

CITY OF PRAIRIE VILLAGE

**July 6, 2010
Tuesday**

**Committee Meeting
6:00 p.m.**



City Council Meeting

July 6, 2010



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**

**Mint and Chocolate Ice Cream Cake
From Mely's**

COUNCIL COMMITTEE
Tuesday, July 6, 2010
6:00 p.m.
Council Chambers

AGENDA

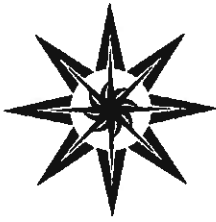
CHARLES CLARK, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

- *COU2010-37** **Consider Engineering Change Order No. 1 for Project 190870: 2010 Street Resurfacing Program for Design of the Somerset Drive Project from East of Mission Road to Roe Avenue
Keith Bredehoeft**
- COU2010-38** **Consider agreement with Johnson County related to the use of Community Development Block Grant (CDBG) funds for Project 190891 - 75th Place from Belinder Avenue to Booth Drive
Keith Bredehoeft**
- *COU2010-39** **Consider Project 190890: 2010 Bond Project - Construction Change Order #4 Adding Project 190876, 2010 CARS Project on 83rd Street from Roe Avenue to Nail Avenue
Keith Bredehoeft**

**Discussion and Direction from Council Regarding Village Vision Priority: Wireless Facilities
Quinn Bennion & Dennis Enslinger**

***Council Action Requested the same night**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2010
Council Meeting Date: July 6, 2010

***COU2010-37: CONSIDER ENGINEERING CHANGE ORDER NO. 1 FOR PROJECT 190870: 2010 STREET RESURFACING PROGRAM FOR DESIGN OF THE SOMERSET DRIVE PROJECT FROM EAST OF MISSION ROAD TO ROE AVENUE.**

RECOMMENDATION

Move to approve the design agreement with Affinis Corporation for project 190870: 2010 Street Resurfacing Program in the amount of \$24,785.00.

BACKGROUND

This engineering change order to the 2010 Street Resurfacing Program is for the engineering cost for the design of the 2010 CARS project on Somerset Drive, project number 190883. Project will include changing curb location to change the typical section from a 4 lane to a 3 lane section. Project includes sidewalk repair, curb and gutter repair, full depth asphalt repair and new asphalt surface. A new sidewalk on the south side of Somerset from Roe Avenue to Delmar will be constructed.

FUNDING SOURCE

Funding is available in the 2010 CIP under project 190883 using Bond Funds.

RELATION TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR1a. Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*

ATTACHMENTS

1. Engineering Change Order #1 for Project 190870

PREPARED BY

Keith Bredehoeft, Interim Director of Public Works

July 1, 2010



CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
ENGINEERING CHANGE ORDER NO. 1

City's Project: 190870
 Date Requested: July 6, 2010 Contract Date: February 2, 2009
 Consultant's Name: Affinis Corp Contractor's Name: n/a

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
	\$204,000.00		Addition of Somerset from East of Mission to Roe	1	\$24,785.00	\$228,785.00

TOTAL \$204,000.00

TOTAL \$228,785.00
 NET Increase \$24,785.00

EXPLANATION OF CHANGE - This change order is to cover the following items:

The scope of services and fee for this Engineering Change Order is to produce construction documents for improvements to Somerset Drive from east of Mission to Roe. The improvements include narrowing the existing 4 to 5-lane street section to a 3 to 4-lane section, replacing curb and gutter, a 2-inch mill and overlay of the pavement and pavement marking and signing. Two inlets will be relocated/added to the existing storm drainage system. One is on the northwest corner of Mission Road and the other is on the northeast corner of 83rd Street. Two raised medians will be constructed in the center turn lane between 82nd Terrace and Mission Road to facilitate pedestrian crossings. The design also includes 10 ADA ramps and 12 intersection layouts. The design will be created from a combination of topographic survey, AIMS planimetric and aerial mapping. A full topographic survey will be performed between 83rd Street and Mission Road from back of sidewalk to back of sidewalk. Partial topographic survey will be performed on the east leg of the Mission Road intersection, the Somerset Drive intersection and between the entrance to Prairie Village Public Works and Reinhardt Street. The project will be constructed as a change order to the 2010 Bond Project that is currently under construction. This work will be a part of the CARS project number 190883 and will be funded from Bond funds

The additional work will be completed by August 5, 2010.

	Contract Value	Contract Days
Original Contract	\$204,000.00	
Current Contract including previous Change Orders	\$204,000.00	
NET This Change Order	\$24,785.00	
New Contract Price	\$228,785.00	

Engineer

Date

Keith Bredehoeft, Interim Director of Public Works
City of Prairie Village, KS

Date

Ronald L. Shaffer, Mayor
City of Prairie Village, KS

Date



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2010

Council Meeting Date: July 19, 2010

COU2010-38: CONSIDER AGREEMENT WITH JOHNSON COUNTY RELATED TO THE USE OF CDBG FUNDS FOR PROJECT 190891- 75th PLACE FROM BELINDER AVENUE TO BOOTH DRIVE

RECOMMENDATION

Staff recommends the City Council approve the agreement with Johnson County for the use of CDBG funds for Project 190891- 75th Place from Belinder Avenue to Booth Drive.

BACKGROUND

This project on 75th Place from Belinder Avenue to Booth Drive was selected by Johnson County to receive \$175,000 in CDBG funds. This agreement covers the funding level and details related to the use of these funds. The project will be constructed in 2010. Funding above the \$175,000 amount will be paid for by the City.

FUNDING SOURCE

Funding is available in the 2010 CIP under project 190891.

ATTACHMENTS

1. CDBG Agreement with Jonson County

PREPARED BY

Keith Bredehoeft, Interim Director of Public Works

July 1, 2010

SUBRECIPIENT AGREEMENT

AN AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE, KANSAS, AND JOHNSON COUNTY, KANSAS, A CDBG URBAN COUNTY, FOR THE ESTABLISHMENT AND DEVELOPMENT OF COMMUNITY DEVELOPMENT BLOCK GRANTS/ENTITLEMENT GRANTS (CFDA No. 14.218), PROJECT NUMBER 2010-18.

THIS SUBRECIPIENT AGREEMENT is made and entered into by and between the Board of County Commissioners of Johnson County, Kansas, hereinafter referred to as "County" and the City of Prairie Village, Kansas hereinafter referred to as "Subrecipient".

WITNESSETH:

WHEREAS, the County has entered into a Grant Agreement with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", for Federal assistance under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, pursuant to said Grant Agreement the County is obligated to require the compliance with certain terms and conditions therein by any third-party with whom the County contracts for the use of funds provided thereby; and

WHEREAS, pursuant to the provisions of Title I of the Housing and Community Development Act of 1974, as amended, the County has authorized the use of funds provided in conjunction with said Grant Agreement for a Community Development (CD) project to be administered by the Subrecipient; and

WHEREAS, said CD project has been determined by the County to meet the national objective of benefiting low- and moderate-income persons; and

WHEREAS, said CD project has been determined by the County to be an eligible Public Facilities and Improvements project, under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County requires, as a condition precedent to the County's requesting from HUD a release of funds for said CD project, the execution of this Subrecipient Agreement;

NOW, THEREFORE, in consideration of the above recitals, the mutual promises, covenants, conditions, and agreements hereinafter set forth, it is agreed by the parties hereto as follows:

**Article I
Statement of Work**

- A. The Subrecipient agrees to perform or carry out the Project described in Subrecipient's Application for funding, dated May 27, 2009 and incorporated herein by reference and on file in the County's Community Development office. The Subrecipient will use CDBG funds "to mill and overlay 1,000 square feet of residential street pavement and replacement of curb and gutters on both sides of West 75th Street, between Booth Drive and Belinder Avenue."**
- B. Subject to the provisions of Article III, General Terms and Conditions, of this Subrecipient Agreement, the County agrees to provide funding to the Subrecipient in an amount not to exceed \$175,000.**
- C. The County shall not authorize the Subrecipient to draw on funds unless said funds are to provide for payment for work, as set forth in the Subrecipient's Application. The authorization provided by this section shall be limited by the amount established in Article I. B.**
- D. The period of performance for activities assisted by this Subrecipient Agreement shall commence**

on January 1, 2010 and be completed by December 31, 2010, except for those activities required for project closeout.

E. Reports

1. The Subrecipient agrees to submit quarterly progress reports on a form supplied by the County. These reports are due in the County's Community Development office on April 10th, July 10th, and October 10th.
2. The Subrecipient further agrees to submit a completed Project Beneficiary Information form for the full program year, supplied by the County's Community Development office, for any activity remaining open at the end of the 2010 grant year. This report is due in the County's Community Development office on January 5, 2011.

- F. If it is known or anticipated that the activity funded by this grant will not be closed out by December 31, 2010, a request for an extension must be made in writing to the County's Community Development Coordinator. The request will explain the reason(s) why the activity will not be completed by December 31, 2010 and provide a firm timeline for completion. If a request for an extension is not submitted, no future reimbursements will be made until a request for an extension is submitted. The request must be received by December 3, 2010 and signed by the Mayor of the City.

**Article II
Definitions**

Except to the extent modified or supplemented by the Grant Agreement, any term defined in Title I of the Housing and Community Development Act of 1974, as amended, or the HUD Community Development Block Grant Regulations at 24 CFR Part 570, shall have the same meaning when used herein. Further definitions are as follows:

- A. "Application" means all papers, documents, exhibits, maps, etc., submitted by the Subrecipient's Project as part of the County's CD Program, and any amendments, supplements, or revisions thereto submitted prior to the County seeking from HUD a release of funds for said projects.
- B. "Assistance" means the grants and any loans secured by loan guarantees provided under this Subrecipient Agreement.
- C. "Assurances" means the same certifications and assurances submitted by the County with its grant application pursuant to the requirements of 24 CFR Part 570.
- D. "Program" means the Community Development programs, projects, or other activities, including the administration thereof, with respect to which Assistance is being provided under this Subrecipient Agreement.
- E. "Program Income" means gross income received by the Subrecipient directly generated from the use of CDBG funds.
- F. "Project" means the activities outlined by the Subrecipient's Application and published by the County in its 2010 Action Plan for uses of Community Development funds.
- G. "Subrecipient" means each entity that receives funding pursuant to this Subrecipient Agreement.

**Article III
General Terms and Conditions**

Upon execution of this Subrecipient Agreement, the County agrees to provide to the Subrecipient authorization to draw upon funds provided to the County pursuant to a Grant Agreement between the

County and HUD, provided, no draft shall be honored by the County until HUD has released funds for Subrecipient's CDBG Project. Said authorization shall be subject to the terms and conditions of this Subrecipient Agreement, any applicable laws, regulations and requirements of HUD, which are now or hereafter in effect, and all rules, regulations and requirements issued by the County.

The Subrecipient agrees that notwithstanding any other provision of this Subrecipient Agreement, any requirements of amendments to Title I of the Housing and Community Development Act of 1974, as amended, which supersede or are not provided for in the HUD program regulations shall govern the use of the Assistance provided until revised regulations implementing such requirements are published for effect.

Article IV Federal Regulations and Requirements

The Subrecipient shall provide to the County all Assurances and Certifications required of the County by HUD. This shall include assurances that the Subrecipient certifies that this grant will be conducted and administered in conformity with the following laws and requirements.

A. Affirmatively Furthering Fair Housing (24 CFR Part 570, Subpart K, 570.601)

The Subrecipient shall comply with Public Law 88-352 and Public Law 90-284 and Executive Order 111063, as amended by Executive Order 12259.

B. Nondiscrimination (24 CFR Part 570, Subpart K, 570.602)

The Subrecipient shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and any other applicable federal, state or local law, rule or regulation governing nondiscrimination.

C. Labor Standards (24 CFR Part 570, Subpart K, 570.603)

The Subrecipient shall comply with Section 110(a) of Title I of the Housing and Community Development Act of 1974, as amended, which requires that all laborers and mechanics employed by contractors or subcontractors on construction work, that is valued in excess of \$2,000, assisted under this Subrecipient Agreement shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 USC 276a to 276a-5) and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 USC 327-332), and the contractors and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable federal laws and regulations pertaining to labor standards. Residential rehabilitation in structures with less than eight (8) units is exempted from these labor standards.

D. Flood Disaster Program (24 CFR Part 570, Subpart K, 570.605)

The Subrecipient shall comply with Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in 44 CFR parts 59 through 79. Any contract or agreement for the sale, lease, or other transfer of land acquired, cleared or improved with Assistance provided under this Subrecipient Agreement shall contain, if such land is located in an area identified by the Secretary as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, 42 USC 4001 et seq., provisions obligating the transferee and its successors or assigns to obtain and maintain, during the ownership of such land, such flood insurance as required with respect to financial assistance for acquisition or construction purposes under the Flood Disaster Protection Act of 1973. Such provisions shall be required notwithstanding the fact that the construction on such land is not itself funded with Assistance provided under this Subrecipient Agreement.

E. Displacement, Relocation, Acquisition, and Replacement of Housing (24 CFR Part 570, Subpart K, 570.606)

The Subrecipient shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1990, as amended:

The Subrecipient agrees for the duration of this Subrecipient Agreement to:

1. Ensure that owners of real property acquired for federal and federally assisted projects are treated fairly and consistently; encourage and expedite acquisition by agreements with such owners; minimize litigation and relieve congestion in the courts; and promote public confidence in federal and federally-assisted land acquisition programs; and
2. Comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1990 ("the Act"), as required under Section 570.606(a) (Title I of the Housing and Community Development Act of 1974, as amended) and federal implementing regulations; the requirements of Section 570.606(b) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that such a plan is being followed; the relocation requirements of Section 570.606(c) governing displacement subject to Section 104(K) of the Act; and the relocation requirements of Section 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

F. Equal Employment (24 CFR Part 570, Subpart K, 570.607)

The Subrecipient shall comply with Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086 and 12107, Equal Employment Opportunity.

During the performance of this Subrecipient Agreement, the Subrecipient agrees as follows:

1. The Subrecipient shall not discriminate against any employee because of race, color, religion, sex, age, or national origin. The Subrecipient shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin, handicap or familial status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. The Subrecipient shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Subrecipient shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, handicap or familial status.
3. The Subrecipient shall incorporate foregoing requirements in all contracts that are deemed necessary to carry out Project activities.
4. The Subrecipient agrees that it will assist and cooperate actively with the Secretary of Labor and the County in obtaining the compliance of contractors and subcontractors with the above equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Secretary in the discharge of its primary responsibility for securing compliance.

G. Contracting Opportunities (24 CFR Part 570, Subpart K, 570.607)

The Subrecipient shall comply with requirements of Section 3, of the Housing and Urban Development Act of 1968 (12 USC 1701U), as amended, the HUD regulations issued pursuant thereto at 24 CFR Part 135, and any applicable rules and orders of HUD issued thereunder. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the Project be awarded to business concerns which are located in, or owned in substantial part, by persons residing in the area of the Project.

The Subrecipient shall cause or require to be inserted in full in all contracts and subcontracts for work financed in whole or in part with Assistance provided under this Subrecipient Agreement, the Section 3 clause set forth in 24 CFR 135.

H. **Lead-Based Paint** (24 CFR Part 570, Subpart K, 570.608)

In the construction or rehabilitation of residential structures with Assistance provided under this Subrecipient Agreement the Subrecipient will comply with the Lead-Based Paint Regulations issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 USC 4832, et seq.) and the Lead Safe Housing Rule (24 CFR 35).

