code?

### Background:

The City Council recently directed City Staff to conduct a review of the City's property maintenance code and enforcement procedures. Specific direction was given to review:

- Current code requirements regarding unlicensed/inoperable vehicles
- Current code requirements regarding interior maintenance
- The International Property Maintenance Code

Attached to this briefing memo are several documents including:

- A statistical summary of code enforcement activity from 2003 - 2006
- Copies of City Code Chapter 8, Articles 2 - 5. These chapters constitute the City's property maintenance regulations.
- A copy of the 2006 International Property Maintenance Code.
- Photos of several "problem properties" in the City

A review of the past four years of code enforcement history shows that:

- The City averages approximately 900 code violations per year
- The most common types of violations are exterior maintenance (paint) tall grass & weeds, vehicle violations, and trash/debris violations
- While property maintenance violations occur throughout the city, most violations occur in Wards 2 and 6
- Violations occur in both owner-occupied and rental housing. However, rental properties have a disproportionate number of code violations. Over the past four years, 32% of code violations have occurred at rental properties, which account for approximately 7% of the City's single-family housing units.
- 4% of code cases are referred to the Municipal Court for criminal prosecution.
- The Code Enforcement Officer responds to complaints within 2 days of receiving the complaint.

### Vehicle Violations (8-203 and 8-215)

Unlicensed/inoperable vehicle violations represent 21% of the code enforcement case load.

Vehicles that are either inoperable or perceived as inoperable are a frequent source of complaints from residents. The Code Enforcement Officer uses the following criteria to determine if a vehicle is inoperable:

- If the vehicle is unlicensed (missing or expired tags) it is presumed inoperable
- If the vehicle is on jacks, blocks, etc. it is presumed inoperable.
- If the vehicle is missing parts which would prohibit it from lawfully operating on the street, it is presumed inoperable.

Proving a violation of this code requirement in Court can be difficult. Just because a vehicle does not move does not necessarily mean it is inoperable. Without a warrant, the City cannot compel a property owner to start a vehicle and move it to prove operability. Likewise, the code enforcement officer cannot lift the hood of a vehicle or crawl underneath it to verify the existence of parts necessary for the vehicle's operation without a warrant.

There are several vehicles in the City which represent recurring violations. This usually occurs when a vehicle has a flat tire. The Code Enforcement officer issues a violation notice, and the

owner corrects the problem. However, the tire will eventually go flat again. When repeated violations persist, subsequent violations are referred to Municipal Court for prosecution.

This portion of the City code could be strengthened by requiring vehicles to move periodically. For example, a vehicle could be presumed inoperable if it does not move for a certain period of time. Effectively enforcing this provision would require the code enforcement officer to mark tires, then re-inspect to check for compliance. Unfortunately, it is easy to circumvent this provision by simply moving the vehicle to another location in the driveway or by moving the vehicle to the street.

#### **Exterior Maintenance (8-409)**

The property maintenance code (Chapter 8, Article 4) provides minimum standards for exterior maintenance similar to standards established by other communities. They address peeling paint, foundation maintenance, broken windows, roofing/guttering, fence maintenance, driveway maintenance, etc.

Several of these provisions establish thresholds for the existence of a violation. For example, peeling paint does not become a violation until it affects 25% of a wall surface. This provision could be strengthened by stating that *any* peeling paint would constitute a violation. While this would undoubtedly strengthen the ordinance, it may also "create" violations at many properties in the City.

The current regulations regarding roofing, while well worded and intentioned, are virtually unenforceable. There is no way to determine whether or not a violation of this provision exists without gaining entry into the home. Again, unless an owner/occupant grants to the City access to look for violations, a warrant would be required.

#### **Outdoor Storage (8-410)**

#### **Trash & Refuse (8-411)**

These are common violation categories representing about 41% of the code enforcement caseload. They are generally straightforward to enforce with two primary exceptions:

- The ability to use 20% of a yard for outside storage is quite generous, particularly when a resident chooses to use the maximum available space for outdoor storage.
- One man's trash is another's treasure. In these instances, the Municipal Judge gets to differentiate between the two.

Luckily, these situations are the exception rather than the rule. The vast majority to trash & debris cases are small and promptly addressed through voluntary compliance.

#### **Interior Maintenance**

The City's property maintenance code does not directly address interior maintenance. Historically, the City's philosophy has been to use the property maintenance code to help ensure "curb appeal" rather than regulate housekeeping practices.

In extreme situations, the City has used the nuisance and/or unsafe structure provisions of the Municipal Code to address problems with the interior of the property. This would occur when the interior of a structure presents a clear public health or safety hazard, such as leaking pipes, rotting or missing stairs, or non-functional sewage systems. Properties that are structurally unsound would also qualify as unsafe structures under this section of the code.

These issues become murkier when dealing with situations such as hoarding, excessive storage, or general uncleanliness. There are several reasons for this. First, if the interior condition of the home does not pose a danger to the public, a property owner will argue that he/she has the right to choose how his/her home will be kept. Secondly, absent extreme circumstance, the City cannot gain access to the interior of a home to verify compliance with interior maintenance requirements.

If neighbors allege the inside of someone's home is a mess or in poor condition, this will not likely be sufficient to justify obtaining a search warrant from a District Court Judge to enter the home against the resident's will. Finally, there are likely hundreds of spare bedrooms, garages, and basements in Prairie Village that would violate an interior maintenance standard prohibiting "excessive storage." Adopting stringent interior maintenance standards without establishing an accompanying procedure to verify ongoing compliance could put the City in the position of "creating" violations without an effective way to ensure they are corrected.

#### **International Property Maintenance Code**

Many communities have no property maintenance code whatsoever. Others have only recently established property maintenance standards. Prairie Village, however, has had property maintenance codes on the books since 1974.

To respond to the lack of codes in many communities, the International Code Council, the publishers of the Building, Plumbing, Mechanical, and other codes, developed the International Property Maintenance Code (IPMC) in 1998. The IPMC has been applied in many urban and suburban areas to establish property maintenance standards and address problems with overcrowding, areas in which single family homes have been converted to apartments, drug houses, etc. This code has been adopted in several communities in the metropolitan area, including Mission, Fairway, Overland Park, Wyandotte County/KCK, and others.

Like the City's current property maintenance code, the IPMC has many of the same provisions regarding exterior maintenance.

The IPMC also specifically regulates the interior condition of a structure and the maintenance of a building's heating, ventilation, electrical, and plumbing systems. For the most part, these regulations set a minimum standard and follow general common-sense principles. For example, the IPMC requires that all habitable spaces (except for bathrooms, closets, halls, etc.) must have at least one operable window (402.1) and that every building must be equipped with a system capable of providing heat (602.2.) These provisions are also found in the International Residential Code.

Other aspects of the International Code are well founded and reasonable. For example section 404 establishes strict occupancy limitations to prevent overcrowding. Section 702.1 requires that a clear egress route be provided from any point in a building to the outside. However, code provisions such as these are difficult to enforce without an interior inspection program.

Like any model code, the International Property Maintenance Code can be amended to fit the particular needs of any community. If Prairie Village were to replace its existing property maintenance code with the International Code, this could be done, and amendments would be required in several areas, particularly the administrative provisions of the code.

#### **Enforcement Procedures**

In 2003, the City Council undertook an extensive review of the City's code enforcement program in order to emphasize responsiveness to citizen complaints and punishing violators through prosecution in Municipal Court. As a result, the "hot docket" system of informal hearings was abandoned, and the Code Enforcement Officer's authority to grant extensions of time to achieve compliance was restricted.

Currently, the code enforcement officer will establish a compliance deadline and may grant one extension of time to achieve compliance. Further extensions must be approved by the Assistant City Administrator. The effort involved to obtain an extension and the threat of a trip to Court has led to voluntary compliance in the vast majority of cases.

This increased emphasis on punishment has been effective. However, there are a small number of properties in the City that represent ongoing code enforcement problems or concerns. These properties fall into three broad categories:

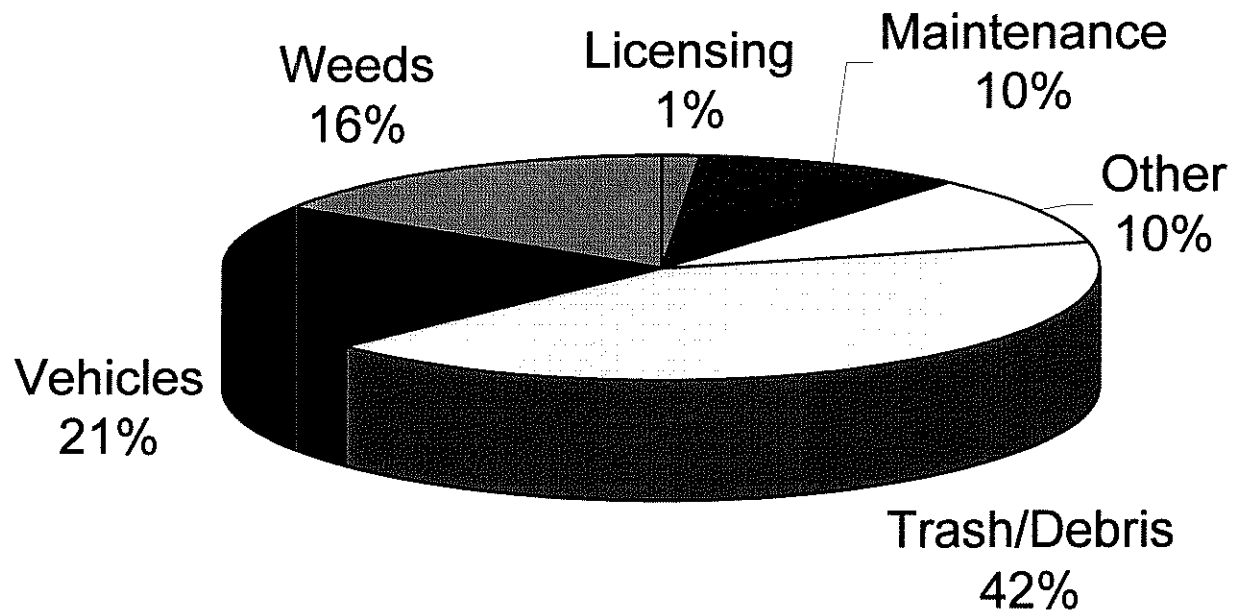
1. Chronic violators - These property owners have been summoned to Court on multiple occasions. They have either pled or been found guilty, and have paid fines or are currently serving suspended sentences. However, some of these residents pay their fines, but continue to neglect their homes.
2. Marginal compliance - These properties meet the minimum standard . . . but just barely. In some instances, property owners have been through Court, and know the *absolute minimum* they must do to achieve compliance. They do this, and no more. These cases are particularly troublesome to both the code enforcement officer and neighbors. The classic example is the car that looks terrible (rusted, dirty, etc.) but remains licensed and appears operable.
3. "Tired" homes - These are homes that comply with the city's codes, but simply look like they need help. It may be an unkempt yard, minimal maintenance, overgrown bushes, dirty or faded siding, stained shingles, etc. Like the marginal compliance properties, the conditions are not illegal, but seem out of place in the neighborhood.

## Recommendation

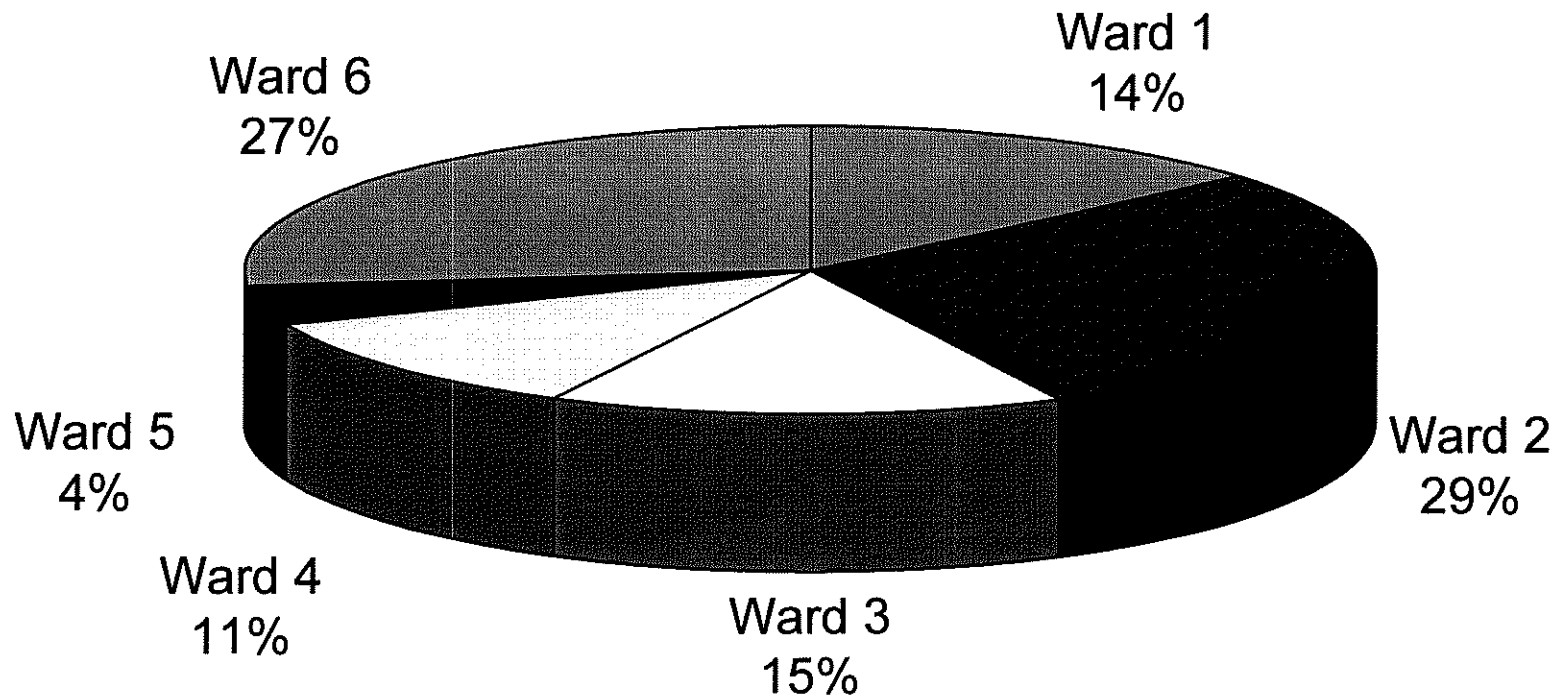


<b>CODE ENFORCEMENT CASE SUMMARY</b>						
<b>Violation Types</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Avg.</b>	<b>Pct.</b>
Licensing	9	6	17	16	12	1%
Maintenance	74	85	102	111	93	10%
Other	84	79	95	103	90	10%
Trash/Debris	352	437	419	303	378	41%
Vehicles	220	197	170	193	195	21%
Weeds	138	135	160	142	144	16%
<b>Total</b>	<b>877</b>	<b>939</b>	<b>963</b>	<b>868</b>	<b>912</b>	
<b>Violation Location</b>						
Ward 1	73	184	133	105	124	14%
Ward 2	238	267	290	269	266	29%
Ward 3	145	151	132	110	135	15%
Ward 4	120	88	95	116	105	11%
Ward 5	33	31	57	37	40	4%
Ward 6	268	218	256	231	243	27%
<b>Total</b>	<b>877</b>	<b>939</b>	<b>963</b>	<b>868</b>	<b>912</b>	
<b>Violations By Type</b>						
Owner	65%	72%	66%	70%	68%	
Rental	35%	28%	34%	30%	32%	
<b>Violations by Complaint Source</b>						
Complaints by CEO	52%	62%	62%	60%	59%	
Complaints by Citizens	48%	38%	38%	40%	41%	
<b>Cases Referred to Court</b>						
Pct. Of Total	4%	3%	5%	5%	4%	
<b>Avg. Response Time (Days)</b>						
	2	2	2	2	2	
<b>Avg. Days to Resolution</b>						
	10	9	10	9	10	

## Property Maintenance Violations: 2003 -- 2006



## Property Maintenance Violations: 2003 -- 2006



## CHAPTER VIII. HEALTH AND WELFARE

- Article 1. Board of Health
- Article 2. Junked Motor Vehicles on Private Property
- Article 3. Weeds and Noxious Plants
- Article 4. Property Maintenance Code
- Article 5. Rodent Control
- Article 6. Open Occupancy Regulation
- Article 7. Air Pollution Control
- Article 8. Noise and Vibration Control
- Article 9. Insurance Proceeds Fund

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### ARTICLE 1. BOARD OF HEALTH

- 8-101. BOARD OF HEALTH. The city appoints Johnson County to serve as the city's board of health. Johnson County board of health shall appoint the Johnson County health officer as the city health officer for the city to represent the city in health matters. (Code 1973, 7.02.010; Code 2003)

### ARTICLE 2. JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

- 8-201. FINDINGS OF GOVERNING BODY. The governing body finds that junked, wrecked, dismantled, inoperable or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:
- (a) Serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
  - (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
  - (c) Are a ready source of fire and explosion;
  - (d) Encourage pilfering and theft;
  - (e) Constitute a blighting influence upon the area in which they are located;
  - (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.
- (Ord. 1994, Sec. 1)
- 8-202. DEFINITIONS. As used in this article, unless the context clearly indicates otherwise:
- (a) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
  - (b) Vehicle means, without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.
- (Ord. 1994, Sec. 1)

- 8-203. **MOTOR VEHICLE NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS.** It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.
- (a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable:
    - (1) Absence of a current registration plate upon the vehicle;
    - (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
    - (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.
  - (b) The provisions of this section shall not apply to:
    - (1) Any motor vehicle which is enclosed in a garage or other building;
    - (2) To the parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less; or
    - (3) To any person conducting a business enterprise in compliance with existing zoning regulations. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.
- (Ord. 1994, Sec. 1)

8-204. **PUBLIC OFFICER.** The assistant city attorney appointed by the mayor and approved by the city council shall serve as public officer to administer and enforce this article. (Ord. 1994, Sec. 1)

8-205. **COMPLAINTS; INQUIRY AND INSPECTION.** The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a motor vehicle nuisance exists and describing the same and where located or is informed that a motor vehicle nuisance may exist by the board of health, Chief of Police or the fire chief. The public officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings. (Ord. 1994, Sec. 1)

8-206. **RIGHT OF ENTRY.** It shall be a violation of this article to deny the public officer or his or her designated agents the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists. (Ord. 1994, Sec. 1)

8-207. **NOTICE.** Any person found by the public officer to be in violation of section 8-203, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided, that if the owner or his or her agent in charge of the motor vehicle is a resident of Johnson County, Kansas, the notice shall be personally served by the public officer or a law enforcement officer. In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the public officer shall make an affidavit to that effect and service may be made by

publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle. (Ord. 1994, Sec. 1)

- 8-208. SAME; CONTENTS. The notice shall state the condition(s) which is (are) in violation of section 8-203. The notice shall also inform the person that :
- (a) He, she or they shall have 10 days from the date of serving the notice to abate the condition(s) in violation of section 8-203; or
  - (b) He, she or they have 10 days from the date of serving the notice to request a hearing before the governing body on the matter as provided by section 8-212.
  - (c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 8-209 and/or abatement of the condition(s) by the city as provided section 8-210.
- (Ord, 1994, Sec. 1)

- 8-209 FAILURE TO COMPLY; PENALTY. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person and upon conviction, be fined in an amount not to exceed \$500 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. (Ord. 1994, Sec. 1)

- 8-210. ABATEMENT. In addition to, or as an alternative to prosecution as provided in section 8-209 the public officer may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to section 8-207 has neither alleviated the conditions causing the alleged violation or requested a hearing before the governing body within the time period specified herein, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in section 8-213. A copy of the resolution shall be served upon the person in violation in one of the following ways:
- (a) Personal service upon the person in violation;
  - (b) Service by certified mail, postage prepaid, return receipt requested; or
  - (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (Ord. 1994, Sec. 1)

- 8-211. DISPOSITION OF VEHICLE. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by K.S.A. 8-1102, as amended. (Ord. 1994, Sec. 1)

- 8-212. HEARING. If a hearing is requested within the 10 day period as provided in section 8-208, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the persons right to contest the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in section 8-210. (Ord. 1994, Sec. 1)
- 8-213. COSTS ASSESSED. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. (Ord. 1994, Sec. 1)
- 8-214. VEHICLES NOT IN AN OPERATING CONDITION; AUTHORIZATION OF PUBLIC OFFICER TO ORDER REMOVAL. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the public officer finds that any such person has parked, stored or deposited or permitted to be parked, stored, or deposited on such land or on the streets immediately adjacent thereto such a vehicle, the orders that he enters pursuant to section 8-413 may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the public officer may enter an order authorizing the city to tow and remove the vehicle as provided by K.S.A. 8-1102, as amended. (Ord. 2003, Sec. 2)
- 8-215. PARKING AND STORAGE OF VEHICLES WHICH ARE NOT IN AN OPERATING CONDITION IN DISTRICTS ZONED R-1 THROUGH R-4 AND RP-1 THROUGH RP-4.
- A. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is not in an operating condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in a non-operating condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in a non-operating condition for a period in excess of 48 hours unless such vehicle is placed in an enclosed structure.

- B. Prior to issuing a citation, the code enforcement officer or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises or placed in an enclosed structure within 48 hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in temporary possession of the same operate as a defense to a citation alleging violation of this section. (Code 1973, 11.22.040; Ord. 2124, Sec. II, 2006)

8-216. **PARKING AND STORAGE OF VEHICLES WHICH ARE NOT IN AN OPERATING CONDITION IN DISTRICTS ZONED C-O THROUGH C-2 AND CP-O THROUGH CP-2.**

- A. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is not in an operating condition. Provided however, that section 8-305 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.
- B. Prior to issuing a citation, the code enforcement officer or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within 48 hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.

(Code 1973, 11.22.050; Ord. 2124, Sec. II, 2006)

8-217. **PARKING AND STORAGE OF MOTOR VEHICLES ACCEPTED FOR REPAIR BY FILLING STATIONS (OR GASOLINE SERVICE STATIONS) OPERATING AS SPECIAL OR NONCONFORMING USES ANYWHERE IN THE CITY.**

- A. The regulations set forth in this section shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.
- B. All such motor vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked in the street.
- C. No more than 12 such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time.
- D. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of 14 consecutive days.

(Code 1973, 11.22.060)

**ARTICLE 3. WEEDS AND NOXIOUS PLANTS**



8-301. DEFINITIONS. The following terms, as used in this article, unless the context specifically indicates otherwise, are defined as follows:

- (a) Calendar Year means that period of time beginning January 1 and ending December 31 of the same year.
- (b) Noxious Plants means poison ivy, poison oak and poison sumac, at any height or state of maturity;
- (c) Owner includes the real and actual owner of the fee title, the life tenant, adverse possessor, and any other person or entity asserting or having any ownership right, title or interest in any property in the city. The land records filed in the office of the Johnson County recorder of deeds and any other official record of such county or of the city, may be used to determine such owner as of any given date;
- (d) Rank Weeds means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity, and which exceeds eight (8) inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse or vermin. Such rank weeds include, but are not limited to the following:  
Large crabgrass, large hairy crabgrass (*digitaria ecinochloa sanguinalis*); barnyard grass (*ecinochloa crusgalli*); Pennsylvania smartweed (*polygonum pennsylvanicum*); ladysthumb, smartweed (*polygonum persicaria*); curled dock, sour dock (*rumex crispus*); lambsquarter (*chenopodium album*); rough pigweed, redroot (*amaranthus retroflexus*); shepards purse (*capsella bursapastoris*); nodding spurge, upright spotted spurge (*euphorbia maculata*); velvet leaf, indian mallow (*abutilon theophrasti*); sticktight, blue stickeseed (*lappula echinata*); common ragweed (*ambrosia artemisiifolia*); giant ragweed, horseweed, kinghead (*ambrosia trifida*); dandelion (*taraxacum officinale*); cocklebur, clotbur (*xanthium pennsylvanicum*); downy bromegrass, downy chess (*bromus tectorum*); bermuda grass, devilgrass (*cynodon dactylon*); stinkgrass, lovegrass (*eragrostis cilianesis*); witchgrass, tumble panicgrass (*panicum capillare*); giant fox tail (*setaria faberii*); Johnson grass (*sorghum halepense*); hop sedge, sloughgrass (*carex lupulina*); hemp (*cannabis sativa*); stinging nettle, nettle (*urtica procera*); swamp smartweed, tanweed, devils shoestring (*polygonum coccineum*); smooth dock (*rumex altissimus*); maple-leaved goosefoot (*chenopodium hybridum*); water hemp (*acnida altissima*); tumbleweed, tumble amaranth (*amaranthus albus*); common milkweed (*asclepias syriaca*); common mullen (*verbascum thapsus*); burdock (*arctium minus*); beggar tick, sticktight, devils pitchfork (*bidens frondosa*); tall cone flower, golden glow (*rudbeckia laciniata*); gray goldenrod, field goldenrod (*solidago nemoralis*);
- (e) Thickets means dense growths of wild shrubbery having stems or trunks less than one inch in diameter, and briar patches.
- (f) Weeds means any of the following:
  - (1) Brush and woody vines;
  - (2) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
  - (3) Weeds which bear or may bear seeds of a downy or wingy nature.
  - (4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
  - (5) Weeds and grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds

and indigenous grasses shall be presumed to be blighting if they exceed eight (8) inches in height.

- (6) Noxious plants and rank weeds, as hereinabove defined.  
(Ord. 1949, Sec. 2; Ord. 1950, Sec. 2; Ordinance 2096, Sec. 2)

8-302. WEEDS TO BE REMOVED. It shall be unlawful for any owner, occupant, or agent of any property or any area between the property lines of said property and the centerline of any adjacent street or alley, including but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinabove defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. (Ord. 1950, Sec. 2; Ord. 2096, Sec. 2)

8-303. PUBLIC OFFICER; NOTICE TO REMOVE.

- A. The City Administrator shall designate a public officer to be charged with the administration and enforcement of this article.
- B. The public officer or an authorized assistant shall direct the City Clerk to issue a notice of violation and order to the owner, occupant or agent of any property in the city upon which weeds exist in violation of this article; provided, however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the city weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official city newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)
- C. Such notice shall include the following:
- (1) That the owner, occupant or agent is in violation of the city weed control ordinance.
  - (2) That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds within five (5) days of the receipt of notice and order, or if the notice and order is served by publication, within ten (10) days of the date of publication (the applicable time period hereinafter referred to as the "correction period").
  - (3) That before the expiration of the correction period, the owner, occupant or agent may request a hearing before the governing body or its designated representative.
  - (4) That if within the correction period the owner, occupant or agent fails to request a hearing or to cut, destroy or remove the weeds to the satisfaction of the public officer or an authorized assistant, the city or its authorized agent will cut, destroy or remove the weeds and assess against the owner, occupant or agent the total costs of the cutting, destruction or removal of the weeds, including a reasonable administrative fee and the cost of all notice.
  - (5) That payment of the assessed total costs is due and payable within thirty (30) days following receipt of notice of such costs, or the city will levy such

costs against the property as a special assessment. And further, pursuant to Kansas Statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided for by K.S.A. 12-1, 115, and amendments thereto.

- (6) That no further notice shall be given by the City prior to any additional cutting, destruction or removal of weeds on the property by the City or its authorized agent during the current calendar year, and that any such additional costs will be assessed in the same manner.
  - (7) That separate from and independent of any abatement action of the weed violation by the City, the public officer, at his option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.
  - (8) That the code enforcement officer shall be contacted if there are any questions regarding the notice and order.
- D. In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed by subsection (b) above, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed by subsection (b) above, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by first class U.S. mail, and notice shall then be deemed given at such time.
- (K.S.A. 12-1617f; Ord. 1950, Sec. 2; Ord. 2096, Sec. 2))

8-304.

**ABATEMENT; ASSESSMENT OF COSTS.**

- A. If during the correction period prescribed above the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds to the satisfaction of the public officer or an authorized assistant, the city or its authorized agent shall cut, destroy or remove such weeds and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds without any delay or further notice.
- B. The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the cost of cutting, destroying or removing the weeds, a reasonable administrative fee, and the cost of all notice. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.
- C. If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided for by K.S.A.12-1. 115, and amendments thereto.

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

(K.S.A. 12-1617f; Ord. 1950, Sec. 2; Ord. 2096, Sec. 2)

8-305. RIGHT OF ENTRY. The City or its authorized agents are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying or removing such weeds in a manner not inconsistent with this article. (Ord. 1950, Sec. 2; Ord. 2096, Sec. 2))

8-306. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent from entering upon any such property or from proceeding with such cutting, destruction or removal. Such interference shall constitute a code violation. (Ord. 1950, Sec. 2; Ord. 2096, Sec. 2)

8-307. COMPLAINT. Separate from and independent of any abatement action as provided for herein, the public officer, at his option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

#### ARTICLE 4. PROPERTY MAINTENANCE CODE

8-401. FINDINGS. The governing body makes the following findings with respect to the maintenance of property in the city.

A. There exists in this city structures and lands that are unfit for human use or habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to such other conditions which render such structures or lands dangerous or injurious to the health, safety or general welfare of the occupants of such structures and lands or other residents of the city, or which have a blighting influence on the properties in the area.

Such other conditions include the following, without limitation:

- (1) Defects therein increasing the hazards of fire, accident, or other calamities.
- (2) Lack of adequate ventilation.
- (3) Air pollution.
- (4) Dilapidation.
- (5) Disrepair.
- (6) Structural defects.
- (7) Uncleanliness.
- (8) Overcrowding.
- (9) Inadequate ingress and egress.
- (10) Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city or that create a safety hazard.
- (11) Walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood.
- (12) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof.
- (13) Vermin infestation.
- (14) Inadequate drainage.
- (15) Any violation of health, fire, building or zoning ordinances and regulations or any other laws, regulations or ordinances relating to the use of land and the use and occupancy of the buildings and improvements.

B. In addition, there are within the city a substantial number of residences that are not occupied by the owner thereof and which are leased or rented by the owner to another as a personal residence. A significant number of these residences are owned by absentee landlords who do not reside within the city and who may not exercise constant supervision or control over maintenance of the property. A substantial and significant proportion of the violations of the city's property maintenance code arise at residences that are not occupied by the owner and are leased or rented to another.