I. **Use of Debarred, Suspended or Ineligible Contractors or Subrecipients** (24 CFR Part 570, Subpart K, 570.609)

The Subrecipient agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contract and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

J. **Uniform Administrative Requirements and Cost Principles** (24 CFR Part 570, Subpart K, 570.610)

The Subrecipient shall comply with the policies, guidelines, and requirements of 24 CFR Part 85 and OMB Circulars A-87 and A-133

K. **Conflict of Interest** (24 CFR Part 570, Subpart K, 570.611)

1. **Interest of Certain Federal Officials.** No member of or Delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Subrecipient Agreement or to any benefit to arise from the same.
2. **Interest of Officers, Employees or Agents of Subrecipient, Members of Local Governing Body, or other Public Officials.** No officer, employee or agent of the Subrecipient, or its designee, no officer, employee or agent of the County who exercises any functions or responsibilities with respect to the Program during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project assisted under this Subrecipient Agreement. The Subrecipient shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this section.
3. **Prohibition Against Payments of Bonus or Commission.** The Assistance provided under this Subrecipient Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such Assistance, or HUD approval of applications for additional Assistance, or any approval or concurrence of HUD required under this Subrecipient Agreement, Title I of the Housing and Community Development Act of 1974, as amended, or HUD regulations with respect thereto; provided, however, that reasonable fees or bonafide technical, consultant,

managerial or other services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

L. Executive Order 12372 (24 CFR Part 570, Subpart K, 570.612)

Executive Order 12372, Intergovernmental Review of Federal Programs, applies to a CDBG funded activity only where the Subrecipient proposes to use funds for the planning or construction (reconstruction or installation) of water or sewer facilities. Such facilities include storm sewers as well as all sanitary sewers, but do not include water and sewer lines connecting a structure to the lines in the public right-of-way or easement.

M. Eligibility Restrictions for Certain Resident Aliens (24 CFR Part 570, Subpart K, 570.613)

Certain newly legalized aliens, as described in 24 CFR Part 49, are not eligible to apply for benefits under covered activities. Covered activities mean either:

1. Activities that have income eligibility requirements limiting the benefits exclusively to low- and moderate-income persons; or
2. Activities that are targeted geographically or otherwise to primarily benefit low- and moderate-income persons (excluding activities serving the public at-large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.

N. Architectural Barriers Act and the Americans With Disabilities Act (24 CFR Part 570, Subpart K, 570.614)

The Subrecipient shall comply with the Architectural Barriers Act of 1968 and shall comply with the Uniform Federal Accessibility Standards (Appendix A to 24 CFR Part 40) for residential structures, and Appendix A to 41 CFR Part 101-19, subpart 101-19.6.

The Subrecipient shall comply with the Americans With Disabilities Act which provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications.

**Article V
County Rules, Regulations and Requirements**

A. Records

The Subrecipient shall maintain records with respect to all matters covered by this Subrecipient Agreement. At a minimum the following records will be maintained in a file for the CDBG funded Project:

- Citizen Participation
- Subrecipient Application
- Written agreement(s)
- Records demonstrating that the activity meets a National Objective
- Income eligibility records
- Project Beneficiary Forms
- Financial statement and records
- Purchasing records
- Audits
- Fair housing and equal opportunity records
- Construction Contracts and related documents
- Draw down requests (with source documentation, including invoices, purchase orders, etc).
- Monitoring reports and correspondence

Such records shall be maintained for a period of five (5) years after receipt of the final payment under this Subrecipient Agreement.

B. Program Income

The Subrecipient agrees to return Program Income to the County except where the Subrecipient can demonstrate its ability to use the income in accordance with requirements of Title I of the Housing, and Community Development Act of 1974, as amended. For purposes of this Subrecipient Agreement, Program Income includes, but is not limited to: proceeds from the disposition by sale or long term lease of real property purchased with CDBG funds; income from the temporary use or leasing of properties acquired with CDBG funds pending the disposition or use for which the property was acquired; payments of principal and interest on loans made using CDBG funds; and, interest earned on Program Income pending disposition of such income.

Program Income shall be recorded as part of the financial transaction of the grant program. Program Income received before expiration of this Subrecipient Agreement may be retained by the Subrecipient if the Program Income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds and that such Program Income shall affect withdrawals of grant funds as follows:

1. Program Income in the form of repayments to or interest earned on a revolving fund shall be disbursed before additional cash withdrawals are made.
2. All other Program Income shall be disbursed for eligible activities before additional cash withdrawals are made.
3. Program Income on hand at the expiration of this Subrecipient Agreement, or received after expiration of this Subrecipient Agreement, shall be returned to the County.

C. Payment

1. The County agrees to provide funding for expenditures of the Subrecipient under this Subrecipient Agreement in the manner set forth in the County Financial Management Requirements for the Community Development Block Grant Program.
2. The County shall not authorize the Subrecipient to draw on funds unless said funds are to provide for payment for work, as set forth in the Subrecipient's Application.
3. It is understood and agreed by the parties hereto that the County will not process a request for final payment of expenditures until the Subrecipient has supplied a fully completed Project Beneficiary Information form supplied by the County's Community Development office.
4. At any time during the period of performance the County may review program costs incurred by the Subrecipient. Upon such review the County shall disallow any items of expense which are not determined to be allowable or are determined to be in excess of approved expenditures. If the County disallows a cost, the County may deduct the amount of disallowed cost from any future payments under this Subrecipient Agreement or require that the Subrecipient refund the amount of the disallowed cost(s) for as long as the records are maintained.
5. Notwithstanding any other provision of this Subrecipient Agreement to the contrary, it is understood and agreed by the parties hereto that the County's obligation to provide funding to the Subrecipient under this Subrecipient Agreement is expressly contingent upon the level of funding made available to the County from HUD. Should such funding level be reduced by HUD or no longer be made available to the County from HUD

sufficient to support the amount of funding to be provided by the County under this Subrecipient Agreement then this Subrecipient Agreement may be amended to reflect such reduction in funding or, at the option of the County, may be terminated upon written notice to the Subrecipient stating the effective date of termination. Should either event occur, it is understood and agreed by the parties that the County shall not be obligated to provide funding beyond the amended amount or beyond any amount provided to the Subrecipient by the County prior to said date of termination.

D. Financial Management, Audit and Review

1. The Subrecipient agrees that the County, the Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Subrecipient which are directly pertinent to this Subrecipient Agreement for the purpose of making audit, examination, excerpts, and transcripts for as long as the records are maintained.
2. It is further agreed that the Subrecipient shall make quarterly progress/performance reports to the County detailing the progress of the project. Further, the Subrecipient agrees to allow the County or its designee to make periodic project site visits to assess the progress of the project and to report such progress.
3. The Subrecipient agrees to reimburse or return to the County those funds which have been disbursed under this Subrecipient Agreement for the performance of the Project listed herein should the Subrecipient default on any of the provisions listed herein or should the County decide to terminate this Subrecipient Agreement for cause.
4. The Subrecipient agrees to maintain financial records in accordance with generally accepted accounting principles and to make all such records available to HUD and/or the County for inspection upon request. The Subrecipient further agrees to maintain applicable financial management standards prescribed in 24 CFR Part 84 and Part 85 C as further defined at 24 CFR 570.502(a):
 - a. Records that identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
 - b. Effective control over and accountability for all funds, property, and other assets. Subrecipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
 - c. Procedures for determining reasonableness, allowability and allocation of costs in accordance with the provisions of Office and Management and Budget (OMB) Circular A-87.
 - d. Accounting records that are supported by source documentation.
 - e. A systematic method to assure timely and appropriate documentation.

E. Annual Audit

The County requires that the Subrecipient submit a copy of the Subrecipient's Annual Audit Report for the fiscal year(s) covered by this Subrecipient Agreement and any extensions, when the Subrecipient expends \$500,000 or more in a year in federal awards. Such audit report must

be prepared in accordance with OMB Circular A-133.

F. Reversion of Assets

Upon expiration of this Subrecipient Agreement, the Subrecipient shall transfer to the County any CDBG funds on hand at the time of expiration of this Subrecipient Agreement and any accounts receivable attributable to the use of CDBG funds. Additionally, any real property under control of the Subrecipient that was acquired or improved in whole or in part with CDBG funds in excess of Twenty-Five Thousand Dollars (\$25,000.00) shall either be:

1. Used to meet one of the national objectives until five (5) years after expiration of this Subrecipient Agreement, or for such longer period of time as determined to be appropriate by the Subrecipient; or
2. Disposed of in a manner that results in the County being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to the expenditures of non-CDBG funds for acquisition of, or improvement to, the property.

G. Obligations of the Subrecipient with Respect to Certain Third Party Relationships.

The Subrecipient shall remain fully obligated under the provisions of this Subrecipient Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Project with respect to which Assistance is being provided under this Subrecipient Agreement to the Subrecipient.

H. Environmental Standards (24 CFR Part 570, Subpart K, 570.604)

The Subrecipient does not assume either the County's environmental responsibilities or the County's responsibility for initiating the review process under the provisions of 24 CFR Part 52. See 24 CFR Part 570, Subpart J, 503(b)(5)(i)(ii)

**Article VI
Indemnity and Liability**

- A. The Subrecipient shall defend, indemnify and hold the County, its officers, employees and agents free and harmless from and against all claims, losses and liabilities arising out of personal injury, including death, and damage to property arising out of or in any way connected with this Subrecipient Agreement, whether such operations be by the Subrecipient or by any subcontractor or anyone directly or indirectly employed by the Subrecipient. The Subrecipient shall also defend, indemnify, and hold harmless the County, its officers, employees, and agents free and harmless from and against any claims arising out of the award of this Subrecipient Agreement to the Subrecipient.
- B. Any subcontractor shall protect itself, the Subrecipient, and the County for the claims and damages due to personal injury including death as well as claims of property damage that may arise in the work. For construction or facility improvement, the Subrecipient shall require contractors to comply with the requirements of 24 CFR 85.36 (h) (1 through 3) or Attachment B of OMB Circular A-110 as applicable.

**Article VII
Termination of Convenience**

- A. The County or the Subrecipient may terminate this Subrecipient Agreement in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditures of funds.

- B. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.
- C. The Subrecipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Subrecipient shall be allowed full credit for noncancelable obligations, properly incurred prior to termination.

**Article VIII
Termination for Cause
Suspension of Payments or Agreement**

If the County determines that the Subrecipient has violated or failed to comply with any of the covenants, conditions, agreements or stipulations of this Subrecipient Agreement, the County shall promptly notify the Subrecipient in writing of the determination and may, at its option, take the following action:

- A. Terminate this Subrecipient Agreement by including in the above notice the reasons for the termination, together with the effective date;
- B. Suspend payments under this Subrecipient Agreement by including in the above notice the effective date and specifying what actions must be taken as a condition precedent to the resumption of payments. In such event, just and equitable compensation shall be given at the end of the suspension period for any work satisfactorily completed by the Subrecipient during the suspension period;
- C. Suspend this Subrecipient Agreement by including in the above notice the effective date and specifying the actions that must take place as a condition precedent to the resumption of performance under this Subrecipient Agreement. In such event, the County shall incur no financial liability under this Subrecipient Agreement or otherwise at law for any services rendered during the suspension period.
- D. The County will provide the Subrecipient an opportunity to request a hearing, appeal, or other administrative proceeding to which the Subrecipient is entitled.

The action of the County in suspending payments or this Subrecipient Agreement or in terminating this Subrecipient Agreement shall not constitute a waiver of any claim or remedy which the County may otherwise have arising out of this Subrecipient Agreement.

**Article IX
Assignment**

The Subrecipient's rights, obligations, and duties under this Subrecipient Agreement shall not be assigned or transferred in whole or in part without prior written agreement by the County.

**Article X
Entire Agreement
Amendment**

This Subrecipient Agreement represents the entire and integrated agreement between the County and the Subrecipient and supersedes all prior negotiations, representations, or agreements, either written or oral. This Subrecipient Agreement may be amended only by written instrument, signed by both the County and the Subrecipient.

**Article XI
Venue**


This Subrecipient Agreement and every question arising hereunder shall be construed or determined

according to the laws of the State of Kansas. Should any part of this Subrecipient Agreement be adjudicated, venue shall be proper only in the District Court of Johnson County, Kansas.

IN WITNESS WHEREOF, the parties hereto have set their hands to this Subrecipient Agreement.

COUNTY:

SUBRECIPIENT:



Hannes Zacharias
County Manager
Johnson County, Kansas

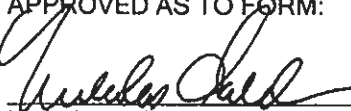
Mayor
City of Prairie Village

4.74.10

Date

Date

APPROVED AS TO FORM:



Nicholas Saldan
Deputy County Counselor



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2010

Council Meeting Date: July 6, 2010

***COU2010-39: CONSIDER PROJECT 190890: 2010 Bond Project-
CONSTRUCTION CHANGE ORDER #4 ADDING PROJECT 190876, 2010
CARS PROJECT ON 83RD STREET FROM ROE AVENUE TO NALL AVENUE.**

RECOMMENDATION

Staff recommends the City Council approve construction change order #4, for \$600,083.81 with O'Donnell and Sons Construction for adding project 190876.

BACKGROUND

This Change Order is for the addition of street rehabilitation work on 83rd Street from Roe Ave to Nall Ave. Work will include new concrete sidewalk and curbs, full depth pavement repairs, new concrete approaches at Nall Ave., drainage improvements at Nall Ave., and new asphalt pavement. This project is partly funded from the CARS program. CARS has approve \$315,000.00 for this project. City funding will come from the bond funds.

FUNDING SOURCE

Funding is available in the 2010 CIP under project 190876.

ATTACHMENTS

1. Construction Change Order #4 with O'Donnell and Sons Construction

PREPARED BY

Keith Bredehoeft, Interim Director of Public Works

July1, 2010



CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 4

City's Project: 2010 Street Bond Project 190890

Date Requested: July 6, 2010

Contract Date: December 21, 2009

Consultant's Name: N/A

Contractor's Name: O'Donnell and Sons Construction Co., Inc.

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$73,500.00	LS	Mobilization	1	\$3,600.00	\$77,100.00
1	\$30,000.00	LS	Construction Staking	1	\$3,800.00	\$33,800.00
1	\$145,000.00	LS	Traffic Control	1	\$8,075.00	\$153,075.00
100	\$13,000.00	EA	Erosion Control-Gravel Filter Bags	111	\$130.00	\$14,430.00
500	\$2,125.00	LF	Erosion Control-Silt Fence	1,000	\$4.25	\$4,250.00
1,714	\$84,843.00	LF	18" Storm Sewer RCP Class III	1,770	\$49.50	\$87,615.00
2	\$8,000.00	EA	Concrete Drain Inlet-6"x4" Setback-Replace	3	\$4,000.00	\$12,000.00
1,160	\$81,200.00	SY	Sidewalk Ramp-Replacement	1,345	\$70.00	\$94,150.00
7,307	\$262,686.65	SY	Concrete Sidewalk-Replacement 4"	8,490	\$35.95	\$305,215.50
7,525	\$368,725.00	SY	6" Concrete Driveway-Replacement	9,075	\$49.00	\$444,675.00
928	\$22,272.00	SF	Truncated Dome Panel	1,172	\$24.00	\$28,128.00
36,711	\$761,753.25	LF	Concrete Curb & Gutter-Replacement	42,222	\$20.75	\$876,106.50
16,193	\$153,833.50	SY	Sod-Fescue	17,293	\$9.50	\$164,283.50
1,100	\$6,600.00	LF	Lawn Sprinkler-Pipe Replacement	1,365	\$6.00	\$8,190.00
65	\$4,225.00	EA	Lawn Sprinkler-Head Replacement	75	\$65.00	\$4,875.00
23,680	\$43,808.00	SY	2" Cold Milling	32,100	\$1.85	\$59,385.00
5,486	\$305,570.20	TON	2" Asphalt Concrete Surface (Type 3)	6,466	\$55.70	\$360,156.20
3,110	\$73,551.50	SY	Full Depth Pavement Repair-Arterial	3,814	\$23.65	\$90,201.10
5,597	\$259,700.80	TON	4" Asphalt Base (Type 1)	5,666	\$46.40	\$262,902.40
4,820	\$81,940.00	TON	4" Granular Base	4,923	\$17.00	\$83,691.00
310	\$19,685.00	SY	Portland Concrete Pavement 8"	1,527	\$63.50	\$96,964.50
3,000	\$16,950.00	SY	Subgrade Stabilization Fabric	3,372	\$5.65	\$19,051.80
500	\$13,000.00	LF	Underdrain Pipe	800	\$26.00	\$20,800.00
50	\$6,850.00	EA	Drain Tile Connection	60	\$137.00	\$8,220.00
50	\$3,450.00	SY	Sidewalk Ramp-New	185	\$69.00	\$12,765.00
1,614	\$62,946.00	SY	Concrete Sidewalk-New 4"	2,749	\$39.00	\$107,211.00
95	\$13,870.00	LF	Integral Sidewalk Retaining Wall	179	\$146.00	\$26,134.00
300	\$600.00	LF	4" Thermo Pvmnt Marking-Yellow/White/Broken	930	\$2.00	\$1,860.00
29	\$12,035.00	EA	Manhole Adjustment	41	\$415.00	\$17,015.00
200	\$670.00	SF	Rock Form Liner for Sidewalk Retaining Wall	452	\$3.35	\$1,514.20
0	\$0.00		5' Diameter Standard Manhole	1	\$5,184.30	\$5,184.30
0	\$0.00		Grouted Stone Retaining Wall	148	\$253.00	\$37,444.00
0	\$0.00		Rock Wall Relocation	4	\$1,265.00	\$5,060.00
0	\$0.00		Inlet Modification	2	\$1,582.90	\$3,165.80
0	\$0.00		4" Thermo Pvmnt Marking-Double Yellow	622	\$2.37	\$1,474.14
0	\$0.00		4" Epoxy Pvmnt Marking-Solid White	337	\$2.75	\$926.75
0	\$0.00		6" Epoxy Pvmnt Marking-Solid White	224	\$4.13	\$925.12
0	\$0.00		6" Thermo Pvmnt Marking-Solid White	207	\$3.30	\$683.10
0	\$0.00		24" Thermo Pvmnt Marking-Solid White	116	\$8.80	\$1,020.80
0	\$0.00		County Project Sign	2	\$412.50	\$825.00

TOTAL \$2,932,389.90

NET TOTAL \$3,532,473.71
Increase \$600,083.81

EXPLANATION OF CHANGE - This change order is to cover the following items:

This Change Order is for the addition of street rehabilitation work on 83rd Street from Roe Ave to Nall Ave. Work will include repair to concrete sidewalk and curbs, full depth pavement repairs, new concrete approaches at Nall Ave., drainage improvements at Nall Ave., and new asphalt pavement. This project is partly funded from the CARS program. The project number for the CARS project is 190876. Funding will come from the bond funds.

The Consultant does not anticipate a related Engineering Change Order.

	Contract Value	Contract Days
Original Contract	\$6,550,000.00	
Current Contract including previous Change Orders	\$6,555,340.00	
NET This Change Order	\$600,083.81	
New Contract Price	\$7,155,423.81	

Contractor

Date

Keith Bredehoeft, Interim Director of Public Works
City of Prairie Village, KS

Date

Ronald L. Shaffer, Mayor
City of Prairie Village, KS

Date

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
July 6, 2010
7:30 p.m.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC PARTICIPATION

V. PUBLIC HEARINGS

Conduct nuisance abatement hearing regarding 2002 W 71st Terrace as requested by Jeff House, Member of DJ Builders, LLC, pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-09.

Conduct nuisance abatement hearing regarding 7925 Reinhardt Lane, as requested by Millicent A. Seested pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-10.

VI. CONSENT AGENDA

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

By Staff:

1. Approve Regular Council Meeting Minutes - June 21, 2010
2. Approve an entertainment contract with Tree Lawn Artists, Inc. for the performance of Karrin Allyson at the 2010 Jazz Fest celebration on Saturday, September 11, 2010, in the amount of \$3,000.00.

VII. MAYOR'S REPORT

VIII. COMMITTEE REPORT

Council Committee of the Whole - Charles Clark

COU2010-37: Consider Engineering Change Order No. 1 for Project 190870: 2010 Street Resurfacing Program for Design of the Somerset Drive Project from East of Mission Road to Roe Avenue

COU2010-39: Consider Project 190890: 2010 Bond Project - Construction Change Order #4 Adding Project 190876, 2010 CARS Project on 83rd Street from Roe Avenue to Nall Avenue

VillageFest Committee - Diana Ewy Sharp

IX. STAFF REPORTS

X. OLD BUSINESS

XI. NEW BUSINESS

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT



CODES DEPARTMENT

City Council Meeting Date: July 6, 2010

Conduct nuisance abatement hearing regarding 2002 W. 71st Terrace as requested by Jeff House, Member of DJ Builders, LLC, pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-09.

RECOMMENDATION

The Governing Body should conduct a public hearing pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-09.

BACKGROUND

On June 7, 2010, the Governing Body approved Resolution No 2010-09 directing the property owner of 2002 W. 71st Terrace to remove and abate the nuisance conditions as outlined in the resolution (see attached executed Resolution 2010-09).

As provided in Resolution 2010-09, the property owner of record may request a public hearing regarding the nuisance violation. The property owner of record, DJ Builders, LLC, represented by Jeff house, requested the Governing Body hold a public hearing at their July 6, 2010 meeting (see attached letter from Jeff House).

Staff has attached the original documents from the June 7, 2010 City Council meeting which provides a timeline of events, current code violations and associated ordinance provisions, and photos dated 6-1-2010.

Since the June 7, 2010 City Council meeting, conditions on the property have not changed. Staff will provide additional photos of the site at the July 6th meeting. Staff has had several conversations and email correspondence with Mr. House and other parties regarding this issue since the June 7, 2010 City Council meeting. The following are additional events which have occurred after the June 7, 2010 meeting.

Updates to the Timeline:

6/7/2010 Property is mowed under a weed/grass abatement notice

6/8/2010 Letter is sent by certified mail/return receipt to property owner of record indicating that the property has been mowed and to requesting payment of \$168.52 within 30 days. Payment is still outstanding.

- 6/8/2010 Letter sent by certified mail/return receipt indicating that the Governing Body approved Resolution 2010-09 and steps for property owner to request a public hearing regarding the nuisance.
- 6/10/2010 Representative for the property owner of record signed for the Certified Letter from the City dated June 8, 2010
- 6/14/2010 Staff spoke with Jeff House by phone and he indicated that he had received the letter. Staff indicated to Mr. House that he would need to provide a request for a public hearing in writing. Mr. House also indicated that the property was currently in foreclosure proceedings with Great Southern Bank. Mr. House requested that the hearing be scheduled for July 6th to allow time for him to contact the bank.
- 6/17/2010 City receives letter from Jeff House, representing DJ Builders, LLC, requesting a hearing for July 6th.
- 6/18/2010 City Staff confirmed with Mr. House, by phone message, that the Public Hearing was scheduled for July 6th.
- 6/21/2010 City Staff receives email from Mr. House requesting that City Staff contact Great Southern Bank. Mr. House provided the contact information for Corey Wolf with the Great Southern Bank.
- 6/21/2010 City Staff contacts, by phone and email, Corey Wolf regarding the Great Southern Bank's interest in the property and notified the bank of the pending public hearing.
- 6/22/2010 City Staff has conversation with Corey Wolf regarding Great Southern Bank's interest in the property. Mr. Wolf request copies of the approved house plans regarding the structure. Staff encourages Mr. Wolf to provide a letter regarding the status of the foreclosure and any plans the bank might have, should the foreclosure become finalized. Mr. Wolf provides copy of construction mortgage on the property. City Staff provides copies of documents sent to City Council on June 7, 2010.
- 6/24/2010 Corey Wolf corresponds with City staff regarding his request for the construction plans of the property.
- 6/25/2010 City Staff provides public document request to Corey Wolf.
- 6/28/2010 Jamie Hastings, representative of Great Southern Bank returns public document request regarding the house plans for 2002 W. 71st Terr. Staff copies documents and notifies Ms. Hastings that the drawings are available.
- 6/29/2010 Representative from Great Southern Bank picks up requested documents.

Status of the Property:

The conditions of the property have continued to deteriorate. The site continues to have overgrown vegetation and standing water in the basement. In addition, the lack of maintenance of the silt fence continues to have a negative impact on the adjacent stream. Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

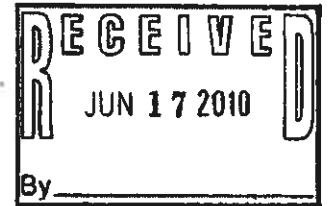
ATTACHMENTS

- Letter from Jeff House, dated June 17, 2010, requesting public hearing
- Letter to DJ Builders, Jeff House, providing information regarding the adoption of Resolution 2010-09
- Resolution 2010-09
- City Council Packet Information from June 7, 2010 and associated minutes

PREPARED BY

Dennis J. Enslinger
Assistant City Administrator
Date: June 30, 2010

DJ Builders, LLC
13830 Santa Fe Trail Dr. Suite 110
Lenexa, KS 66215
(913) 541-1500 Fax (913) 541-0749
bashnerhomes@sbcglobal.net



June 17, 2010

City of Prairie Village
ATTN: Jim Brown, Building Official
913-381-6464
Fax #913-381-7755

RE: 2002 W 71st Terrace, Prairie Village, KS 66208

Attention Jim Brown:

DJ Builders, LLC would like to request a hearing before the Governing Body concerning Resolution No. 2010-09. We would like this hearing to be scheduled for the July 6th meeting of the Governing Body.

Please feel free to contact me at 913-707-7105 or email me at bashnerhomes@sbcglobal.net.

Thank You for your consideration in this matter.

A handwritten signature in black ink, appearing to read "Jeff House".

Jeff House
Member of DJ Builders, LLC

cc: Dennis Enslinger, Assistant City Administrator
Joyce Hagen Mundy, City Clerk

THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

June 8, 2010

Certified Mail 7008 1830 0000 9865 5275

Jeff House
 DJ Builders, LLC
 13830 Sante Fe Trail Dr, #110
 Lenexa, KS 66215

RE: 2002 W 71st Terrace, Prairie Village, KS 66208

Dear Mr. House,

On June 7th, 2010 the Governing Body of the City of Prairie Village passed Resolution No. 2010-09 declaring 2002 W 71st Terrace a Nuisance. As such, Resolution #2010-09 shall serve as the Order for Abatement for same. Therefore, you are hereby ordered to abate the nuisance not later than 10 days from the date of receipt of this letter and Resolution No. 2010-09. (attached)

Prior to the expiration of the 10 day period, you may request a hearing before the Governing Body by delivering a written request to the City Clerk. If the written request for a hearing is made within such 10 day period, a hearing will immediately be scheduled for the next regularly scheduled meeting of the Governing Body, which will be held in the Prairie Village City Council Chambers, 7700 Mission Rd.

If you have questions regarding the procedures regarding this issue you may contact our office as follows:

Dennis Enslinger, AICP
 Assistant City Administrator
 City of Prairie Village
 7700 Mission Rd
 Prairie Village, KS 66208
 913-385-4603
denslinger@pvkansas.com

Jim Brown, CBO
 Building Official
 City of Prairie Village
 7700 Mission Rd
 Prairie Village, KS 66208
 913-381-6464
jbrown@pvkansas.com

Joyce Hagen Mundy
 City Clerk
 City of Prairie Village
 7700 Mission Rd
 Prairie Village, KS 66208
 913-385-4616
jhmundy@pvkansas.com

Failure to respond to this letter and/or failure to schedule a hearing before the Governing Body prior to the expiration of the 10 day period, will necessitate the City proceeding with having the nuisance removed and abated from the property.

Sincerely,



Jim Brown, CBO
 Building Official

Attachments:
 Resolution No. 2010-09
 Memo to Council # COU2009-
 l:cd/bldg/w/2002W71Terrnuisance

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*DJ Builders
 13830 Santa Fe Trail Dr
 #110
 Lenexa, KS 66215*

2. Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>[Signature]</i>		<input type="checkbox"/> Agent
		<input type="checkbox"/> Address
B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery <i>6-10-10</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
-------------------------------------	------------------------------

RESOLUTION NO. 2010-09

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS AT 2002 W. 71ST TERRACE IN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THAT SUCH NUISANCE IS A MENACE, INTERFERES WITH THE RIGHTS OF THE GENERAL PUBLIC AND IS DANGEROUS TO THE HEALTH OF THE INHABITANS OF THE CITY OF PRAIRIE VILLAGE, OR OF ANY NEIGHBORHOOD, FAMILY OR RESIDENT OF THE CITY PURSUANT TO SECTION 4-503 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS AND K.S.A. 12-1617E

WHEREAS, on June 7, 2010, the Governing Body of the City of Prairie Village, Kansas (the "City") received information and evidence from staff members indicating that nuisance conditions may exist on real property commonly known as 2002 W. 71st Terrace, Prairie Village, Kansas (the "property"); and

WHEREAS, the City desires to protect the public health, safety and welfare of its community and residents.

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

Section 1. That it has been determined that the following conditions exist on the Property which is legally described as GRANTHURST LT 86 EX BG SW CR E 20' N 130' W 20' S 130' TO POB & ALL LT 87, Prairie Village, Johnson County, Kansas, Parcel ID# OP11000000 0086A, and commonly known as 2002 W 71st Terrace, Prairie Village, Kansas, and that such conditions constitute a nuisance:

Conditions on the Property which constitute a nuisance include an but are not necessarily limited to : open unfinished structure which is not secure and does not have an active building permit, standing water in said basement structure which is mosquito infestation and generally unsightly, unsafe and unsanitary conditions of the Property for an unreasonably extended period of time. The proposed structure is a safety hazard to the neighborhood and general public. In order for the nuisance to be abated, the existing structure must be demolished and removed from the site and the site returned to its original condition prior to construction of said structure. This includes removal of the structure, appropriate fill, grading of the lot and seeding of the lot.

Section 2. That it has been determined that the nuisance described herein is a menace and is dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the City.

Section 3. That the owner(s) of the Property, or agent(s) thereof, is hereby ordered to remove and abate from the Property the things herein described as a nuisance not later than ten (10) days from the date of service of a copy of this Resolution on such owner(s) or agent(s). This resolution shall serve as the Order of Abatement.

Section 4. That prior to the expiration of the ten (10) day period specified herein, the owner(s) of the Property, or agent(s) thereof, may request a hearing before the Governing Body by delivering a written request for hearing to the City Clerk. If a written request for

hearing is made within such ten (10) day period, such hearing will immediately be scheduled at its next regularly scheduled meeting in the Prairie Village City Council Chambers, 7700 Mission Road, Prairie Village, Kansas.

Section 5. That in the event the owner(s) of the Property, or agent(s) thereof, fails to remove and abate from the Property the items herein described as a nuisance, by not later than the last day of the ten (10) day period specified herein, and in the event that no request is made for a hearing by such date pursuant to Section 4 hereof, the City may proceed to have the items described herein as a nuisance removed and abated from the Property.


Section 6. That in the event the City abates or removes the nuisance, the City shall give notice to the owner(s) or agent(s) thereof, the total cost for the abatement or removal incurred by the City. Such notice and the method of recovery of costs for the abatement or removal of the nuisance described herein shall be in compliance with the provisions of Section 4-504 and 4-505 of the Code of the City of Prairie Village, Kansas and K.S.A. 12-1617e.

Section 7. The owner(s) of the Property, or agent(s) thereof, shall also be placed on notice that violations under the nuisance provisions are subject to prosecution, and that such prosecution shall be independent of this Order to Abate or any enforcement of this Order to Abate.

Section 8. That this resolution shall be served on upon the owner(s) of the Property or agent(s) thereof by Certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then service shall be made by mailing this Resolution by certified mail, return receipt requested, to the last known address of the owner(s) of the Property.

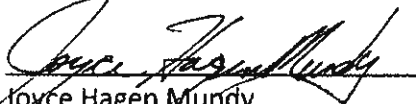
Section 9. This resolution shall be in full force and effect after its adoption by the Governing Body of the City.

Adopted this 7th day of June 2010.