C. Any of the conditions set out in subsection (a) render such structures or land unsafe, unsanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city, and it is hereby deemed necessary to require or cause the repair, closing, demolition or removal of such structures or lands in the manner herein provided.

D. The maintenance of property values within the city, avoidance of blight, and the establishment and enforcement of property maintenance regulations within the city are deemed by the governing body to be essential to the well-being of the residents of this city. (Code 1973, 16.12.010; Ord. 1844, Sec. 1)

8-402. SCOPE. The provisions of this article shall apply to residential and nonresidential structures, to residential and nonresidential lands, and to vacant lots. (Ord. 1844, Sec. 1)

8-403. DEFINITIONS. The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section unless otherwise defined in the text of the section.

- (a) Land or Real Property -- Except where specifically limited or where the context would require limitation shall refer to residential land, nonresidential land and vacant lots.
- (b) Nonresidential Land -- The real property on which nonresidential structures are situated.
- (c) Nonresidential Structure -- Any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than residential purposes and, where applicable, the premises on which such structures are situated.
- (d) Owner -- Any person, trust, partnership or corporation who alone or jointly or severally with others has legal title to residential or nonresidential land and/or structures or vacant lots, or any person, partnership or corporation who is trustee or guardian of the estate or person of the title holder.
- (e) Public Officer -- The assistant city attorney or person appointed by the mayor and approved by the city council to exercise the powers prescribed by this article.
- (f) Residential Land -- The real property on which residential structures are situated.
- (g) Residential Structure -- Any building or structure or part thereof, used and occupied for human habitation, or intended to be so used if unoccupied, and includes any appurtenances belonging thereto or usually enjoyed therewith,
- (h) Sales Inventory -- All equipment, vehicles and products which are displayed or available for sale or temporarily stored on the premises for repair or service.
- (i) Section -- The stated section of the Prairie Village Municipal Code.
- (j) Structure -- Except where specifically limited or where the context would require limitation shall refer to both residential and nonresidential structures.
- (k) Trim -- All finish elements to the exterior of the structure including but not limited to finish elements surrounding windows, doors, and other openings, ornamental features, and fascia board.
- (l) Vacant Lot -- Any real property on which there are situated no residential or nonresidential structures.
- (m) Vehicle -- Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

(Code 1973, 16.12.021; Ord. 1844, Sec. 1)

8-404. PUBLIC OFFICER. The assistant city attorney is hereby designated the public officer to exercise the powers prescribed by this article. The mayor may appoint,

with the approval of the city council, some other city official to serve as the public officer. In addition to the authority which may be specifically provided in this article, the public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article. The public officer may appoint some city employees to act as his or her agents to carry out the purposes of this article and he or she may delegate any of the aforementioned functions or powers to such employees. (Ord. 1844, Sec. 1)

8-405. PROPERTY MAINTENANCE VIOLATION; PENALTIES. The violation of any provision of this chapter is a public offense that may be prosecuted in the Prairie Village municipal court. Each day that any violation of this chapter shall continue shall constitute a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the city under this chapter.

- (a) Upon a first conviction for a violation of any provision of this chapter, a person shall be punished by a fine not exceeding \$500.
- (b) Upon a second conviction for a violation of any provision of this chapter, a person shall be punished by a fine of at least \$100 and not more than \$500 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (c) Upon a third or subsequent conviction for a violation of any provisions of this chapter, a person shall be punished by a fine of at least \$250 and not more than \$1,000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (d) For the purpose of determining whether a conviction is a first, second, or third or subsequent conviction in sentencing under this section, only convictions occurring in the immediately preceding three years, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, or third or subsequent offender, whichever is applicable.

(Ord. 1995, Sec. 2)

8-406. OWNER RESPONSIBILITY. The owner of any land in the city shall maintain such land and structures thereon in compliance with the requirements set forth in this article. A person shall not occupy as owner-occupant or allow another to occupy or use land or structures which do not comply with the requirements of this article. No tenant of a leased or rented structure shall occupy or use such structure if the same is not in compliance with the requirements of this article, and no owner of such structure shall permit a tenant to occupy or use such a structure. (Ord. 1844, Sec. 1)

8-407. CORPORATIONS, PARTNERSHIP, LIMITED LIABILITY COMPANIES, TRUSTS AND OTHER LEGAL ENTITIES; RESPONSIBILITY.

- A. A corporation, partnership, limited liability company, trust, or other legal entity are responsible under this article for acts committed by their agents when acting within the scope of their authority.
- B. Agent means any director, officer, servant, employee or other person who is authorized to act on behalf of any such entity.

(Ord. 1844, Sec. 1)

8-408. INDIVIDUAL LIABILITY FOR CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, TRUST, OR OTHER LEGAL ENTITY VIOLATION.

- A. An individual who violates any provision of this article, or causes such violations to exist, in the name of or on behalf of a corporation, partnership, limited liability company, trust, or other legal entity is legally responsible to the same extent as if such violations were in his or her own name or on his or her own behalf.
- B. An individual who has been convicted of a violation of this article based on conduct performed by him or her for and on behalf of such an entity is subject to punishment as an individual upon conviction of such violation.

(Ord. 1844, Sec. 1)

8-409. MINIMUM STANDARDS. For the purposes of this article, the following minimum standards for maintenance of structures and land are established and shall be used to determine whether such structures and lands are fit for human use and habitation.

- (a) Generally. No structure or land shall be maintained in a condition which violates the health, fire, building or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of structures.
- (b) Residential Structures Used for Lease or Rental Purposes. No person, firm, corporation, or other legal entity shall lease or rent or offer for lease or rent any residential structure for which the occupational license required by Chapter 5 of the municipal code has not been obtained or has been revoked, and no tenant shall occupy such a structure.
- (c) Foundation.
  - (1) The foundation of a structure shall be structurally sound, shall be maintained plumb and free from open cracks and breaks so as to prevent the entry of rats and other animals.
  - (2) The foundation elements shall support the structure at all points.
  - (3) Any repair or replacement necessitated by this section shall be accomplished with materials that are compatible with the remaining foundation.
- (d) Exterior Wall Surface. Exterior wall surfaces including screened-off areas, doors and windows shall be free of holes, breaks, loose or damaged construction materials, and any other conditions which might admit rain, moisture, insects or animals to the interior portions of the walls or occupied spaces of the structure. Cracks in mortar between bricks or stones shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials compatible with the remaining undamaged wall surfaces and recognized as acceptable pursuant to city building code. Painted surfaces will require repainting or satisfactory covering of siding when scaling of existing paint exceeds 25 percent of one or more wall surfaces or the wood is becoming porous and needs a seal.
- (e) Trim. All trim shall be maintained in sound condition free of holes, breaks, or loose or damaged construction materials. Areas that are damaged as described herein shall be repaired or replaced with material compatible with the remaining undamaged trim. Trim that has been previously painted shall be repaired when scaling of existing paint exceeds 25 percent of the trim on one or more wall surfaces.
- (f) Windows and Doors.



- (1) Every exterior opening shall be fitted with a window, door, basement hatchway cover or crawl space cover, as appropriate, which shall be tight and maintained in sound condition and good repair to prevent the entrance of animals, rain and surface drainage water into the structure. Every doorway which gives access from a habitable room or area to the exterior of the structure shall be fitted with a door, equipped with hardware capable of ensuring security and privacy to the occupants of such habitable room or structure.
  - (2) Every window shall be in good condition and fit tightly within its frame. All windows shall be fully supplied with glass windowpanes without open cracks or holes or a substitute approved by the public officer or his or her designated agent. If screens, frames for screens, or storm windows are provided, the entire assembly shall be maintained in good effective working condition and repair. When present, awnings are to be kept in good repair. Every other opening located within four feet of the ground level shall be protected against the possible entry of insects and rodents.
  - (3) Every exterior door shall be maintained in good condition and when closed shall fit well within its frame. Every door hinge, door latch and door lock shall be maintained in effective working condition. Every door available as an exit shall be capable of being easily opened from the inside. Every door that is painted shall require repainting when scaling of existing paint exceeds 25 percent of the door surface.
  - (4) When existing approved windowpanes, doors or other external openings are externally covered for security or other reasons, the material used shall be painted or treated the same color as the trim or structure.
- (g) Roofing and Guttering. The roof, eave and soffit shall be structurally sound, tight and shall not admit rain. Any roof surface that will allow water to enter the structure will be repaired at the point or points of leak by materials that are compatible with the existing roof material. If the roof has deteriorated and has lost its water repellent characteristics, the effected area will be replaced with materials compatible with the unaffected portions of the roof. Any gutterings or downspouts that have been broken, rusted, or damaged shall be repaired or replaced with materials that are compatible with the undamaged guttering and downspouts.
- (h) Attached Structures. Porches, landings, fire escapes, decks, railings, and exterior stairs shall be maintained in a manner to be safe to use and capable of supporting the loads and design to which they are subjected. They shall be maintained in sound condition and good repair. Treads and risers that evidence excessive wear or are broken, warped or loose shall be replaced. Any repair or replacement work required pursuant to this section shall be accomplished with materials that are compatible to the undamaged portions of the structure.
- (i) Fences. All fencing, including gates, shall be maintained in good condition free of damage, breaks or missing structural members.  
 Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence.  
 Fencing that has been previously painted shall require repainting when scaling of existing paint exceeds 25 percent of the fence surface.
- (j) Animal Sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal wastes shall not be disposed of in an open

ditch or storm drain. All carcasses of animals shall not remain exposed after death.

- (k) Pools of Water. Ponds, reservoirs, swimming pools or other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.
- (l) Sheds, Garages or Other Out-Buildings. Sheds, garages or other out-buildings shall be maintained in the same manner as provided in subsections (a) through (g) of section 8-509.
- (m) Hard Surfaces, Walkways and Driveways. Hard surfaces, walkways and driveways shall not be allowed to deteriorate to the extent they constitute a safety hazard.

(Code 1973, 16.12.040; Ord. 1844, Sec. 1)

8-410.

**STORAGE OF USEFUL ITEMS.**

- A. Residential Property. No person shall place, construct, install, affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section.
- B. Permitted Items. The following items, objects or structures are permitted as specified in subsection (a):
  - (1) Any item, object or structure permitted under the applicable provisions of the zoning ordinance, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or permitted accessory uses.
  - (2) Authorized trash containers.
  - (3) Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
  - (4) Swing sets and similar recreational equipment.
- C. All Other Items. Any item, object or structure not specifically authorized in subsection (b) must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of a quality compatible with the immediate neighborhood as determined by the building official. Such screening shall be constructed and maintained in accordance with applicable city codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.
- D. All Other Property. With respect to all property other than that covered by subsection (a), no person shall place, construct, install, affix or store or allow to remain, any item, object or structure except those specified in subsection (b)(1).
- E. Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by subsection (c) above, in measuring the area occupied by such items, objects or structures to determine if the permitted 20 percent is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (b)(1), (b)(2), and (b)(3) above.

(Ord. 1844, Sec. 1)

8-411. TRASH AND REFUSE. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, or refuse on any property, drainage course or other land is prohibited. Such items include those that impede mowing of weeds or tall grass, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition. (Ord. 1844, Sec. 1)

8-412. UNFIT FOR HUMAN USE OR HABITATION; NOTICE OF HEARING.

A. Whenever a petition is filed with the public officer or by at least five residents of the city charging that any structure or land is unfit for human use or habitation or whenever it appears to the public officer, on the officer's own motion, that any structure or land is unfit for human use or habitation as being in violation of one or more of the sections of this article, the public officer shall, if the officers' preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure and/or land, including persons in possession, a notice of hearing stating the allegations.

B. Such notice shall be directed to the owner. Such notice shall state that a hearing will be held before the public officer at a place therein fixed not less than 10 days nor more than 30 days after the serving of the notice.

C. Such notice shall also state that the owner, mortgagee, and the parties in interest shall be given the right to file an answer to the allegations and to appear in person, or otherwise with or without legal counsel, and give testimony at the place and time fixed in the notice. The notice shall also state that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

D. During the hearing, the public officer shall have the power and authority to administer oaths and affirmations, examine witnesses, and receive evidence. The rules of evidence utilized by courts in Kansas shall not be controlling in hearings before the public officer.

(Code 1973, 16.12.060; Ord. 1844, Sec. 1)

8-413. ORDERS OF PUBLIC OFFICER. Within 10 days of any hearing or appeal held pursuant to section 8-412, the public officer shall issue a written order containing findings of fact and stating the officer's determination whether the structure or land is unfit for human use or habitation based on a violation of one or more of the standards set forth in section 8-409. Such order shall be directed to the owner and served in a manner prescribed in section 8-415 upon the owner and all other persons entitled to notice according to the provisions of section 8-512.

If the public officer determines that the structure or land is unfit for human use or habitation, the order shall require as follows:

(a) If repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, which costs shall not exceed 50 percent of the fair market value of such structure, the owner of the structure shall within the time specified in the order, repair, alter or improve such structure to render it fit for human use or habitation or shall vacate and close the structure until conformance with this article is met; or

- (b) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say, 50 percent or less of the fair market value of such structure, which percentage is hereby deemed to be a reasonable standard by which to require either repair, alteration or improvement, or removal or demolition, the owner shall within the time specified in the order remove or demolish such structure.

(Code 1973, 16.12.061; Ord. 1844, Sec. 1)

8-414. FAILURE TO COMPLY WITH ORDER.

- A. If the owner fails to comply with an order pursuant to section 8-413(a) to repair, alter or improve or to vacate and close the structure or land, the public officer or a city employee designated by him or her may cause such structure or land to be repaired, altered or improved, or to be vacated and closed.
- B. If the owner fails to comply with an order pursuant to section 8-413(b) to remove or demolish the structure, the public officer or a city employee designated by him or her may cause such structure to be removed or demolished.
- C. The amount of the cost of the repairs, alterations, improvements, vacating and closing or removal or demolition by the public officer or designated city employee shall be a lien against the real property upon which the cost was incurred. Such lien may include allowance of the officer's costs and the necessary attorney's fees and may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property. In lieu of foreclosure, the costs including the officer's costs and the necessary attorney's fees may be assessed as a special assessment against the lot or parcel of land on which the structure was located, in which case the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. If the structure is removed or demolished by the public officer, the officer shall sell the materials of such structure and shall credit the proceeds of the sale against the cost of the removal or demolition. If there is any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer after deducting the costs of such judicial proceedings, including necessary attorney's fees incurred therein, as determined by the court.

(Code 1983, 16.12.062; Ord. 1844, Sec. 1)

8-415. UNFIT FOR HUMAN HABITATION; SERVICE OF NOTICES OF HEARING AND ORDERS. Notices of hearing or orders issued by the public officer pursuant to this article shall be served by city employees designated by him or her upon persons either personally or by registered or certified mail. If the location of such persons is unknown and cannot be ascertained by the public officer or by his or her designated agent in the exercise of reasonable diligence, and the public officer or such agent makes an affidavit to that effect, service may be made by publishing the notice of hearing or order once in an official city newspaper. A copy of such notice of hearing or order shall be posted in a conspicuous place on the premises affected by the notice or order. A copy of such notice or order may also be filed with the clerk of the district court of Johnson County, Kansas, and the filing of the notice or order shall

have the same force and effect as other lis pendens notices provided by law. (Ord. 1844, Sec. 1)

8-416. APPEALS.

- A. Any person affected by a written order issued by the public officer as provided for in section 8-413 following a hearing before such public officer, may appeal the finding of the public officer to the city council. Any such request of a hearing before the city council shall be filed not more than 15 days after the date of the order of the public officer. Notice of such appeal shall be filed with the public officer or with the city clerk at city hall. Following the conclusion of the hearing on any such appeal, the city council shall enter an order affirming, reversing or modifying the order of the public officer. Such order shall be issued and served in the same manner as required by section 8-413 and shall become the order of the public officer for purposes of K.S.A. 17-4759(e) or any amendments thereto.
- B. Any person affected by an order issued by the city council may petition the district court of Johnson County, Kansas for an injunction restraining the city from carrying out the provisions of the order and for such further relief as may be authorized pursuant to K.S.A. 17-4759(e), or amendments thereto. Any such petition shall be filed within 30 days after the posting and service of the order of the city council.

(Ord. 1844, Sec. 1)

8-417. CONSTRUCTION. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any other provisions of the municipal code, where such provisions are applicable, and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law. In addition, nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Code 1973, 16.12.080; Ord. 1844, Sec. 1)

8-418. AUTHORITY. This article is adopted by authority of K.S.A. 17-4579 and Article 12, Section 5 of the Kansas Constitution. (Ord. 1844, Sec. 1)

## ARTICLE 5. RODENT CONTROL

8-501. DEFINITIONS. For the purposes of this article, the following words and phrases shall have the following meanings:

- (a) Building. Any structure, whether public or private, that is adapted for occupancy as a residence, the transaction of business, the rendering of professional services, amusement, the display, sale or storage of goods, wares or merchandise or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.
- (b) Occupant. The person that has the use of, controls or occupies any business building or any portion thereof, whether owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.
- (c) Owner. The owner of any building or structure, whether individual, firm, partnership or corporation.
- (d) Rat harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a structure of any kind.
- (e) Rat-stoppage. A form of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another, consisting essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material or equipment impervious to rat-gnawing.

(Code 2003)

8-502. BUILDING MAINTENANCE. All buildings and structures located within the present or future boundaries of the city shall be rat-stopped, freed of rats and maintained in a rat-stopped and rat-free condition. (Code 2003)

8-503. NOTICE TO RAT-STOP; WHEN CITY TO DO WORK. Upon receipt of written notice from the State Health Department, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure. The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the governing body. (Code 2003)

8-504. FAILURE TO COMPLY. If the owner fails to comply with such written notice or extension, then the governing body is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the city clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the city clerk shall certify the amount due to the city treasurer and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefore. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for rat-stoppage. (Code 2003)

- 8-505. REPLACE RAT-STOPPAGE. It shall be unlawful for any occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats. (Code 2003)
- 8-506. NOTICE TO ERADICATE RATS. Whenever the governing body notifies in writing the owner of any building or structure theretofore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure, the owner shall immediately institute appropriate measures for freeing the premises so occupied of all rats. Unless suitable measures for freeing the building or structure of rats are instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the city is hereby authorized to free the building or structure of rats at the expense of the owner thereof and the city clerk shall submit bills for the expense thereof to the owner of the building or structure and if the same are not paid, the city clerk shall certify the amount due from the owner to the city treasurer, and the owner shall be promptly billed therefore. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for the eradication measures. (Code 2003)
- 8-507. CONDITIONS CONDUCIVE TO HARBORAGE OF RATS.
- A. All food and feed kept within the city for feeding animals shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-stopped building.
  - B. It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage or trash in any building or premises so that the same shall afford food and harborage for rats.
  - C. It shall be unlawful for any person to accumulate or to permit the accumulation on any premises or on any open lot any lumber, boxes, barrels, bricks, stone or similar materials that may be permitted to remain thereon and which are rat harborages, unless the same shall be placed on open racks that are elevated not less than 12 inches above the ground, evenly piled or stacked.
  - D. Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the health department deems it necessary to eliminate such harborage, he or she may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.
- (Code 2003)
- 8-508. INSPECTIONS. The code enforcement officer is empowered to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this article. (Code 2003)

*A Member of the International Code Family®*



# INTERNATIONAL PROPERTY MAINTENANCE CODE®

# 2006



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# PREFACE

## Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*<sup>®</sup>, in this 2006 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2006 edition is fully compatible with all *International Codes*<sup>®</sup> (I-Codes<sup>®</sup>) published by the International Code Council (ICC)<sup>®</sup>, including the *International Building Code*<sup>®</sup>, *ICC Electrical Code*<sup>®</sup>—*Administrative Provisions*, *International Energy Conservation Code*<sup>®</sup>, *International Existing Building Code*<sup>®</sup>, *International Fire Code*<sup>®</sup>, *International Fuel Gas Code*<sup>®</sup>, *International Mechanical Code*<sup>®</sup>, *ICC Performance Code*<sup>®</sup>, *International Plumbing Code*<sup>®</sup>, *International Private Sewage Disposal Code*<sup>®</sup>, *International Residential Code*<sup>®</sup>, *International Wildland-Urban Interface Code*<sup>™</sup> and *International Zoning Code*<sup>®</sup>.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

## Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2006 edition presents the code as originally issued, with changes reflected through the previous 2003 editions and further changes developed through the ICC Code Development Process through 2005. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

## Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or non-compliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

## Letter Designations in Front of Section Numbers

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the ICC Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation are maintained by another code development committee in accordance with the following:

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee;

[F] = International Fire Code Development Committee; and

[B] = International Building Code Development Committee.

## Marginal Markings

Solid vertical lines in the margins within the body of the code indicating a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

# ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2006 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO. \_\_\_\_\_

An ordinance of the [JURISDICTION] adopting the 2006 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. \_\_\_\_\_ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

**Section 3.** That Ordinance No. \_\_\_\_\_ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or exist-

ing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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# CHAPTER 1

## ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### SECTION 102 APPLICABILITY

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

### SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

**103.1 General.** The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

**103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

**103.4 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

**SECTION 104  
DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The code official shall enforce the provisions of this code.

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**104.3 Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.4 Right of entry.** The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

**SECTION 105  
APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**105.3.2 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**105.4 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

**SECTION 106  
VIOLATIONS**

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.



**106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## SECTION 107 NOTICES AND ORDERS

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.5 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination,

sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.3 Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential dan-

ger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 110 DEMOLITION

**110.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the

code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111 MEANS OF APPEAL

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**111.2.5 Compensation of members.** Compensation of members shall be determined by law.

**111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

**111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**111.8 Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## CHAPTER 2

# DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### SECTION 202 GENERAL DEFINITIONS

**APPROVED.** Approved by the code official.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**[B] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

## DEFINITIONS

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**[B] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## CHAPTER 3

# GENERAL REQUIREMENTS

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

### SECTION 305 INTERIOR STRUCTURE

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

### SECTION 306 HANDRAILS AND GUARDRAILS

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted building code.

### SECTION 307 RUBBISH AND GARBAGE

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**307.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

### SECTION 308 EXTERMINATION

**308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.



## GENERAL REQUIREMENTS

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## CHAPTER 4

# LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION 401 GENERAL

**401.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**401.2 Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**401.3 Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

### SECTION 402 LIGHT

**402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### SECTION 403 VENTILATION

**403.1 Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

#### Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.4 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

### SECTION 404 OCCUPANCY LIMITATIONS

**404.1 Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less

than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

**404.4 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of

the code official, endanger the life, health, safety or welfare of the occupants.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5

# PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### [P] SECTION 502 REQUIRED FACILITIES

**502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### [P] SECTION 503 TOILET ROOMS

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**503.2 Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

### [P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### SECTION 505 WATER SYSTEM

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**[P] 505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other 72 hose bibs or faucets to which hoses are attached and left in

place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**[P] SECTION 506  
SANITARY DRAINAGE SYSTEM**

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**[P] SECTION 507  
STORM DRAINAGE**

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## CHAPTER 6

# MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

#### Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

#### Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

### SECTION 603 MECHANICAL EQUIPMENT

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

### SECTION 604 ELECTRICAL FACILITIES

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-

## MECHANICAL AND ELECTRICAL REQUIREMENTS

phase electrical service having a rating of not less than 60 amperes.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### SECTION 605 ELECTRICAL EQUIPMENT

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

■ **605.3 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

### SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

■ **606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

### SECTION 607 DUCT SYSTEMS

**607.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

# CHAPTER 7

## FIRE SAFETY REQUIREMENTS

### SECTION 701 GENERAL

**701.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**701.2 Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

### [F] SECTION 702 MEANS OF EGRESS

**702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

**702.2 Aisles.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

**702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

### [F] SECTION 703 FIRE-RESISTANCE RATINGS

**703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition.

Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

### [F] SECTION 704 FIRE PROTECTION SYSTEMS

**704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

**704.2 Smoke alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

**704.3 Power source.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such



## FIRE SAFETY REQUIREMENTS

a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

### **Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

## CHAPTER 8

# REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

<b>ASME</b>		American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990
Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	.606.1

<b>ASTM</b>		ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959
Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	.303.2

<b>ICC</b>		International Code Council 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041
Standard reference number	Title	Referenced in code section number
ICC EC—06	ICC Electrical Code® — Administrative Provisions	.201.3, 604.2
IBC—06	International Building Code®	.102.3, 201.3, 401.3, 702.3
IFC—06	International Fire Code®	.201.3, 702.1, 702.2, 704.1, 704.2
IFGC—06	International Fuel Gas Code®	.102.3
IMC—06	International Mechanical Code®	.102.3, 201.3
IPC—06	International Plumbing Code®	.201.3, 505.1, 602.2, 602.3
IYC—06	International Zoning Code®	.102.3, 201.3

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**7578 High Dr**

- Past violations and convictions in Municipal Court
- **06/06/06-----**Ticket issued.
- 06/09/06-----Failed to appear in court
- 07/11/06-----Failed to appear in court---**Warrant issued**
- Owner has been out of state since approximately 03/06.
- Owner contacted re: receipt of ticket & correction requirements June & July 06.
- No further contact from owner since 07/06



**7578 High Dr front street view**



**Back yard as seen from complainants yard**



**Back yard as seen from complainants yard**



**Back yard as seen from complainants yard**



**7578 High Drive**



**Back yard as seen from complainants yard**



**Back yard as seen from complainants yard**



**Side yard screening**



**Side yard screening**



**2215 W 78<sup>th</sup> St.**

House vacant approximately 4-5 years

06/28/05-----Violation Notice Issued

07/26/05-----Front of house painted. No other areas of violations corrected.  
Second Notice issued to correct remaining violations.

09/01/05-----Ticket issued.

10/04/05-----Failed to Appear in Court

10/18/05-----Failed to appear in court. **Warrant issued.**



**Front street view**



**Front street view**



**Back porch**



**Back porch**

**2201 W. 73<sup>rd</sup> St.**

01/18/07 Complaint. (No prior violation history until house next door went up for sale).  
01/22/07 Violation Notice issued  
02/21/07 Second notice requesting owner to contact Codes regarding violations.  
03/07/07 No response by owner—**Ticket issued.**  
04/17/07 1<sup>st</sup> Court date. Failed to Appear.



**Front street view**



**Torn screen on front of porch**



**Torn screen on side of porch**



**Peeling paint on porch trim**



2201 W. 73<sup>rd</sup> St.



**Broken and deteriorated front walkway**



**Broken and deteriorated front steps**



**Missing Shingles and peeling paint**



**Missing shingles**



2201 W. 73<sup>rd</sup> St.



**Unauthorized screening materials/fencing**



**Dead / broken tree limbs**



## 7925 Reinhardt

11/01/06 Ticket issued.

Elderly single owner who no longer resides at property

Owner contacted Johnson County Preservation Program. No funding until 2008

Owner also #13 on the Johnson County Home Loan program. Approximately a 1 year wait .

Johnson County will send paperwork to owner when they are next on the list. Owner must resubmit all paperwork



**Street view**



**Deteriorated Roof**



**Deteriorated Roof**



**Deteriorated Roof**



**Peeling paint, rotting wood**



**Peeling paint, rotting wood**





**Peeling paint**



**Peeling Paint**



**Peeling Paint**

**4514 Tomahawk**



**No city Ordinance Violations**



**No city Ordinance Violations**

**7701 Mohawk**

Vacant House approx 6 years  
No City Ordinance Violations



**Front Street view**



**7261 Roe**



**No City Ordinance Violations  
Vehicle is Legally Licensed**

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, May 7, 2007  
7:30 p.m.**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PUBLIC PARTICIPATION**
- V. **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 Regular Council Meeting Minutes – April 16, 2007.
2. Approve Construction Order #1 with Radmacher Brothers Excavating Company, Inc. in the amount of \$14,465.00.
3. Approve the purchase of rock salt from Cargill Inc. for \$35.22 per ton.
4. Approve Construction Change Order #1 with Musselman And Hall Contractors, Inc. in the amount of \$7,475.00.
5. Approve the contract with the Kansas City Crime Commission for the continued participation in the TIPS Hotline Program. Funds for the annual fee were approved by the Council in the 2007 Public Safety Budget in Line Item 1-3-21-5160.
6. Approve entrance into an agreement with Multiple Services Equipment for the lease of an Optima Digital Postage System at a cost of \$36.95 per month with funding from the City Clerk's Operating Budget.
7. Ratify the Mayor's appointment of Kristin Riott and Toby Grotz to the Environmental/Recycle Committee.
8. Approve the following concession stand prices for the 2007 season at the City Pool (Park and Recreation Committee Minutes – April 11, 2007):

<b>Food Items</b>	<b>Description</b>	<b>2007 Price</b>
Hot Dog	Hot Dog w/foil wrap/bun	\$2.00
Cheese Pizza, Single Serving	5 in. Pizza & plate	\$2.00
Pepperoni Pizza, Single Serving	5 in. Pizza & plate	\$2.00
Soft Pretzel	Pretzel & plate	\$1.00
Nachos	Chips, nacho tray & cheese	\$1.75
Extra Cheese	Extra Cheese	\$0.50
Jalapeno Peppers	Jalapeno's per large can	\$0.25
Miss Molly's Cookies	1 cookie	\$1.00
<b>Chips</b>	<b>Description</b>	<b>2007 Price</b>
Doritos, Cool Ranch single	1 bag	\$0.75
Doritos, Nacho Cheese single	1 bag	\$0.75
Cheetos, single	1 bag	\$0.75
Guy's Potato Chips, single	1 bag	\$0.75
<b>Candy</b>	<b>Description</b>	<b>2007 Price</b>
Hershey bars	1 Bar	\$0.75
Plain M&M	1 Package	\$0.75
Peanut M&M	1 Package	\$0.75
Reese's Peanut Butter Cups	1 Package	\$0.75
Snickers'	1 Bar	\$0.75
<b>Frozen Foods</b>	<b>Description</b>	<b>2007 Price</b>
Drumstick	1 Cone	\$0.75
Mango Italian Ice	1 Cup	\$0.75
Lime Italian Ice	1 Cup	\$0.75
Strawberry Italian Ice	1 Cup	\$0.75
Ice Cream Cup –chocolate	1 Cup	\$0.50
Ice Cream Cup – vanilla	1 Cup	\$0.50



Ice Cream Sandwich	1 Sandwich	\$0.75
Dippin Dots	1 Package	\$3.00
<b>Drinks</b>	<b>Description</b>	<b>2007 Price</b>
Bottled Water	30 for 8.32	\$1.00
Gatorade/Sport Drink	1 Bottle	\$1.50
Large Soda	22 oz Soda & Cup	\$1.50
Small Soda	12 oz soda & Cup	\$1.00
Cup of Ice	1 12 oz Cup	\$0.10
<b>Other Items</b>	<b>Description</b>	<b>2007 Price</b>
Swim Diaper	Swim Diaper	\$1.00
9. Approve contracts listed below for Village Fest 2007		
K.C. Wolf	Two hour K.C. Wolf appearance	\$600
Vodvill Entertainment	Three hour performance – roving variety artist and stilt walking	
	Uncle Sam	\$450

**By Committee:**

10. Make no changes to the four-way stop at the intersection of 79<sup>th</sup> Street and Roe Avenue. (Council Committee of the Whole Minutes – April 16, 2007)
11. Approve Construction Change Order #2 for Project 191019: 2007 Canterbury Sidewalk Improvements with Holiday Contracting, Inc. reducing the contract total by \$7,229.00 with the new contract total being \$90,440.00. (Council Committee of the Whole Minutes – April 16, 2007)
12. Approve amendments to Personnel Policy PP1080 entitled “Educational Expenses.” (Council Committee of the Whole Minutes – April 16, 2007)
13. Move forward with having a Council Retreat. (Council Committee of the Whole Minutes – April 16, 2007)

**VI. COMMITTEE REPORTS**

**Planning Commission – Laura Wassmer**

**Insurance Committee – Wayne Vennard**

Consider Workers Compensation Insurance

**VII. OLD BUSINESS**

Consider Inter-Local Agreement between the City of Prairie Village and the City of Leawood for use of property for Public Art Purposes.

**VIII. NEW BUSINESS**

**IX. ANNOUNCEMENTS**

**X. 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 381-6464, Extension 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)

# **CONSENT AGENDA**

## **CITY OF PRAIRIE VILLAGE, KS**

**May 7, 2007**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
April 16, 2007  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 16, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Mayor Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Capt. John Walter, Acting Chief of Police; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance.

**OATH OF OFFICE**

The City Clerk administered the Oath of Office to re-elected Mayor Ronald L. Shaffer.

Mayor Shaffer distributed laminated \$1 checks to the Council Representatives on behalf of the Citizens of Prairie Village as a token of appreciation for their service and dedication to the City. Council President David Belz presented Mayor Shaffer with his \$1 check.

## PUBLIC PARTICIPATION

Bob Reese, 7913 Roe Avenue, expressed his appreciation to the Council for conducting an additional study of the intersection at 79<sup>th</sup> Street and Roe Avenue before taking any action. He noted the traffic counts were taken with tabs across both lanes of traffic which he hoped did not double the results of the vehicle count.

Mr. Reese questioned the City's policy on teardowns. He noted his neighbor is removing his existing home and building a new home; however, he received no notice from the City that this was happening. He felt the City should notify the neighboring property owners when this is being done and the plans should be reviewed by the Planning Commission to ensure the appropriateness of the new structure. Mr. Reese stated this is done in Mission Hills and other cities. Mayor Shaffer responded that Mission Hills has an architectural review board process in place for new homes and Prairie Village does not have such a process. Laura Wassmer stated she felt the request for notification by the City was appropriate.

Jeanne Cassatt, great niece of Herbert Woolf expressed her appreciation to the City for its proclamation recognizing "Lawrin's Legacy Day". She also acknowledged those individuals instrumental in the formation of the event, who were also present at the meeting: Alexis and Donald Martin, Barbara and Edward Trost and Jere and Charles Stuckey. She noted her family was very honored and touched by the community recognition.

Mayor Shaffer noted the proclamation would be presented later in the meeting after its formal adoption.

Mayor Shaffer recognized a high school student from Rockhurst High School attending the meeting for his American Government class.

Laura Wassmer distributed a letter from John and Georgia VanDyke, regarding the intersection of 79<sup>th</sup> Street and Roe Avenue.

## CONSENT AGENDA

Wayne Vennard requested the removal of items number 5 and 6 from the Consent Agenda.

David Belz moved the approval of the Consent Agenda for Monday, April 16, 2007 as amended with the removal of items #5 and #6:

1. Approve Regular Council Meeting Minutes - April 2, 2007
2. Approve Claims Ordinance 2637
3. Approve the purchase of three marked police vehicles from Shawnee Mission Ford through the Metro coop bid price of \$21,218.00 per unit with funding from the 2007 Public Safety Center budget 01-03-25-7100
4. Approve the lease and maintenance agreements with Midwest Office Technology (MOT) for both copiers in the Public Safety Center
5. Removed
6. Removed
7. Ratify the Mayor's appointment of Joe Nolke to the Parks & Recreation Committee to fill the unexpired term of James Reimer ending in April, 2009
8. Ratify the Mayor's execution of a proclamation declaring May 5, 2007 as "Lawrin's Legacy Day"
9. Approve the donation of \$500 toward the sponsorship of the "Lawrin's Legacy Day" celebration

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Vennard, Ewy Sharp (no on #9) and Belz.

### #5 Consider Committee Reappointments

Wayne Vennard noted the lack of information given to the City Council on the reappointment of committee members with expiring terms. He feels the Council should be given information on these individual's before ratifying their reappointment. He would like to have information on their past attendance at committee meetings, information from the committee chairman and/or committee liaison as to their participation on the committee.

Mayor Shaffer noted these are all existing committee members whose initial appointments were ratified by the City Council.

Ruth Hopkins stated she also felt additional information on these reappointments would be appropriate such as why they wish to be reappointed to the committee. Mayor Shaffer noted attendance records could be gathered from meeting minutes

Michael Kelly stated he would particularly like to have a statement from Planning Commission members on why they would like to continue and a new application noting the power and influence these people have on the development of the City.

Bill Griffith expressed his amazement that a Council member would reject a volunteer committee member's reappointment and make the volunteer reapply or get approval of the committee chair to continue. Wayne Vennard stated he would like to know if they are attending meetings. Laura Wassmer agreed with Mr. Griffith that such action is micro-managing. She stated a chairman would advise the Mayor of any problems with a committee member, although she could possibly see this procedure on the Planning Commission; however, other committees should be up to the committee chair.

Mayor Shaffer stated historically if a person is not attending meetings, they will not accept reappointment and usually resign prior to the end of their term. He is made aware of any problems with committee members.

Michael Kelly stressed he only wants additional information on Planning Commission appointments.

Bill Griffith moved the City Council ratify the Mayor's reappointment of the following individuals to City Committees:

ADA Advisory Committee	Gary Groening	April, 2010
ADA Advisory Committee	Craig Phillips	April, 2010
ADA Advisory Committee	Michele Ohmes	April, 2010
ADA Advisory Committee	Jon Ratliff	April, 2010
ADA Advisory Committee	Kim Ratliff	April, 2010
ADA Advisory Committee	Alleen VanBebber	April, 2010
ADA Advisory Committee	Martha Wyrsh	April, 2010
Planning Commission/BZA	Robert McKim	April, 2010
Planning Commission/BZA	Randy Kronblad	April, 2010
Planning Commission/BZA	Marlene Nagel	April, 2010

Environment/Recycle Committee	Clair Barron	April, 2010
Environment/Recycle Committee	Theresa (Teri) Carey	April, 2010
Environment/Recycle Committee	Polly Swafford	April, 2010
Environment/Recycle Committee	Diane Mooney	April, 2010
Environment/Recycle Committee	Linda Smith	April, 2010
Environment/Recycle Committee	Dylan Lehrbaum	April, 2008
Park & Recreation Committee	Shelly Trewolla	April, 2010
Park & Recreation Committee	A.J. LoScalzo	April, 2010
Park & Recreation Committee	Kathy Peterson	April, 2010
Prairie Village Arts Council	Bob Endres	April, 2010
Prairie Village Arts Council	Bill Rose	April, 2010
Sister City Committee	James Honesee	April, 2010
Sister City Committee	Bob McGowan	April, 2010
Sister City Committee	Robert Moffat	April, 2010
Tree Board	Luci Mitchell	April, 2010
Tree Board	Cliff Wormcke	April, 2010
Tree Board	Linda Bishop	April, 2010

The motion was seconded by David Belz.

Diana Ewy Sharp asked Mr. Vennard if he wanted to continue these reappointments until more information is given to the Council. Mr. Vennard responded he would like to have a formalized process in place for reappointment where the council liaison and/or the committee chair have input into the reappointment and attendance record for meetings is given. He does not feel it is appropriate to take action when only given the names of individuals. He would like to see an attendance records and at least a check mark indicating the committee chair's recommendation for reappointment.

The motion was voted on and passed unanimously

#### #6 Consider Appointment of City Officials

Wayne Vennard stated he had not seen the appointment of City officials on any previous agenda and questioned the process.

City Attorney Charles Wetzler stated the statutes and city code require the appointment of City officials with the election or appointment of the Mayor.

Diana Ewy Sharp thought the City officials served at the pleasure of the Mayor and questioned the need for Council action. Mr. Wetzler responded the code states that

City Officials are to be appointed by the Mayor with the appointments being ratified by the Governing Body.

Bill Griffith moved the City Council ratify the Mayor's appointment of the following City Officials as named:

Barbara Vernon	City Administrator
S. Robert Pryzby	Director of Public Works
Douglas Luther	Assistant City Administrator
Joyce Hagen Mundy	City Clerk
Charles E. Wetzler	City Attorney
Stephen B. Horner	Assistant City Attorney
M. Bradley Watson	Municipal Judge
Mary Virginia Clarke	Municipal Judge
Fielding Norton, Jr.	City Treasurer
Chauncey M. Depew	City Prosecutor

The motion was seconded by Laura Wassmer and passed unanimously.

## PRESENTATION OF PROCLAMATION

Mayor Shaffer called forward Jeanne Cassatt and read his proclamation of Saturday, May 5<sup>th</sup> as "Lawrin's Legacy Day" and presented the formal proclamation to Ms Cassatt. Mayor Shaffer urged all present to attend the celebration of this event.

## COMMITTEE REPORTS

### **Insurance Committee**

Wayne Vennard reported the Insurance Committee recently met to consider bids for 2007-2008 Property/Casualty Renewal. The committee reviewed the City's loss history over the past several years. This information was shared with the Council. Finding a relatively low loss experience in many categories, the committee recommends increasing the deductible for those categories to realize a substantial savings in premium costs which could be set aside in an insurance reserve account. Mr. Vennard explained in essence the City will be engaging in a certain amount of self-insurance. The premium savings from increasing the deductibles would be \$13,082.



Mr. Vennard noted the deductible on automobile coverage would remain at \$1,000 and the City's general liability coverage would continue with total coverage.

Bill Griffith commended the committee for looking into this at a deeper level. He feels the recommendation is excellent and the City could probably go with even higher deductibles. He advised the Council that this must be considered a long-term move.

David Voysey noted the changes of a significant loss in the next ten years are minimal; however, he agreed with Mr. Griffith that this is a long-term commitment and even if a loss occurs the City needs to stay with the plan.

Wayne Vennard noted realized savings could be added to the reserve annually.

Bob Frankovic, with Cretcher-Lynch, agreed with the recommendation of the committee. He noted the City took similar action several years ago with its workers' compensation account and it has been very successful.

Barbara Vernon advised the Council that it would need to adopt a resolution establishing the reserve fund. Bill Griffith noted this was not done in the past. Karen Kindle, Finance Director, stated the statutes allow the City to put money aside in established reserve funds for the future payment of insurance claims. David Voysey asked where these funds would come from. Mrs. Vernon replied they would be from the general fund with the savings realized from the reduced premiums.

On behalf of the Insurance Committee, Wayne Vennard moved the City Council renew the City's property/casualty coverage with the St. Paul Company at an annual cost of \$193,130 with the following deductible amounts:

\$25,000	Property
\$25,000	Scheduled IM Equipment
\$25,000	Public Official Liability/Law Enforcement Liability
\$25,000	Employment Practices Liability
\$ 0	General Liability

and further approve the establishment of an Insurance Reserve Fund in the amount of \$50,000. The motion was seconded by David Voysey and passed unanimously.

## **Council Committee of the Whole**

### **COU2006-55: Consider Project SP105: 2007 Crack seal/Slurry seal/Microsurfacing Program**

On behalf of the Council Committee of the Whole, David Belz moved the City Council approve Construction Change Order #1 to Musselman & Hall Contractors for Project SP105: 2007 Crack seal/Slurry seal/Microsurfacing Program for an increase of \$22,234.98 with funding from the Public Works Operating budget. The motion was seconded by Bill Griffith and passed unanimously.

### **COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program**

On behalf of the Council Committee of the Whole, David Belz moved the City Council approve the drainage consultant agreement with George Butler Associates, Inc. for Project 190719: 2008 Storm Drainage Repair Program in the amount of \$32,000 with funding from the Capital Infrastructure Program for Project 190719 and \$3,000 from the Public Works Operating Budget. The motion was seconded by Laura Wassmer and passed unanimously.

## **Park & Recreation Committee**

Diana Ewy Sharp reminded the Council of the upcoming 2<sup>nd</sup> Annual Skateboard contest on Friday, April 20<sup>th</sup> between Mission Valley and Indian Hills Middle School students from 3 to 8 p.m. at the Prairie Village Skate Park. She noted the students are very excited about the upcoming event and encouraged Council members to attend.

## **Planning Commission**

### **71<sup>st</sup> & Nall**

Laura Wassmer reported the Council Chamber was filled to capacity for the Planning Commission meeting on April 3<sup>rd</sup>. She explained the misunderstanding among the neighbors was the result of an error on a map presented at the "Village

Vision” open house which identified the area of 71<sup>st</sup> and Nall as a “redevelopment area” not an “Improvement area”. There was a great deal of positive communication during the public hearing on the proposed mixed-used district. The residents left the meeting informed and pleased.

#### **Planned Mixed Use District**

Ms Wassmer stated one of the residents, who was an attorney, raised concern with the lack of a height restriction in the next mixed use zoning regulations being considered by the Planning Commission. It was the intent of the Commission to deal with each application on its own merits. However, her thoughts were that the Planning Commission would be vulnerable to someone’s interpretation of being discretionary without any specific language on which to base their action. She noted the Commission was divided on specific wording in the proposed language. Although they all support the concept of mixed use districts, the ordinance will not come before the Council with a recommendation for approval as the Commission vote was a three to three tie. She recommends when it is considered by the Council, it be sent back to the Commission to resolve the language issues.

Ms Wassmer announced the Planning Commission would be holding a public hearing at their May 1<sup>st</sup> meeting on the adoption of the Comprehensive Plan. This hearing has been scheduled for 8 p.m. Council members are encouraged to attend.

#### **OLD BUSINESS**

Al Herrera noted the new Prairie Village signs have been installed at some locations and look great. Diana Ewy Sharp noted the Prairie Village Star stands out on the signs, which are a tremendous improvement over the former signs. Mayor Shaffer thanked Mr. Pryzby for his work on this project and confirmed the contractor has not finished installing all of the signs at this point.

## NEW BUSINESS

### Election of Council President

In accordance with the Council practice of having the most senior Council member, who has not previously served as Council President, be elected to a one-year term, David Belz nominated Andrew Wang to serve as Council President for 2007-2008. The nomination was seconded by Diana Ewy Sharp and passed unanimously.

Mr. Belz thanked his colleagues for the opportunity to serve as Council President during the past year, noting it was an excellent experience. Council members commended Mr. Belz for his leadership over the past year as Council President.

## ANNOUNCEMENTS

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

Prairie Village Arts Council	04/18/2007	7:00 p.m.
Sculpture Garden Committee	04/25/2007	7:00 p.m.
Environmental Recycle Committee	04/25/2007	7:00 p.m.
Finance Committee	04/26/2007	4:00 p.m.
VillageFest Committee	04/26/2007	7:00 p.m.
Planning Commission	05/01/2007	7:00 p.m.
Tree Board	05/02/2007	6:00 p.m.
Council Committee of the Whole	05/27/2007	6:00 p.m.
Council	05/27/2007	7:30 p.m.

Mayor Shaffer noted the March issue of the Kansas Government Journal contains the Kansas Tax Rate & Fiscal Data Book, a review of 2006 taxes levied by cities within Kansas. He reported Prairie Village has the second lowest mill levy of all first-class cities at 16.133 with Overland Park having the lowest mill levy at 8.889. Prairie Village has the lowest total debt of all first class cities with \$2,570,000 with the second place city having debt of \$9,105,000. He noted the City of Olathe has the highest debt at 812,355,645.

Mayor Shaffer announced that Planning Commission Chairman Ken Vaughn will be receiving one of three 2007 Distinguished Engineering Service Award from the University of Kansas. Mr. Vaughn also serves on the State Board of Examiner's for architects and engineers. He encouraged members to congratulate Ken on this honor.

Mayor Shaffer noted the receipt and distribution of a letter he received from former Police Chief Grover, who is obviously enjoying his retirement. The consultant will provide the City with their preliminary recommendations for interviews of the Police Chief position in late April.

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by A. J. Weber in the R.G. Endres Gallery during the month of March.

Recreation memberships will go on sale in the City Clerk's office on April 2<sup>nd</sup>. The swimming pool will open May 26<sup>th</sup>.

The annual large item pick-up has been scheduled with Deffenbaugh for April 28<sup>th</sup>.  
*Lawrin's Legacy*

The 50<sup>th</sup> Anniversary books, Prairie Village Our Story, and Prairie Village Gift Cards continue to be sold to the public.

## ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned  
at 8:35 p.m.

Joyce Hagen Mundy  
City Clerk

**CONSIDER PROJECT 190718 – 2007 STORM DRAINAGE REPAIR  
PROGRAM CONSTRUCTION CHANGE ORDER #1**

**Background:**

The City contractor repaired an existing corrugated metal pipe at 89<sup>th</sup> Street and Mission Road. Subsequent to this repair, KCPL damaged the new pipe while trying to repair existing underground cable. The City contractor has gone back to this location to repair what KCPL damaged and KCPL has agreed to reimburse the City for the cost of this work which is \$14,465.00.

**Financial Impact:**

Funds are available in the Capital Infrastructure Program under Project 190718.

**Suggested Motion:**

Move to approve Construction Change Order #1 with Radmacher Brothers Excavating Company, Inc. in the amount of \$14,465.00.

## CONSIDER ROCK SALT BID AWARD

### **Background:**

On April 13, 2007, the City Clerk opened bids for Rock Salt. Four bids were received.

Central Salt	\$42.09 per ton
Independent Salt	\$39.99
Hutchinson Salt	\$36.70
Cargill Inc.	\$35.22

The winter of 2006/2007 was abnormal (for some people) in that 2,127 tons of salt were used. Two storms accounted for 1,374 ton (11/29 – 555 tons and 01/12-13 – 819 tons). A normal (?) storm has an average usage of 175 tons. A winter season is 6 to 9 storms (1,050 to 1,575 tons)

Presently, the salt barn has 100 tons of salt. The 2007 Budget has a \$14,000, because \$18,000 was spent earlier this year to purchase salt when the barn was emptied. To purchase 900 to 1,500 tons, additional funding is necessary.

	<u>Dollars</u>	<u>Tons</u>	<u>Inventory</u>
On Hand	\$0	100	100
Budget balance	\$14,000	400	500
Transfer Street Supplies	\$30,000	850	1,350

The inventory of 1,350 tons should provide for 7 to 8 storms. Ideally, another 400 tons is desired, but budget funds are not available within the Public Works Budget at this early part of the year.

### **Financial Impact:**

There is no financial impact as Public Works is reallocating existing budget to purchase the 850 tons.

### **Suggested Motion:**

Move to approve the purchase of rock salt from Cargill Inc. for \$35.22 per ton.

**CONSIDER PROJECT SP107 – 2007 STREET REPAIR PROGRAM**  
**CONSTRUCTION CHANGE ORDER #1**

**Background:**

A pavement repair is needed at 90<sup>th</sup> Terrace and Delmar. The Construction Change Order is for \$7,475.00 .

**Financial Impact:**

Funds are available in the Public Works Operating Budget under Project SP105.

**Suggested Motion:**

Move to approve Construction Change Order #1 with Musselman And Hall Contractors, Inc. in the amount of \$7,475.00.



# CONSENT AGENDA

## APPROVAL OF A CONTRACT WITH THE KANSAS CITY METROPOLITAN CRIME COMMISSION FOR THE TIPS HOTLINE CRIME STOPPERS PROGRAM

### **Issue:**

Should the City of Prairie Village renew its contract with the Kansas City Metropolitan Crime Commission for the TIPS Hotline Crime Stoppers Program?

### **Background:**

For many years the City of Prairie Village, along with numerous other law enforcement and municipal agencies, has been a joint sponsor in the Kansas City Crime Commission TIPS Hotline. In 2005, the City Council approved a contract with the Commission, which allowed for a one-year, automatic renewal and pledged support of the organization with a \$2,500 annual fee. Other than an increase in the annual fee to \$3,000, the first increase since 1998, no other contract changes were stipulated. The City Attorney has reviewed and approved previous contracts.

### **Recommendation:**

**STAFF RECOMMENDS THE PRAIRIE VILLAGE CITY COUNCIL CONTINUE TO PARTICIPATE IN AND APPROVE THE CONTRACT WITH THE KANSAS CITY CRIME COMMISSION FOR THE TIPS HOTLINE PROGRAM. FUNDS FOR THE ANNUAL FEE WERE APPROVED BY THE COUNCIL IN THE 2007 PUBLIC SAFETY BUDGET IN LINE ITEM 1-3-21-5160.**

CONTRACT

This Contract is entered into this year, 2007, by and between the City of Prairie Village, KS and the Kansas City Metropolitan Crime Commission a Missouri not-for-profit corporation located at 3100 Main, Suite #201, Kansas City, Missouri 64111.

**WHEREAS**, the Crime Commission has run and continues to run a Crime Stoppers program promoting the 816 474-TIPS Hotline Program in the Greater Kansas City area, which includes Johnson and Wyandotte Counties in Kansas and Cass, Clay, Jackson, Lafayette, Platte and Ray Counties in Missouri.

**WHEREAS**, the City of Prairie Village, KS wishes to contract with the Crime Commission to provide this service in Prairie Village, KS.

**NOW, THEREFORE**, the parties agree as follows:

1. The City of Prairie Village, KS will pay the Crime Commission an annual fee of \$3,000.00 dollars, payable on the date hereof and on each anniversary date of the date hereof during the term of this contract. Such annual fee may be adjusted each year as the parties hereto may agree.

2. The Crime Commission will provide its Crime Stoppers Program in Prairie Village, KS which program shall include, at a minimum, the following services:

- a) Maintain the Crime Stoppers Hotline, (currently (816) 474-TIPS) which will be answered a minimum of eight hours per day;
- b) Provide publicity concerning the availability of the Crime Stoppers TIPS Hotline;
- c) Provide rewards for information leading to the arrest, issuance of a warrant or indictment, which results from calls to the Crime Stoppers TIPS Hotline;
- d) Forward information received on the Crime Stoppers TIPS Hotline regarding crimes in Prairie Village, KS to the City of Prairie Village, KS;

3. The parties agree, that the services to be provided by the Crime Commission are being provided strictly on a contract basis and that the Crime Commission is not and shall not be considered a

part of Prairie Village, KS or the City of Prairie Village, KS. The Crime Commission shall not be subject to any control by Prairie Village, KS or the City of Prairie Village, KS.

4. This contract shall be for an initial term of one year, commencing on the date hereof. Upon expiration of the initial term of this Contract, and upon expiration of each additional one year period thereafter, the term of this Contract shall be extended automatically for a period of one year, unless and until either party hereto gives written notice to the other party hereto of its intent not to extend the term of this Contract for an additional one year period.

5. This Contract shall not be assignable without the prior written consent of both parties. Any purported assignment without such written consent shall be void.

IN WITNESS WHEREOF, the parties have executed this Contract the year and date first above written.

City of Prairie Village, KS

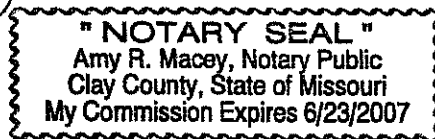
By \_\_\_\_\_

ATTEST: \_\_\_\_\_

KANSAS CITY METROPOLITAN CRIME COMMISSION

By R.D. Easley  
Richard Easley, President

ATTEST: Amy R. Macey  
Amy R. Macey



# Memo

**To:** City Council  
**From:** Joyce Hagen Mundy  
**Date:** 4/23/2007  
**Re:** Postage Meter Lease Agreement

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**Issue:**

On May 14<sup>th</sup>, the rate for postage will increase. The City's postage meter will need to be updated to handle this increase. The existing postage meter is leased from Multiple Services Equipment. They have offered to upgrade the existing postage meter, with a new meter and 10lb flexi scale at a cost of \$36.95 per month. The City Clerk's budget contains \$140 per quarter, the current lease cost, for the postage meter. The new lease will cost \$10 less per month. The City Attorney has reviewed and approved the lease agreement

**Recommendation**

Recommend the City Council approval to enter into an agreement with Multiple Services Equipment for the lease of an Optimail Digital Postage System at a cost of \$36.95 per month with funding from the City Clerk's Operating Budget.

CONSENT AGENDA



140 N. Mitchell Ct., Suite 200  
Addison, IL 60101-5629  
Tel: (800) 341-6052  
Fax: (800) 810-3768  
www.fp-usa.com

# Rental Agreement

- New Customer
- Change of Ownership
- Upgrade from T1000
- Lease Company
- Renewal

Account No: 481428100  
 Contract No: \_\_\_\_\_  
 Promo Code: \_\_\_\_\_

## Customer Information

**Billing Address**

Customer: City of Prairie Village  
 Department:  
 Street: 7700 Mission Rd.  
 City: Prairie Village County: Johnson  
 State: KS Zip: 66208  
 Tel: 913.385.4616 Fax: 913.381.7755  
 Email: Contact Name: Joyce Mundy  
 Tax ID: \_\_\_\_\_  
 Tax Exempt certificate attached

**Shipping Address**

Customer:  
 Department:  
 Street:  
 City: County:  
 State: Zip:  
 Tel: Fax:  
 Email:  
 Contact Name:

## Monthly Rental Payment Terms

Qty	Item Description	Unit Price	Rate Billing Information
1	Optimail Postage Meter	\$	<input type="checkbox"/> Annual Billing <input type="checkbox"/> Semi Annual
			<input type="checkbox"/> Quarterly Billing <input type="checkbox"/> Contract Term
1	10lb Flexi Scale		<b>Initial Postage</b>
			Please make check payable to CMRS-FP Postage Payment Enrollment Check No. _____ Amount (\$) _____
<input checked="" type="checkbox"/>	+ Unlimited Resets to be included		<b>Resurring Postage</b>
<input type="checkbox"/>	++ Rate Guard to be included		
	<b>Total Monthly Rental</b>	\$ 36.95	<input type="checkbox"/> Reset Debit (Application Attached) <input type="checkbox"/> On Demand Debit (Application Attached)

\* If unlimited resets is not checked above, I agree to pay the current list price for each occurrence. (Initials required)

++ Rate Guard has been explained to me and I have elected to  Enroll  Not Enroll (Initials required)

\_\_\_\_\_ month rental term \_\_\_\_\_ (initials required) \*4 year initial term will apply unless otherwise selected.

\*This agreement and the Terms & Conditions attached hereto shall automatically and without any further action by either party hereto, renew for one year periods following the expiration of the initial term and any such renewal terms, unless and until either party hereto provides written notice to the other party of its intent to so cancel. Such written notice must be delivered no later than ninety (90) days (or the maximum time period permitted by applicable law) prior to the end of the current term. Cancellation will be effective at the end of the current term. FP can change the monthly rate and fees after the initial term, with 30 days prior notice.

**Customer Signature**

Authorized Representative: \_\_\_\_\_  
 Tel: \_\_\_\_\_  
 Authorized Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Dealer Information**

Dealer Number and Name: 156 Multiple Services Equipment Co.  
 Address: 2517 Jefferson St., Kansas City, MO 64108  
 Tel: 816-221-1124 Fax: 816-221.3990  
 Sales Representative: Rick Chambers  
 Approval by Francotyp-Postalia, Inc.

Contract Station Meter - USPS Letter must be attached

# Rental Agreement Terms and Conditions

anacomp -Postalia, Inc. ("FP") makes the following agreements with the customer set forth on the first page of this Rental Agreement ("Customer") for the Term-an Initial Term (commencing on the Installation Date) and for any Renewal Term under the term plan you selected above:

**FP WILL:**  
Rent to Customer, and facilitate installation of the above listed Meter(s), and/or equipment at Customer's installation address, in good working order and ready to use.  
Maintain Meter(s) and Equipment in proper operating condition by repair or replacement of non-consumable parts. **NO OTHER WARRANTY APPLIES TO THE METER(S) AND EQUIPMENT.** FP DOES NOT ASSUME RESPONSIBILITY FOR ANY DAMAGES CUSTOMER MAY INCUR IF THE METERS AND/OR EQUIPMENT DOES NOT OPERATE, INCLUDING INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES.  
**THESE TERMS & CONDITIONS APPLY ONLY TO THE METER(S) AND/OR EQUIPMENT SET FORTH ON PAGE ONE OF THIS AGREEMENT AND DO NOT APPLY TO ANY OTHER FP EQUIPMENT.**

**CUSTOMER WILL:**  
Pay FP at lockbox address stated on invoice or pay online at [www.fpost.net/myaccount](http://www.fpost.net/myaccount) in advance rental payment under the payment plan you selected above and, afterwards, in advance periodic rental payments required under the payment plan you selected above, and for updating rate calculating software. Customer further agrees to use the postage meter for business purposes.