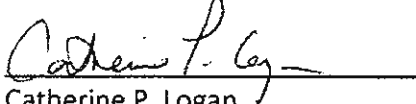
Ronald L. Shaffer
Mayor

ATTEST:



Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:



Catherine P. Logan
City Attorney

Consider Resolution 2010-09 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 2002 West 71st Terrace and ordering the nuisance be abated by the property owner of record

Dennis Enslinger stated at the Council Committee of the Whole meeting on May 3, 2010, staff was directed to proceed with the process for declaration of nuisance on the property at 2002 West 71st Terrace. Mr. Enslinger provided the following background information to the Governing Body:

The City of Prairie Village issued a building permit for the construction of a new residence at the property located at 2002 W 71st Terrace on 8/11/2005 with a second permit issued on 2/27/2008 (permit #08-777). Permit #08-777 expired and was reissued on 9/10/2008.

The property owner DJ Builders completed the foundation on the structure in October of 2008. The last inspection on the property was conducted on 11/03/2008 for an underground plumbing rough-in. No construction activity as occurred on the site since this date and the permit (#08-777) has expired.

City staff has been working with the property owner of record, DJ Builders represented by Jeff House, to try and resolve this condition of the current property since that time. On June 4, 2009, City staff met with Mr. House and he agreed to secure the property and maintain the property in a satisfactory condition while he worked through some financial issues. One of the agreements was to keep City Staff updated on a bi-weekly basis (see letter dated June 29, 2009).

The property owner of record, DJ Builders represented by Jeff House, has not complied with the agreed upon terms of the letter dated June 29, 2009. Over the past year he has not adequately kept City staff involved and there have been numerous code violations on the property. Most recently the city had to have the property mowed.

The conditions of the property have continued to deteriorate. The site continues to have overgrown vegetation and standing water in the basement. In addition, the lack of maintenance of the silt fence continues to have a negative impact of the adjacent stream. Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

Prairie Village Municipal Code 4-503, as defined in 4-502 (g) "nuisance" allows the City to abate such violations with all costs assessed to the property owner and against the property as a lien if not paid by the owner. Such violations include but are not limited to; rank vegetation, unkempt trash, refuse, brush and limbs, debris or building material, and any other

condition which is determined to present a dangerous or harmful condition to the public.

Staff provided photographs of the condition of the property and an outline of actions and violations have been occurred on this property. Mr. Enslinger reviewed the process as established by PVMC Chapter 4, Article 5.

Ruth Hopkins moved the Governing Body approve Resolution No. 2010-09 declaring that a Nuisance, pursuant to K.S.A. 12-6717e and Sections 4-503 of the Prairie Village Municipal Code, exists at 2002 West 71st Terrace and ordering the nuisance be abated by the property owner of record, DJ Builders, LLC. The motion was seconded by Michael Kelly and passed unanimously.

Consider Resolution No. 2010-10 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 7925 Reinhardt Lane and ordering the nuisance be abated by the property owner of record.

Dennis Enslinger stated at the Council Committee of the Whole meeting on May 3, 2010, staff was directed to proceed with the process for declaration of nuisance on the property at 2002 West 71st Terrace. Mr. Enslinger provided the following background information to the Governing Body:

The owner of this property vacated and moved to a property in Fairway, Kansas approximately 10 years ago. A Violation Notice was issued to the owner on 06/12/06 for peeling paint, rotting wood and deteriorating roof. The owner was cited into Municipal Court on 11/01/06 for failure to correct the violations identified on 06/12/06.

Since 06/12/06 the owner has continually stated to the Codes Department and to Municipal Court that she would be selling the property. She has been given numerous continuances and directed by the Court to provide contractual proof of sale or pending sale, or to make all corrections by a given court date.

The owner has failed to provide any evidence of the intent to sell or to correct violations and has continued to fail to appear for numerous court dates. Warrants have been issued on 2 occasions for her Failure to Appear in Municipal Court. City Staff has made



CODES DEPARTMENT

City Council Meeting Date: June 7, 2010

Consider Resolution No. #2010-09 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 2002 W 71st Terrace and ordering the nuisance be abated by the property owner of record, DJ Builders, LLC (Jeff House).

RECOMMENDATION

Staff recommends the Governing Body approve Resolution No. #2010-09 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 2002 W 71st Terrace and ordering the nuisance be abated by the property owner of record, DJ Builders, LLC.

SUGGESTED MOTION

I hereby move that the Governing Body approve Resolution No. #2010-09

BACKGROUND

The City of Prairie Village issued a building permit for the construction of a new residence at the property located at 2002 W 71st Terrace on 8/11/2005 with a second permit issued on 2/27/2008 (permit #08-777). Permit #08-777 expired and was reissued on 9/10/2008.

The property owner DJ Builders completed the foundation on the structure in October of 2008. The last inspection on the property was conducted on 11/03/2008 for an underground plumbing rough-in. No construction activity as occurred on the site since this date and the permit (#08-777) has expired.

City staff has been working with the property owner of record, DJ Builders represented by Jeff House, to try and resolve this condition of the current property since that time. On June 4, 2009, City staff met with Mr. House and he agreed to secure the property and maintain the property in a satisfactory condition while he worked through some financial issues. One of the agreements was to keep City Staff updated on a bi-weekly basis (see letter dated June 29, 2009).

The property owner of record, DJ Builders represented by Jeff House, has not complied with the agreed upon terms of the letter dated June 29, 2009. Over the past year he has not adequately kept City staff involved and there have been numerous code violations on the property. Most recently the city had to have the property mowed.

The conditions of the property have continued to deteriorate. The site continues to have overgrown vegetation and standing water in the basement. In addition, the lack of maintenance of the silt fence continues to have a negative impact of the adjacent stream. Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

Prairie Village Municipal Code 4-503, as defined in 4-502 (g) "nuisance" allows the City to abate such violations with all costs assessed to the property owner and against the property as a lien if not paid by the owner. Such violations include but are not limited to; rank vegetation, unkempt trash, refuse, brush and limbs, debris or building material, and any other condition which is determined to present a dangerous or harmful condition to the public.

It is therefore recommended by the Codes Department that the property be declared a Nuisance pursuant to PVMC Chapter 4 Article 5.

Staff has attached the applicable Municipal Code sections which outline the various individual violations along with recent photographs for the Governing Body's information. Should the Governing Body decide to move forward, the following is the process to resolve the nuisance issues on the property.

Process

- Governing Body reviews the information submitted and determines if a nuisance exists. Council would approve the attached resolution declaring the property a nuisance and ordering the property to be abated.
- Notice of Resolution of Nuisance is mailed to property owner, by certified mail.
- Owner has 10 days from the date of receipt of the Resolution to correct and remove/abate all nuisances on the property. All corrections/abatement by the owner must be in compliance with City Codes and approved by the Codes Department.
- Alternatively, the owner may within 10 days from the date of receipt of the Resolution, request, in writing to the City Clerk, a hearing before the Governing Body. If such request is filled then the hearing will be scheduled for the next regular meeting of the Governing Body.
- If owner fails to correct/abate nuisances or to request a hearing within the 10 days then the city will proceed with removal/abatement procedures.
- The City will take bids for removal/abatement of said nuisances from the property.

- After receipt of bids and approval of contractor and costs, the City will proceed to have all Nuisance violations removed from the property.
- Total costs for the removal/abatement of all nuisances on the property, including fees as provided in Section 4-504 and 4-505 of the Code of the City of Prairie Village will be assessed to the owner(s) or agent(s) of the property or as a tax lien against the property.

ATTACHMENTS

- Municipal Code, PVMC Chapter 4, Article 5, Nuisances
- Timeline of Events
- Current Code Violations and Associated Ordinance Provisions
- Photos Dated 6-1-2010
- Resolution 2010-09

PREPARED BY

Jim Brown, Building Official

Marcia Gradinger, Code Enforcement Officer

Date: June 3, 2010

ARTICLE 5. NUISANCES AND UNSAFE STRUCTURES

4-501. LEGISLATIVE FINDINGS.

- a) The purpose of this Article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property that a violation exists and to allow for self-abatement by such person; to provide property owners, or those in control of real property, notification and an opportunity to be heard concerning violations of this article; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City. (Ord. 1845, Sec. 1, 1994)

4-502. DEFINITIONS. For purposes of this article, the following definitions shall apply:

- (a) City – The City of Prairie Village, Kansas.
- (b) Property Owner – The named property owner as indicated by the Register of Deeds or Appraiser's Office in Johnson County, Kansas.
- (c) Representative – Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer;
- (d) Person – Any individual; individuals' partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver;

agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee and regardless of whether such person has possession;

- (e) Tenant – Any person who has a severable or nonseverable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property;
- (f) Perennial Violator – Any person who shows an annual pattern of failing to comply with this article which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article;
- (g) Nuisance – Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to graffiti, rank vegetation; rank or infested compost heaps; dense smoke; excessive dust, ash or fine articles in the air; rank ponds or standing water including swimming pools, water receptacles and undrained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush and limbs, debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public;
- (h) Unsafe Structure – Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients or create an attraction to children; structures which, due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts, present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 30 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested from the city within the last 45 days;
- (i) Qualified Expert – A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, health and building codes or a licensed professional in the field of engineering or architecture.

- (j) **Graffiti** -- Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.
(Ord. 1845, Sec. 1, 1994)

4-503. **NUISANCES OR UNSAFE STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE.** It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure. (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004)

4-504. **ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING.**

(a) The Building Official shall assist the Governing Body with the administration and enforcement of this article with regard to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists, then the Building Official shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the Building Official's report, it shall issue an Order of Abatement directing the property owner, owner's agent or tenant to remove and abate the nuisance within ten days.

(b) The Order of Abatement shall state:

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

- (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (c) The Order of Abatement shall be served on the property owner, owner's agent or tenant by certified mail, return receipt requested, or by personal service; provided, any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding twenty-four (24) month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this article, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for this paragraph shall be given by telephone communication or first class mail.
- (d) If a recipient of an order of Abatement makes a written request for a hearing within the ten day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify or uphold the Order of Abatement. In making such determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or Code provisions being relied upon, and state any such other stipulations, methods of removal and abatement or orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed ten days.
- (e) If an authorized public officer determines that a violation of this article exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs. (Ord. 1845, Sec. 1,1994; Ord. 2076, Sec. 1, 2004)

4-505. ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

- (a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, then the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The

City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.

- (b) If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner, owner's agent or tenant by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent. The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have thirty (30) days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:
- (1) The common or legal description of the property, or both;
 - (2) The nature of the nuisance, including relevant ordinances;
 - (3) The nature of the work performed to remove and abate the nuisance;
 - (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
 - (5) That payment is due and payable within thirty (30) days of receipt of the notice;
 - (6) That payment should be made payable to the City of Prairie Village, Kansas, by check or money order with no post-dating of the check, and submitted to the City Clerk at City Hall with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
 - (7) That failure to pay the entire amount within the 30 day period shall allow the City to file a tax lien against the property or to pursue litigation for recovery of the costs, or both; and
 - (8) That such additional remedies to recovery costs shall include additional amounts, including interest, court costs, attorney's fees, and administrative costs.
- (c) If the costs are not paid within the 30 day period, the costs shall be collected in the manner provided by K.S.A. 12-1,115 as amended, or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1,115, as amended, but only until the full costs, including applicable interest, court costs, attorneys' fees, and administrative costs have been paid in full (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004.)

4-506. ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION.

- (a) The Public Officer shall be charged with the administration and enforcement of this Article as it concerns unsafe structures. The Public Officer shall authorize the investigation of violations of this Article by his or her designated agents. If it

is determined that a violation of the Article exists, then the Public Officer shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances which support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lienholder of record, as can reasonably be determined, at the last known place of residence and shall be marked, deliver to addressee only.

- (b) On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders, and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants or lien holders of record by certified mail, return receipt requested. The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
- (c) If an authorized public officer determines that a violation of this article exists, he or she may issue a notice to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear. (Ord. 1845, Sec. 1, 1994)

4-507. EXCAVATION FILL. It shall be the duty of the property owner, representative or the tenant, upon removal of a structure, to fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition including the grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site. (Ord. 1845, Sec. 1, 1994)

4-508. REMOVAL OF UNSAFE STRUCTURES; SALVAGE, SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep premises safe and secure, or let the same to contract. The City

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

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

Whenever any structure is removed from any premises under the provisions of this act, the City Clerk shall certify to the county appraiser that such structure, describing the same, has been removed.

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

(Ord. 1845, Sec. 1, 1994)

4-509. PROOF OF REPAIRING OR REBUILDING. In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure.

Upon presentation of such sufficient evidence, the Building Official along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the Building Official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the Building Official to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of proceedings for abatement. (Ord. 1845, Sec. 1, 1994)

4-510. CITY NOT PARTY TO INSURANCE CONTRACT. This Article does not make the City a party to any insurance contract nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 1845, Sec. 1, 1994)

4-511. FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT OF PROCEEDS. It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this article, unless a certificate in lieu of payment of proceeds has been obtained through the city. (Ord. 1845, Sec. 1, 1994)

4-512. IMMEDIATE HAZARDS. In the event the Public Officer under this Article determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as set forth in Section 4-608 and K.S.A. 12-1,115, as amended. (Ord. 1845, Sec. 1, 1994)

4-513. RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY.

- (a) Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this article.
- (b) It shall be unlawful for any person to interfere with a Public Officer or agent of the City in performing his or her duties pursuant to this Article whether investigating or abating violations.
- (c) Any person who interferes with an Officer or agent of the City pursuant to this Article shall be punished as provided in Section 1-116. (Ord. 1845, Sec. 1, 1994)

4-514.

PENALTY.

- (A) Any property owner, representative, tenant or person found in violation of this Article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 day in jail, or both a fine and jail sentence. Any person found guilty of this Article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both a fine and a jail sentence.
- (b) Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this Article, or by other laws.
- (c) Each day that any violation shall continue shall constitute a separate offense.
(Ord. 1845, Sec. 1, 1994)

Timeline of Events at 2002 W 71st Terrace

Memorandum

To: Governing Body

From: Jim Brown, Building Official

Date: 28 May 2010

RE: 2002 W 71 St

Background and current status:

This property is unique whereby there is a drainage canal running through the site thus making it very difficult to develop. This fact was conveyed upon the builder, Jeff House w/ DJ Builders, during the initial discussions regarding this site.

The chronological history regarding this project is as follows:

8/11/05- 1st permit application (#050615) to construct a single family residence (SFR) on this site.

9/2/05- Johnson County Sewer Permit issued- #200501568

12/28/05- Permit application #050615 expired and was voided, due to no activity or correspondence from contractor.

12/15/06- Director of Public Works rejected the 1st drainage permit application.

2/6/07- BZA granted variance to reduce the front yard setback from 30 feet to 10 feet for the detached garage only.

2/21/07- BCA granted waiver to APWA 5602.2-Open Channels -to reduce the required 30 foot clearance from the top of the bank to any building, to allow construction of detached garage.

9/20/07- Drainage Permit approved and issued by Public Works.

11/26/07- 2nd permit application for SFR (#07-1181) submitted.

2/27/08- Permit application #07-1181 voided due to inactivity. Permit # 08-0032 issued for construction of SFR.

9/10/08- Permit #08-0032 expired due to inactivity. Mr. House stated "financial difficulties" as the reason. Permit #08-777 issued- ½ original fee paid to re-new permit.

9/23/08- Report from Johnson County of sewer line break. Subsequent repair by contractor.

10/8/08- Footing inspection-passed

10/9/08- Foundation wall inspection- passed

11/3/08- Under ground plumbing- rough-in inspection- passed

Timeline of Events at 2002 W 71st Terrace

2/12/09- Notified Mr. House that mud bond would expire 2/19/09.

2/13/09- Received mud bond renewal.

3/10/09- Letter sent to Mr. House as a reminder the last inspection performed was 11/3/08 and construction could not remain idle longer than 90 days between inspections. We began receiving complaints from adjacent neighbors regarding site conditions.