Customer intends the rental payments hereunder to be net to FP and Customer shall pay all sales, use, excise, personal property, stamp and ad valorem taxes, fees or charges imposed on shipment, transportation, delivery, ownership, leasing, rent, sale, purchase, possession or use of the equipment (except Federal or State net income or franchise taxes imposed on FP), Customer shall reimburse FP upon demand for any taxes paid by or advanced by FP.  
Use reasonable care in the handling and operation of the Meter(s) and Equipment, and be responsible for any loss or damage to the Meter(s) and/or Equipment, including provision for proper insurance coverage.

Not use special attachments, printing plates, other devices, including Electronic Scales or supplies with the Equipment unless FP supplies them or agrees to their use in writing.  
Use postage meters only for postage imprinting and recording purposes. (Tampering with, or misuse of, the postage meter(s) is punishable under Postal Laws and regulations).  
Make immediately available for examination and audit by FP or the USPS any postage metering system or PSD in their possession.  
Notify FP of any change in location of the Meters and/or Equipment and reimburse FP for any reasonable cost incurred by FP as a result of the change.  
Return the Meters and Equipment to FP, at Customer's expense, to a location designated by FP in good condition, normal wear and tear accepted. Customer also agrees to reimburse FP for any cost FP incurs to return the Equipment to good condition.

**ADDITIONAL TERMS FOR TELESET METER RENTALS:**  
A bank designated by the Postal Service will act as a depository for Customer's advance postage payments.  
Before resetting its TELESET Meter, Customer must have at least the amount of the reset increment in Customer's account at the designated bank.  
If FP provides temporary advance funds to Customer's account to cover the resets, Customer agrees to repay FP's advance within five (5) business days and to pay FP's then current service fee.  
FP will invoice Customer quarterly in arrears for the reset fee (if applicable) on each completed telephone reset transaction.  
If Customer discontinues its TELESET Meter rental account, FP will endeavor to have the Postal Service return the funds in Customer's account within 90 days after Customer's written request, but FP does not guarantee that those funds will be returned by any specific date.

**GENERAL PROVISIONS:**  
Customer acknowledges FP's exclusive ownership of the Meter(s) and Equipment, and that Customer has no rights except for use for the Rental Term; and agrees to indemnify and defend FP from any claims, legal actions, and costs (including attorney's fees) resulting from Customer's use and operation, and take reasonable action, to protect FP's ownership.  
**THIS AGREEMENT IS THE ENTIRE AGREEMENT BETWEEN CUSTOMER AND FP; SUPERSEDES ANY PRIOR UNDERSTANDINGS OR WRITINGS; AND IS SUBJECT TO WRITTEN FINAL ACCEPTANCE BY FP AT OUR MAIN OFFICE.**  
Notices must be in writing and are given when received by mail, to Customer's or FP's main office, or to another address of which Customer or FP later give notice.

**IF CLAIMS OR DISPUTES BETWEEN CUSTOMER AND FP SHOULD ARISE:**  
a. If Customer fails to pay rent or other amounts due FP on the date due, or if any legal action commences which may result in another's taking of the Equipment, FP can terminate this agreement, without notice or legal action, and Customer will allow FP to enter the location of the equipment and repossess it, and Customer will pay FP accrued rent up to the repossession date by the current term expiration date, whichever comes later, and a delinquency charge of 1.5% per month (but not in excess of the lawful maximum) on any unpaid amounts until paid. Customer further agrees that should it become necessary to place the account with a collection agency or attorney, Customer will pay all collection costs and attorney fees incurred by FP in addition to other amounts due.  
In the event of any litigation between Customer and FP, Customer and FP hereby agrees that any and all disputes, claims, actions or controversies arising between the parties of whatever nature (including, but not limited to, any and all contractual, statutory, equitable or tort claims) shall be brought only in either the United States District Court for the Northern District of Illinois or in the Circuit Court of the 18th Judicial District, DuPage County, Illinois, and each of Customer and FP hereby consents to both venue and personal jurisdiction in those courts to the exclusion of all others. Each party also waives any right to a trial by jury.

**6. ACKNOWLEDGMENT OF DEPOSIT REQUIREMENT:**  
a. Customer hereby acknowledges that it must transfer funds to the United States Postal Service, through a lockbox bank ("lockbox bank"), for the purpose of prepayment of postage on CMRS-equipped meters ("Deposit").  
b. Customer may make Deposits in the lockbox bank account, identified as United States Postal Service-CMRS-FP. The Postal Service may, at its discretion, designate itself or a successor as recipient of Deposits by Customer.  
c. Any Deposit made by Customer shall be credited by the Postal Service only for the payment of postage through CMRS-equipped meters. Customer shall not receive or be entitled to any interest or other income earned on such Deposits.  
d. The USPS will provide a refund in accordance with the rules and regulations governing deposit of funds for CMRS, published in the Domestic Mail Manual Transition Book or its successor.  
e. FP may deposit funds on behalf of Customer. The Postal Service will make no such advances. Any relationship concerning advances is between Customer and the Meter Manufacturer.  
f. Customer acknowledges that the terms of this Acknowledgment of Deposit may be changed, modified, or revoked by the Postal Service, with appropriate notice.  
g. Postal regulations governing the deposit of funds for CMRS are published in the Domestic Mail Manual Transition Book or its successor. Customer acknowledges that it shall be subject to all applicable rules, regulations, and orders of the Postal Service.

**7. ASSIGNMENTS:**  
a. FP may assign the payments and other obligations owned by Customer under this Rental Agreement to a third party (the "Assignee") without any prior notice to Customer. If FP does make such an assignment, Customer agrees that the assignee has all of the rights and remedies granted to FP under this agreement, but none of FP's obligations. Customer also agrees to unconditionally pay all amounts due under this agreement to the Assignee, without set-off, regardless of any problems that may arise with respect to the equipment or any claims, defense or off-sets that you may have or assert against FP.

**B. TERM AND TERMINATION.**  
a. This Agreement shall be for the initial Term set forth on the first page of this Agreement, and shall automatically, without any action by either party, renew for a period of one year (a "Renewal Term") at the end of such initial Term. At the end of such Renewal Term, this Agreement again automatically renews for an additional Renewal Term, unless terminated in accordance with the terms of Section 8.  
b. Either party to this Agreement may provide notice to the other party of its intent not to renew this Agreement pursuant to paragraph (a) above. Such notice must be in writing, and must be delivered to the other party no later than ninety (90) days, (or the maximum time period permitted by applicable law) prior to the end of the initial Term or then current Renewal Term.  
c. This Agreement may be terminated at any time by either party in the event of a material breach of these Terms and Conditions by the other party. In the case of a breach, the non-breaching party must provide written notice of such breach to the breaching party. The breaching party shall have a ninety (90) days (or the maximum time period permitted by applicable law) from the time it receives such notice to cure such breach.

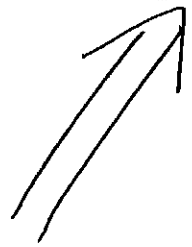
**9. USPS ACKNOWLEDGMENT:**  
Customer acknowledges that the meter(s) Customer has leased is owned by FP, the lessor, and that it will be surrendered to the lessor immediately upon its demand. Customer further acknowledges that use of this meter is subject to the conditions established from time to time by the United States Postal Service and published in the Domestic Mail Manual. Customer acknowledges its understanding of the fact that if the meter is used in any fraudulent or unlawful scheme or enterprise, or is not used for any 12 consecutive month period, or if Customer fails to exercise sufficient control over the use of the meter to preclude its unlawful or improper use, or if Customer takes or allows the meter to be taken outside the United States without prior written permission of the Manager, Retail Systems and Equipment, U.S. Postal Service, Washington, DC 20260-4807, or if Customer otherwise fails to abide by the provisions of postal regulations and this lease regarding care and use of the meter, that this rental/lease agreement and any related Customer Identification Number may be revoked. Customer further acknowledges that any use of this meter to fraudulently deprive the U.S. Postal Service of revenue can cause Customer to be subject to civil and criminal penalties applicable to fraud and/or false claims against the United States. The submission of a false, fictitious, or fraudulent statement can result in imprisonment of up to 5 years and a fine of up to \$10,000 (18 U.S.C. 1001). In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 U.S.C. 3802). A false statement in this application or the mailing of matter bearing a fraudulent postage meter imprint, are examples of violation of these statutes.

Signature of Customer's Authorized Representative: \_\_\_\_\_

By: \_\_\_\_\_

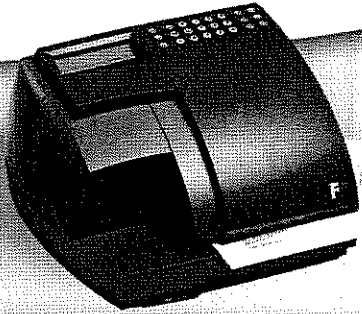
Printed Name: \_\_\_\_\_

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



# OPTIMAIL

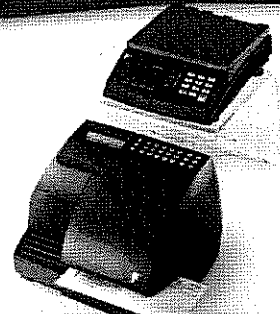
DIGITAL POSTAGE SOLUTION



## OPTIMAIL DIGITAL POSTAGE SYSTEM

The OPTIMAIL system with the 10 lb. flexiscale and the optional space saving scale stand.

With optional scales up to 150 lbs. the OPTIMAIL can provide U.S. postal rates for packages and provide the option of international rates!



### KEY ADVANTAGES

#### AUTOMATIC DATE SETTING

Eliminates the daily chore of updating the meter date. The OPTIMAIL automatically does it for you.

#### INCOMING TIME/DATE STAMP

Mark your company's incoming mail for better tracking of when it was received.

#### SEMI-AUTOMATIC FEEDING

This convenient feature allows you to maximize your time and increase your productivity.

#### THERMAL TRANSFER PRINTING

No More Smearing or Messy Ink Rub-Off using the OPTIMAIL. Thermal transfer printing ensures that last image will be as crisp and clear as the first. Get up to 1,600 consistent images per cassette and works on any type of paper.

#### CUSTOM MESSAGES

With the push of just one button, every letter you send can have your company name, product name or promotional message using the advanced digital memory feature. Store up to nine advertisements.

#### DEPARTMENTAL ACCOUNTING

Monitor your postage expenses in nine areas of your business with this function.

#### QUICK AND EASY POSTAGE RELOAD

Reloading Postage with TELESET\* takes less than one minute on the OPTIMAIL. The entire process runs automatically through the built-in, self-dialing modem.

*\*Teleset is the postage resetting system developed by FP that utilizes direct modem communication from the meter to our secure processing center.*

### Call your FP representative to order your

OPTIMAIL Digital Postage System today and ask about our family of mailing systems and solutions.

### When you've got questions, we've got solutions.

Our commitment to fast, attentive customer service is just one of the reasons why we're the fastest growing USPS-approved mailing systems vendor.



#### FP Mailing Solutions

Francotyp-Postalia, Inc  
140 N. Mitchell Ct., Suite 200  
Addison, IL 60101-5629  
800.341.6052

[www.fp-usa.com](http://www.fp-usa.com)

### SYSTEM SPECIFICATIONS

Speed	Up to 27 pieces per minute Up to 25 letters per minute
Thickness	Up to 1/4"
Dimensions	12.6" W x 7.5"H x 11.4"D
Weight	11 lbs. 11 oz.
Print Impression	1,600 per cassette
Print Technology	Thermal transfer
Scale Interface	RS-232 port
Number of Accounts	Track up to nine accounts
Endorsements	Stores up to six endorsements
Advertisements	Stores up to nine advertisements
Power	115V
Options	Interfaced Scales, Scale Stand, Meter Advertisements

The OPTIMAIL is a digital product that complies with all the current U.S. Postal Service regulations.

*FP Mailing Solutions is a U.S. Postal Service authorized, commercial product service provider of postage evidencing systems.*

**Issue:**

**Consider Environmental/Recycle Committee Appointment**

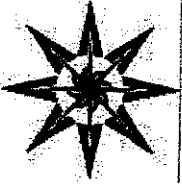
**Background:**

Mayor Shaffer is pleased to place before you the appointment of Kristin Riott and Toby Grotz to the Environmental/Recycle Committee. Their volunteer applications are attached.

**Recommendation:**

**Ratify the Mayor's appointment of Kristin Riott and Toby Grotz to the Environmental/Recycle Committee.  
CONSENT AGENDA**





**City of Prairie Village  
APPLICATION TO VOLUNTEER**

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com).

Name Kristin Riott Spouse's Name Frank  
 Address 4411 W. 66 Terr. Zip 66208 Ward 1  
 Telephone: Home 384-5156 Cell 913-7467 Fax \_\_\_\_\_  
 E-mail kristinwr@kc.rr.com Other Number(s): 530-7617  
 Business Affiliation (self-employed now as writer + landscape designer)  
 Business Address \_\_\_\_\_  
 What Committee(s) interests you? P.V. Environmental Committee + Tree Board

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

I have an undergraduate degree in English + Creative Writing and an MBA. I worked for 22 years at Hallmark Cards - last several in senior management as Writing + Editorial director, heading a division of 150. Have extensive experience in management of businesses + employees, strategic work including acquisition of subsidiaries, public speaking + writing. Also, since leaving Hallmark in good standing to be home with my kids, have become a small-scale landscape designer + am impassioned on environmental issues.

City of Prairie Village

APPLICATION TO VOLUNTEER

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie

Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-

381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name Toby Grotz Spouse's Name Kate Bradley

Address 7722 Chadwick St. Zip 66208 Ward

Telephone: Home 913-381-8168 Work 816-333-9400 Fax

E-mail wireless2@mindspring.com Other Number(s):

Business Affiliation

Business Address

What Committee(s) interests you? Environmental Committee

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

qualify you for a volunteer with the City of Prairie Village.

3 years volunteering on Environmental Committee

( I have turned in this form twice before)

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Thank you for your interest in serving our community.

Approve Concession Prices for the 2007 Season as follows:  
(Park and Recreation Committee Minutes, April 11, 2007)

<b>Food Items</b>	<b>Description</b>	<b>2007 Price</b>
Hot dog	Hot Dog with foil wrap and bun	\$2.00
Cheese Pizza, Single Serving	5 in. Pizza and Plate	\$2.00
Pepperoni Pizza, Single Serving	5 in. Pizza and Plate	\$2.00
Soft Pretzel	Pretzel and Plate	\$1.00
Nachos	Chips, Nacho Tray and Cheese	\$1.75
Extra Cheese	Extra Cheese	\$0.50
Jalapeno Peppers	Jalapeno's per large can	\$0.25
Miss Molly's Cookies	1 Cookie	\$1.00
<b>Chips</b>	<b>Description</b>	<b>2007 Price</b>
Doritos, Cool Ranch single	1 bag	\$0.75
Doritos, Nacho Cheese single	1 bag	\$0.75
Cheetos, Single	1 bag	\$0.75
Guy's Potato Chips, single	1 bag	\$0.75
<b>Candy</b>	<b>Description</b>	<b>2007 Price</b>
Hershey bars	1 Bar	\$0.75
Plain M&M	1 Package	\$0.75
Peanut M&M	1 Package	\$0.75
Reese's Peanut Butter Cups	1 Package	\$0.75
Snickers'	1 Bar	\$0.75
<b>Frozen Foods</b>	<b>Description</b>	<b>2007 Price</b>
Drumstick	1 Cone	\$0.75
Mango Italian Ice	1 Cup	\$0.75
Lime Italian Ice	1 Cup	\$0.75
Strawberry Italian Ice	1 Cup	\$0.75
Ice Cream Cup – chocolate	1 Cup	\$0.50
Ice Cream Cup – vanilla	1 Cup	\$0.50
Ice Cream Sandwich	1 Sandwich	\$0.75
Dippin Dots	1 Package	\$3.00
<b>Drinks</b>	<b>Description</b>	<b>2007 Price</b>
Bottled Water	30 for 8.32	\$1.00
Gatorade/Sport Drink	1 Bottle	\$1.50
Large Soda	22 oz Soda and Cup	\$1.50
Small Soda	12 oz Soda and Cup	\$1.00
Cup of Ice	1 12 oz Cup	\$0.10
<b>Other Items</b>	<b>Description</b>	<b>2007 Price</b>
Swim Diaper	Swim Diaper	\$1.00

# Memo

**To:** City Council  
**From:** Jeanne Koontz  
**Date:** May 2, 2007  
**Re:** VillageFest Contracts

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Please consider the following contracts:

Kansas City Chiefs for \$600 for a two hour KC Wolf appearance.

Vodvill Entertainment for \$450 for a three hour appearance of Uncle Sam on Stilts and a roving variety artist.

APPROVE CONTRACTS LISTED ABOVE FOR VILLAGEFEST 2007

COUNCIL ACTION REQUIRED  
CONSENT AGENDA

## ENTERTAINMENT/ VENDOR AGREEMENT

**THIS ENTERTAINMENT/VENDOR AGREEMENT**, (hereinafter "Agreement") is made and entered into this 10<sup>th</sup> day of April, 2007, by and between the City of Prairie Village, Kansas (hereinafter "the City") and K.C. Wolf, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2007; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:
  
2. Type of Service Provided: the Vendor agrees to provide the following services:  

Two Hour KC Wolf Appearance
  
3. Hours of Operation: The Vendor shall provide services to the general public from 12:00 p.m. to 2:00 p.m. on July 4, 2007. Set-up and breakdown time is exclusive to the hours of operation.
  
4. Access to Facilities:
  - a. Vendor shall have access to Vendor's location for set-up and breakdown on July 4, 2007 from 11:30 a.m. to 2:30 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
  - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$600, to be paid on or before July 4, 2007 unless the event is canceled as provided in Section 6 of this agreement.
6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
  - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
  - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

- c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
  - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said policies shall be provided to City on or before June 27, 2007.**
9. Notification: Notification and any other notices under this Agreement shall be made as follows:
- City Clerk  
7700 Mission Road  
Prairie Village, KS 66208  
(913) 381-6464
10. Staff:
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
  - b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
  - c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. Cancellation: The City shall retain the right to cancel this Agreement at any time without penalty.
12. Entire Agreement: This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. Effective Date: This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

**CITY OF PRAIRIE VILLAGE**

By: \_\_\_\_\_  
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

**VENDOR**

By Daniel Meers  
(signed)

Daniel Meers  
(typed name)

Mascot - ISC Wolf  
(typed title)

ISC Chiefs  
(typed company name)

One Arrowhead Drive  
(typed address)

Kansas City, Mo. 64129  
(typed city, state, zip)

(816) 920-4212  
(typed telephone number)

4/10/07  
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler



## ENTERTAINMENT/ VENDOR AGREEMENT

**THIS ENTERTAINMENT/VENDOR AGREEMENT**, (hereinafter “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the City of Prairie Village, Kansas (hereinafter “the City”) and Vodvill Entertainment Company, (hereinafter “Vendor”).

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2007; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:
  
2. Type of Service Provided: the Vendor agrees to provide the following services:  
  
Vince Delaughder as Roving Variety Artist and Stilt Walking Uncle Sam
  
3. Hours of Operation: The Vendor shall provide services to the general public from 10:30 a.m. to 1:30 p.m. on July 4, 2007. Set-up and breakdown time is exclusive to the hours of operation.
  
4. Access to Facilities:
  - a. Vendor shall have access to Vendor’s location for set-up and breakdown on July 4, 2007 from 10:00 a.m. to 2:00 p.m. Vendor’s vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
  
  - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$450.00, to be paid on or before July 4, 2007 unless the event is canceled as provided in Section 6 of this agreement.
6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
  - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
  - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

- c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
  - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said policies shall be provided to City on or before June 27, 2007.**
9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:
- City Clerk  
7700 Mission Road  
Prairie Village, KS 66208  
(913) 381-6464
10. **Staff:**
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
  - b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
  - c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.
12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: \_\_\_\_\_  
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

\_\_\_\_\_  
(date of execution)

ATTEST:

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

VENDOR

By Renner \_\_\_\_\_  
(signed)

RICHARD RENNER  
(typed name)

OWNER  
(typed title)

Woodvill Entertainment  
(typed company name)

408 Indiana  
(typed address)

Lawrence KS 66044  
(typed city, state, zip)

785 749 2226  
(typed telephone number)

3/26/07  
(date of execution)

APPROVED BY:

\_\_\_\_\_  
City Attorney, Charles Wetzler

**COUNCIL COMMITTEE OF THE WHOLE**  
**April 16, 2007**

The Council Committee of the Whole met on Monday, April 16, 2007 at 6:00 p.m. The meeting was called to order by Council President David Belz with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Wayne Vennard, Diana Ewy Sharp and David Belz. Staff members present: Barbara Vernon, City Administrator; Capt. John Walter, Acting Chief of Police; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

Al Herrera moved the approval of the Consent Agenda for Monday, April 16, 2007:

- Continue Special Use Permit for Communications Antenna at 7700 Mission Road

**CONTINUE**

- Approve Construction Change Order #1 to Musselman & Hall Contractors for Project: SP105 for an increase of \$22,234.98 with funding from the Public Works Operating Budget
- Approve the Drainage Consultant Agreement with George Butler Associates, Inc. for Project 190719: 2008 Storm Drainage Repair Program in the amount of \$32,000 with funding from the Capital Infrastructure Program for Project 190719 and \$3,000 from the Public Works Operating Budget.

**COUNCIL ACTION TAKEN**  
**4/16/2007**

The motion was voted on and passed unanimously.

**COU2007-34 Consider Traffic Engineer Report for 79<sup>th</sup> Street & Roe Avenue Intersection**

Bob Pryzby introduced Paul Plotas, Traffic Engineer with TranSystems who, on the direction of the City Council last November, conducted an evaluation of 79<sup>th</sup> Street and Roe Avenue Intersection relative to the need for a traffic signal. This intersection has been a subject of discussion in the last three Traffic Safety Studies prepared over the past fifteen years.

The report finds the latest data to be inconclusive on the need for a traffic signal. Traffic Signal warrants are borderline. Level of service analysis of an unsignalized intersection is marginally unacceptable on one approach. The crash rate is relatively high for Prairie Village; however, it appears consistent with other four-way stops in the area. Although the crash rate is high, the crashes that

are occurring are fairly benign and are low speed property damage only crashes. Crashes at signalized intersections can be higher speed, more severe crashes than a four-way stop intersection. The benefits of a traffic signal appear to not be significant enough to overcome the potential downside of more severe crashes.

The findings of the study are as follows:

- The intersection currently operates at an acceptable level of service.
- The addition of left-turn lanes to the existing four-way stop controlled intersection would not significantly improve the amount of delay a driver would experience at this intersection.
- Traffic signal warrants were met based on 2006 traffic counts and were not met based on the most recent 2007 counts.
- The crash data at this intersection shows a crash rate that is similar to other intersections with similar volumes.
- Sight distances on all approaches of the intersection appear to be sufficient for a four-way stop.
- Sight distances on the north leg of Roe are over 400 feet, which is adequate for stopping sight distance of 30 mph.

Diana Ewy Sharp expressed her appreciation for the expert evaluation of this intersection. Mr. Pryzby noted this study was more detailed than the previous general traffic safety studies.

Bill Griffith asked if this brings into question how the five-year traffic study is done. Mr. Pryzby responded once the new police chief is selected, he and that individual should re-evaluate the parameters established for the five-year traffic safety study before the next study is conducted.

Andrew Wang asked how much the low rate of accidents in 2006 impacted the study. Mr. Pryzby responded data was collected from the past five years. Mr. Wang confirmed this covered 2001-2005.

Laura Wassmer made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL MOVE TO MAKE NO  
CHANGES TO THE FOUR-WAY STOP AT THE INTERSECTION  
OF 79<sup>TH</sup> STREET AND ROE AVENUE**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Ms Wassmer advised those present official action by the City Council would be taken at the next Council meeting and asked if anyone had any comments or questions.

John VanDyke, 7905 Roe, felt the Council's recommendation for no changes to be made to the intersection was appropriate and distributed a formal letter Ms

Wassmer for distribution to the City Council regarding his thoughts on possible changes to the intersection.

**COU2007-35 Consider Project 190709: 83<sup>rd</sup> Street, Delmar Street Drainage Improvements.**

Tom Trienens reported inflation and changes to this project have resulted in a significant increase in the estimated cost of construction creating an estimated \$1.4 million shortfall.

Mr. Trienens reviewed the options available to the Council to address this shortage of funds for this project:

1. Request additional funds from SMAC at their next meeting in early May. The original commitment of funding from the SMAC is for the lowest cost alternative - \$1,416,300. The City has selected Alternative 3. It is unlikely that SMAC will consider any change in the funding any alternative except Alternative 1.
2. Resubmit Project 190709 for consideration in the 2008 SMAC funding at the revised cost. Construction would delay the project start for several months and new bids would be obtained. The first concern is that the project may not rank high enough in the priority to receive funding in 2008. The second concern is SMAC may still fund the lowest cost project and not the alternative selected by the City. The third consideration is the new bids would be probably higher.
3. Request additional City funds of \$1,385,000 in the 2008 Capital Infrastructure Program. The SMAC funding remains the same and the City share increases considerably.
4. Change the project scope. Deleting portions of the work will adversely affect the SMAC priority ranking.
5. Change the project scope and reject SMAC funding. The City could do the planned repairs to the channel bottom \$40,000, repairs to the culvert bottom \$77,000 and install the high water warning system \$135,000. The total cost is \$252,000.
6. Cancel the project. This would be difficult, as it has taken several years and many discussions with the neighborhood to agree on the project scope.

Bill Griffith asked for a history of the report and any visual assistance to help him understand what has happened.

Tom Trienens stated the estimated Preliminary Engineering Estimate submitted to the Johnson County Stormwater Management Advisory Committee (SMAC) in January 2002 contained four alternatives.

1. To rebuild the system to increase the capacity and replace the low water crossings at Fontana Drive and Delmar Street with box culverts. The cost estimate was \$1,416,300.

2. The same as Alternative 1 plus build a bypass from 83<sup>rd</sup> Street to Mission Valley School. The cost estimate was \$2,280,700.
3. The same as Alternative 2, but deleted the box culverts and would install a light warning system on Fontana Drive and Delmar Street. The cost estimate was \$1,552,300.
4. To do nothing.

The City Council selected Alternative 2, but to delete the box culverts on Fontana Drive and Delmar Street and to install a light warning system at the two low water crossings. The subsequent agreement with SMAC provides funding for the lowest cost alternative, which is \$1,416,300. The maximum SMAC funding is \$1,062,200.

The Larkin Group, Inc. has completed the design process and has provided an engineer's probable cost estimate of \$2,372,400. Based on the construction estimate the project cost is:

<u>Project Work Description</u>	<u>Total</u>	<u>SMAC</u>	<u>City</u>
Design	\$ 321,700	\$ 241,275	\$ 80,425
Construction	\$ 2,372,400	\$ 820,925	\$ 1,551,475
Construction Administration	\$ 190,000	\$ 0	\$ 190,000
Total	\$ 2,884,100	\$ 1,062,200	\$ 1,821,900
Budgeted City Funds			\$ 436,900
Total			\$ 1,385,000

Bill Griffith asked for the location of the current low water crossing. Mr. Trienens responded it is at Fontana and Delmar. Mr. Griffith remembered from previous meetings the issue was the diversion of water. Mr. Trienens responded water from 83<sup>rd</sup> & Delmar would be taken east through the proposed culvert under a parking lot and released where the present culvert ends at Mission Valley School.

Mr. Griffith questioned why the significant cost increase. Mr. Trienens responded SMAC funding was based on 2002 costs. Mr. Pryzby further explained when the project was submitted in 2002, SMAC accepted the lowest cost option which included the construction of four cul-de-sacs (two on each end street). The neighborhood residents strongly opposed that action and the cul-de-sacs were eliminated and an alternate option presented to SMAC. SMAC accepted the alternate, more expensive, alternative; however, its cost commitment did not increase. SMAC funds are based on the project initial engineering costs accepted.

Mr. Griffith summarized the increased costs resulted from an altered project with funding based on the original less expensive alternative for the project and increased construction costs. He asked where the City would find the \$1 million needed. Mr. Pryzby responded if the project were to be done today, an additional \$1.38 million would be needed. Mr. Griffith asked if construction would be done in 2007 or 2008. Mr. Pryzby responded the project is ready to go to bid; however, because of the significant projected cost increase, he decided to bring it to the



Council first. It is now late in the season for bidding and bids could come in higher; however, if bid now, construction could begin in the fall.

Wayne Vennard asked why the engineer's estimate was so much higher. Mr. Pryzby reminded the Council the original estimate presented to SMAC was for an entirely different project for which SMAC approved funding of \$1,062,200. Mr. Herrera and Mr. Griffith shared some of the history of this project. Al Herrera expressed his support for option #3 with warning lights only.

Mr. Pryzby stated option #3 is included in the 2008 CIP budget given to the City Administrator. Mr. Griffith asked what the impact of the project was on the budget. Mr. Pryzby stated his 2008 CIP budget is exceedingly high as it raises discussion on several projects that have been raised.

Laura Wassmer asked for a review of why the box culvert option is not acceptable. Mr. Pryzby responded the box culvert is the acceptable solution based on neighborhood meetings and Public Works. SMAC is not in opposition, but will not increase the grant funds.

Bob Pryzby explained option #5 has channel repairs and repair of the existing box culvert, not construction of a new box culvert.

Ms Wassmer asked about crossing gates. Mr. Pryzby responded the project does not call for gates, only for flashing warning lights that are set automatically by rising water.

Ms Wassmer asked if this was primarily a safety concern with the low water crossing or a flooding of property concern.

Mike Buckles, 8333 Fontana, stated the original request in 1983 was the response to a high water incident with an automobile. He has not had any flooding problems, but is more concerned with increased traffic speeding through their neighborhood with the removal of the low water crossing. In 1997 an ad hoc committee was formed to determine what caused the problem. It was determined the problem was the undersized box culvert on Somerset was not adequate to handle the flow of water resulting in two major flows of water. One from properties to the west coming down Fontana and one from the northwest that comes down between the houses. This water would be diverted to the new box culvert and dumped on the other side of Somerset between the apartments and school. This would eliminate about one-half of the water from storms at the 10 year level. Mr. Buckles questioned the significant increase in only five years.