3/16/10- Sent 1st property maintenance violation regarding site conditions.

4/15/09- Consultation with Mr. House directing him to provide, in writing, reason for the continuing delays in construction and a time frame as to when the project would resume.

4/24/09- Received letter from Mr. House stating their financial institution (Team Bank) was bought out by Great Southern Bank. It was further stated that Great Southern Bank was not honoring loans made by Team Bank thus creating a financial hardship and resulting in legal issues regarding same. Contractor also stated he would provide updates on this issue and hoped to resolve the legal issues within 60 days.

5/20/09- Code Enforcement Officer speaks with contractor regarding site conditions. Contractor stated he would send schedule of maintenance to address site conditions.

5/28/09- City Staff received complaint about vegetation, fencing, and water in the basement. In addition, the individual expressed concern on the lack of progress on the construction.

5/29/09- City Staff called DJ Builders and asked him to address the concerns with the property.

6/4/09- Met with Mr. House and Dennis Enslinger to discuss the problems with this project. Mr. House informed us that the continuing financial difficulties and legalities involved had made it impossible to resume the project at this time. In addition, Mr. House was directed to provide the following:

1. Provide this department with a letter to address the installation of a temporary construction fence and appropriate silt fencing.
2. Provide this department with updates on a bi-weekly basis.

6/12/09- Received letter from Mr. House explaining the continuing financial difficulties, assurance of providing bi-weekly update and confirmation he would install the requested construction/silt fencing.

6/29/09- Sent letter to Mr. House informing him additional complaints were being received regarding site conditions, the construction/silt fencing must be repaired and we had not received any bi-weekly updates as agreed upon 6/4/09. Mr. House was also informed that additional delays or inactivity could result in the property being declared a nuisance and the start of nuisance proceedings in accordance with PVMC Chapter 4 Article 5.

7/2/2009-Staff received complaint about the vegetation, fencing, and water in the basement. In addition, the individual also expressed concern on the lack of progress on the construction.

7/2/2009- City Staff called DJ Builders and asked him to address the concerns on the property.

Timeline of Events at 2002 W 71st Terrace

7/02/2009- City Staff issued a Violation Notice for exterior storage, weeds and grass. Issues were resolved by deadline of 7/14/2009.

8/12/2009- Sent letter to Mr. House stating nuisance proceedings may begin, in accordance with PVMC Chapter 4 Article 5, if we have no response by 8/31/09.

8/21/2009- City Staff Issued a Violation Notice for Weeds and Grass. Issue was resolved by the deadline of 8/21/2009.

8/25/2009- City Staff spoke with Mr. Jeff House by phone. He explained the situation with the current loan issues. He indicated he would send staff an email by the end of the day.

8/25/09- Received e-mail from Mr. House stating as follows:

1. Currently in settlement negotiations with Great Southern Bank. Hopeful the negotiations would finalize by 9/1/09.
2. Reconfirmed with financing source they are ready to refinance pending great Southern releasing the property at the agreed upon amount.
3. Confirmed the previously issued property maintenance items have been addressed.
4. Will call by September 4 with updates.

11/12/2009 – City Staff received complaint about property and the lack of progress on the construction.

11/12/2009- City Staff received an email from Jeff House indicating that a hearing has been scheduled for December 3, 2009 to get the bank to resolve the issues.

12/09/2009- City Staff received an email from Jeff House that the hearing with the Bank has been postponed as Great Southern has now come back to the table with a settlement agreement that more closely reflects what the parties agreed to.

1/25/10- Received call from project superintendent (Denny) that he was no longer associated with this project.

4/27/10 – City Staff received a complaint on the property regarding standing water and weeds & grass violations. (see attached photos)

5/3/10- Consensus of Council to direct staff to move forward with declaring the property a public nuisance.

5/03/2010-City Staff issued a Violation Notice for Weeds and Grass. The property was not abated by the deadline of 5/10/2010. City Staff directed the property to be mowed.

5/6/2010-City Staff received a complaint about the property and the lack of progress on the construction.

6/01/2010- City staff directed the property be mowed. Fee will be assessed on the property.

Current Code Violations and Associated Ordinance Provisions

•Permit #080777 expired, in violation of:

PVMC Chapter 4 Article 7 – International Residential Code-4-704

4-704 – AMENDMENTS TO SECTION 105.5, EXPIRATION. Section 105.5 of the International Building Code is hereby amended to read as follows:

105.5- Expiration: Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or the work authorized by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. All work shall be documented by an inspection as described in Section 109 of this code. Failure to request an inspection of newly-completed work for a period of 90 days or more shall constitute suspension or abandonment of work, at which time said permit shall become invalid. (Ord. 2088, Sec 1, 2004)

•Current condition of site in violation of the following:

PVMC Chapter 4 Article 7- International Residential Code- 4-701

4-701- Adoption of the International Residential Code; 2006 Edition, (Ord . 2052, Sec 1, 2003; Ord.2143, Sec 1, 2007) thus in violation of IRC Chapter 1 Section R113- R113.1 Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

PVMC Chapter 4 Article 5- Nuisances and Unsafe Structures- 4-501(a) (b)

4-501(a)- The purpose of this Article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property, notification and an opportunity to be heard concerning violations of this article; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.

4-501(b)- The Governing Body of the City hereby finds that the allowance of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights- of -way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof and are offensive to the general public health, safety and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire, a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City. (Ord. 1845, Sec 1. 1994)

Current Code Violations and Associated Ordinance Provisions

pg 2

PVMC Chapter 4 Article 5- Nuisances and Unsafe Structures- 4-503

4-503- Nuisances or Unsafe Structures Unlawful : Responsibility to abate.

It shall be unlawful for any property owner, owner's agent, or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements, and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure. (Ord. 1845, Sec 1, 1994; Ord. 2076, Sec 1, 2004)

PVMC Chapter 8 Article 4- Property Maintenance Code- 4-409(a)(k)

4-409(a)- Minimum Standards. Generally. No structure or land shall be maintained in a condition which violates the health, fire, building or zoning regulation or any other laws or regulations relating to the use of land and the use and occupancy of structures.(Code 1973, 16.12.040; Ord. 1844, Sec 1)

4-409(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 breeding ground for insects or other vermin. (Code 1973, 16.12.040; Ord.1844, Sec 1)

PVMC Chapter 14 Article 5. Erosion and Sediment Control- 14-506(b)

14-506(b)- Maintenance and Control Measures. All prescribed erosion and sediment control measures shall be maintained in good order and in compliance with the Erosion and Sediment Control Plan at all times.

Photographs of Property at 2002 W. 71st Terrace



Photographs of Property at 2002 W. 71st Terrace



Photographs of Property at 2002 W. 71st Terrace



Photographs of Property at 2002 W. 71st Terrace



RESOLUTION NO. 2010-09

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS AT 2002 W. 71ST TERRACE IN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THAT SUCH NUISANCE IS A MENANCE, INTERFERES WITH THE RIGHTS OF THE GENERAL PUBLIC AND IS DANGEROUS TO THE HEALTH OF THE INHABITANS OF THE CITY OF PRAIRIE VILLAGE, OR OF ANY NEIGHBORHOOD, FAMILY OR RESIDENT OF THE CITY PURSUANT TO SECTION 4-503 OF THE CODE OF THE CITY OF PRAIRIE VILALGE, KANSAS AND K.S.A. 12-1617E

WHEREAS, on June 7, 2010, the Governing Body of the City of Prairie Village, Kansas (the "City") received information and evidence from staff members indicating that nuisance conditions may exist on real property commonly known as 2002 W. 71st Terrace, Prairie Village, Kansas (the "property"); and

WHEREAS, the City desires to protect the public health, safety and welfare of its community and residents.

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

Section 1. That it has been determined that the following conditions exist on the Property which is legally described as GRANTHURST LT 86 EX BG SW CR E 20' N 130' W 20' S 130' TO POB & ALL LT 87, Prairie Village, Johnson County, Kansas, Parcel ID# OP11000000 0086A, and commonly known as 2002 W 71st Terrace, Prairie Village, Kansas, and that such conditions constitute a nuisance:

Conditions on the Property which constitute a nuisance include an but are not necessarily limited to : open unfinished structure which is not secure and does not have an active building permit, standing water in said basement structure which is mosquito infestation and generally unsightly, unsafe and unsanitary conditions of the Property for an unreasonably extended period of time. The proposed structure is a safety hazard to the neighborhood and general public. In order for the nuisance to be abated, the existing structure must be demolished and removed from the site and the site returned to its original condition prior to construction of said structure. This includes removal of the structure, appropriate fill, grading of the lot and seeding of the lot.

Section 2. That it has been determined that the nuisance described herein is a menace and is dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the City.

Section 3. That the owner(s) of the Property, or agent(s) thereof, is hereby ordered to remove and abate from the Property the things herein described as a nuisance not later than ten (10) days from the date of service of a copy of this Resolution on such owner(s) or agent(s). This resolution shall serve as the Order of Abatement.

Section 4. That prior to the expiration of the ten (10) day period specified herein, the owner(s) of the Property, or agent(s) thereof, may request a hearing before the Governing Body by delivering a written request for hearing to the City Clerk. If a written request for

hearing is made within such ten (10) day period, such hearing will immediately be scheduled at its next regularly scheduled meeting in the Prairie Village City Council Chambers, 7700 Mission Road, Prairie Village, Kansas.

Section 5. That in the event the owner(s) of the Property, or agent(s) thereof, fails to remove and abate from the Property the items herein described as a nuisance, by not later than the last day of the ten (10) day period specified herein, and in the event that no request is made for a hearing by such date pursuant to Section 4 hereof, the City may proceed to have the items described herein as a nuisance removed and abated from the Property.

Section 6. That in the event the City abates or removes the nuisance, the City shall give notice to the owner(s) or agent(s) thereof, the total cost for the abatement or removal incurred by the City. Such notice and the method of recovery of costs for the abatement or removal of the nuisance described herein shall be in compliance with the provisions of Section 4-504 ad 4-505 of the Code of the City of Prairie Village, Kansas and K.S.A. 12-1617e.

Section 7. The owner(s) of the Property, or agent(s) thereof, shall also be placed on notice that violations under the nuisance provisions are subject to prosecution, and that such prosecution shall be independent of this Order to Abate or any enforcement of this Order to Abate.

Section 8. That this resolution shall be served on upon the owner(s) of the Property or agent(s) thereof by Certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then service shall be made by mailing this Resolution by certified mail, return receipt requested, to the last known address of the owner(s) of the Property.

Section 9. This resolution shall be in full force and effect after its adoption by the Governing Body of the City.

Adopted this 7th day of June 2010.

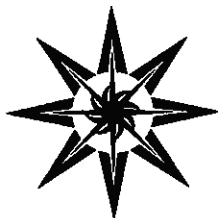
Ronald L. Shaffer
Mayor

ATTEST:

Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:

Catherine P. Logan
City Attorney



CODES DEPARTMENT

City Council Meeting Date: July 6, 2010

Conduct nuisance abatement hearing regarding 7925 Reinhardt Lane, as requested by Millicent A. Seested pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-10

RECOMMENDATION

The Governing Body should conduct a public hearing pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-10.

BACKGROUND

On June 7, 2010, the Governing Body approved Resolution No 2010-10 directing the property owner of 7925 Reinhardt Lane to remove and abate the nuisance conditions as outlined in the resolution (see attached executed Resolution 2010-09).

As provided in Resolution 2010-10, the property owner of record may request a public hearing regarding the nuisance violation. The property owner of record, Millicent Seested, has requested the Governing Body hold a public hearing at their July 6, 2010 meeting (see attached letter).

Staff has attached the original documents from the June 7, 2010 City Council meeting which provide a timeline of events, current code violations and associated ordinance provisions, and photos dated 6-2-2010.

Since the June 7, 2010 City Council meeting, conditions on the property have continued to deteriorate. Staff will provide additional photos of the site at the July 6th meeting. Staff has had several conversations and email correspondence with Ms. Seested regarding this issue since the June 7, 2010 City Council meeting. The following are the additional events which have occurred after the June 7, 2010 Meeting.

Updates to the Timeline:

6/8/2010 Letter sent by certified mail/return receipt indicating that the Governing Body approved Resolution 2010-10 and steps for property owner to request a public hearing regarding the nuisance.

6/22/2010 Millicent Seested signed for the Certified Letter dated 6/8/2010

6/23/2010 City Staff hand delivered a letter dated 6/8/2010 and discussed the options with Ms. Seested

6/28/2010 Staff hand delivered a letter to Ms. Seested's Fairway address indicating hearing has been scheduled and requesting her appearance.

Status of the Property:

The conditions of the property have continued to deteriorate. As of this date of this memo, the violations existing at the property are as follows: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material and other debris, missing and rotten soffits, brush and limb pile, dead and broken limbs in trees, overgrown vegetation, dead vegetation, low sagging power line with overgrown or dead limbs on it, old newspapers, rodent harborage, mosquito infestation, and generally unsightly, unsafe and unsanitary conditions.

Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

ATTACHMENTS

- Letter from Ms. Seested, dated June 23, 2010, requesting public hearing
- Letters to Ms. Seested, providing information regarding the adoption of Resolution 2010-10 and confirming date of public hearing
- Resolution 2010-10
- City Council Packet Information from June 7, 2010 and associated minutes

PREPARED BY

Dennis J. Enslinger
Assistant City Administrator
Date: June 30, 2010

June 23, 2010

The City of Prairie Village, Mo.,
C/O Mrs. Joanne Hagen & Jundy, City Clerk
5700 Mission Rd.
Prairie Village, Mo.
66205

Re: 7925 Reinhardt Lane
Prairie Village, Mo.
66205

Dear Mrs. Jundy:
As of June 22, 2010 and June 23, 2010,
I am in receipt and responding to the Notices
dated June 8, 2010 and received on June 12th and
June 23rd 2010 and the Shawnee Mission Post
office Package on June 22, 2010.

I am requesting for a Hearing as stated
in the Notice to be scheduled. I had a
talk with Maria Bradner who delivered a
Notice to me and advised me to write to
you direct.

Since I do not drive anymore, would
you please advise me of the scheduled
date so I can make transportation arrangements.
It's been a pleasure residing in Prairie Village
since June 1956, but "Father Time" has
caught up with me as I cannot do the things
I used to do for health reasons and it's
been hard for maintenance so I need to get
my affairs "in order" for the sale of my home.
I greatly appreciate the kindness and
consideration that has been afforded me
by all concerned. Please convey my thanks
to everyone.

Sincerely,
Bernhardt Lane



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

June 30th, 2010

Dear Millicent:

The City of Prairie Village is in receipt of your letter dated June 23rd, 2010 as required by the Nuisance Ordinance Appeal Process requirements.

You are requested to appear before the Governing Body at Prairie Village City Hall, 7700 Mission Rd, on July 6th at 7:30 pm regarding your property located at 7925 Reinhardt, Prairie Village, Ks.

At the hearing you are requested to provide contractual documents for the repair of all Nuisance Violations or for the sale of the property. If any other parties are involved with the repair of sale of the property they should appear before the Governing Body with you.

If you have any questions please contact me.

Thank You,

A handwritten signature in cursive script, appearing to read 'Marcia Gradinger'.

Marcia Gradinger
Code Enforcement Officer
City of Prairie Village, Ks 66208
913-385-4605



THE CITY OF PRAIRIE VILLAGE *Star of Kansas* June 8, 2010

Millicent Seested
7925 Reinhardt
Prairie Village, KS 66208

RE: 7925 Reinhardt

Dear Mrs. Seested:

On June 7th, 2010 the Governing Body of the City of Prairie Village passed Resolution No. 2010-09 declaring 7925 Reinhardt a Nuisance. As such, Resolution #2010-10 shall serve as the Order for Abatement as outlined in the Resolution. Therefore, you are hereby ordered to abate the nuisance no later than 10 days from the date of receipt of this letter and Resolution No. 2010-10. (attached)

Prior to the expiration of the 10 day period you may request a hearing before the Governing Body by delivering a written request for a hearing to the City Clerk. If the written request for a hearing is made within such 10 day period, such hearing will immediately be scheduled for the next regularly scheduled meeting of the Governing Body to be held in the Prairie Village City Council Chambers, 7700 Mission Rd.