Bill Cunningham, with The Larkin Group, distributed to the Council a cost summary showing the increased cost showing the following:

Original estimate of selected alternative	\$2,552,300.00
✓ Construction cost index 2002-2007 (28%)	434,644.00

✓ Channel repairs	40,000.00
✓ RCB bottom repairs	77,000.00
✓ Somerset Lane Closure	34,000.00
✓ Addition of upstream Channel replacement	97,000.00
✓ Concrete Inlay at 83 <sup>rd</sup> & Somerset	<u>22,000.00</u>
Subtotal	\$2,256,944.00

Current estimate of probably construction costs \$2,372,700.00

Mr. Cunningham noted the construction index changes of 28% have the most significant impact on costs. The upstream channel was added to solve reported problems upstream of 83<sup>rd</sup> Street that were not previously reported and might be considered. Therefore, the following values should be considered for the additional request:

Construction cost index changes	\$434,644.00
Upstream Channel	<u>97,000.00</u>
Subtotal	\$531,644.00

Possible SMAC participation @ 75% \$398,733.00

David Belz asked what the City received for the \$2.5 million between option #3 and #5. Tom Trienens stated the difference is the new box culvert. Bill Cunningham reviewed the current overflow of water from the existing culvert and the properties impacted. He also noted some of the improvements made by residents to address their particular problems.

Joy Bower, 8332 Delmar Lane, felt the primary concern is for the safety/liability of people driving through the low water crossing. She noted the sign that was posted by the residents has not impacted the amount of traffic, particularly youth in jeeps who see crossing the area a challenge and joyride. Mrs. Bower supports moving forward with option #3.

Dale Darnell, 8317 Fontana and resident for 36 years, had 11" of water in his basement in 1977. He noted because of the grading of his property he gets water on his property. Mr. Darnell does not feel you can stop people from driving through the low water crossing. He is ok with delaying the project one year to come up with the needed funds, but stated unless action is taken by the City, the problems will not be resolved. The proposed project will eliminate the problems being experienced. Mr. Darnell stated the neighborhood supports option #3 and noted this is also the recommendation of their Council representative Charles Clark.

Mary Russo, 8348 Somerset, addressed the Council on behalf of the residents in the patio homes along Somerset. She felt there were more than five homes in her neighborhood alone impacted with water in their basements. She noted she has standing water in her backyard from overflow, even without a large rain event.

Ruth Hopkins stated the Council has been studying this problem for several years and needs to move forward therefore she made the following motion:

**RECOMMEND THE CITY COUNCIL MOVE FORWARD WITH  
PROJECT 190709: 83<sup>RD</sup> STREET/DELMAR DRAINAGE  
IMPROVEMENTS FOLLOWING OPTION #3 WITH THE CITY  
FUNDING THE ADDITIONAL \$1,385,000 IN THE 2008 CAPITAL  
INFRASTRUCTURE PROGRAM**

The motion was seconded by Wayne Vennard.

Diana Ewy Sharp requested clarification if adoption of the motion would have the Council consider funding in the 2008 CIP budget or if it would require funding.

Mrs. Hopkins and Mr. Griffith replied funding would be included as a #1 priority. David Belz agreed with that interpretation.

Laura Wassmer asked if the City had done other projects costing more than \$2 million. Mr. Pryzby responded there have been other storm drainage projects done by the City exceeding \$2 million in cost.

Diana Ewy Sharp asked Barbara Vernon if other cities address situations such as this with a storm water tax. Mrs. Vernon replied that has been done in other cities.

Wayne Vennard asked Council to look at this expenditure as an investment in those properties and noted an increase in the value of those properties is a good investment for the City.

Bill Griffith stated the real problem appears to be passing water over Somerset and asked if it could be solved with one much bigger culvert under Somerset. Bill Cunningham responded there is a limited amount of space available, one of the patio homes would need to be removed to do this. Mr. Pryzby also noted it does not have the needed elevation. Mr. Griffith stated he is going to vote no on the motion, simply because he is more confused than ever. He needs a presentation with maps and pictures to help him totally understand the problem and proposed solution. He noted that half of the current Council was not involved in the 2002 submittal to SMAC.

David Voysey stated he conceptually supports the motion as long as the Council is strong enough to not back down during budget discussions and can make the difficult decisions needed to make this happen.

Laura Wassmer stated her challenge is trying to figure out what will need to be cut for this to happen. It's not that she doesn't feel it is important, but she would like to be able to evaluate it against other needs of the City.

Michael Kelly noted this expenditure alone is ten percent of last year's entire budget. It is a huge amount to spend for the benefit of a few houses covering a very small area of the City.

Charles Vasey, 8316 Delmar, stated there is both the risk of flooding and liability issues with the low water crossing.

Norm Williams, 8361 Somerset, said five years ago during a storm they had water come across Somerset right up to their front door. His concern is that the water be diverted on the Chateau condominium property.

Mike Buckles stated it is important for the Council to consider that the water topping 83<sup>rd</sup> Street when the existing culvert on 83<sup>rd</sup> fills up. You have the water topping Somerset, which is not only significant, but covers a broad area as was noted earlier by residents of the patio homes and does create a flooding issue.

David Belz confirmed option #3 would solve this.

Bill Griffith noted that alternative #1 was originally submitted to SMAC to increase the capacity of the culvert with a cost of \$1,416,000. He confirmed that this number is a 2002 cost, not a current cost.

David Voysey asked if construction would begin soon or wait for the fiscal year of 2008. Mr. Pryzby responded the approval of option 3 places the project in the 2008 budget and construction would not be done until 2008. Mr. Pryzby stated that he has included the additional funding in the 2008 Capital Infrastructure Program Budget request at \$1,500,000 and noted the increase is for inflation.

Mr. Voysey stated that knowing nothing will be done until 2008 would it be possible to table action on this until after consideration of the 2008 CIP during budget discussions in May, so that people would know the impact of this action on other projects. He wants this project completed, but he understands the concerns expressed by other council members of wanting to know what will not be done if this is done.

Bob Pryzby stated the only way the project would be done in 2007 would be to take the funding out of the city's reserve account as suggested by Mr. Vennard. Mr. Vennard restated there is \$7.5 million in the City's reserve.

David Voysey stated the Council could take action on this in a month and feel they considered the entire CIP budget with due diligence in making a decision, since it will not begin until 2008.

David Belz restated the motion on the floor to approve option #3 which places this project automatically in the 2008 capital program. The motion was voted on and defeated by a vote of 2 to 8.

It was determined no additional motion was needed as the project is included in the proposed 2008 capital budget and will be considered at that time.

Andrew Wang stated he agreed with Mr. Griffith and requested additional visual aids be presented at that time and a broader definition of the project as a whole to help the Council more completely understand the project and its impact. Mr. Griffith suggested including satellite digital photos of the area. Mr. Pryzby stated he would give a full presentation

Charles Vasey, 8316 Delmar, stated he did not feel it was appropriate for the Council to go back through the history of options and urged them to focus on option #3 which meets everyone's needs.

**COU2006-56 Consider Project 191019: 2007 Canterbury Sidewalk Improvements**

Tom Trienens reported on March 5th Construction Change Order #1 was approved by the City Council adding two sets of steps at the Municipal Office complex to the contract with Holiday Contracting. Mr. Trienens stated this project is almost complete and noted after working with Holiday Contracting, Inc. it was determined that another contractor would be better fit for this type of work. It is proposed that this work be added to Project 191017: 2007 Concrete Repair Program.

The proposed Construction Change Order #2 would return \$7,229.00 to the Project fund, decreasing the cost of this Project to \$90,440.00.

David Voysey asked if the cost under the 2007 Concrete Repair Program would be the same amount. Mr. Trienens responded it may be slightly more.

Bill Griffith asked why this was added to the Canterbury sidewalk contract. Tom Trienens replied since the contractor had done this type of work it was felt it would be better to add it to their existing contract than to go out to bid individually for this work. Mr. Griffith confirmed the contract is only for the replacement of the steps. Mr. Pryzby responded the patio work is being done by the public works staff.

David Voysey made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #2 FOR PROJECT 191019: 2007 CANTERBURY SIDEWALK IMPROVEMENTS WITH HOLIDAY CONTRACTING, INC. REDUCING THE CONTRACT TOTAL BY \$7,229.00 WITH THE NEW CONTRACT TOTAL BEING \$90,440.00**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

## COU2007-17 Consider Educational Reimbursement Policy

Doug Luther presented proposed revisions to the City's personnel policy related to educational reimbursement that was last updated in 1998. The proposed revisions are as follows:

- Section I - adds a minimum level of performance for an employee to utilize this benefit.
- Section IV.A - amount of benefit changed from \$5,000 per degree program to "the non-taxable limit for accountable plans as determined by the Internal Revenue Service". This is currently \$5,250.
- Section IV.E - clarifies that the City will only reimburse the expenses for one associate, one bachelor's degree and one master's degree.
- Section IV. J - clarifies the reimbursement that the employee is required should their employment be terminated due to unsatisfactory performance within one year of their last course completion date.
- Section IV. J - clarifies when an employee will not be required to reimburse the City for the educational expenses they received.

Wayne Vennard asked if the proposed policy was consistent with what is being done in other cities. Mr. Luther responded other cities and employers have similar policies; however, a study was not conducted reviewing other entities' policies.

Michael Kelly asked how many employees use the policy. Mr. Luther responded it is primarily used by the public safety department. Capt. John Walter stated they usually have two to five individuals taking classes.

Bill Griffith asked if the City ever had to enforce repayment of funds given an employee for classes who did not remain with the City the designated length of time. Mr. Luther stated the City has and the individual repaid the funds. He noted the City has the ability to withhold the funds from the employee's final check.

Andrew Wang asked if there are any criteria that require the classes taken to enhance the employee's skills for their current position or place them in a position for possible promotion. Mr. Luther responded a statement in the overall objective of the policy relates the educational work to their position and the Department Manager in reviewing the request looks at the appropriateness of the course work.

Wayne Vennard made the following motion, which was seconded by Andrew Wang and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE AMENDMENTS  
TO PERSONNEL POLICY PP1080 ENTITLED "EDUCATIONAL  
EXPENSES"**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

## Consider Council Retreat

Diana Ewy Sharp expressed her concern with the lack of cohesiveness among Council members and noted many decisions have been placed on hold for failure of the Council to come to agreement. There is not enough time in regular Council meetings for the Council to deal with goal setting. She noted it has been several years since the Council had a work session and noted with the upcoming adoption of the "Village Vision" it would be beneficial for the Council and Mayor to meet with a professional consultant and no staff present.

Wayne Vennard stated he supports having a Council retreat and feels it will be worth the expenditure of time and effort by Council members.

Laura Wassmer stated she has been involved in retreats in the business environment and found them successful when there was a common goal or objective. She doesn't feel this has happened in the past. These events are very beneficial but people must be willing to be honest in their discussion and a quality facilitator will want 100% buy-in from those participating if you expect to walk out with a clear vision and/or goal.

David Belz agreed with the importance of coming out with a goal. "Village Vision" is very broad, the Council needs to come together and determine what needs to be the number one priority. However, he does not feel it has to be a unanimous decision.

Al Herrera expressed frustration with the Council's inability to move things along and to make decisions. He acknowledges each Council member is acting to do what they feel is best for their constituents and what they feel is right; however, he feels there is too much micromanaging. He does not feel a retreat is needed to address that and does not support having a Council retreat.

Michael Kelly stated he would participate and feels such an event could provide the opportunity to see where people stand and why. He questioned going in with the idea of coming out with a unified goal.

Laura Wassmer said she feels one of the reasons the Council doesn't make progress is that there is not the opportunity to talk about the "big picture". She would like to have that opportunity, to find out what people are excited about and what they would like to see in the future.

Ruth Hopkins asked what it would take to get this underway. Mrs. Ewy Sharp responded she agreed with Ms Wassmer that it would take a professional facilitator, funding would be needed for food and a location and someone would need to coordinate it. She feels it needs the total commitment of the Council.

Mrs. Hopkins asked where the funding would come from. Mrs. Ewy Sharp felt that with the "Village Vision" being a major topic of discussion, funding could come from the funds set aside for its implementation.

Diana Ewy Sharp made the following motion, which was seconded by Wayne Vennard and passed unanimously:

**RECOMMEND THE CITY COUNCIL MOVE FORWARD WITH  
HAVING A COUNCIL RETREAT**

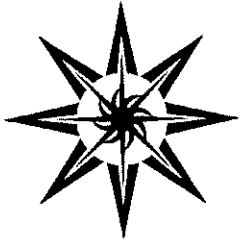
**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

#### **Adjournment**

Council President David Belz adjourned the meeting at 7:30 p.m.

David Belz  
Council President





## City Council Policy: PP1080 - EDUCATIONAL EXPENSES

Effective Date:

Amends: PP271 - EDUCATIONAL EXPENSES, September 8, 1998

Approved By: Governing Body,

### I. SCOPE

- A. This policy applies to all regular full-time **employees** who have successfully completed twelve continuous months of employment with the City and has an acceptable level of performance as determined by the Manager.

### II. PURPOSE

- A. To encourage **employees'** pursuit of educational opportunities that will benefit the City, enhance their current job performance, and improve opportunities for advancement in the City

### III. RESPONSIBILITY

### IV. DEFINITIONS

- A. "Manager" is defined as one of the following:
1. City Administrator;
  2. Assistant City Administrator;
  3. Chief of Police;
  4. Public Works Director;
  5. Or the designee of the positions listed.
- B. "Employee" is defined as anyone classified as such in *Personnel Policy #720 - Definitions of Employment Status*.

### V. POLICY

- A. The City will pay up to fifty percent of educational expenses up to the non-taxable limit for accountable plans as determined by the Internal Revenue Service including tuition, fees and books for any regular **employee** provided the education and/or training will directly benefit the **employee's** working skills and/or job performance and provided he/she is an **employee** of the City at date of completion of the course.
- B. The determination of eligibility shall be made prior to enrollment of each course by the **Manager** on an individual basis and will require approval by the Mayor.
- C. The **employee** must provide proof of having an earned grade point of at least 2.0 (C) on a 4.0 scale for undergraduate and graduate courses.
- D. For non-credit courses, the **employee** must be granted the minimum acceptable grade.
- E. **Employees** will be reimbursed for only the courses necessary to earn one Associate's, one Bachelor's and one Master's degree,
- F. The **employee** will be reimbursed, based upon actual **employee** cost for tuition, fees, books, supplies, and equipment necessary for the course.
- G. The following are not reimbursable:
1. Tools or supplies which the **employee** may keep after the course is completed;
  2. Education involving sports, games, hobbies unless job related; or
  3. Meals, lodging, or transportation.
- H. Any **employee** who receives federal educational benefits or other similar reimbursement may receive City reimbursement up to 50% of the cost to the **employee** for eligible expenses subject to the IRS non-taxable limit for accountable plans.
- I. **Employees** accepting this program will sign a promissory note in the amount for which they are actually reimbursed by the City indicating their intent to complete one year of employment for the City after reimbursement or repay the note.
- J. **Employees** who are terminated within the one year of employment following the reimbursement of expenses for unsatisfactory performance will be required to reimburse the expenses that were received.
- K. **Employees** will not be required to reimburse the City with the should any of the following events take place:
1. Termination of employment for any reason other than unsatisfactory performance;
  2. **Employee** has completed one year of employment following the reimbursement of expenses.
- L. In no case will payment be made for an **employee** who has made it known that he/she plans to resign.

**Planning Commission Actions**  
**Tuesday, May 1, 2007**

**PC2007-12 Request for Conditional Use Permit for Communication Utility Box at  
2605 West 73<sup>rd</sup> Street**

The Planning Commission approved a Conditional Use Permit for the installation of a VRAD utility box and the replacement SAI box in the right-of-way on the south side of 73<sup>rd</sup> Street between Belinder Avenue and Springfield Street subject to the following conditions:

1. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
2. The applicant change the Forsythia shrubs to Viburnum shrubs on the landscape plan.
3. The applicant install the landscaping as shown on the plan as revised immediately after installation of the utility boxes.
4. The Conditional Use be approved for an indefinite period of time.
5. Should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.
6. Both units shall be beige in color.

**PC2007-13 Request for Conditional Use Permit for Communication Utility Box at  
7135 Buena Vista**

The Planning Commission continued this application to their next meeting and directed the applicant to meet with the residents and staff to further explore and investigate location and landscaping for the proposed units.

**PC2007-14 Request for Conditional Use Permit for Communication Utility Box  
At 4014 Oxford Road**

The Planning Commission approved a Conditional Use Permit for the installation of the VRAD utility box in a utility easement and the replacement of the SAI box on the west side of Tomahawk Road between Oxford Road and Prairie Lane in a location agreeable with the property owner subject to the following conditions:

1. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
2. The applicant protect the large existing trees from damage during construction.
3. The applicant install the landscaping immediately after installation of the utility boxes.
4. The Conditional Use be approved for an indefinite period of time.
5. Should the utility boxes become obsolete and not functional they shall be removed from the site within six months.

**PC2007-15 Request for Conditional Use Permit for Communication Utility Box at  
7170 Windsor Drive**

The Planning Commission approved a Conditional Use Permit for the installation of the VRAD utility box and the approval of the existing the SAI box in the easement at Windsor Park subject to the following conditions:

1. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
2. The existing trees, shrubs and evergreens be protected during construction, and any plants that are damaged be replaced by the applicant.
3. The applicant install the landscaping immediately after installation of the utility boxes.
4. The applicant obtain approval from the Park and recreation Committee and the Tree Board prior to installation.
5. The Conditional Use be approved for an indefinite period of time.
6. Should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.

**PC2007-16 Request for a Conditional Use Permit for Communication Utility Box at 2700 West 73<sup>rd</sup> Street**

The Planning Commission approved a Conditional Use Permit for the installation of the existing SAI utility box in side yard utility easement at on the west side of Belinder, subject to the following conditions:

1. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
2. The applicant install the landscaping immediately after installation of the VRAD utility box.
3. The Conditional Use be approved for an indefinite period of time.
4. Should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.
5. The applicant protect the existing plants during construction and replace any that are damaged.

**PC2007-17 Request for a Conditional Use Permit for Communication Utility Box at 4140 West 71<sup>st</sup> Street**

The Planning Commission approved a Conditional Use Permit for the installation of the VRAD utility box and approval of the existing SAI box in the easement at 4140 W. 71<sup>st</sup> Street subject to the following conditions:

1. The conditional use be approved for the VRAD utility box and the existing SAI box at the location as shown on the plans.
2. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
3. The applicant review the landscape plan and add more ground level plants to screen the utility boxes and submit the plan to staff for review and approval.
4. The applicant install the landscaping immediately after installation of the utility boxes.
5. The Conditional Use be approved for an indefinite period of time.
6. Should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.
7. The existing Shade trees be protected during construction, and any plants that are damaged be replaced by the applicant.

**PC2007-101 Request for Approval of Monument Sign and Sign Standards  
for 7400 State Line Road**

The Planning Commission approved sign standards and a new monument sign for the office complex 7400 Place located at 7400 State Line Road with the changes recommended by staff and allowing signage for both Prudential Kansas City Realty and KU Eye.

**PC2007-11 - Adoption of a new Comprehensive Plan for the City of Prairie Village titled  
"Village Vision Strategic Investment Plan" and repealing the existing  
Prairie Village Comprehensive Plan, 1994**

The Planning Commission held a public hearing on the proposed Comprehensive Plan and unanimously adopted a resolution adopting the Village Vision Strategic Investment Plan, 2007 and all maps and exhibits identified therein as the Comprehensive Plan for the City of Prairie Village, Kansas.

**INSURANCE COMMITTEE**  
**2 May, 2007**  
**MINUTES**

The Insurance Committee met at 4:30 pm in the Executive Conference Room. Members present: Wayne Vennard and Charles Clark. Also present: Barbara Vernon, Doug Luther, and Shari Gilliam.

**Consider Workers Compensation Insurance**

Ms. Gilliam reported that, for the past several years, the City has been placed in the State Assigned Risk Pool for workers compensation insurance coverage. This is because there were no carriers in the private market who would provide coverage to the City. She added that placement in the Pool comes with a premium surcharge of approximately 20%.

Ms. Gilliam said that Travelers has submitted a proposal to provide workers compensation coverage to the City under the same terms as the current policy at a cost of \$95,082. This is a 28% decrease from the current premium of \$131,906.

Ms. Gilliam noted that the City's current coverage expires in October, but that the City can leave the Assigned Risk Pool at any time to obtain coverage outside of the pool. She added that the premium proposed by Travelers would begin immediately and run until May, 2008. This change in policy dates would bring the workers compensation policies into line with the renewals for the City's property and casualty insurance coverage.

Committee members confirmed that the new policy would continue to carry a \$10,000 deductible.

**Committee members unanimously approved a motion to recommend that the City Council approve the proposal to obtain workers compensation coverage from the Travelers beginning immediately through 1 May, 2008 at a cost of \$95,082.**

There being no further business, the meeting adjourned.

Wayne Vennard  
Chairman

***A WORKERS' COMPENSATION  
INSURANCE PROPOSAL  
PREPARED FOR:***

**City Of Prairie Village Kansas**

*7700 Mission Road  
Prairie Village, KS 66208*

***PRESENTED BY:***

*Robert P. Frankovic  
Cretcher-Lynch & Co.  
8511 Hillcrest Road, Suite 300  
Kansas City, MO 64138-2777  
816-444-9494*

*May 1, 2007 to May 1, 2008*

The abbreviated outlines of coverage used throughout this proposal are not intended to express any legal opinion as to the nature of coverage. They are only visuals to a basic understanding of coverage. Please read your policy for specific details of coverages.

**PLEASE NOTE!!!!** Cretcher-Lynch & Co. is not an expert in the financial analysis of insurance companies. Should the insurance company become unable to satisfy its obligation to pay claims, Cretcher-Lynch will not be held responsible for the insolvency of the carrier.

## ***Cretcher-Lynch & Company, Inc.***

***8511 Hillcrest Road  
Kansas City, MO 64138  
(816) 444-9494 Fax: (816) 444-5474  
Business Hours: Monday- Friday 8:30AM-5:00PM***

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### ***Your Service Team***

- ◆ ***Team Leader/Account Manager- Susie Young-*** 816-276-1649- [syoung@cretcher-lynch.com](mailto:syoung@cretcher-lynch.com)
  - ◆ Marketing of new business and renewal insurance coverage
  - ◆ Servicing of day to day insurance and risk management needs
  - ◆ Preparation of renewal binders, auto ID cards, and invoices
  - ◆ Review contracts and bid specifications for insurance requirements
  - ◆ Oversees certificate issuance, endorsement requests and policy processing by service team
  
- ◆ ***Account Manager- Shari Gilliam-*** 816-276-1647- [sgilliam@cretcher-lynch.com](mailto:sgilliam@cretcher-lynch.com)
  - ◆ Marketing of new business and renewal insurance
  - ◆ Servicing of day to day insurance needs
  - ◆ Preparation of binders, auto ID cards, invoices
  - ◆ Reviews contract and bid specifications for insurance requirement
  - ◆ Back-up for Susie Young on her accounts
  
- ◆ ***Quality Control Technician- June Maddox-*** 816-276-1653
  - ◆ Reviews policies for accuracy, correct coverages and exposures
  - ◆ Checks issued endorsements as received from the company for correctness
  - ◆ Review of audits, comparing final exposures and classifications to estimated
  - ◆ Prepares invoices
  
- ◆ ***Technical Assistant- Jodi Gehrs-*** 816-444-9494 Fax **816-444-5474** [jgehrs@cretcher-lynch.com](mailto:jgehrs@cretcher-lynch.com)
  - ◆ Issues policy change request to insurance company
  
- ◆ ***Certificates- Fax Number: 816-361-4505***  
Email: [certificates@cretcher-lynch.com](mailto:certificates@cretcher-lynch.com)
  - ◆ Issues certificates of insurance to third party per request from insured
  - ◆ Prepares list of certificate holders 30 days prior to expiration for client review and revision

Accounting Manager	Diana Jackson	816-276-1631
Personal Lines ( <i>Auto, Homeowners</i> )	Adam Gildemeister	816-276-1613
Surety Bonds	Erle Benton	816-276-1686
Claims	Steve Edwards	816-276-1690

**Workers' Compensation Proposal**

◆ **Workers' Compensation (Coverage A) - Statutory**

◆ **Employer's Liability (Coverage B)**

<b>Limits of Liability:</b>	\$500,000	Bodily injury by accident - each accident
	\$500,000	Bodily injury by disease - policy limit
	\$500,000	Bodily injury by disease - each employee

- Indicates Coverage Included:
- Other States Coverage
  - Voluntary Compensation Endorsement
  - United States Longshoremens' and Harbor Workers' Act (USL&H)
  - Jones act (Maritime Employment)
  - Waiver of Subrogation
  - Other
  - Deductible \$10,000

- ◆ **Experience Modification** .93 Effective 10/12/07
- Preliminary\*       Contingent\*\*       Tentative\*\*\*       Final

\* Preliminary – Subject to change upon receipt of pending rate changes.  
\*\* Contingent – Subject to change upon receipt of missing data  
\*\*\* Tentative – Subject to change upon receipt of rate change/additional data



*City Of Prairie Village Kansas*

***Workers' Compensation Schedule***

Classification	Code	State	Payroll	Rate	Premium
Street & Road	5506	KS	\$589,675	8.10	\$ 47,764.00
Police Officers	7720	KS	\$2,134,334	3.19	\$ 68,085.00
Auto Service & Driv	8380	KS	\$104,117	3.82	\$ 3,977.00
Clerical Office	8810	KS	\$1,260,777	.38	\$ 4,791.00
Attorney	8820	KS	\$ 19,170	.36	\$ 69.00
Hospital Veterinary	8831	KS	\$ 29,482	2.17	\$ 640.00
Park NOC & Drivers	9102	KS	\$ 10,934	3.32	\$ 363.00
Municipal Employees	9410	KS	\$ 98,961	5.82	\$ 5,760.00

Total Standard Premium	\$131,449.00
Increased Limit	\$2,235.00
Experience Modification (.93)	-\$7,352.00
Premium Discount (.0460 %)	-\$4,493.00
Expense Constant	\$ 200.00
Terrorism (	\$ 1,699.00
Deductible Credit	-\$28,656.00

**Total Estimated Annual Premium\* \$ 95,082.00**

*Please note that the rates shown here are subject to change, based on filed, but yet unpublished, rate changes in Missouri and Kansas.*

# City Of Prairie Village Kansas

## A. M. Best Rating

Shown below are the insurance companies we are quoting for placement of your insurance coverage and their Best Rating as published in the Best's Key Rating Guide:

<u>Coverage</u>	<u>Insurance Company</u>	<u>Rating</u>
Workers Compensation	Traveler Indemnity Company	A+: XV

The assignment of a Best's rating involves a comprehensive quantitative and qualitative analysis of a company's **balance sheet strength, operating performance and business profile.**

A++ and A+ (Superior)	B++ and B+ (Very Good)	C++ and C+ (Marginal)
A and A- (Excellent)	B and B- (Fair)	C and C- (Weak).

The Roman Numerals following the letter reflect the Company's financial stability ranging from Class I (the smallest) to Class XV (the largest) as designated below. The number measures size based on capital, surplus, and conditional reserve funds.

Class I	0	to	\$1,000,000
Class II	\$1,000,000	to	\$2,000,000
Class III	\$2,000,000	to	\$5,000,000
Class IV	\$5,000,000	to	\$10,000,000
Class V	\$10,000,000	to	\$25,000,000
Class VI	\$25,000,000	to	\$50,000,000
Class VII	\$50,000,000	to	\$100,000,000
Class VIII	\$100,000,000	to	\$250,000,000
Class IX	\$250,000,000	to	\$500,000,000
Class X	\$500,000,000	to	\$750,000,000
Class XI	\$750,000,000	to	\$1,000,000,000
Class XII	\$1,000,000,000	to	\$1,250,000,000
Class XIII	\$1,250,000,000	to	\$1,500,000,000
Class XIV	\$1,500,000,000	to	\$2,000,000,000
Class XV	\$2,000,000,000	to	or more

**PLEASE NOTE!!!!** Cretcher-Lynch & Co. is not an expert in the financial analysis of insurance companies. Should the insurance company become unable to satisfy its obligation to pay claims, Cretcher-Lynch will not be held responsible for the insolvency of the carrier.

### Compensation Disclosure

Insurance companies pay independent agents, like Cretcher-Lynch & Co., for the agent's services in placing and selling their insurance products. These payments include commissions based on a percentage of the premium paid by the customer and may include payments based on the volume of insurance placed with a particular insurance company. Additionally, insurance companies will from time to time provide for technology enhancements, expense reimbursements, and other payments to encourage agents to become more efficient and to adopt procedures and technologies which allow the agent to work more efficiently with the insurance company. Insurance companies also from time to time will have sales incentives to encourage the sale of their insurance products.

*City Of Prairie Village Kansas*

Robert P. Frankovic and I have reviewed the coverage and limits offered in this proposal and I ask Cretcher-Lynch & Co. to bind coverage on my behalf, based on this information.

Client Signature  
Date

Producer Signature  
Date

Robert P. Frankovic and I have reviewed the coverage and limits offered in this proposal and I ask Cretcher-Lynch & Co. to bind coverage on my behalf, based on this information, with the following changes and/or declinations:

Client Signature  
Date

Producer Signature  
Date

Robert P. Frankovic and I have reviewed the coverage and limits offered in this proposal.

I respectfully decline all coverage.

Client Signature  
Date

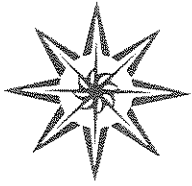
Producer Signature  
Date

## **OLD BUSINESS**

### **Consider Inter-Local Agreement Between the City of Prairie Village and the City of Leawood for Use of Property for Public Art Purposes**

On April 2nd this City Council rejected an interlocal agreement with the City of Leawood to lease property at Somerset and Lee Boulevard for public art purposes. Since that time Mayors of these two cities, working together in the interest of both communities, have developed a proposal they believe will be acceptable.

The attached letter was drafted to resolve the issue which concerned most of the Prairie Village Council members who voted against the Inter-local agreement submitted by the City of Leawood. An amended agreement would clearly establish the cost to be reimbursed to the City of Leawood if the statue had to be removed and it would provide a method for acknowledging depreciation of the art work.