If you have questions regarding the procedures regarding this issue you may contact our office as follows:

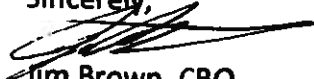
Dennis Enslinger, AICP
Assistant City Administrator
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-385-4603
denslinger@pvkansas.com

Jim Brown, CBO
Building Official
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-381-6464
jbrown@pvkansas.com

Joyce Hagen Mundy
City Clerk
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-385-4616
ihmundy@pvkansas.com

Failure to respond to this letter and/or failure to schedule a hearing before the Governing Body prior to the expiration of the 10 day period, will necessitate the City proceeding with removing and abating the nuisance from the property.

Sincerely,


Jim Brown, CBO
Building Official

Attachments:
Resolution No. 2010-09
Memo to Council # COU2009-103

CC: DJE

JHM
7700 MISSION ROAD PRAIRIE VILLAGE, KANSAS 66208

MUNICIPAL BUILDING 913/381-6464 913/381-7755 Fax
PUBLIC SAFETY 913/642-6368 913/385-7710 Fax
PUBLIC WORKS 913/381-6464 913/642-0117 Fax

6-23-10
10:05 AM
Personally served to
Millicent Seested.
Marcia Mundy
CEO



THE CITY OF PRAIRIE VILLAGE *Star of Kansas* June 8, 2010

Millicent Seested
7925 Reinhardt
Prairie Village, KS 66208

RE: 7925 Reinhardt

Dear Mrs. Seested:

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Prior to the expiration of the 10 day period you may request a hearing before the Governing Body by delivering a written request for a hearing to the City Clerk. If the written request for a hearing is made within such 10 day period, such hearing will immediately be scheduled for the next regularly scheduled meeting of the Governing Body to be held in the Prairie Village City Council Chambers, 7700 Mission Rd.

If you have questions regarding the procedures regarding this issue you may contact our office as follows:

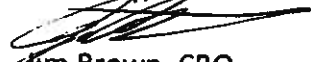
Dennis Enslinger, AICP
Assistant City Administrator
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-385-4603
denslinger@pvkansas.com

Jim Brown, CBO
Building Official
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-381-6464
jbrown@pvkansas.com

Joyce Hagen Mundy
City Clerk
City of Prairie Village
7700 Mission Rd
Prairie Village, KS 66208
913-385-4616
jhmundy@pvkansas.com


Failure to respond to this letter and/or failure to schedule a hearing before the Governing Body prior to the expiration of the 10 day period, will necessitate the City proceeding with removing and abating the nuisance from the property.

Sincerely,


Jim Brown, CBO
Building Official

Attachments:
Resolution No. 2010-09
Memo to Council # COU2009-103

CC: DJE
JHM
7700 MISSION ROAD PRAIRIE VILL

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Address	C. Date of Delivery 6/22/10
1. Article Addressed to: <i>Millicent Seested 5348 Chadwick Rd Fairway, KS 66205</i>	B. Received By (Printed Name) D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

RESOLUTION NO. 2010-10

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS AT 7925 REINHARDT LANE IN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THAT SUCH NUISANCE IS A MENACE, INTERFERES WITH THE RIGHTS OF THE GENERAL PUBLIC AND IS DANGEROUS TO THE HEALTH OF THE INHABITANTS OF THE CITY OF PRAIRIE VILLAGE, OR OF ANY NEIGHBORHOOD, FAMILY OR RESIDENT OF THE CITY PURSUANT TO SECTION 4-503 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS AND K.S.A. 12-1617E

WHEREAS, on June 7, 2010, the Governing Body of the City of Prairie Village, Kansas (the "City") received information and evidence from staff members indicating that nuisance conditions may exist on real property commonly known as 7925 Reinhardt Lane, Prairie Village, Kansas (the "property"); and

WHEREAS, the City desires to protect the public health, safety and welfare of its community and residents.

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

Section 1. That it has been determined that the following conditions exist on the Property which is legally described as CORINTH ESTATES LOT 5, Prairie Village, Johnson County, Kansas, Parcel ID# OP04500000 0005, and commonly known as 7925 Reinhardt Lane, Prairie Village, Kansas, and that such conditions constitute a nuisance:

Conditions on the Property which constitute a nuisance include but are not necessarily limited to: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material, missing and rotten soffits, brush and limb pile, dead and broken limbs in trees, overgrown vegetation, dead vegetation, low sagging power line with overgrown or dead limbs on it, old newspapers, rodent harborage, mosquito infestation, and generally unsightly, unsafe and unsanitary conditions of the property for an extended period of time.

Section 2. That it has been determined that the nuisance described herein is a menace and is dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the City.

Section 3. That the owner(s) of the Property, or agent(s) thereof, is hereby ordered to remove and abate from the Property the things herein described as a nuisance not later than ten (10) days from the date of service of a copy of this Resolution on such owner(s) or agent(s). This resolution shall serve as the Order of Abatement.

Section 4. That prior to the expiration of the ten (10) day period specified herein, the owner(s) of the Property, or agent(s) thereof, may request a hearing before the Governing Body by delivering a written request for hearing to the City Clerk. If a written request for hearing is made within such ten (10) day period, such hearing will immediately be scheduled at its next regularly scheduled meeting in the Prairie Village City Council Chambers, 7700 Mission Road, Prairie Village, Kansas.

Section 5. That in the event the owner(s) of the Property, or agent(s) thereof, fails to remove and abate from the Property the things herein described as a nuisance, by not later than the last day of the ten (10) day period specified herein, and in the event that no request is made for a hearing by such date pursuant to Section 4 hereof, the City may proceed to have the items described herein as a nuisance removed and abated from the Property.

Section 6. That in the event the City abates or removes the nuisance, the City shall give notice to the owner(s) or agent(s) thereof, the total cost for the abatement or removal incurred by the City. Such notice and the method of recovery of costs for the abatement or removal of the nuisance described herein shall be in compliance with the provisions of Section 4-504 ad 4-505 of the Code of the City of Prairie Village, Kansas and K.S.A. 12-1617e.

Section 7. The owner(s) of the Property, or agent(s) thereof, shall also be placed on notice that violations under the nuisance provisions are subject to prosecution, and that such prosecution shall be independent of this Order to Abate or any enforcement of this Order to Abate.

Section 8. That this resolution shall be served on upon the owner(s) of the Property or agent(s) thereof by Certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then service shall be made by mailing this Resolution by certified mail, return receipt requested, to the last known address of the owner(s) of the Property.


Section 9. This resolution shall be in full force and effect after its adoption by the Governing Body of the City.

Adopted this 7th day of June, 2010.



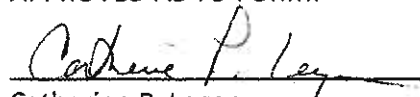
Ronald L. Shaffer
Mayor

ATTEST:



Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:



Catherine P. Logan
City Attorney

condition which is determined to present a dangerous or harmful condition to the public.

Staff provided photographs of the condition of the property and an outline of actions and violations have been occurred on this property. Mr. Enslinger reviewed the process as established by PVMC Chapter 4, Article 5.

Ruth Hopkins moved the Governing Body approve Resolution No. 2010-09 declaring that a Nuisance, pursuant to K.S.A. 12-6717e and Sections 4-503 of the Prairie Village Municipal Code, exists at 2002 West 71st Terrace and ordering the nuisance be abated by the property owner of record, DJ Builders, LLC. The motion was seconded by Michael Kelly and passed unanimously.

Consider Resolution No. 2010-10 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 7925 Reinhardt Lane and ordering the nuisance be abated by the property owner of record.

Dennis Enslinger stated at the Council Committee of the Whole meeting on May 3, 2010, staff was directed to proceed with the process for declaration of nuisance on the property at 2002 West 71st Terrace. Mr. Enslinger provided the following background information to the Governing Body:

The owner of this property vacated and moved to a property in Fairway, Kansas approximately 10 years ago. A Violation Notice was issued to the owner on 06/12/06 for peeling paint, rotting wood and deteriorating roof. The owner was cited into Municipal Court on 11/01/06 for failure to correct the violations identified on 06/12/06.

Since 06/12/06 the owner has continually stated to the Codes Department and to Municipal Court that she would be selling the property. She has been given numerous continuances and directed by the Court to provide contractual proof of sale or pending sale, or to make all corrections by a given court date.

The owner has failed to provide any evidence of the intent to sell or to correct violations and has continued to fail to appear for numerous court dates. Warrants have been issued on 2 occasions for her Failure to Appear in Municipal Court. City Staff has made

contact on several occasions with Tim Smith, and individual the property owner has identified as someone she is working with to purchase the property. Mr. Smith has known the property owner for many years and has offered to buy the property but the owner has never pursued any discussions with Mr. Smith. The seriousness of this matter has been addressed with the owner by City Staff and the Municipal Court since 06/12/06. The only response from the owner has been to state she might be willing to sell the property.

Since the original Violation of Notice issued on 06/12/06, the property has continued to deteriorate and the continued neglect of the property has created further code violations and hazards.

As of this date of this memo, the violations existing at the property are as follows: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material, missing and rotten soffits, brush and limb pile, dead and broken limbs in trees, overgrown vegetation, dead vegetation, low sagging power line with overgrown or dead limbs on it, old newspapers, rodent harborage, mosquito infestation, and generally unsightly, unsafe and unsanitary conditions.

Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

Prairie Village Municipal Code 4-503, as defined in 4-502 (g) "nuisance" allows the City to abate such violations with all costs assessed to the property owner and against the property as a lien if not paid by the owner. Such violations include but are not limited to; rank vegetation, unkempt trash, refuse, brush and limbs, debris or building material, and any other condition which is determined to present a dangerous or harmful condition to the public.

Staff provided photographs of the condition of the property and an outline of actions and violations have been occurred on this property. Mr. Enslinger reviewed the process as established by PVMC Chapter 4, Article 5.

Diana Ewy Sharp moved the Governing Body approve Resolution No. 2010-10 declaring that a Nuisance, pursuant to K.S.A. 12-6717e and Sections 4-503 of the Prairie Village Municipal Code, exists at 7925 Reinhardt Lane and ordering the nuisance be abated by the property owner of record, Millicent A. Seested. The motion was seconded by Ruth Hopkins and passed unanimously.



CODES DEPARTMENT

City Council Meeting Date: June 7, 2010

Consider Resolution No. #2010-10 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 7925 Reinhardt Lane and ordering the nuisance be abated by the property owner of record, Millicent A. Seested

RECOMMENDATION

Staff recommends the Governing Body approve Resolution No. #2010-10 declaring that a Nuisance, pursuant to K.S.A. 12-1617e and Sections 4-503 of the Prairie Village Municipal Code, exists at 7925 Reinhardt Lane and ordering the nuisance be abated by the property owner of record, Millicent A. Seested.

SUGGESTED MOTION

I hereby move that the Governing Body approve Resolution No. #2010-10 and authorize the Mayor to execute.

BACKGROUND

The owner of this property vacated and moved to a property in Fairway, Kansas approximately 10 years ago. A Violation Notice was issued to the owner on 06/12/06 for peeling paint, rotting wood and deteriorating roof. The owner was cited into Municipal Court on 11/01/06 for failure to correct the violations identified on 06/12/06.

Since 06/12/06 the owner has continually stated to the Codes Department and to Municipal Court that she would be selling the property. She has been given numerous continuances and directed by the Court to provide contractual proof of sale or pending sale, or to make all corrections by a given court date.

The owner has failed to provide any evidence of the intent to sell or to correct violations and has continued to fail to appear for numerous court dates. Warrants have been issued on 2 occasions for her Failure to Appear in Municipal Court. City Staff has made contact on several occasions with Tim Smith, and individual the property owner has identified as someone she is working with to purchase the property. Mr. Smith has known the property owner for many years and has offered to buy the property but the owner has never pursued any discussions with Mr. Smith. The seriousness of this matter has been addressed with the owner by City Staff and the Municipal Court since 06/12/06. The only response from the owner has been to state she might be willing to sell the property.

Since the original Violation of Notice issued on 06/12/06, the property has continued to deteriorate and the continued neglect of the property has created further code violations and hazards.

As of this date of this memo, the violations existing at the property are as follows: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material, missing and rotten soffits, brush and limb pile, dead and broken limbs in trees, overgrown vegetation, dead vegetation, low sagging power line with overgrown or dead limbs on it, old newspapers, rodent harborage, mosquito infestation, and generally unsightly, unsafe and unsanitary conditions.

Such conditions are conducive to blight, rodent and insect infestation, and are a menace and dangerous to the health of the inhabitants of the surrounding properties within the neighborhood.

*Prairie Village Municipal Code 4-503, as defined in 4-502 (g)
"nuisance" allows the City to abate such violations with all costs assessed to the property owner and against the property as a lien if not paid by the owner. Such violations include but are not limited to; rank vegetation, unkempt trash, refuse, brush and limbs, debris or building material, and any other condition which is determined to present a dangerous or harmful condition to the public.*

It is therefore recommended by the Codes Department that the property be declared a Nuisance pursuant to PVMC Chapter 4 Article 5.

Staff has attached the applicable Municipal Code sections which outline the various individual violations along with recent photographs for the Governing Body's information. Should the Governing Body decide to move forward, the following is the process to resolve the nuisance issues on the property.

Process

- Governing Body reviews the information submitted and determines if a nuisance exists. Council would approve the attached resolution declaring the property a nuisance and ordering the property to be abated.
- Notice of Resolution of Nuisance is mailed to property owner, by certified mail.
- Owner has 10 days from the date of receipt of the Resolution to correct and remove/abate all nuisances on the property. All corrections/abatement by the owner must be in compliance with City Codes and approved by the Codes Department.
- Alternatively, the owner may within 10 days from the date of receipt of the Resolution, request, in writing to the City Clerk, a hearing before the

Governing Body. If such request is filled then the hearing will be scheduled for the next regular meeting of the Governing Body.

- If owner fails to correct/abate nuisances or to request a hearing within the 10 days then the city will proceed with removal/abatement procedures.
- The City will take bids for removal/abatement of said nuisances from the property.
- After receipt of bids and approval of contractor and costs, the City will proceed to have all Nuisance violations removed from the property.
- Total costs for the removal/abatement of all nuisances on the property, including fees as provided in Section 4-504 and 4-505 of the Code of the City of Prairie Village will be assessed to the owner(s) or agent(s) of the property or as a tax lien against the property.

ATTACHMENTS

- Municipal Code, PVMC Chapter 4, Article 5, Nuisances
- Timeline of Events
- Current Code Violations and Associated Ordinance Provisions
- Photos Dated 6-2-2010
- Resolution 2010-10

PREPARED BY

Marcia Gradinger, Code Enforcement Officer

Jim Brown, Building Official

Date: June 3, 2010

ARTICLE 5. NUISANCES AND UNSAFE STRUCTURES

4-501. LEGISLATIVE FINDINGS.

- a) The purpose of this Article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property that a violation exists and to allow for self-abatement by such person; to provide property owners, or those in control of real property, notification and an opportunity to be heard concerning violations of this article; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City. (Ord. 1845, Sec. 1, 1994)

4-502. DEFINITIONS. For purposes of this article, the following definitions shall apply:

- (a) City – The City of Prairie Village, Kansas.
- (b) Property Owner – The named property owner as indicated by the Register of Deeds or Appraiser's Office in Johnson County, Kansas.
- (c) Representative – Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer;
- (d) Person – Any individual; individuals' partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver;

agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee and regardless of whether such person has possession;

- (e) **Tenant** – Any person who has a severable or nonseverable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property;
- (f) **Perennial Violator** – Any person who shows an annual pattern of failing to comply with this article which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article;
- (g) **Nuisance** – Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to graffiti, rank vegetation; rank or infested compost heaps; dense smoke; excessive dust, ash or fine articles in the air; rank ponds or standing water including swimming pools, water receptacles and undrained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush and limbs, debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public;
- (h) **Unsafe Structure** – Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients or create an attraction to children; structures which, due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts, present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 30 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested from the city within the last 45 days;
- (i) **Qualified Expert** – A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, health and building codes or a licensed professional in the field of engineering or architecture.