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

**DRAFT**

Honorable Peggy Dunn  
City of Leawood  
4800 Town Center Drive  
Leawood, Kansas 66211-2038

Dear Mayor Dunn,

On April 2, 2007 the Prairie Village City Council, in a close vote, rejected the Interlocal Agreement submitted by the City of Leawood for the use of Prairie Village property for Leawood public art purposes. One of the concerns expressed by those voting against the agreement was the vague language requiring Prairie Village to “reimburse Leawood for all costs expended prior to the early termination date” if Prairie Village needs to terminate the agreement before the year 2106.

In the spirit of community cooperation and the furthering of arts appreciation in both of our cities, I propose a compromise I feel would be acceptable to the Prairie Village City Council and hope would be considered favorably by the Leawood City Council.

The agreement would be amended to establish the amount of “all costs” for the artwork and its installation. Section 3 “Termination of Agreement” would be changed to require Prairie Village, if the City terminates the agreement prior to 2106, to reimburse the City of Leawood according to the following schedule:

- ❖ If terminated after the first 25 years of the agreement, 75% of the cost established in the agreement.
- ❖ If terminated after the 50th year, 50% of the agreement cost
- ❖ If terminated after the 75th, 25% of the agreement cost.

Our council has reviewed and accepted the amended terms, we hope the Leawood City Council will agree with these minor amendments to the agreement.

Please let me know if we can be of further assistance as we work together to achieve our mutual goals.

Sincerely,

Ronald L. Shaffer  
Mayor

## MAYOR'S ANNOUNCEMENTS

Monday, May 7, 2007

Committee meetings scheduled for the next two weeks include:

Park and Recreation Committee	05/09/2007	7:00 p.m.
Sister City	05/14/2007	7:00 p.m.
Prairie Village Arts Council	05/16/2007	7:00 p.m.
Municipal Foundation	05/17/2007	5:45 p.m.
Council Committee of the Whole	05/21/2007	6:00 p.m.
City Council	05/21/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature an oils exhibit by David Payne in the R.G. Endres Gallery during the month of May. The opening reception will be May 11<sup>th</sup> from 6:30 to 7:30 p.m.

Recreation memberships are now on sale at the City Clerk's Office.

**Prairie Village Gift Cards** are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

The 50<sup>th</sup> Anniversary books, Prairie Village Our Story, are being sold to the public.

**INFORMATIONAL ITEMS**  
**May 7, 2007**

1. City Administrator's Report - May 3, 2007
2. Tree Board Minutes - April 4, 2007
3. Sister City Committee Minutes - April 9, 2007
4. Park and Recreation Committee Minutes - April 11, 2007
5. Prairie Village Arts Council Minutes - April 18, 2007
6. Sculpture Garden Sub-Committee Minutes - April 24, 2007
7. Tree Board Minutes - May 2, 2007
8. Planning and Zoning Commissioners 2007 Workshop Series Brochure
9. Mark Your Calendars
10. Committee Agenda

**CITY ADMINISTRATOR'S REPORT**  
**May 3, 2007**

**Tomahawk Bridge Project:**

Mayor Shaffer asked me to give you the background on the Tomahawk Bridge project. The important thing to remember when thinking about how the project is being managed is that the City of Mission Hills is managing the project and they are a City of the third class.

The City classification system in the State of Kansas is based on population. Cities of the third class can be incorporated when they reach a population of 300 residents. When a city reaches a population of 2,000, it may become a second class city. Any city with a population of 15,000 or more may elect to become a city of the first class. A major difference between first class cities and the other two classifications is the statutory requirements which are related to bidding projects, contracting, and financial auditing. Requirements for bidding and auditing are more flexible for second and third class cities than they are for cities of the first class. Prairie Village is a city of the first class.

Because Mission Hills is a City of the third class, they do not have to bid major construction contracts. They are allowed to negotiate with contractors, the City of Prairie Village must bid major construction projects.

Discussions with Mission Hills began at the staff level in 2005 when Bob Pryzby informed the City Administrator of Mission Hills the Tomahawk bridge had failed a bridge inspection. Mission Hills had a CARS street project planned on Tomahawk for 2007 which they thought could be expanded to include reconstruction of the bridge. The two city representatives agreed combining the projects would benefit both communities by causing less disruption of traffic, the neighborhoods and the shopping center.

At a Prairie Village Committee meeting on August 1, 2005, Bob Pryzby informed the Council the Tomahawk bridge rating indicated replacement was needed. He said Mission Hills had contracted with Black and Veatch for design of a single cell bridge and wanted to combine it with their Tomahawk CARS application. The cost at that point was estimated to be \$735,000 for construction and \$165,000 for design and contract administration. Council authorized Bob to continue discussions with Mission Hills .

Mission Hills staff agreed to coordinate the bridge project and submit the Tomahawk street/bridge plan to CARS for approval. Black and Veatch Engineering Company was asked to prepare preliminary design for the bridge



project, keeping those costs separate from the Mission Hills street engineering costs. The Prairie Village Council approved an Interlocal agreement with Mission Hills to partner in replacement of the bridge.

On November 21, 2005 the Prairie Village City Council approved an amendment to the original interlocal agreement with Mission Hills to fund the design cost of \$65,500 which had been omitted from the original agreement.

Black and Veatch submitted preliminary plan design to staff of the two cities,. Their preliminary cost estimate for the entire project at that point was \$1.1 million, \$474,000 of that amount was the cost of the bridge. The preliminary engineering plan included a single cell bridge. Bob Pryzby asked that the design be changed to a single span bridge in order to meet Prairie Village requirements for storm drainage projects to provide for 100 year floods. According to the engineers at that meeting, the change would not require a change in their cost estimate. The County agreed to include reconstruction of the bridge in the Mission Hills street project at the cost estimated by the Black and Veatch engineers.

On September 18, 2006 the Prairie Village Council approved an Interlocal agreement with Johnson County and Mission Hills for reconstruction of Tomahawk bridge. Total cost approved in the agreement was \$1,064,000 with the County paying \$532,000 and each of the cities paying \$266,000. At that time the Prairie Village CIP budget for the project had a balance of \$202,500, the adjustment for the shortfall of \$63,500 was to be made after January 1, 2007. A transfer of \$63,500 from the street program was approved by Council February 15, 2007. A transfer of \$55,000 from the street project account was approved by Council on March 5, 2007 for engineering design of the project.

Because Mission Hills is a third class city, they are not required to bid major construction projects. When the engineering specifications were complete, Mission Hills asked Belger Construction, the firm they are using for the street work, to develop a cost for construction of the bridge only. The cost was significantly higher than the engineer's estimate partially because the engineer was requiring KDOT standards in the specification even though this type of bridge is not required to meet those standards. Mission Hills considered having the engineering specifications revised; however, because of the additional cost and time required, they decided to re-bid the project.

A Request for Bids document was prepared by Mission Hills staff and submitted to several contractors capable of performing the bridge work. Most of those contractors declined to submit a bid because they do not like working in Brush Creek. Muelhberger agreed to bid the project but in the final analysis his bid was \$200,000 higher than the Belger bid.

Mission Hills decided to continue negotiating with Belger. They asked Black and Veatch to review details of the contractor's bid for reasonableness. The

engineers concluded the bid was correct and the estimate their firm had provided earlier did not fully allow for increased costs for concrete or for the single span design of the bridge.

The contractor had included insurance coverage in his cost. The flood insurance portion of his insurance carries a \$50,000 deductible per incident. He had included cost of the insurance coverage plus \$150,000 in the original contract. He felt it was necessary to increase the contract cost to pay the deductible in case there were three floods. If more than three floods occurred, he would be responsible for the loss of the deductible – if no floods occurred, he would earn an additional \$150,000 from the contract. The amount of \$150,000 was added into mobilization costs which are paid at the beginning of the project. Mission Hills staff negotiated with him to leave the \$150,000 deductible amount out of the mobilization cost and out of the contract entirely, with the understanding the cities would pay the deductible amounts on his insurance, if necessary, up to the \$150,000 limit. The effect is the cities will not pay more for the project than the original bid and could end up paying less if there are no floods or if flood damage does not require portions of the bridge to be re-built.

Staff members of the two cities interviewed engineering firms to conduct construction supervision on the project. They selected George Butler & Associates for that work. This engineering firm said they will use their professional judgment when reviewing the construction as the work progresses. They may be able to offer alternatives to some of the more difficult KDOT requirements which could reduce concern about costly flooding incidents and thereby reduce the cost of the project.

On April 2, 2007, the Prairie Village Council approved an Interlocal agreement with Mission Hills for bridge replacement. On this date the total cost was \$1,402,000, the Prairie Village share was \$435,000 (previously \$266,000) because of the unanticipated cost for replacement of the sanitary sewer and the potential liability for payment of the insurance deductible. Pryzby reported there was no funding in the 2007 budget for these increases. The Council approved a transfer of \$200,000 from the street program and \$235,000 from the Contingency Fund to finance these costs.

## **Finance:**

Financial reports for the first quarter of 2007 are attached. Highlights and explanations of the statements follow:

### **Balance Sheet**

The Finance Director tries to keep as much of the City's cash invested as possible. A deficit in the General Operating account reflects checks that have been written but not distributed. The City's cash is invested in Certificates of Deposit or in the State's Investment Pool until needed.

"Receivables" are amounts that will be received during the year from a variety of sources.

Deferred Revenue offsets Accounts Receivable until received – an accounting requirement

In the last section of this statement notice the year-to-date revenue exceeds year-to-date expenditures by \$1.3 million. Property tax received early in the year accounts for the large revenue number.

Unreserved Fund Balance this early in the year totals over \$10 million. This will be reduced as the year progresses and expenditures begin to exceed revenue.

### **Revenue Summary .**

Report of total revenue received during the first quarter compared to the amount received last year at the same time and to the amount anticipated in the budget.

Sales tax revenue reflects only one month of receipts. Because amounts received in January and February are for sales in November and December of 2006, those amounts are reflected in the 2006 financial statements. The amount received in March, 2007 is almost \$40,000 less than during the same period last year, it reflects January, 2007 sales. According to Highwoods officials, this has been the worst retail quarter they have experienced in several years because the weather has been bad primarily on the weekends. They expect sales to increase to normal levels during the next quarter.

Interest revenue increased \$55,000 which helps offset the loss in sales tax revenue.

Overall, revenue for the first quarter in 2007 is slightly higher than in 2006.

### Expenditure Summary

This report lists total expenditures by Fund, Department and Category compared to Annual Budget for the year.

### Statement of Cash Investments

Reports cash investments and rate of interest being earned on each investment of temporarily idle funds.

### Local Sales Tax Receipts

This statement and chart illustrate the source of local sales tax received in Prairie Village during the months of January through March. Unlike the amount recorded in the Revenue Summary Statement which reflects only March receipts, this statement reflects the actual dollars actually received – some of which were recorded in the 2006 Revenue Summary Statement. Notice that during this quarter restaurant sales decreased (\$5,100), grocery sales increased (\$7,550). Also notice retail sales figures on this statement (November, December 2006 and January 2007) are not as low as they are on the Revenue Summary Statement.

### Program Expenditure Summary Report

This statement divides expenditures into department and program categories. Expenditures year-to-date (March 31) are compared to the amount budgeted for each program and department. The interfund transfer included in total expenditures on the Expenditure Summary report is not included in this statement as an expenditure.

CITY OF PRAIRIE VILLAGE  
BALANCE SHEET  
MARCH 31, 2007

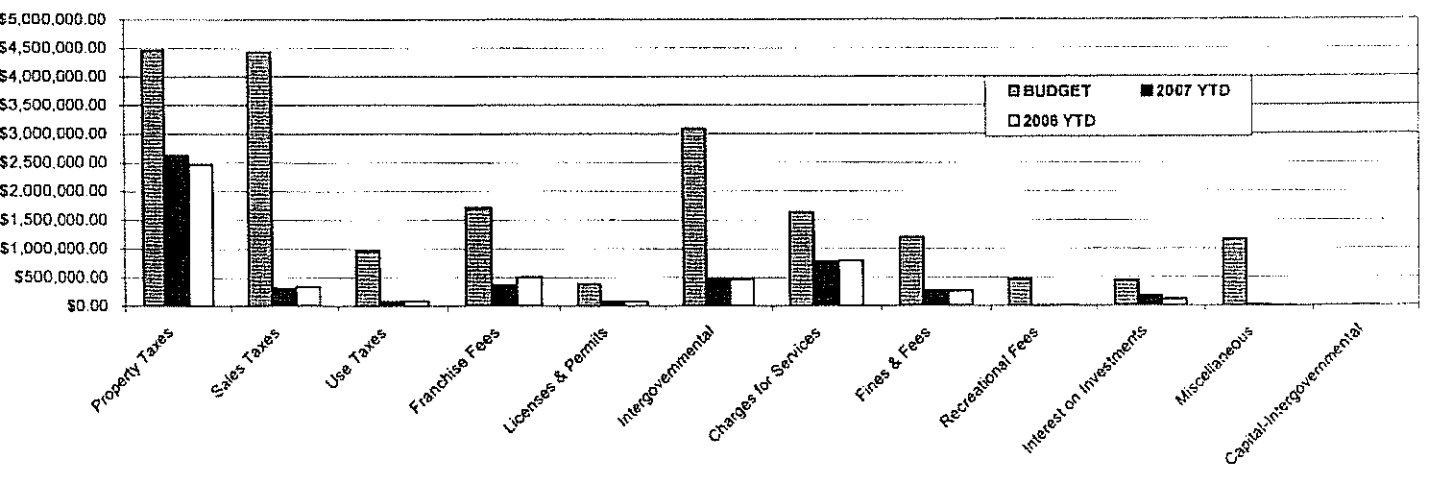
	General	Solid Waste Management	Special Highway	Special Parks & Recreation	Special Alcohol	Bond & Interest	Capital Projects	Total
<b>ASSETS</b>								
<i>Pooled Cash &amp; Investments</i>								
Cash								
General Operating	\$108,295.01	\$0.00		\$0.00	\$0.00		(\$206,100.03)	(\$97,805.02)
Payroll	\$583.91							\$583.91
Gift Card Clearing	\$4,953.06							\$4,953.06
Petty Cash	\$1,150.00							\$1,150.00
Money Market	\$0.00							\$0.00
Treasury Notes	\$0.00							\$0.00
Certificates of Deposit	\$10,030,089.26						\$2,969,910.74	\$13,000,000.00
Municipal Investment Pool	\$272,868.31	\$655,375.67	\$17,628.55	\$40,060.64	\$16,131.86	\$293,295.38	\$0.00	\$1,295,360.41
Total Pooled Cash & Investments	\$10,417,939.55	\$655,375.67	\$17,628.55	\$40,060.64	\$16,131.86	\$293,295.38	\$2,763,810.71	\$14,204,242.36
<i>Accounts Receivable</i>								
Property Taxes	\$1,674,934.75	\$1,216,729.88				\$193,859.98		\$3,085,524.61
Interest on Investments	\$286,116.91							\$286,116.91
Other Receivables	\$227,720.30							\$227,720.30
Due from Other Governments	\$1,596.71		\$0.00				\$819,512.49	\$821,109.20
Due from Other Funds							\$0.00	\$0.00
Total Accounts Receivable	\$2,190,368.67	\$1,216,729.88	\$0.00	\$0.00	\$0.00	\$193,859.98	\$819,512.49	\$4,420,471.02
<i>Prepaid Expenditures</i>								
	\$18,453.45				(\$562.94)			\$17,890.51
<i>Restricted Assets</i>								
	\$68,688.32							\$68,688.32
<b>TOTAL ASSETS</b>	<b>\$12,695,449.99</b>	<b>\$1,872,105.55</b>	<b>\$17,628.55</b>	<b>\$40,060.64</b>	<b>\$15,568.92</b>	<b>\$487,155.36</b>	<b>\$3,583,323.20</b>	<b>\$18,711,292.21</b>
<b>LIABILITIES</b>								
Accounts Payable & Other Liabilities	\$275,370.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$275,370.92
Compensated Absences	\$5,396.97	\$0.00			\$0.00			\$5,396.97
Payable from Restricted Assets	\$68,688.33							\$68,688.33
Deferred Revenue	\$1,855,154.96	\$1,215,211.88				\$193,982.98	\$818,161.54	\$4,082,511.36
<b>TOTAL LIABILITIES</b>	<b>\$2,204,611.18</b>	<b>\$1,215,211.88</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$193,982.98</b>	<b>\$818,161.54</b>	<b>\$4,431,967.58</b>
<b>FUND BALANCE</b>								
<i>Reserved Fund Balance</i>								
Reserve for Current Year Encumbrances	\$66,702.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$791,809.25	\$858,511.25
Reserve for Prior Year Encumbrances	\$77,541.58						\$684,494.47	\$762,036.05
Reserve for Johnson County School Sales Tax	\$1,574,546.95							\$1,574,546.95
Reserve for Incomplete Capital Projects							\$0.00	\$0.00
Total Reserved Fund Balance	\$1,718,790.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,476,303.72	\$3,195,094.25
<i>Unreserved Fund Balance</i>								
1/1/07 Unreserved Fund Balance	\$ 7,422,945.09	\$144,861.01	\$17,570.59	\$40,060.64	\$30,568.10	\$48,310.31	\$1,978,556.06	\$9,682,871.80
Prior Period Adjustment	\$0.00							
Prior Year Encumbrances Written Off	\$ 255.35						\$ 74,301.77	\$74,557.12
YTD Revenues	\$4,128,753.21	\$721,995.86	\$57.96	\$18,201.54	\$18,201.54	\$294,793.32	\$31,553.57	\$5,213,557.00
YTD Expenditures/Encumbrances	(\$2,743,926.09)	(\$209,963.20)	\$0.00	(\$18,201.54)	(\$33,200.72)	(\$49,931.25)	(\$795,553.46)	(\$3,850,776.26)
Amount Reserved - Current Year	(\$35,979.29)							(\$35,979.29)
Total Unreserved Fund Balance	\$ 8,772,048.27	\$656,893.67	\$17,628.55	\$40,060.64	\$15,568.92	\$293,172.38	\$1,288,857.94	\$11,084,230.37
<b>TOTAL FUND BALANCE</b>	<b>\$10,490,838.80</b>	<b>\$656,893.67</b>	<b>\$17,628.55</b>	<b>\$40,060.64</b>	<b>\$15,568.92</b>	<b>\$293,172.38</b>	<b>\$2,765,161.66</b>	<b>\$14,279,324.62</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b>\$12,695,449.99</b>	<b>\$1,872,105.55</b>	<b>\$17,628.55</b>	<b>\$40,060.64</b>	<b>\$15,568.92</b>	<b>\$487,155.36</b>	<b>\$3,583,323.20</b>	<b>\$18,711,292.20</b>

**CITY OF PRAIRIE VILLAGE  
REVENUE SUMMARY  
AS OF MARCH 31, 2007**

CATEGORY	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	BUDGET BALANCE	% COLLECTED	3/31/2006 YTD
Property Taxes	\$4,459,764.00	\$4,459,764.00	\$75,917.10	\$2,617,543.00	\$1,842,221.00	58.69%	\$2,464,200.53
Sales Taxes	\$4,425,000.00	\$4,425,000.00	\$303,508.66	\$303,508.66	\$4,121,491.34	6.86%	\$340,776.44
Use Taxes	\$960,000.00	\$960,000.00	\$79,250.47	\$79,250.47	\$880,749.53	8.26%	\$89,653.36
Franchise Fees	\$1,712,000.00	\$1,712,000.00	\$373,825.12	\$373,825.12	\$1,338,174.88	21.84%	\$512,059.19
Licenses & Permits	\$390,000.00	\$390,000.00	\$23,905.00	\$81,523.35	\$308,476.65	20.90%	\$81,228.50
Intergovernmental	\$3,087,828.00	\$3,087,828.00	\$179,946.45	\$479,584.10	\$2,608,243.90	15.53%	\$469,563.87
Charges for Services	\$1,637,000.00	\$1,637,000.00	\$44,323.71	\$779,329.55	\$857,670.45	47.61%	\$794,426.48
Fines & Fees	\$1,199,900.00	\$1,199,900.00	\$96,616.50	\$275,914.00	\$923,986.00	22.99%	\$266,558.25
Recreational Fees	\$464,000.00	\$464,000.00	\$1,000.00	\$5,749.00	\$458,251.00	1.24%	\$4,973.00
Interest on Investments	\$450,000.00	\$450,000.00	\$62,651.68	\$171,847.37	\$278,152.63	38.19%	\$116,082.07
Miscellaneous	\$1,160,000.00	\$1,160,000.00	\$1,954.93	\$13,928.81	\$1,146,071.19	1.20%	\$7,473.81
Operating Revenues	\$19,945,492.00	\$19,945,492.00	\$1,242,899.62	\$5,182,003.43	\$14,763,488.57	25.98%	\$5,146,995.50
Capital-Intergovernmental	\$0.00	\$0.00	\$0.00	\$13,352.03	(\$13,352.03)	N/A	\$0.00
Grant Transfers	\$5,619,500.00	\$5,619,500.00	\$18,201.54	\$18,201.54	\$5,601,298.46	0.32%	\$18,105.48
Total Revenues	\$25,564,992.00	\$25,564,992.00	\$1,261,101.16	\$5,213,557.00	\$20,351,435.00	20.39%	\$5,165,100.98

FUND	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	BUDGET BALANCE	% COLLECTED	3/31/2006 YTD
General Fund	\$18,958,277.00	\$17,347,061.00	\$1,168,603.94	\$4,128,753.21	\$13,218,307.79	23.80%	\$4,101,850.76
Public Works	\$1,220,000.00	\$1,258,000.00	\$25,319.33	\$721,995.86	\$536,004.14	57.39%	\$710,879.71
Public Highway	\$605,000.00	\$644,000.00	\$57.96	\$57.96	\$643,942.04	0.01%	\$0.00
Public Parks & Recreation	\$72,000.00	\$80,000.00	\$18,201.54	\$18,201.54	\$61,798.46	22.75%	\$18,105.48
Public Alcohol	\$72,000.00	\$80,000.00	\$18,201.54	\$18,201.54	\$61,798.46	22.75%	\$18,105.48
Interest	\$542,815.00	\$536,431.00	\$12,515.31	\$294,793.32	\$241,637.68	54.95%	\$298,054.07
Capital Projects	\$4,094,900.00	\$5,619,500.00	\$18,201.54	\$31,553.57	\$5,587,946.43	0.56%	\$18,105.48
Total Revenues	\$25,564,992.00	\$25,564,992.00	\$1,261,101.16	\$5,213,557.00	\$20,351,435.00	20.39%	\$5,165,100.98

**2007 YTD Revenues By Type (Budget vs. Actual)**



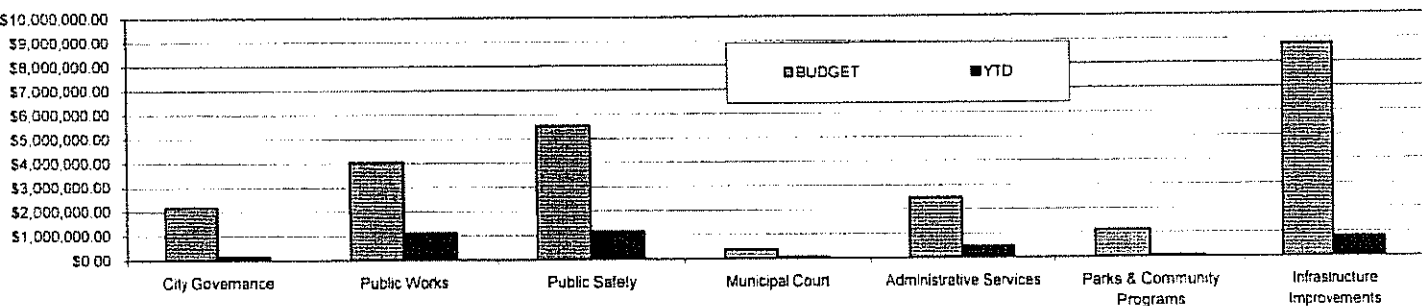
**CITY OF PRAIRIE VILLAGE  
EXPENDITURE SUMMARY  
AS OF MARCH 31, 2007**

FUND	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	3/31/2007 % UTILIZED
General Fund	\$19,332,538.00	\$19,332,223.56	\$1,473,738.79	\$2,677,224.09	\$66,702.00	\$2,743,925.09	\$16,588,297.47	14.19%
Waste Management	\$1,260,489.00	\$1,260,489.00	\$104,855.05	\$209,963.20	\$0.00	\$209,963.20	\$1,050,525.80	16.66%
Special Highway	\$644,000.00	\$644,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$644,000.00	0.00%
Special Parks & Recreation	\$100,000.00	\$100,000.00	\$18,201.54	\$18,201.54	\$0.00	\$18,201.54	\$81,798.46	18.20%
Special Alcohol	\$99,611.00	\$99,925.44	\$8,323.29	\$33,200.72	\$0.00	\$33,200.72	\$66,724.72	33.23%
Interest	\$554,862.00	\$554,862.00	\$0.00	\$49,931.25	\$0.00	\$49,931.25	\$504,930.75	9.00%
Capital Projects	\$5,619,500.00	\$8,768,916.66	(\$13,269.60)	\$3,744.21	\$791,809.25	\$795,553.46	\$7,973,363.20	9.07%
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$30,760,416.66</b>	<b>\$1,591,849.07</b>	<b>\$2,992,265.01</b>	<b>\$858,511.25</b>	<b>\$3,850,776.26</b>	<b>\$26,909,640.40</b>	<b>12.52%</b>

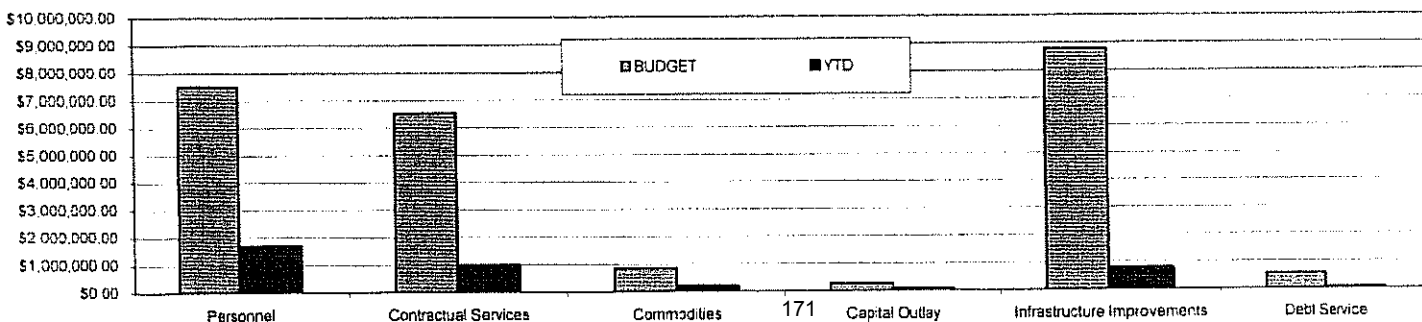
Department	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	3/31/2007 % UTILIZED
Governance	\$2,167,253.00	\$2,167,253.00	\$73,804.33	\$134,698.27	\$11,000.00	\$145,698.27	\$2,021,554.73	6.72%
Public Works	\$4,039,994.00	\$4,039,994.00	\$700,063.76	\$1,062,719.94	\$49,417.00	\$1,112,136.94	\$2,927,857.06	27.53%
Public Safety	\$5,493,058.00	\$5,506,799.25	\$507,146.49	\$1,138,955.48	\$5,900.00	\$1,144,855.48	\$4,361,943.77	20.79%
Municipal Court	\$395,871.00	\$398,141.61	\$43,773.07	\$83,395.78	\$0.00	\$83,395.78	\$314,745.83	20.95%
Administrative Services	\$2,469,639.00	\$2,470,378.74	\$244,444.15	\$469,557.11	\$0.00	\$469,557.11	\$2,000,821.63	19.01%
Parks & Community Program	\$1,105,981.00	\$1,116,480.95	\$17,685.33	\$80,992.68	\$10,194.75	\$91,197.43	\$1,025,293.52	8.17%
Infrastructure Improvements	\$5,619,500.00	\$8,768,916.66	(\$13,269.60)	\$3,744.21	\$781,999.50	\$785,743.71	\$7,983,172.95	8.96%
<b>Sub-total</b>	<b>\$21,291,296.00</b>	<b>\$24,467,964.21</b>	<b>\$1,573,647.53</b>	<b>\$2,974,063.47</b>	<b>\$858,511.25</b>	<b>\$3,832,574.72</b>	<b>\$20,635,389.49</b>	<b>15.66%</b>
Contingency	\$700,204.00	\$672,952.45	\$0.00	\$0.00	\$0.00	\$0.00	\$672,952.45	0.00%
Refund Transfers	\$5,619,500.00	\$5,619,500.00	\$18,201.54	\$18,201.54	\$0.00	\$18,201.54	\$5,601,298.46	0.32%
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$30,760,416.66</b>	<b>\$1,591,849.07</b>	<b>\$2,992,265.01</b>	<b>\$858,511.25</b>	<b>\$3,850,776.26</b>	<b>\$26,909,640.40</b>	<b>12.52%</b>

Category	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	3/31/2007 % UTILIZED
Personnel	\$7,490,451.00	\$7,503,510.89	\$839,865.88	\$1,700,411.17	\$0.00	\$1,700,411.17	\$5,803,099.72	22.66%
Contractual Services	\$6,515,184.00	\$6,529,375.66	\$633,758.85	\$985,376.08	\$11,385.00	\$996,761.08	\$5,532,614.58	15.27%
Commodities	\$851,599.00	\$851,599.00	\$91,767.23	\$209,344.08	\$0.00	\$209,344.08	\$642,254.92	24.58%
Capital Outlay	\$259,700.00	\$259,700.00	\$21,525.19	\$25,256.68	\$55,317.00	\$80,573.68	\$179,126.32	31.03%
Infrastructure Improvements	\$5,619,500.00	\$8,768,916.66	(\$13,269.60)	\$3,744.21	\$791,809.25	\$795,553.46	\$7,973,363.20	9.07%
Debt Service	\$554,862.00	\$554,862.00	\$0.00	\$49,931.25	\$0.00	\$49,931.25	\$504,930.75	9.00%
<b>Sub-total</b>	<b>\$21,291,296.00</b>	<b>\$24,467,964.21</b>	<b>\$1,573,647.53</b>	<b>\$2,974,063.47</b>	<b>\$858,511.25</b>	<b>\$3,832,574.72</b>	<b>\$20,635,389.49</b>	<b>15.66%</b>
Contingency	\$700,204.00	\$672,952.45	\$0.00	\$0.00	\$0.00	\$0.00	\$672,952.45	0.00%
Refund Transfers	\$5,619,500.00	\$5,619,500.00	\$18,201.54	\$18,201.54	\$0.00	\$18,201.54	\$5,601,298.46	0.32%
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$30,760,416.66</b>	<b>\$1,591,849.07</b>	<b>\$2,992,265.01</b>	<b>\$858,511.25</b>	<b>\$3,850,776.26</b>	<b>\$26,909,640.40</b>	<b>12.52%</b>

**2007 YTD Expenditures by Department (Budget vs. Actual)**

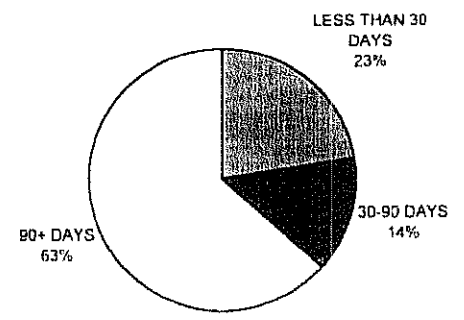
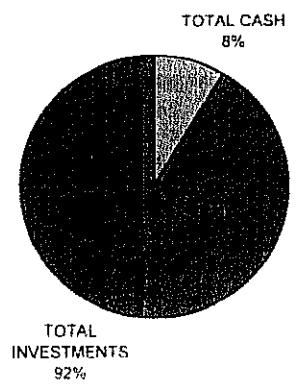


**2007 YTD Expenditures by Type (Budget vs. Actual)**



STATEMENT OF CASH INVESTMENTS  
MARCH 31, 2007

TYPE OF INVESTMENT	INSTITUTION	ACCOUNT NUMBER	PURCHASE DATE	MATURITY DATE	INVESTED AMOUNT	YIELD	WEIGHTED YIELD	COLLATERAL REQUIRED	COLLATERAL MARKET VALUE	OVER/ (UNDER) COLLATERALIZED
<b>Cash</b>										
General Operating (XX-00-00-1001)	Intrust Bank	8290512			(\$97,805.02)	4.36%	-0.03%			
Gift Card Clearing (01-00-00-1004)	Intrust Bank	40766217			\$4,953.06	4.36%	0.00%			
Payroll (01-00-00-1011)	Intrust Bank	8290520			\$583.91	4.36%	0.00%	(201,494.86)	1,032,700.00	1,234,194.86
Petty Cash					\$1,150.00	0.00%	0.00%	N/A		
Municipal Investment Pool - overnight	State of Kansas	0040			\$1,295,360.41	5.03%	0.46%	N/A - State handles collateral		
<b>TOTAL CASH</b>					<b>\$1,204,242.36</b>		<b>0.43%</b>			
<b>Investments</b>										
Certificates of Deposit (XX-00-00-1050)										
	Commerce Bank		7/20/2006	7/20/2007	\$1,000,000.00	5.48%	0.39%			
	Commerce Bank		11/22/2006	8/23/2007	\$1,000,000.00	5.17%	0.36%			
	Commerce Bank		11/22/2006	9/20/2007	\$1,000,000.00	5.18%	0.36%			
	Commerce Bank		3/15/2007	3/13/2008	\$1,000,000.00	4.99%	0.35%	4,300,000.00	4,324,417.40	24,417.40
	Capitol Federal Bank		6/8/2006	5/17/2007	\$1,000,000.00	5.14%	0.36%			
	Capitol Federal Bank		2/20/2007	10/16/2007	\$2,000,000.00	5.14%	0.72%			
	Capitol Federal Bank		2/20/2007	12/20/2007	\$1,000,000.00	5.14%	0.36%			
	Capitol Federal Bank		2/20/2007	2/14/2008	\$1,000,000.00	5.14%	0.36%	5,400,000.00	7,400,469.00	2,000,469.00
	Mission Bank		2/20/2007	11/15/2007	\$1,000,000.00	5.11%	0.36%	\$1,000,000.00	1,981,800.01	981,800.01
	365 day MIP		4/27/2006	4/27/2007	\$2,000,000.00	5.15%	0.73%			
	365 day MIP		6/8/2006	6/8/2007	\$1,000,000.00	5.19%	0.37%	N/A - State handles collateral		
					<b>\$13,000,000.00</b>		<b>4.73%</b>			
<b>TOTAL INVESTMENTS</b>					<b>\$13,000,000.00</b>		<b>4.73%</b>			
<b>TOTAL CASH &amp; INVESTMENTS</b>					<b>\$14,204,242.36</b>		<b>5.16%</b>			

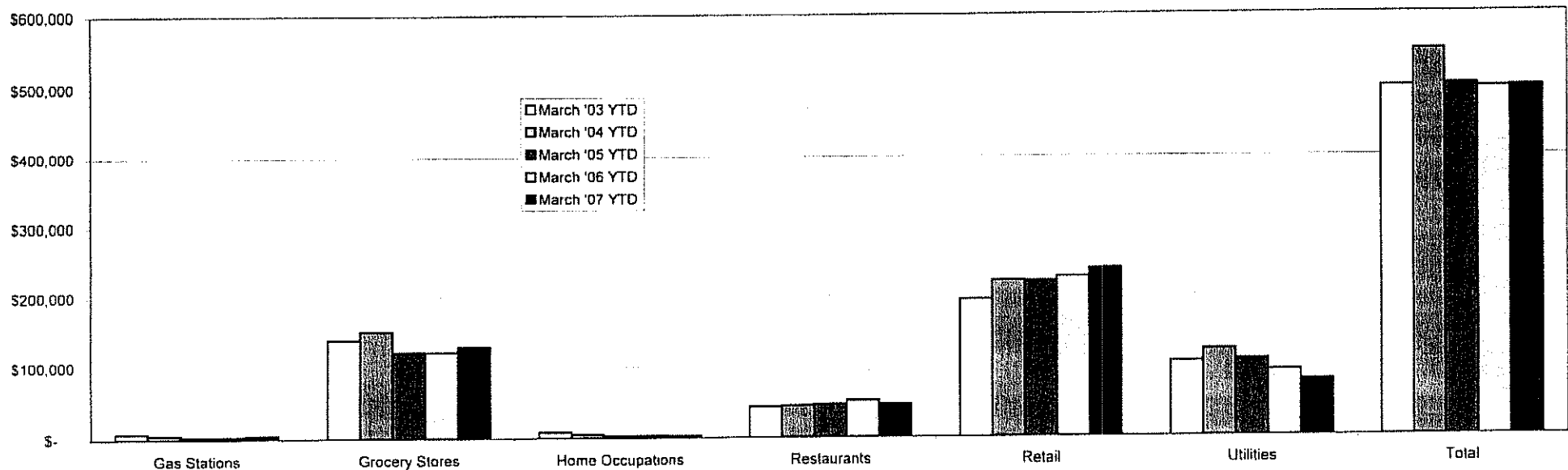




**LOCAL SALES TAX RECEIPTS  
AS OF MARCH 31, 2007**

Business Type	March '03 YTD	%	March '04 YTD	%	March '05 YTD	March '06 YTD	%	March '07 YTD	%	Growth	
Gas Stations	\$ 7,779	1.56%	\$ 5,470	0.99%	\$ 3,035	0.61%	\$ 3,142	0.63%	\$ 4,238	0.85%	-45.53%
Grocery Stores	\$ 139,295	27.94%	\$ 151,471	27.53%	\$ 121,352	24.20%	\$ 121,083	24.36%	\$ 128,633	25.82%	-7.65%
Home Occupations	\$ 8,569	1.72%	\$ 5,016	0.91%	\$ 2,887	0.58%	\$ 3,154	0.63%	\$ 2,419	0.49%	-71.77%
Restaurants	\$ 43,391	8.70%	\$ 44,931	8.17%	\$ 45,877	9.15%	\$ 51,158	10.29%	\$ 46,012	9.24%	6.04%
Retail	\$ 194,518	39.02%	\$ 220,721	40.11%	\$ 220,461	43.97%	\$ 226,738	45.62%	\$ 238,610	47.90%	22.67%
Utilities	\$ 104,931	21.05%	\$ 122,658	22.29%	\$ 107,799	21.50%	\$ 91,754	18.46%	\$ 78,275	15.71%	-25.40%
Total	\$ 498,484	100.00%	\$ 550,267	100.00%	\$ 501,410	100.00%	\$ 497,027	100.00%	\$ 498,187	100.00%	-0.06%

**Local Sales Tax Receipts By Business Type (2003-2007)**



**CITY OF PRAIRIE VILLAGE, KANSAS  
PROGRAM EXPENDITURE SUMMARY REPORT  
AS OF MARCH 31, 2007**

DEPARTMENT	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	% OBLIGATED
<b>Governance</b>								
Mayor & Council	\$124,200.00	\$124,200.00	\$15,459.56	\$33,096.28	\$11,000.00	\$44,096.28	\$80,103.72	35.50%
Management & Planning	\$2,043,053.00	\$2,043,053.00	\$58,344.77	\$101,601.99	\$0.00	\$101,601.99	\$1,941,451.01	4.97%
<b>TOTAL</b>	<b>\$2,167,253.00</b>	<b>\$2,167,253.00</b>	<b>\$73,804.33</b>	<b>\$134,698.27</b>	<b>\$11,000.00</b>	<b>\$145,698.27</b>	<b>\$2,021,554.73</b>	<b>6.72%</b>
<b>Public Works</b>								
Administration	\$848,692.00	\$848,692.00	\$99,575.63	\$194,929.46	\$0.00	\$194,929.46	\$653,762.54	22.97%
Vehicle & EQ Maint.	\$358,837.00	\$358,837.00	\$51,195.16	\$96,649.02	\$0.00	\$96,649.02	\$262,187.98	26.93%
Streets & Drains	\$1,948,777.00	\$1,948,777.00	\$474,720.79	\$613,196.24	\$0.00	\$613,196.24	\$1,335,580.76	31.47%
Buildings & Grounds	\$883,688.00	\$883,688.00	\$74,572.18	\$157,945.22	\$49,417.00	\$207,362.22	\$676,325.78	23.47%
<b>TOTAL</b>	<b>\$4,039,994.00</b>	<b>\$4,039,994.00</b>	<b>\$700,063.76</b>	<b>\$1,062,719.94</b>	<b>\$49,417.00</b>	<b>\$1,112,136.94</b>	<b>\$2,927,857.06</b>	<b>27.53%</b>
<b>Public Safety</b>								
Administration	\$793,679.00	\$794,628.26	\$34,477.25	\$153,103.05	\$0.00	\$153,103.05	\$641,525.21	19.27%
Staff Services	\$1,250,775.00	\$1,251,724.29	\$145,031.59	\$283,160.94	\$0.00	\$283,160.94	\$968,563.35	22.62%
Patrol	\$2,644,420.00	\$2,653,409.95	\$245,897.21	\$526,860.05	\$5,900.00	\$532,760.05	\$2,120,649.90	20.08%
Investigations	\$749,202.00	\$752,054.75	\$76,382.70	\$164,311.06	\$0.00	\$164,311.06	\$587,743.69	21.85%
Off-Duty Contractual	\$54,982.00	\$54,982.00	\$5,357.74	\$11,520.38	\$0.00	\$11,520.38	\$43,461.62	20.95%
<b>TOTAL</b>	<b>\$5,493,058.00</b>	<b>\$5,506,799.25</b>	<b>\$507,146.49</b>	<b>\$1,138,955.48</b>	<b>\$5,900.00</b>	<b>\$1,144,855.48</b>	<b>\$4,361,943.77</b>	<b>20.79%</b>
<b>Municipal Court</b>								
Judicial	\$24,291.00	\$24,291.00	\$2,848.06	\$7,289.19	\$0.00	\$7,289.19	\$17,001.81	30.01%
Prosecutor	\$40,065.00	\$40,065.00	\$4,262.80	\$8,248.90	\$0.00	\$8,248.90	\$31,816.10	20.59%
Court Clerks	\$331,515.00	\$333,785.61	\$36,662.21	\$67,857.69	\$0.00	\$67,857.69	\$265,927.92	20.33%
<b>TOTAL</b>	<b>\$395,871.00</b>	<b>\$398,141.61</b>	<b>\$43,773.07</b>	<b>\$83,395.78</b>	<b>\$0.00</b>	<b>\$83,395.78</b>	<b>\$314,745.83</b>	<b>20.95%</b>
<b>Administrative Services</b>								
Human Resources	\$142,033.00	\$121,529.62	\$9,415.36	\$17,953.33	\$0.00	\$17,953.33	\$103,576.29	14.77%
Administrative Services	\$152,805.00	\$152,805.00	\$15,470.11	\$26,956.09	\$0.00	\$26,956.09	\$125,848.91	17.64%
Financial Management	\$196,271.00	\$208,127.88	\$23,872.93	\$45,025.82	\$0.00	\$45,025.82	\$163,102.06	21.63%
Codes Administration	\$335,970.00	\$345,356.24	\$46,240.01	\$87,568.21	\$0.00	\$87,568.21	\$257,788.03	25.36%
Solid Waste Mgt	\$1,260,489.00	\$1,260,489.00	\$104,855.05	\$209,963.20	\$0.00	\$209,963.20	\$1,050,525.80	16.66%
City Clerk	\$382,071.00	\$382,071.00	\$44,590.69	\$82,090.46	\$0.00	\$82,090.46	\$299,980.54	21.49%
<b>TOTAL</b>	<b>\$2,469,639.00</b>	<b>\$2,470,378.74</b>	<b>\$244,444.15</b>	<b>\$469,557.11</b>	<b>\$0.00</b>	<b>\$469,557.11</b>	<b>\$2,000,821.63</b>	<b>19.01%</b>
<b>Park &amp; Community Programs</b>								
Community Programs	\$231,350.00	\$240,546.48	\$11,998.75	\$35,995.08	\$385.00	\$36,380.08	\$204,166.40	15.12%
Swimming Pool	\$774,435.00	\$775,738.47	\$5,216.57	\$43,879.17	\$0.00	\$43,879.17	\$731,859.30	5.66%
Pool Food Service	\$55,697.00	\$55,697.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55,697.00	0.00%
Tennis	\$44,499.00	\$44,499.00	\$470.01	\$1,118.43	\$0.00	\$1,118.43	\$43,380.57	2.51%
<b>TOTAL</b>	<b>\$1,105,981.00</b>	<b>\$1,116,480.95</b>	<b>\$17,685.33</b>	<b>\$80,992.68</b>	<b>\$385.00</b>	<b>\$81,377.68</b>	<b>\$1,035,103.27</b>	<b>7.29%</b>
<b>Total Operating</b>	<b>\$15,671,796.00</b>	<b>\$15,699,047.55</b>	<b>\$1,586,917.13</b>	<b>\$2,970,319.26</b>	<b>\$66,702.00</b>	<b>\$3,037,021.26</b>	<b>\$12,662,026.29</b>	<b>19.35%</b>
<b>Infrastructure Improvements</b>								
Park Projects	\$143,000.00	\$148,513.53	\$0.00	\$0.00	\$9,809.75	\$9,809.75	\$138,703.78	6.61%
Drainage Projects	\$851,000.00	\$3,627,679.42	(\$907.46)	\$2,104.21	\$0.00	\$2,104.21	\$3,625,575.21	0.06%
Street Projects	\$4,050,500.00	\$4,301,122.95	(\$12,362.14)	\$1,640.00	\$266,000.00	\$267,640.00	\$4,033,482.95	6.22%
Building Projects	\$0.00	\$37,990.06	\$0.00	\$0.00	\$0.00	\$0.00	\$37,990.06	0.00%
Concrete Projects	\$575,000.00	\$653,610.70	\$0.00	\$0.00	\$515,999.50	\$515,999.50	\$137,611.20	78.95%
<b>TOTAL</b>	<b>\$5,619,500.00</b>	<b>\$8,768,916.66</b>	<b>(\$13,269.60)</b>	<b>\$3,744.21</b>	<b>\$791,809.25</b>	<b>\$795,553.46</b>	<b>\$7,973,363.20</b>	<b>9.07%</b>
<b>GRAND TOTAL</b>	<b>\$21,291,296.00</b>	<b>\$24,467,964.21</b>	<b>\$1,573,647.53</b>	<b>\$2,974,063.47</b>	<b>\$858,511.25</b>	<b>\$3,832,574.72</b>	<b>\$20,635,389.49</b>	<b>15.66%</b>

**TREE BOARD**  
**City of Prairie Village, Kansas**

**MINUTES**

**Wednesday – April 4, 2007, 6:00PM Meeting**  
**Public Works – Conference Room**  
**3535 Somerset Drive**

Attending Board Members: Cliff Wormcke, Gregory VanBooven, Deborah Nixon, Luci Mitchell, Art Kennedy, Linda Bishop

Other Attendees: Mike Helms, Chuck Hitchcock of 8105 El Monte, Mrs. Kaplan of 7901 Granada

- 1) Review and Approve minutes from March 7, 2007 meeting. Approved.
- 2) Sub-Committee Report
  - 2.1) Arbor Day:
    - a) Finalize Plans – Greg confirmed the arrangements with Mike Helms
- 3) Park Tree Inventory
  - a) Select Arboretum Trees – no discussion
- 4) Mrs. Kaplan of 7901 Granada, phone (913) 648-7328, attended to discuss 79<sup>th</sup> Street from Roe Boulevard to Delmar Street tree planting – the Board consensus was that the planting of trees on the south side was not practical due to overhead power lines and sight distances.
- 5) Summer meeting schedule – no meeting in June, July and August
- 6) Old Business – none
- 7) New Business – Chuck Hitchcock of 8105 El Monte attended the meeting to discuss the sweet gum issue on El Monte. He feels that even though the sweet gum trees are messy they add value to the properties and the city and no other trees should be removed like the ones at 8009 & 8010 El Monte. He requested that the Tree Board draft a letter to all residents to inform them that the sweet gum trees are not to be removed. Greg VanBooven said that he would discuss the issue with Bob Pryzby.
- 8) The next meeting is May 2, 2007, at 6PM at Public Works Conference Room

## SISTER CITY COMMITTEE

April 9, 2007

### Minutes

#### Call to Order

Chairperson Cindy Dwigans, called the meeting to order. Present: Bob McGowan, Cleo Simmonds, Hildegard Knopp, Jim Hohensee, Michael Kelly, Dick Bills, and Carole Mosher. Staff: Barbara Vernon and Jeanne Koontz.

#### Presentation by Martha Penaherrera

Cindy Dwigans introduced Martha Penaherrera. Martha is a Prairie Village resident from Ecuador. She presented her interest in having a Sister City relationship with a suburb of Quito, Ecuador.

Martha thanked the committee for allowing her to speak tonight. She said she came to speak about Cumbayá, Ecuador, a suburb of Quito, Ecuador. Ecuador has the Galapagos Islands, the Pacific Coast, the Andes, the rainforest, a perfect climate, and a good airport. She passed around some pictures and said she will bring more after her trip in September. Cumbayá is very similar to Prairie Village. It is highly residential, has a hospital, stores, and restaurants. Businesses are moving to Ecuador because they use the American dollar. This change came about in 2000 and has brought many businesses to Ecuador including Wal-Mart. Quito has about 1.5 million residents and Cumbayá is comparative in size to Prairie Village.

Michael Kelly asked how long she has lived in Prairie Village. Martha said she has lived here seven years. She moved here to be closer to her children and grandchildren. She teaches Spanish at Johnson County Community College. The trip she is taking in September is with 5 of her students.

Bob McGowan said there are many supporters of Ecuador in the Kansas City area through People to People. He has a very good friend from Ecuador who he could ask if this partnership would be a good idea.

Dick Bills asked about the school system. Martha said they have a good school system and a University.

Michael asked Martha if she thought the people of Cumbayá would be interested in a Sister City relationship. Martha said she believes they would be interested. Quito does not currently have a Sister City.

Cleo Simmonds asked if Cumbayá is like a bedroom community or more industrial. Martha said there is more housing and the standard of living is high.

Michael asked what kind of relationship she would like to establish between the two cities. Martha said she would like to establish relationships between businesses and schools.

Bob asked if English is a second language. Martha said they know English very well.

Cleo asked if Martha has friends who could influence the decision. Martha said she has many friends in Quito whose children live in Cumbayá.

Cindy said a Sister City relationship has to be between the governments of two cities. She asked Martha what she wants out of this. Martha said she wants to establish a Sister City relationship but does not know how to do it correctly. She asked the committee to give her direction.

Michael said a letter to the Mayor would be a nice start. Dick Bills asked her to get the name and address of the Mayor. Cindy Dwigans asked her to get a contact in the Rotary and the Lions Clubs.

Bob said a few years ago the committee met with a Catholic priest serving in Quito through St. Ann's. The priest gave a very negative response to the possibility of a Sister City because he works in a poor area. Martha said the area he works in is the worst part of the City and would not be ready for a Sister City relationship but she thinks Cumbayá would be a great fit.

Cindy and the committee thanked Martha for coming.

### **Approve Minutes from February and March, 2007 Minutes**

Cindy Dwigans welcomed Carole Mosher as a new member to the committee.

Cleo Simmonds moved to approve the February and March Minutes. Bob McGowan seconded the motion which passed unanimously.

### **Discussion of Sister City vs. Friendship City**

Cindy said at the last meeting the presenters from Olathe mentioned the concept of a Friendship City. Cindy said her impression is a Friendship City is a step towards making a connection that could become a Sister City. Carole said it could be a fallback if there are hitches in the process but the primary goal should be a Sister City relationship. Cindy said some cities may lend themselves more to a Friendship City. For instance, since it does not appear that Cumbayá has a committee, a Friendship City relationship might be a better idea. Michael said a Friendship City could be a good initial step but he does not want it to be a fallback plan. He suggested taking this step with the cities the committee is seeking even if it is only the committee's designation.

Bob said the ladies from Olathe gave an answer to keep a Sister City going. Cindy said they have a state official in Mexico who is in charge of making sure the relationship happens even when the government changes. Dick said even if Cumbayá does not have a committee in place, Martha seems committed to make it happen. Cindy said it has to be a two-sided effort. She read the following from the Sister City Website:

### **What makes a successful sister cities program?**

Commitment, creativity, cooperation, and communication are at the heart of all successful sister city programs. Also, the following elements must be present: solid support and involvement from all sectors of society, including city hall and grassroots citizens groups; a broad-based sister city committee; additional alliances (such as Rotary or Lions); excellent communication links; sensitivity to cultural differences; clear objectives; regular exchanges; and a willingness to take risks.

Variety and innovation is key. Projects can include everything from municipal training and community problem solving, to exchanges of media managers, thematic youth exchanges, or professional internships focused on volunteerism, aging, healthcare, public safety, the environment, and more.

All sister city programs should ensure that each project reflects the diversity of the Sister Cities International network. Specifically, it should promote the inclusion of ethnic and racial minorities, people with disabilities, youth, women, and people of varied socio-economic backgrounds in all sister city activities.

Dick said Martha indicated the relationship could be developed through her contacts. Bob pointed out that she represents the older population in Quito not Cumbayá. Michael said he did not get the impression that she would want to do the work. Jim Hohensee said the advantage of Cumbayá is we would have “boots on the ground”. Dick asked if the person from St. Ann’s in charge of the mission program to Quito should talk to the committee. Bob suggested looking into it more first. Jim suggested the St. Ann’s group could make a side trip the next time they visit Quito. Cindy said maybe there is a Catholic church in Cumbayá. Dick said he thought the Saint Ann’s person should give the committee a reaction about the area.

Michael said he thinks looking into Cumbayá is great idea but who will lead it. Cindy said we could have Martha give us names of people in Cumbayá who are interested in coming to the U.S. She said we need to give her an assignment. Dick offered to contact Rotary and Kiwanis to see if they have clubs in the area. Cindy asked if anyone could read Spanish. Carole said she could read a little bit. Cindy asked Carole to look for a website for Cumbayá and ask Martha for more points of contact. Carole said it would be nice if Martha would send a note to the people she will give us to contact. Dick said the Prairie Village Lions Club might be fascinated with a relationship. Cindy asked Dick to inquire about the other cities also when contacting the service clubs.

### **Update on communications with Newry and Mourne, Northern Ireland - Bob**

Bob said he sent a letter but has still not heard anything. He thinks they are waiting to respond until their next meeting. He said they will probably be recruited hard by many cities. He said he has also not heard anything from Germany.

#### **Update on communications with Dolyna - Cleo**

Cleo said he sent booklets to his contact and is waiting to receive some booklets back. He said he will send him another letter soon. Cindy said she thinks these things take time and told them not to get discouraged.

#### **Update on communications with Germany – Bob/Jim**

Jim said he will see how many possibilities he can come up with in Germany. He said he may do some informal approaches using people he already knows over there.

#### **Review selection criteria for potential Sister City.**

Cindy passed out the draft of selection criteria she put together based on the Olathe model. She asked the committee members to bring comments to the next meeting.

#### **Other business**

Carole reported on her research on showing films. She said there is no way around ASCAP. She found a website where the cost covers the ASCAP fees. Films run around \$150. She said for this price the committee is probably not ready. She said she emailed Diana Ewy Sharp to collaborate with the Parks and Recreation Committee and has not heard anything back. She said it would be best to wait until next year. Carole asked what audience the films should be for. Cindy said something that would support the committee's criteria. Carole said most of the International films were geared to older kids and adults.

Cindy said VillageFest is coming up and the committee needs to decide if we want a booth. She suggested putting up pictures and information of the places we are looking at. Carole suggested gathering a list of friends of the committee. Michael suggested collecting donations. Barbara Vernon said that would need to go before Council. Cleo suggested starting a friends of the sister city committee; they could be on a mailing list and invited to meetings. Cindy asked if the committee could get a page on the website. Jeanne Koontz said she believes it will be possible. She said she will need text and pictures. Jim Hohensee will work on this.

#### **Adjournment**

The next meeting will be May 14. Dick Bills moved to adjourn the meeting. Michael Kelly seconded the motion which passed unanimously. The meeting was adjourned at 8:40 pm.

Cindy Dwigans  
Chair

## **PARK AND RECREATION COMMITTEE**

**April 11, 2007**

The Park and Recreation Committee met April 11, 2007 at 7:00 p.m.

Present and presiding, Chairperson Diana Ewy Sharp. Members present: Diane Mares, Joe Nolke, Shelly Trewolla, Zach Hardy, Jim Bernard, Jr., Peggy Couch, A.J. LoScalzo, Kathy Peterson, and Clarence Munsch. Also present: Barbara Vernon, Mike Helms, Tom Trienens, Jeanne Koontz and Bob Pryzby.

Diana Ewy Sharp introduced Joe Nolke who is replacing James Reimer. The committee members introduced themselves.

### **CONSENT AGENDA**

The American Red Cross Agreement was removed from the Consent Agenda because it is not finalized yet. Clarence asked to remove the Concession prices from the Consent Agenda for discussion. **Clarence Munsch moved for approval of the Consent Agenda. Kathy Peterson seconded the motion which was approved. Minutes of the March 14, 2007 meeting approved.**

Clarence said he thought the price for Miss Molly's cookies should be \$1.00 not \$1.50. Clarence Munsch made a motion, seconded by Kathy Peterson which passed unanimously.

**RECOMMEND APPROVAL OF THE 2007 CONCESSION PRICES AS PRESENTED WITH THE EXCEPTION OF MISS MOLLY'S COOKIES WHICH WILL BE SOLD AT \$1.00.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

### **REPORTS**

1. Public Works Report – Mike Helms

Mike said they have started mowing the parks and the department just got a new riding lawn mower. Two fountains are running at Prairie and Somerset. He said he is waiting on nicer weather to install the rock at Prairie Park. The painters have started at the pool. They have done some inside painting and are waiting on nicer weather to do the outside. The roof at the concession stand was leaking. This has been fixed.

2. Aquatics Program – Clarence Munsch

Clarence said the parent volunteer group met last week. There will be two team orientations on May 9<sup>th</sup> and May 14<sup>th</sup>. Flyers and programs have been sent out. They are expecting a large number to attend. The All City Swim Meet is at the



Prairie Village Pool on July 17<sup>th</sup> at 5 pm. He encouraged committee members to attend.

3. Sculpture Garden Sub-Committee – Jim Bernard, Jr. and Kathy Peterson  
Jim passed out a rendering of the proposed Sculpture Garden. The next meeting is April 24<sup>th</sup>.
4. Community Center Sub-Committee – Zach Hardy  
Zach says he has not been to a meeting yet because they have not had one since he was appointed to the committee. Diana said the Council turned down the feasibility study but may look at it again after the Village Vision is approved.
5. Municipal Foundation Gazebo Project Update – A.J. LoScalzo  
A.J. met with the architect. She said the architect will contact Bob Pryzby to discuss foundation issues. He will give A.J. an estimate of cost. A.J. said the proposed gazebo is quite beautiful and would be a lovely addition to Franklin Park.
6. Chairperson's Report – Diana Ewy Sharp  
Diana said she is looking for someone to represent the Park Committee at VillageFest. Kathy volunteered to lead this effort. She said the committee could provide an awareness of all the parks and show off the swimming programs. Diane suggested having people vote for their favorite park. Diana asked if there could be a dive demonstration during the free swim. Barbara said it would be hard to have extra people at the pool when it is that busy.

Diana said she received an email from a member of the Sister City Committee who is interested in collaborating with the Park Committee to show movies in the parks. She said the Arts Council is also looking into this. Diane said both committees should present something to us. Barbara said the committee decided on Monday that it would not be feasible to show movies this summer and they will wait until next year. A.J. suggested letting the Sister City committee know that the Arts Council is also looking into it. Diana said she would send a reply to her.