- (j) **Graffiti** -- Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as **graffiti**, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.
(Ord. 1845, Sec. 1, 1994)

4-503. NUISANCES OR UNSAFE STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE. It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure. (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004)

4-504. ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING.

- (a) The Building Official shall assist the Governing Body with the administration and enforcement of this article with regard to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists, then the Building Official shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the Building Official's report, it shall issue an Order of Abatement directing the property owner, owner's agent or tenant to remove and abate the nuisance within ten days.
- (b) The Order of Abatement shall state:
- (1) A common or legal description of the property, or both;
 - (2) That the property is in violation of this article;
 - (3) The nature of the nuisance, including relevant ordinances or statute, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
 - (4) That the recipient should remove and abate the nuisance within ten days of receipt of the order;
 - (5) That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the ten day period;
 - (6) That failure to comply with the order shall result in the city's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
 - (7) That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both;

- (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (c) The Order of Abatement shall be served on the property owner, owner's agent or tenant by certified mail, return receipt requested, or by personal service; provided, any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding twenty-four (24) month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this article, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for this paragraph shall be given by telephone communication or first class mail.
- (d) If a recipient of an order of Abatement makes a written request for a hearing within the ten day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify or uphold the Order of Abatement. In making such determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or Code provisions being relied upon, and state any such other stipulations, methods of removal and abatement or orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed ten days.
- (e) If an authorized public officer determines that a violation of this article exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs. (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004)

4-505. ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

- (a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, then the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The

City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.

- (b) If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner, owner's agent or tenant by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent. The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have thirty (30) days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:
- (1) The common or legal description of the property, or both;
 - (2) The nature of the nuisance, including relevant ordinances;
 - (3) The nature of the work performed to remove and abate the nuisance;
 - (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
 - (5) That payment is due and payable within thirty (30) days of receipt of the notice;
 - (6) That payment should be made payable to the City of Prairie Village, Kansas, by check or money order with no post-dating of the check, and submitted to the City Clerk at City Hall with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
 - (7) That failure to pay the entire amount within the 30 day period shall allow the City to file a tax lien against the property or to pursue litigation for recovery of the costs, or both; and
 - (8) That such additional remedies to recovery costs shall include additional amounts, including interest, court costs, attorney's fees, and administrative costs.
- (c) If the costs are not paid within the 30 day period, the costs shall be collected in the manner provided by K.S.A. 12-1,115 as amended, or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1,115, as amended, but only until the full costs, including applicable interest, court costs, attorneys' fees, and administrative costs have been paid in full (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004.)

4-506. ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION.

- (a) The Public Officer shall be charged with the administration and enforcement of this Article as it concerns unsafe structures. The Public Officer shall authorize the investigation of violations of this Article by his or her designated agents. If it

is determined that a violation of the Article exists, then the Public Officer shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances which support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lienholder of record, as can reasonably be determined, at the last known place of residence and shall be marked, deliver to addressee only.

- (b) On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders, and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants or lien holders of record by certified mail, return receipt requested. The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
- (c) If an authorized public officer determines that a violation of this article exists, he or she may issue a notice to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.

(Ord. 1845, Sec. 1, 1994)

4-507. **EXCAVATION FILL.** It shall be the duty of the property owner, representative or the tenant, upon removal of a structure, to fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition including the grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site. (Ord. 1845, Sec. 1, 1994)

4-508. **REMOVAL OF UNSAFE STRUCTURES; SALVAGE, SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE.**

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep premises safe and secure, or let the same to contract. The City

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

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

Whenever any structure is removed from any premises under the provisions of this act, the City Clerk shall certify to the county appraiser that such structure, describing the same, has been removed.

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

(Ord. 1845, Sec. 1, 1994)

- 4-509. PROOF OF REPAIRING OR REBUILDING.** In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure.

Upon presentation of such sufficient evidence, the Building Official along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the Building Official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the Building Official to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of proceedings for abatement. (Ord. 1845, Sec. 1, 1994)

- 4-510. CITY NOT PARTY TO INSURANCE CONTRACT.** This Article does not make the City a party to any insurance contract nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 1845, Sec. 1, 1994)

- 4-511. FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT OF PROCEEDS.** It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this article, unless a certificate in lieu of payment of proceeds has been obtained through the city. (Ord. 1845, Sec. 1, 1994)

- 4-512. IMMEDIATE HAZARDS.** In the event the Public Officer under this Article determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as set forth in Section 4-608 and K.S.A. 12-1,115, as amended. (Ord. 1845, Sec. 1, 1994)

- 4-513. RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY.**
- (a) Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this article.
 - (b) It shall be unlawful for any person to interfere with a Public Officer or agent of the City in performing his or her duties pursuant to this Article whether investigating or abating violations.
 - (c) Any person who interferes with an Officer or agent of the City pursuant to this Article shall be punished as provided in Section 1-116. (Ord. 1845, Sec. 1, 1994)

4-514.

PENALTY.

- (A) Any property owner, representative, tenant or person found in violation of this Article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 day in jail, or both a fine and jail sentence. Any person found guilty of this Article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both a fine and a jail sentence.
- (b) Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this Article, or by other laws.
- (c) Each day that any violation shall continue shall constitute a separate offense.
(Ord. 1845, Sec. 1, 1994)

Timeline of Events at 7925 Reinhardt Lane

Memorandum

To: Governing Body

From: Marcia Grading, Code Enforcement Officer

Date: June 3, 2010

RE: 7925 Reinhardt Lane

Background and current status:

This property has been vacant for 10 years or longer. Owner is elderly women, Millicent Seested, who vacated the property and moved to Fairway, Ks.

The chronological history regarding the property is as follows:

06/12/06

Violation Notice issued regarding rotting wood, peeling paint and deteriorating roof

07/12/06

Owner called to advise she has health problems and advised she was not able to correct code violations. Stated she was waiting for an insurance adjuster to call regarding fixing the roof or she might decide to sell. Advised owner the house is deteriorating and is affecting neighbored and needs fixing. Staff advised the owner of possible court procedures. Owner stated again she may contact a person who has offered to buy. City Staff requested owner to call with plan within 1- 2 weeks.

City Staff continued to contact and work with owner to correct code violations. Owner continued to advise staff of illness and may be selling.

11/01/06—City staff issued a ticket issued by Certified Mail

11/02/06

City Staff spoke with owner and advised of ticket and court date of 11/21/06. Owner again advised she was not well. She advised she understood court date and procedure. I advised that a warrant could be issued if she did not appear. I advised her to bring copies of contracts for repairs or sale of house.

11/21/06

Owner appeared in Municipal Court and advised Judge she was now working with County Program for repairs. Court continued to 01/23/07 to work with County or other options. Owner was advised by Judge and Code Enforcement Officer of the need to correct the outstanding code violations.

01/23/07 Owner Failed to Appear in Municipal Court

30 Day letter sent by court set for 02/06/07

02/06/07- Owner appeared in Municipal Court

Owner advised Judge of same story as before. Court continued to 03/15/07 for Pea.

03/15/07- Owner Failed to Appear in Municipal Court

Failed to Appear- 30 day letter sent by court set for 04/05/07

04/05/07- Owner appeared in Municipal Court - Continued by Court to 06/06/07 for Plea

Timeline of Events at 7925 Reinhardt Lane

Owner advised Judge that her niece would be home from Arizona by the end of April and she would contact her for help. (04/16/10 staff spoke with very distant relative whose father and owners father are 3rd cousins. Person I spoke with has never met owner and her father lives in Fort Scott. No other known relatives.)

06/06/07-Court

Municipal Court- case was continued to 07/12/07

07/12/07-Court

Owner Failed to Appear in Municipal Court- Warrant issued.

Warrant Status from 07/12/07 to 06/03/09

06/03/09

Municipal Court Amnesty Day- Warrant set aside

Owner appeared in court. Brought letter (see attached) to Municipal Court stating the intent to sell and will be moving forward to do so. Judge continued to 08/13/09

06/26/09

I spoke with Tim Smith of Smith Brothers of whom the owner stated she would be willing to sell the residence. He has a lawn business and mows the owner's Fairway property where the owner resides. He has offered on several occasions to purchase the residence, the last being about a month ago, and the owner conveys her possible intent to do so but has never gone beyond verbally indicating she might sell the property.

08/13/09

Case continued by Municipal Court to 08/27/09

08/27/09 Owner Failed to Appear

Failed to Appear- 30 day letter sent. New court date of 09/17/09

09/17/09

Continued by Municipal Court to 10/22/09

10/22/09

WARRANT ISSUED

04/19/10

I spoke with Tim Smith to see if he has had contact or if he could contact the owner. He advised he would go by and try to make contact with the owner.

04/19/10

Tim Smith called to advise he had made contact with the owner and she had agreed to meet him at the house on 04/20/10 to discuss selling the property.

05/03/10

Owner did not contact Tim Smith and he has not been able to contact her.

06/02/10

Open Warrant for owner Millicent Seested. Property continues to deteriorate.

Current Code Violations and Associated Ordinance Provisions

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.

(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

Current Code Violations and Associated Ordinance Provisions

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

4-207. UNLAWFUL ACTS. It shall be unlawful for any person to do any of the following:

(a) To perform or caused to be performed any electrical work in the City, which requires a permit without having first secured the appropriate permit from the City.

(b) For any person to conduct, carry on or engage in the business of electrical contracting without having first obtained a valid, current contractor's license for the City, provided however, that any person who owns and resides within a single-family dwelling in the City may physically and personally perform electrical work upon that same dwelling without having obtained a license or the required licensing, however this does not exempt such person from obtaining a permit pursuant to Section 4-206.

(c) For a person or person through negligence or indifference to knowingly create an electrical hazard and/or allow an electrical hazard to exist.

(d) To violate any other provisions of this Article. (Ord. 2057, Sec. 7, 2003)

ARTICLE 5. NUISANCES AND UNSAFE STRUCTURES

4-501. LEGISLATIVE FINDINGS.

a) The purpose of this Article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property that a violation exists and to allow for self-abatement by such person; to provide property owners, or those in control of real property, notification and an opportunity to be heard concerning violations of this article; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.

(b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City. (Ord. 1845,

Current Code Violations and Associated Ordinance Provisions

Sec. 1, 1994)

(f) Perennial Violator – Any person who shows an annual pattern of failing to comply with this article which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article;

(g) Nuisance – Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to graffiti, rank vegetation; rank or infested compost heaps; dense smoke; excessive dust, ash or fine articles in the air; rank ponds or standing water including swimming pools, water receptacles and undrained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush and limbs, debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public.

Photographs of 7925 Reinhardt Lane -06/02/2010

Front door, windows, debris and other roof area



Front door, windows, debris and other roof area



Front door, windows, debris and other roof area



Soffit area in front of garage.



Soffit area looking into garage and hole in roof.



06/02/2010 14:59

South side of house, overgrown vegetation and storm window fallen out



South side of house, overgrown vegetation and storm window fallen out



Various roof areas.



Various roof areas.



Various roof areas.



Various roof areas.



Various roof areas.



Main power line is sagging below 10 feet with overgrown and dead limbs hanging on and over it.



Main power line is sagging below 10 feet with overgrown and dead limbs hanging on and over it.



RESOLUTION NO. 2010-10

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS AT 7925 REINHARDT LANE IN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THAT SUCH NUISANCE IS A MENACE, INTERFERES WITH THE RIGHTS OF THE GENERAL PUBLIC AND IS DANGEROUS TO THE HEALTH OF THE INHABITANTS OF THE CITY OF PRAIRIE VILLAGE, OR OF ANY NEIGHBORHOOD, FAMILY OR RESIDENT OF THE CITY PURSUANT TO SECTION 4-503 OF THE CODE OF THE CITY OF PRAIRIE VILALGE, KANSAS AND K.S.A. 12-1617E

WHEREAS, on June 7, 2010, the Governing Body of the City of Prairie Village, Kansas (the "City") received information and evidence form staff members indication that nuisance conditions may exist on real property commonly known as 7925 Reinhardt Lane, Prairie Village, Kansas (the "property"); and

WHEREAS, the City desires to protect the public health, safety and welfare of its community and residents.

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

Section 1. That it has been determined that the following conditions exist on the Property which is legally described as CORINTH ESTATES LOT 5, Prairie Village, Johnson County, Kansas, Parcel ID# OP04500000 0005, and commonly known as 7925 Reinhardt Lane, Prairie Village, Kansas, and that such conditions constitute a nuisance:

Conditions on the Property which constitute a nuisance include are but are not necessarily limited to: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material, missing and rotten soffits, brush and limb pile, dead and broken limbs in trees, overgrown vegetation, dead vegetation, low sagging power line with overgrown or dead limbs on it, old newspapers, rodent harborage, mosquito infestation, and generally unsightly, unsafe and unsanitary conditions of the property for an extended period of time.

Section 2. That it has been determined that he nuisance described herein is a menace and is dangerous to the health of the in habitants of the city, or of any neighborhood, family or resident of the City.

Section3. That the owner(s) of the Property, or agent(s) thereof, is hereby ordered to remove and abate from the Property the things herein described as a nuisance not later than ten (10) days from the date of service of a copy of this Resolution on such owner(s) or agent(s). This resolution shall serve as the Order of Abatement.

Section 4. That prior to the expiration of the ten (10) day period specified herein, the owner(s) of the Property, or agent(s) thereof, may request a hearing before the Governing Body by delivering a written request for hearing to the City Clerk. If a written request for hearing is made within such ten (10) day period, such hearing will immediately be scheduled at its next regularly scheduled meeting in the Prairie Village City Council Chambers, 7700 Mission Road, Prairie Village, Kansas.

Section 5. That in the event the owner(s) of the Property, or agent(s) thereof, fails to remove and abate from the Property the items herein described as a nuisance, by not later than the last day of the ten (10) day period specified herein, and in the event that no request is made for a hearing by such date pursuant to Section 4 hereof, the City may proceed to have the items described herein as a nuisance removed and abated from the Property.

Section 6. That in the event the City abates or removes the nuisance, the City shall give notice to the owner(s) or agent(s) thereof, the total cost for the abatement or removal incurred by the City. Such notice and the method of recovery of costs for the abatement or removal of the nuisance described herein shall be in compliance with the provisions of Section 4-504 ad 4-505 of the Code of the City of Prairie Village, Kansas and K.S.A. 12-1617e.

Section 7. The owner(s) of the Property, or agent(s) thereof, shall also be placed on notice that violations under the nuisance provisions are subject to prosecution, and that such prosecution shall be independent of this Order to Abate or any enforcement of this Order to Abate.

Section 8. That this resolution shall be served on upon the owner(s) of the Property or agent(s) thereof by Certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then service shall be made by mailing this Resolution by certified mail, return receipt requested, to the last known address of the owner(s) of the Property.

Section 9. This resolution shall be in full force and effect after its adoption by the Governing Body of the City.