## **OLD BUSINESS**

1. McCrum Park Improvements – Tom Trienens  
Tom said he gave a presentation to the committee in the fall about the improvements needed in McCrum Park. He said both swing sets will be removed. The one on the north end will be replaced with a half basketball court. The one on the south end will be replaced with a new swing set. Concrete will be poured under the new swing set and a safety covering will be put down. The contractor has suggested a new product to use. He said they will repair the sidewalk around the perimeter of the park. The wood chips in the play area will be replaced with shredded rubber. This project is currently under budget. The tennis court will be

rehabilitated and there will be enough leftover in the budget to do one court at Harmon Park.

He asked the committee for direction on the fence for the tennis court. Currently one side is open. A 10 foot or 4 foot fence could be installed or the committee could decide to leave it open. Diane said she prefers no fence. Peggy asked if there had been any more news about the cell tower. Bob said the plan probably will not happen. Peggy asked if the fence would affect it. Bob said it will not. Diana said she does not like the trees around the water tower. Bob said they are cedars. He would not be surprised if WaterOne needs to take them down. He suggested putting shrubs in their place. A.J. said the City planted those trees. Diana asked if WaterOne will paint the tower this year. Tom said it probably won't happen until 2008 or 2009. Diane asked what work is currently being done at the park. Tom said they are doing maintenance for the water tower. Diana asked if the neighborhood should be informed about the improvements since there was such a concern over the cell tower. Barbara said it would be a good idea to inform them. She had two calls this week about the work being done now. Jim asked if a letter should be sent out. Clarence said that might take too long. Diane said they should be notified since they have practically taken ownership of that park. Clarence asked how to move things along. Jim asked if everything but the basketball court could be done. Zach said if we wait prices are likely to go up. Tom said he has price quotes that will expire. Diane suggested wording the letter in a positive way. The committee discussed the height of the fence. Diana asked about the other courts. Tom said all the other courts have 10 foot fences.

**Zach Hardy moved to approve a 10 foot fence for the tennis court at McCrum Park. Clarence Munsch seconded the motion.** Diane said if it's not broke don't fix it. Shelly asked if there would be a gate. Jim said the fence seems to make sense with the playground so close. **The motion passed with A.J. LoScalzo and Diane Mares voting nay.**

Diana asked Tom to notify the neighbors about the improvements. Tom asked who to send the letter to. Barbara said Joyce has the names of the people who showed up at the meeting.

2. Public Works Operating Budget for parks, swimming pool and tennis – Bob Pryzby  
Bob said Barbara has included most of these items in her report. He said he included all of the items that were talked about at the last meeting.
3. Parks Capital Infrastructure Program – Bob Pryzby  
Bob said he put in all the issues that were talked about at the last meeting. He passed out a packet that showed the budget for each program and discussed this with the committee. Diana asked if this is what will be presented to Council. Bob said he has given this information to Barbara and then it will be presented to the Council.

Barbara said the Council directed staff to budget less than a 6% increase across the board. The Council does not want to raise the mill levy unless it is necessary. Barbara recommended the committee look at these capital items very carefully and prepare priorities. The concern is the City's revenue is coming in at a flat rate. Revenue from sales tax is less this year. She said the Parks and Recreation Committee used to not have any revenue. Now, one-third of all sales tax on alcohol drinks has to be invested in Parks. For 2008, this is projected to be \$89,000. The law does not say it has to be used for CIP but the Council has always agreed to this.

Diane pointed out that \$300,000 of the \$600,000 is for the Sculpture Garden. She suggested taking this item off and raising money for it. Clarence said the challenge is the \$90,000 doesn't even come close to enough for even the maintenance. He said he is not keen on dropping the sculpture garden. Shelly said it would seem the Arts Council should pursue that. Kathy said the trouble is that Prairie Village does not qualify for grants because we're an affluent area. Fundraising would most likely have to be done door to door. Jim said he would leave it on but move it to a low priority. He said he is having trouble prioritizing the items. Shelly said she doesn't think we should stay at the status quo but we need to prioritize. She presented some ideas she discussed with Bob Pryzby. Her letter is attached.

Diana asked Shelly what she thought of the budget. Shelly said the committee needs to prioritize things that need to get done like the Fall Zone. Diane asked why nothing was budgeted for the gazebo. A.J. said because nothing has been presented to the Council yet and she has not received an estimate. Jim said he did not disagree with Shelly's comments but has been looking at the list and came up with a ranking.

1. Park Master Plan
2. Fall Zone Replacement
3. Park Furnishing & Play Equipment
4. Park ID Signs
5. El Monte Fountain
6. Parking Lot Resurfacing
7. Half Basketball Court
8. Carroll Plaza Study
9. Swimming Pool Reserve
10. Sculpture Garden

Diana asked the committee if they would like to prioritize. The committee said yes. Diana asked them what they thought of Jim's numbering system.

Jim said he would like input from the Public Works Department. Bob said based on Shelly's comments, the new items would be park signs and the El Monte Fountain. He said one option would be to spend money on the study and not

repairs but there will always be repairs. He suggested having a base sum for capital repairs. He said he can't hold off on spending money on Carroll Plaza for much longer. Shelly suggested coming up with a master plan without paying for it. She would like the committee to try and then if it doesn't work ask for money. Diane said she would like it in the budget just in case. Shelley said she agrees it should stay in but would like the committee to give it a shot. Zach said he agrees with Shelly but knows what a problem it can be when maintenance is deferred. He said park maintenance should be the number one priority. The committee came to a consensus on the following prioritization:

1. Park Master Plan
2. Carroll Plaza Study
3. Fall Zone Replacement
4. Park ID Signs
5. Park Furnishing and Play Equipment
6. El Monte Fountain
7. Parking Lot Resurfacing
8. Half Basketball Court
9. Swimming Pool Reserve
10. Sculpture Garden

4. PRC Budget – Barbara Vernon

Barbara said the annual budget for the City is done by department and then by program. She said the budget used to be a much bigger document but in an effort to reduce the cost of publishing it, many programs were combined within sections of the budget several years ago. The Community Services and Park and Recreation Budget were combined into Community Programs, Parks and Recreation. The community programs are kept track of separately in the accounting system. Barbara went over each program that applies to the Park and Recreation Committee: Park Development, Community Center, Swimming Pool, Swimming Pool Concessions, and Tennis.

Peggy asked why the lifeguards don't purchase their own suits. Barbara said the City provides one suit for each lifeguard and the lifeguard buys the second suit. Peggy said she thinks the lifeguards should buy their own suit. Clarence said his daughter has to buy her suit.

Clarence said the people who use the pool think there aren't enough lounge chairs. He said the committee had requested some more lounge chairs and asked if this was included in the budget. Barbara said she thought it was in Bob's budget. Bob said it is not in his budget. Diana asked if the committee wants to recommend more lounge chairs. Barbara said it costs about \$80 per lounge. **Peggy Couch moved approval to include 15 new lounge chairs in the 2008 budget. Kathy Peterson seconded the motion which passed unanimously.**

Barbara said the concession stand has had issues with shortfalls at the end of the day. The Pool Manager does not have time to control this. The Auditor made some suggestions and this year a concessions manager will be hired.

Peggy said she also thinks the tennis instructors should buy their own shirts. Barbara said she can't think of what that will do for morale. Diana said this could be discussed at a future meeting when there can be a reaction for the Pool and Tennis program managers.

## NEW BUSINESS

### 1. Park Identification Signs – Bob Pryzby

Bob said the firm putting in the City entrance signs recommended a couple of options. They could be similar in design but not tapered or they could be a distinct style; it would be up to the committee. Diana said it is probably not the time to discuss what type of sign until there is approval from the Council to move forward. She asked the committee if they wanted to keep it in the 2008 budget. Shelly asked how long the signs will last. Bob said they are made out of concrete so he hopes they will last 20 years or more. Shelly said it would be nice to have them. Diana said if there is support let's leave it in the budget. **Clarence Munsch moved approval to leave the Park ID signs in the 2008 budget. Shelly Trewolla seconded the motion which passed unanimously.**

### 2. 5 year Park Improvement Plan

Diana said Ruth and she are working on how the committee can become more involved in this process.

## INFORMATION ITEMS

- Second Annual Skateboard Contest, April 20<sup>th</sup>, 3:00 – 8:00 p.m.
- Parks Crawl – May 9<sup>th</sup> – Bus departs promptly at 5:30 p.m.  
RSVP to Jeanne Koontz no later than Friday, May 4<sup>th</sup>
- Parks and Recreation Public Forum, Wednesday, June 13<sup>th</sup>, 7:00 p.m.

The meeting adjourned at 9:10 pm.

Diana Ewy Sharp  
Chairperson

I am concerned that the park board does not have a vision about how to take care of what we currently have under our control. We are spending an awful lot of time thinking about that which we do not have. Diane alluded to this on Wed. night. I think one of the problems is that we don't know how to think about parks because we haven't listed or defined everything in a way that we can wrap our minds around.

I have begun an outline that covers a lot of those areas and it has helped me. Initially I thought about something I know, which is home ownership. First you buy, then you landscape, then redecorate, then remodel. Using that as a beginning it is possible to apply all that to parks. I think we can scratch off the buying part, but the remaining three are very useful.

That said, I put together an outline of things we know and can address. I am sure that I have overlooked lots (like Brush Creek?). My concern was the idea of hiring a consultant. While that might be a good idea, I think that we should do that only after we have put our own minds to the issue. (What a waste of money the main street consultant was.) There are enough smart, invested people on the board that I think we could come up with a lot of ideas among ourselves. If each of us had an area to research we could put together our own list of options. Perhaps at that time we would know whether we need a consultant or not.

I think that this would be an opportune time to also work with the other committees. For instance, we might theme parks to reflect our sister cities. Or we might theme them to go with the frontier family theme, etc. We could work more closely with the tree board to make a long term plan to plant trees, to enhance the variety of trees for the arboretum, around the unused peripheries of the parks or to shade the playground area and shelters. The consultant would then be a landscape designer. We might want a stage in the summer for concerts, plays (theater in the park started this way), movies, etc. We would provide the facilities but the committee would be the impetus, planners of the events. We would just do facilities.

Anyways, those are my thoughts. Feel free to add to the list or send it out for everyone to have a go at it, if you think it is worthwhile.

Shelly

**PRAIRIE VILLAGE ARTS COUNCIL  
18 APRIL, 2007  
MINUTES**

The Prairie Village Arts Council met at 7:00 pm in the City Council Chambers. Members present: Randy Kronblad, Chairman, Bob Endres, Annie Brabson, Pam Marshall, and Inge Dugan. Also present: Doug Luther, Donna Potts, and Patty Nolte.

Minutes

Committee members approved minutes from the 21 March, 2007 meeting as submitted.

Financial Reports

Committee members approved financial reports dated 5 April, 2007 as submitted.

Prairie Village Art Show

Mrs. Potts said this year's Prairie Village Art Show will be on 1-3 June. Music is planned for Friday and Saturday nights, and there will be lights this year which will allow the show to run further into the evening.

She said that 350 applications were received and approximately 100 artists will be in the show.

Committee members agreed to provide the same sponsorship/hospitality as in prior years. They will provide music for one evening, serve wine on Friday night, a meal on Saturday evening, and breakfast on Sunday morning. The Arts Council will also provide bottled water for the artists throughout the show. Committee members noted that the 2007 budget contains \$2,000 for support of the Art Fair.

Ms. Marshall said she will make arrangements for the Saturday meal with Hen House and will get pricing for the Sunday breakfast from Hen House and Philippe.

Kacico Dance

Patty Nolte said Kacico Dance will be performing at Asbury Methodist Church on 27 April. She said the performance is part of the dance company's community outreach program. She said they recently had a very successful performance in Independence.

She requested a \$500 sponsorship from the Arts Council to help defray the costs of the show. She said it costs \$3,000 -- \$4,000 for each performance.

Mr. Endres asked where Kacico Dance receives its funding. Ms. Nolte said they have corporate sponsors and also receive grant funding.

Ms. Nolte confirmed that the Arts Council would be recognized as a sponsor during the performance. The Arts Council will also be recognized at a program in May at the Folly Theater, and on the Kacico Dance web site.

Ms. Nolte thanked the Arts Council for considering her request.

Arts Council members reviewed the 2007 budget and noted that funds are available which were initially planned for a concert. However, since the budget was prepared members have learned that the band they had wanted will not be available. These funds could be used to support Kacico Dance.

After discussion, the Arts Council agreed to provide a \$500 contribution to Kacico Dance to support the 27 April performance of the "Song and Dance Project" at Asbury Methodist Church.

#### Somerset/Lee Blvd Sculpture

Mr. Luther reported that the Prairie Village and Leawood City Councils have been unable to agree on lease terms allowing Leawood to install a sculpture on the Somerset/Lee traffic island, which is owned by Prairie Village. Mr. Luther said he would let committee members know if the situation changes. Committee members expressed disappointment that the two city councils cannot reach agreement. They said the proposed sculpture at this location would be a great benefit to both cities.

#### April Exhibit

Mr. Kronblad reported that attendance at the April reception for Kay Treib was terrible - only a handful of people. He said bad weather was a contributing factor to the poor attendance.

#### Membership Update

Mr. Kronblad said Pat Clothier recently resigned from the Arts Council. There are several vacancies on the Arts Council which need to be filled, and encouraged those in attendance to identify potential new members. Mr. Luther said membership applications are available on the City web site.

Mr. Kronblad said a proclamation is being prepared to honor Pat's nine years of service. Committee members asked Mr. Luther to invite Pat to the May Arts Council meeting.

#### May Exhibit/Reception

The reception for David Paine will be on Friday, 11 May from 6:30 - 7:30 pm.

Inge, Pam, and Randy volunteered to help.



### VillageFest

As in prior years, committee members agreed to provide a \$500 contribution to VillageFest for music at the 4<sup>th</sup> of July event.

### Artist Application

Committee members reviewed an exhibit application from Mimi Pettegrew. After reviewing several samples submitted, the committee agreed to not sponsor an exhibit by Ms. Pettegrew in the Gallery.

### Sculpture Garden

Mr. Endres reported that the Sculpture Garden Subcommittee will meet on 24 April to review the latest design. Committee members reviewed the current site plan for the sculpture garden. Committee members liked the site plan, and noted that this design is both a sculpture garden and, in many respects, a new park on the Municipal Campus.

Mr. Kronblad noted that there has been a suggestion that, rather than a sculpture garden, several sculptures be located at various locations in the City. Arts Council members said they preferred an outdoor sculpture garden on the Campus because it would complement the indoor gallery, and that keeping all of the art in one location helps emphasize Prairie Village's support for art in the community and makes a stronger artistic statement.

### Gallery Commission

After discussion, committee members decided that the Arts Council should not charge a commission on all sales in the gallery. They noted that this is a community gallery rather than a private business. However, they did agree that gallery commissions would be considered for special events, such as the State of the Arts exhibition in October.

### Juried Exhibition

Mr. Endres reported that Margaret Conrads, curator of American Art at the Nelson, as agreed to judge and jury the State of the Arts Exhibition.

Mr. Endres said that he and Mr. Luther are working with Callahan Creek advertising to develop publicity and promotional materials for the exhibition.

There being no further business, the meeting adjourned.

Randy Kronblad  
Chairman

SCULPTURE GARDEN SUB-COMMITTEE

TUESDAY, 24 APRIL, 2007

**PUBLIC WORKS CONFERENCE ROOM  
3535 SOMERSET DRIVE  
7:00 PM**

AGENDA

1. Approve minutes from 11 January, 2007 meeting
2. Review revised site plan
3. Review draft program outline
4. Discuss presentation of program proposal to City Council

**SCULPTURE GARDEN SUBCOMMITTEE**  
**24 APRIL, 2007**  
**MINUTES**

The Sculpture Garden Subcommittee met at 7:00 in the Public Works Conference Room. Members present: Bill Rose, Chairman, Randy Kronblad, Bob Endres, and Doug Sharp. Also present: Wayne Vennard, Barbara Vernon, Doug Luther, and Bob Pryzby.

Committee members approved minutes from the 11 January, 2007 meeting as submitted.

Committee members reviewed the revised site plan prepared by Mr. Kronblad. He stated that the concept has not changed with the revised plan. However, it has been refined. Mr. Kronblad noted that, in the new plan, the retaining wall, Prairie Boy, and the City Hall entrance sign would remain in the current locations. He also noted that display pedestals would be of varying heights to accommodate a wider variety of sculptures.

Committee members noted that the site plan, which includes benches and a water feature, would provide a park-like setting on the Municipal Campus. It would also be connected to the sidewalk along Mission Road to provide pedestrian access.

Mr. Rose asked if lighting would be provided. Committee members said lighting would be a possibility, both on the sculptures and the paved walkway.

Mr. Vennard asked if the City had received a commitment from KU and the Art Institute to use the garden. Mr. Endres said he has spoken with the deans of both institutions and they have expressed a strong interest in exhibiting their students' work in the proposed garden. However, a formal contract or agreement has not been written.

Mr. Vennard asked if other locations had been considered. He noted that the patio at the entrance to City Hall and the rose garden between the Municipal Offices and Public Safety Center are unattractive and would benefit from beautification such as a sculpture garden. Committee members said an alternate location could be considered during design. They noted that one of the benefits of the proposed location is that the garden would be visible from Mission Road. Placing the garden near the buildings would not allow travelers on Mission Road to see the sculptures.

Mr. Vennard said he is concerned with the proposed cost of several hundred dollars for construction of a sculpture garden. Mr. Sharp noted that the proposed

cost of \$300,000 is similar to the costs incurred in developing Prairie Park and the fountain at Tomahawk and Mission Roads.

Mr. Vennard asked if sponsorships could be obtained. Mr. Luther said initial research performed by Kathy Peterson indicated that it would be difficult to obtain grant funding for the project. Some corporate donations may be possible, but they would not likely represent a significant amount of the total project cost.

Mr. Endres said it is difficult to raise private donations without first obtaining a commitment from the City Council to use the land and without a formal design and firm construction cost estimates.

Mr. Rose asked what the next steps would be in presenting the proposal to the City Council.

Mr. Pryzby said he has made a request in the 2008 Capital Improvement Program for \$306,000 for the design and construction of a sculpture garden. The costs are as follows:

- Design \$33,000
- Construction \$250,000
- Construction Administration \$23,000

He said this item will be discussed on Monday, 14 May with other proposed capital improvement projects for 2008.

Committee members said it is important to demonstrate community support for this project. Committee members were encouraged to attend this meeting.

Mr. Vennard said obtaining a commitment from the schools would help strengthen the presentation.

Committee members noted that funding could be done as either a single or multi-year process. For example, the design could be funded in 2008 with construction in 2009.

Committee members said the draft program proposal and the site plan should be included with the information presented to council members prior to the 14 May meeting.

There being no further business the meeting adjourned.

Bill Rose  
Chairman

**TREE BOARD**  
**City of Prairie Village, Kansas**

**MINUTES**

**Wednesday – May 2, 2007, 6:00PM Meeting**  
**Public Works – Conference Room**  
**3535 Somerset Drive**

Board Members attending: Cliff Wormcke, Jim Hansen, Deborah Nixon, Luci Mitchell, Art Kennedy,

Other Attendees: Bob Pryzby

- 1) **Review and Approve minutes from April 4, 2007 meeting.** Approved on a motion by Deborah Nixon and seconded by Jim Hansen
- 2) **Sub-Committee Report**
  - 2.1) **Arbor Day:**
    - a) **Review Event** – approximately ten people in attendance for the planting of paper bark maple honoring Joan and John Kemp and planting a white dogwood as addition to Arboretum.
  - 2.2) **Fall Seminar**
    - a) **Preliminary discussion** – no discussion
- 3) **Updated on El Monte sweet gum issue and unauthorized tree removal** – directed Bob Pryzby to send letter to all El Monte residents that City owned trees are not to be removed without obtaining Tree Board permission. The same letter is to be sent to all homes associations.
- 4) **Old Business** – Luci Mitchell offered a suggestion to have a drawing for a tree at the VillageFest, which would be planted in the fall. The Board agreed with this idea.
- 5) **New Business** – Eric Stong and Larry White representing AT&T reviewed five landscaping proposals where new equipment is to be installed. The locations are 2605 West 73<sup>rd</sup> Street, 7240 Belinder Avenue, 4014 Oxford Road, 4140 West 71<sup>st</sup> Street, and 7170 Windsor Drive. The Tree Board approved the landscaping plans by consensus.
- 6) **The next meeting will be September 5, 2007**



# PLANNING AND ZONING COMMISSIONERS

## 2007 WORKSHOP SERIES

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Attend all three sessions or choose the ones that are right for you.

\$40 per person per session, or \$35 each for three or more from the same jurisdiction. A light dinner is included.

### Reinvestment in Aging Retail Corridors

Wednesday, May 9, 2007 • 6–8:30 p.m.  
Sylvester Powell Community Center  
6200 Martway, Mission, Kan.

**MODERATOR:**

**Bob Lindeblad**, Professional Planner and Volunteer Planning Commissioner

**PANELISTS:**

**Bob Johnson**, President, R.H. Johnson Co.  
**Chase Simmons**, Real Estate Attorney, Polsinelli Shalton Flanigan Suelthaus PC  
**Bernie Shaner**, Shaner Appraisals, Inc.

Retail businesses are a major part of the region's economy, providing almost 20 percent of our employment base and generating much-needed sales taxes for local governments. Some communities are seeing rapid development of new retail space, while others have aging retail centers with growing vacancy rates. This panel discussion will help you better understand the changing retail marketplace, strategies to encourage reinvestment in underperforming properties, and important design elements for redeveloped sites.

### Master Plans for Smaller Communities

Thursday, May 17, 2007 • 6–8:30 p.m.  
Grandview Community Center  
13500 Byars Road, Grandview, Mo.

**PRESENTERS:**

**Fred Sherman**, Community Development Director, City of Gardner, Kan.  
**Scott Michie**, Vice President, Community Planning, Bucher, Willis & Ratliff Corporation

Many smaller communities throughout the Kansas City metropolitan area are facing growth challenges — residential, commercial and industrial. While eager to accommodate new residents and businesses, these cities are concerned about the loss of their small-town quality of life, the impact on streams and other natural features, and how to pay for the infrastructure necessary to support new development. Learn how a master plan or land-use plan can help guide growth and development, including: when a master plan is useful or necessary; what elements it should include; how the plan might be developed and adopted; and how to use the plan to make decisions on development applications.

### Reviewing Site Plans and Proposals

Wednesday, Sept. 26, 2007 • 6–8:30 p.m.  
MARC Board Room  
600 Broadway, Kansas City, Mo.

**PRESENTERS:**

**Leslie Karr** and **Mark Stuecheli**, City of Overland Park, Kan., and **Dave Hill**, Overland Park Planning & Zoning Commission

Session presenters will review the tools and processes that are available to create quality development, and discuss strategies for planning commissioners to use when reviewing site plans and development proposals. Learn more about the role grading and topography play in site development; explore issues related to building and parking lot layout, vehicular circulation and pedestrian accessibility; and learn to review building elevations and discuss elements of quality building design.

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Primary Contact Name \_\_\_\_\_ E-mail \_\_\_\_\_

Please provide the following information for each attendee. For more than four, please use a separate sheet.

1. Name \_\_\_\_\_ Title \_\_\_\_\_

Check the sessions you will attend:  May 9  May 17  September 26

2. Name \_\_\_\_\_ Title \_\_\_\_\_

Check the sessions you will attend:  May 9  May 17  September 26

3. Name \_\_\_\_\_ Title \_\_\_\_\_

Check the sessions you will attend:  May 9  May 17  September 26

4. Name \_\_\_\_\_ Title \_\_\_\_\_

Check the sessions you will attend:  May 9  May 17  September 26

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**PLANNING AND ZONING  
COMMISSIONERS  
2007 WORKSHOP SERIES**

**Council Members**  
**Mark Your Calendars**  
**May 7, 2007**

<b>May 2007</b>	David Payne oils exhibit in the R. G. Endres Gallery
May 11	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>May 14</b>	<b>Budget Worksession</b>
May 21	City Council Meeting
May 26	Swimming Pool Opens
May 28	City offices closed in observance of Memorial Day
<b>June 2007</b>	Jack O'Hara watercolors exhibit in the R. G. Endres Gallery
June 4	City Council Meeting
June 8	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>June 11</b>	<b>Budget Worksession</b>
June 13	Park and Recreation Public Forum at 7:00 p.m.
June 18	City Council Meeting
June 19	Chamber Golf Classic
June 25	Budget Worksession
<b>July 2007</b>	Senior Arts Council mixed media exhibit in the R. G. Endres Gallery
July 2	City Council Meeting
July 4	VillageFest 2007
July 4	City offices closed in observance of Independence Day
<b>July 9</b>	<b>Budget Worksession</b>
July 13	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
July 16	City Council Meeting
July 17	All city Swim Team Meet – Pool closed to the public all day
July 29	Water show at 8:30 p.m.
<b>August 2007</b>	Shawn Bohs photography exhibit in the R. G. Endres Gallery
August 6	City Council Meeting
August 10	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
August 13	Reduced hours at the pool begin – opens at 4:30 p.m. weekdays
August 20	City Council Meeting
August 23	Shawnee Mission Education Foundation 15 <sup>th</sup> Annual Fall Breakfast
<b>September 2007</b>	Barney Newcom oils exhibit in the R. G. Endres Gallery
September 3	City offices closed in observance of Labor Day
September 3	Pool closes for the season at 6:00 p.m.
September 4(Tuesday)	City Council Meeting
September 14	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
September 17	City Council Meeting
<b>October 2007</b>	No exhibit scheduled yet in the R. G. Endres Gallery
October 1	City Council Meeting
October 15	City Council Meeting
<b>November 2007</b>	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 5	City Council Meeting
November 9	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.



November 19 City Council Meeting  
November 22-23 City offices closed in observance of Thanksgiving

**December 2007** Christi Roberts-Bony mixed media R. G. Endres Gallery  
December 3 City Council Meeting  
December 7 Mayor's Holiday Gala  
December 14 Artist reception in R. G. Endres Gallery 6:30 to 7:20 p.m.  
December 17 City Council Meeting  
December 25 City offices closed in observance of Christmas

**ANIMAL CONTROL COMMITTEE**

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

**COMMUNICATIONS COMMITTEE**

COM2000-01 Consider redesign of City flag (assigned 7/25/2000)  
 COM2000-02 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for 1<sup>st</sup> Quarter 2001)  
 COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)

**COUNCIL COMMITTEE**

COU99-13 Consider Property Audits (assigned 4/12/99)  
 COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4<sup>th</sup> Quarter 2001)  
 COU2000-44 Provide direction to PVDC regarding its function / duties (2000 Strategic Plan)  
 COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)  
 COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)  
 COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)  
 COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)  
 COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)  
 COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)  
 COU2005-17 Consider how to expand leadership opportunities for Council (assigned 9/6/2005)  
 COU2005-19 Consider term limits for elected officials and committees (assigned 9/6/2005)  
 COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)  
 COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)  
 COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)  
 COU2006-05 Consider Committee Structure (assigned 4/25/2006)  
 COU2006-20 Consider Project 191020: Colonial Pedestrian Bridge Replacement (assigned 8/1/2006)  
 COU2006-26 Consider Project 190862: 75<sup>th</sup> Street from Nall Avenue to Mission Road (CARS) (assigned 8/28/2006)  
 COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)  
 COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)  
 COU2006-38 Consider Park & Recreation Committee Report (assigned 09/27/2006)  
 COU2006-54 Consider Renewal of Special Use Permit at 7700 Mission Road (assigned 12/7/2006)  
 COU2006-55 Consider Project SP105: 2007 Crack Seal/Slurry Seal/Microsurfacing Program (assigned 12/27/2006)  
 COU2006-56 Consider Project 191019: Canterbury Street Sidewalk Improvements (assigned 12/21/2006)  
 COU2007-02 Consider Reducing the size of the Council (assigned 1/8/2007)  
 COU2007-08 Consider 2008 Budget (assigned 1/11/2007)  
 COU2007-10 Consider Recognition of Prairie Village families with service personnel in Iraq, Afghanistan or other dangerous areas (assigned 1/11/2007)  
 COU2007-11 Consider SP107: 2007 Street Repair Program (1/31/2007)  
 COU2007-17 Consider Educational Reimbursement Policy (assigned 2/8/2007)

## COMMITTEE AGENDA

May 7, 2007

- COU2007-19 Consider Project 190860: 2007 Street Resurfacing Program (assigned 2/14/2007)  
COU2007-22 Consider Project 190718: 2007 Storm Drainage Repair Program (assigned 2/28/2007)  
COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)  
COU2007-31 Consider City Administrator/City Manager forms of government (assigned 3/19/32007)  
COU2007-32 Consider cleaning of HVAC systems in City buildings (assigned 3/29/2007)  
COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)  
COU2007-34 Consider Traffic Engineer Report for 79<sup>th</sup> Street and Roe Avenue Intersection (assigned 4/11/2007)  
COU2007-35 Consider Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements (moved from POL 2004-15 - assigned 4/11/2007)  
COU2007-36 Consider Council Retreat (assigned 4/11/2007)  
COU2007-37 Consider Personnel Policy Changes - (assigned 4/26/2007)  
COU2007-38 Consider "MXD" Planned Mixed Use District amendment (assigned 4/30/2007)  
COU2007-39 Consider Personnel Policy on Recreational Memberships (assigned 5/1/2007)  
COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)

### LEGISLATIVE/FINANCE COMMITTEE

- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and where appropriate (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)  
LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)  
LEG2005-49 Consider Building Permit and Plan Review Fees (assigned 12//21/2005)

### PARKS AND RECREATION COMMITTEE

- PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

### PLANNING COMMISSION

- PC2000-01 Consider the inclusion of mixed-use developments in the City and create guidelines criteria and zoning regulations for their location and development (assigned Strategic Plan)  
PC2000-02 Consider Meadowbrook Country Club as a golf course or public open space - Do not permit redevelopment for non-recreational uses (assigned Strategic Plan 2<sup>nd</sup> Qtr 2001)

### POLICY/SERVICES

- POL2004-15 Consider Project 190709: Somerset, Delmar to Fontana (assigned 8/26/2004)- Moved to **COU2007-35**  
POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)  
POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)  
POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005) - Moved to **COU2006-27**

### PRAIRIE VILLAGE ARTS COUNCIL

- PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1<sup>st</sup> Quarter of 2001)