Adopted this day of June____, _____

Ronald L. Shaffer
Mayor

ATTEST:

Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:

Catherine P. Logan
City Attorney

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

July 6, 2010

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
June 21, 2010**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 21, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Captain Wes Lovett; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

No one was present to address the Council. Mayor Shaffer acknowledged the presence of a Boy Scout with Troop 299 present to earn his Citizenship in the Community Merit badge.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for June 21, 2010:

1. Approve Regular Council Meeting Minutes - June 7, 2010
2. Approve Claims Ordinance 2872

3. Approve the following VillageFest Contracts:
- | | | |
|--------------------|----------------------------|------------|
| Susan Lee | VillageFest Singer | \$100 |
| Hy-Vee | Food Vendor | Paid \$175 |
| Hiccup Productions | Children's Entertainment | \$2,750 |
| Fun Services of KC | Rock Wall Deposit for 2011 | |
| Trent Carter | Food Vendor | Paid \$175 |
| Encore Associates | Band | \$2,123 |
| Wacky Banana | Inflatables | \$1,750 |
| Michael Lundeen | Ararat Shrine Clowns | \$450 |
| Clement McCrae | Puppet Shows | \$875 |
4. Approve agreement with Phil Jay for Music and Emcee Services at the
 Approve a Tow Business License Fee of \$250 with an annual renewal of \$100
 and approve the following regulated fees for rotational tow companies
 effective August 1, 2010:
- | | |
|-----------------|-------------------|
| Hook-up | \$95.00 |
| Mileage | \$4.00 per mile |
| Outside Storage | \$25.00 per day |
| Inside Storage | \$30.00 per day |
| Dolly Fee | \$45.00 |
| Winching Fee | \$105.00 per hour |

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp, and Belz.

MAYOR'S REPORT

Mayor Shaffer reviewed activities and events he attended during the past weeks representing the City. The past week he attended the National Association of Regional Council meetings where he was re-elected to the Board of Directors for Region XI representing Kansas, Missouri and Iowa. On June 19th he attended the dedication of the El Monte Fountain.

COMMITTEE REPORTS

Homes Association Committee

Discussion of Neighborhood Specific Design Overlay Districts

Michael Kelly provided background on the purpose and activities of the Homes Association Committee. Recently the committee has been investigating means for enforcement and amendment of individual deed restrictions following a challenge of the Prairie Village Homes Associations Deed Restrictions which ruled their stated height restriction of one and a half-story to be vague and unenforceable.

More than 14 homes associations were presented at their last meeting which included a discussion of design overlay districts. Mr. Kelly stated the committee is seeking approval to establish a beta test design overlay district in partnership with the City.

Dennis Enslinger noted in 2003 and 2004, the City Council and Planning Commission spent several months considering the possibility of creating design guidelines/standards for the City of Prairie Village and/or specific neighborhoods, which would be administered by the City under a zoning overlay district or Architectural Review Board. After considerable discussion, it was decided not to formally adopt ordinance provisions to create overlay districts.

Mr. Enslinger reviewed the process that would need to be followed in the implementation of residential design guidelines/standards for a specific neighborhood or portion of a neighborhood. The first step would be the adoption of an enabling ordinance. The items that need to be addressed in doing so are as follows:

- A. The Planning Commission or City Council would need to initiate the creation of a design overlay zoning district and then draft a proposed ordinance. The ordinance will need to include both definitions and procedural issues such as:
 - o What constitutes a neighborhood (how large of an area)?
 - o Does the area have to be a specific age?

- Does the neighborhood have to have a specific percentage of residents who want to create a design overlay district prior to application?
 - What is the process for the neighborhood to request the approval of design guidelines/standards?
 - How will the design guidelines/standards be administered? Staff Review, Committee Review, Appeals, etc.
 - Notification requirements for the approval of the design guidelines/standards.
 - How are changes made to the design overlay guidelines/standards once they have been created? Are there specific review periods for guidelines/standards, etc.
- B. Staff, in conjunction with the Planning Commission, would need to draft the proposed ordinance provisions outlining the enabling legislation.
- C. After the various definitions and procedural issues have been addressed, and the draft ordinance is developed, the Planning Commission could then initiate a text amendment to the zoning code. This will require the Planning Commission to hold a public hearing.
- D. The Planning Commission would then need to make a recommendation to the Governing Body on the proposed enabling legislation.
- E. The Governing Body would then need to review the Planning Commission recommendation and take the appropriate action. If the Governing Body approves the overlay district regulations, an ordinance would be adopted.

Part II: Adoption of Neighborhood Specific Design Guidelines in the Form of a Design Overlay District

After the City has amended its zoning ordinance to enable the establishment of design overlay districts, a neighborhood could then request that the City adopt a specific design overlay district for a designated area. The design overlay district would be adopted by ordinance and would include design guidelines/standards which would be specific to that area. There are a number of steps that would be necessary in the development of specific design guidelines/standards.

- A. A steering committee would need to be formed to help develop the design guidelines/standards. This steering committee should consist of Planning Commission members and representatives of the neighborhood. The makeup of the steering committee could be defined in the enabling ordinance or could be left up to a Mayoral appointment.
- B. A detailed character analysis of the neighborhood would need to be conducted to document the existing conditions which would be used to create the proposed design guidelines/standards. In addition, a detailed review of any existing

covenants would need to be done to determine what limitations and conflicts might exist.

- C. Draft design guidelines/standards would be developed by the appointed steering committee.
- D. The draft design guidelines/standards would then be presented to the neighborhood at a public informational meeting for comment.
- E. After the neighborhood informational meeting, the steering committee would make any changes they felt were appropriate and the draft guidelines/standards would be scheduled for a public hearing before the full Planning Commission.
- F. The Planning Commission would conduct a public hearing on the proposed guidelines/standards. Notification requirements as outlined in the enabling legislation would need to be met. At a minimum, the notification requirements must include all property owners within the proposed overlay district. As part of the Planning Commission review, the Commission would make a recommendation to the governing body.
- G. The Governing Body would then need to consider the recommendation of the Planning Commission and take appropriate action. If the Governing Body approved the overlay district and the associated design guidelines/standards, they would be adopted by ordinance.

To facilitate the adoption of a design overlay district shortly after the adoption of an enabling legislation ordinance, it is possible that some of the steps outlined in Part I and Part II could take place at the same time,

Mr. Enslinger noted developing the enabling legislation, the time/cost consideration would be the amount of staff time it would take to develop proposed regulations. It would take considerably more time/cost to develop individual associated neighborhood design guidelines/standards. There would be costs associated with the character analysis and review of the existing covenants. Given the amount of public involvement in the development, considerable staff time would need to be devoted to this endeavor. Mr. Enslinger added that during recent Council priority setting sessions, the development of design overlay districts was not considered a high priority by the City Council relative to other pressing issues.

Dan Blom, 5408 West 64th Terrace, addressed the Governing Body representing Countryside East Homes Association. Mr. Blom stated their association, with 297 households, has been discussing action they could take to address the issues of redevelopment and teardowns since 2009. He noted their deed restrictions were written in 1952 and need to be updated. They have held several small neighborhood meetings to discuss design overlay districts and recently sent a survey to all their members and received a 92% positive response on pursuing a design overlay district. The Board feels they need flexibility to allow homes to be remodeled and encourage reinvestment in property without losing the character of their neighborhood. He noted the Board does not have the expertise to review plans or to conduct the neighborhood analysis needed for this process. The Board has approved a resolution in support of moving forward in partnership with the City.

Logan Gerken, 4210 West 69th Street, addressed the Governing Body representing the Prairie Village Homes Association. Mr. Gerken stated they are currently surveying homes association members. Because of the size of their homes association they are looking at forming neighborhood clusters. He stated the homes association deed restrictions limiting homes to one and one-half story was recently determined by the courts to be vague and unenforceable. Mr. Gerken stated their homes association would like to see the City move forward with enabling legislation.

Mark Eddy, 4101 Prairie Lane, stated he is a huge proponent of design guidelines; however, cautioned the City that he has found, as a contractor, that the more restrictive the guidelines, the more difficult it will be for potential residents. There is a huge opportunity for teardowns and rebuilds in Prairie Village as demonstrated by the

increased number occurring. Flexibility is needed to be able to expand homes to meet the growing needs of families.

Mayor Shaffer asked Mr. Eddy to compare the Architectural Review Board found in Mission Hills vs. design overlay districts. He would rather work through an architectural review board but acknowledged it is not an easy task and takes a significant amount of time. He stated the design overlay district can be a positive process for establishment of guidelines. He would like to see the two forms merged into a hybrid process.

Michael Kelly noted the committee is not asking for Architectural Review Boards. It is asking for design overlay guidelines to address the size, mass and form of homes.

Al Herrera feels the homes association has the power and ability to control what is constructed through their deed restrictions and urged the City to move cautiously.

Dan Blom responded the homes association is looking for greater clarity and consistency for their residents. They want to be able to walk them through set guidelines with a greater degree of professionalism than can be provided by the Homes Association board. They are seeking a quicker process than an architectural review board. Their goal is to allow families to get the homes they want without infringing on the neighborhood.

Ruth Hopkins stated she has a problem with homes associations taking a substantial amount of staff time. The judge's ruling stated the by-laws and definitions needed to be clarified. The deed restrictions were established to provide homes associations the ability to regulate their neighborhoods. Noting the interest from other homes associations as demonstrated by their attendance, she stated staff does not have the time to go through this process for several associations.

Dan Blom noted they are not a JC Nichols homes association and have limited resources. They are seeking a partnership between the City and the Homes Association that will provide value to both rather than the Board do it on their own. The logical place for the expertise needed is the City. It is in the City's best interest to encourage better neighborhoods.

Chris Homes, representing the Corinth Hills Homes Association, stated teardown/rebuilds are happening and this is an opportunity for the City to have some assurance of the capability of the new construction.

Susan Forrest, 6837 El Monte, noted initially this will require a significant time investment for staff, but she is confident the benefits of the design overlay design merit the investment. She added Prairie Village Homes Association has no way to legally enforce its deed restrictions.

Laura Wassmer agreed with Mr. Homes comments. She noted the City can take a proactive or reactive approach to this issue. She sees this as Economic Development and would support the use of Economic Development Funds to hire someone to assist staff. The established guidelines will provide assurance to neighborhoods.

Ken Vaughn, 5603 West 77th Terrace, stated the Planning Commission dealt with this issue a few years ago resulting in lot coverage restrictions. He noted there are several existing properties that currently exceed the lot coverage maximums. The Commission also looked at Design Overlay Districts and Architectural Review Boards. The Commission does not support ARB and feels Overlay Districts are feasible within a defined area. This is a good time to see if a Design Overlay District can be successfully created.

Ashley Weaver, 6739 El Monte, expressed her support for proceeding with a test district.

Sarah Bogdan, 4203 Homestead Drive, noted the Indian Fields Homes Association is interested in pursuing a possible design overlay district.

Dale Warman noted Village Vision makes reference to establishing relationships between homes associations and the City. He has had the opportunity to see work of the homes associations on this issue and supports the City working with Countryside East in going through this process.

Dale Beckerman stated he supports a pilot program, but asked who would pay for the necessary surveying costs and other related costs. Mr. Enslinger responded that would be determined by the Council and noted it would be difficult to do this with the existing staff available. He stated that if the City is to implement this program, City input is required. Among the questions to be addressed are staff review or a review board and how appeals will be handled.

Mr. Beckerman asked if there are minimum sizes for districts. Dennis Enslinger said staff is recommending they be reasonably sized areas. They cannot be one block and both sides of the street need to be included. They need to be generally inclusive areas. Mr. Beckerman asked if this would be a burden on the Planning Commission. Mr. Enslinger replied it would depend on how they were structured. The process does involve a public hearing before the Planning Commission and approval by the Governing Body. He added this is not an easy process. It would be best to select a target area and see how it is accepted. It will not work in all areas and minimum guidelines need to be established.

David Morrison stated he does not support the creation of design overlay districts and views them as an intrusion of government on private property. He feels the safeguards desired are present in the deed restrictions. He acknowledged they may be difficult to change, but does not believe the City should adopt superseding regulations. The City does not need another municipal program.

Steve Noll stated that when individuals are looking for a home they shop neighborhoods. JC Nichols put in place deed restrictions to protect the integrity of neighborhoods; however, the world has changed since they were adopted. As a primarily residential community, the preservation of neighborhoods may be more important to the economic development of the City and shopping centers.

Michael Kelly stated this is an opportunity to provide homes associations with the tools needed to preserve neighborhoods through good design with enabling legislation drafted by a committee of homes association and planning commission representatives.

Michael Kelly moved to direct staff and the Planning Commission to draft enabling legislation to allow for the creation of a beta test design overlay district. The motion was seconded by Laura Wassmer.

Diana Ewy Sharp stated Village Vision identified aging housing stock as a concern for the City and feels the current market driven changes taking place through teardown/rebuilds is good for the City. She finds it difficult when the Council just raised the mill levy and is deferring capital improvement projects to begin another municipal program that was not identified by the Council as a priority. She questioned why this was on the Council agenda and not the committee agenda and why is the Council considering adding a new program after cutting existing programs.

Michael Kelly replied it was placed on the Council agenda as a committee report. Mayor Shaffer added Quinn and he were both out of town last week and were made aware of Mr. Kelly directing staff to place it on the Council agenda last Thursday after residents had already been notified to attend.

David Belz stated he feels the time has come to have a test program, but he is concerned that two months ago the Council set their priorities and this was not among them. He stated if this becomes a priority, the Council needs to remove other items identified as staff priorities. It is only fair to staff, the Council cannot continue to add pressing items to staff's plate. He sees value in a beta test as long as or when it becomes pressing on staff that something else be removed.

Ruth Hopkins reminded the Council of the huge list of items staff is working on. The City does not currently have the resources or budget to add another program. This should be handled by the Homes Association.

Laura Wassmer stated Economic Development was a priority identified by the Council and she views this as economic development. She supports the beta test project and noted the homes associations need to understand there is no guarantee that this will be an on-going project funded by the City.

Dale Beckerman stated he views this similarly to the community center study as a way to find out if this is something the City should be doing and agreed that the City may not be able to fund. He would have liked to discuss this in committee and is not sure he is ready to move forward with the motion tonight.

Al Herrera noted it is appropriate to bring an issue to the Council for consideration before inviting residents to address the issue. He felt the Council determined priorities two months ago and noted this was not a priority, but now Council

is being asked to change an ordinance, to provide staff time and resources. The City cannot continue to pile work on staff when there are other more pressing issues needing to be addressed. He does not support moving forward at this time.

Dale Warman noted the primary revenue source for the City is property taxes and improving the value of residential properties benefits the City.

Diana Ewy Sharp asked what items Council wanted to remove from the established priorities and how do they plan on operating a new program without funding.

Steve Noll stated he does not hear it being said that this needs to be done before the end of the year nor are specific resources being requested. He does not see any reason not to move forward.

David Belz stated this is not an area identified as a top priority for staff and will only support the motion if it is only allowing Countryside East to look at the issue and if and when staff time becomes pressed removal of other staff assignments needs to take place.

Diana Ewy Sharp asked for clarification of the motion and how much time would be expended by staff.

Dennis Enslinger responded it is difficult to allocate a specific amount of time to a public process. The question is, is this a Council priority. How much time will be involved depends on how complex the design criteria are and whether work will be done by a committee or exclusively by staff. When he did similar work for the City of Lawrence, he spent 9 months developing the criteria. He noted this is a public process seeking consensus which often requires significant time and meetings. Dale Beckerman noted it is not an Assistant City Administrator function to develop design guidelines for neighborhoods. Mr. Enslinger noted the City needs to have input and

involvement in the process. Mr. Beckerman replied he would like to see the City involvement in the final stages empowering a committee, not staff, to create the draft for review.

Ruth Hopkins asked if other projects would have to be dropped to provide this service. Mr. Enslinger noted he would, and added things come up that require his attention such as the over 390 calls received after the rain event and subsequent coordination of a special pick-up. He stated it would depend on how much of a role the Planning Commission took, for example, the Planning Commission could draft the legislation rather than staff.

Diana Ewy Sharp stated the Council was directed not to pursue this at this time. She supports having the homes association continue to explore options and have Council reevaluate the issue in the beginning of 2011.

Mayor Shaffer asked for the motion to be amended to specific that Countryside East Homes Association would be the beta test district. Mr. Kelly and Ms Wassmer agreed to the amendment.

The motion was restated by the City Clerk as follows: The Council directs staff and the Planning Commission to draft enabling legislation to allow for the creation of a beta test design overlay district for the Countryside East Homes Association. The motion was voted on and passed by a vote of 7 to 5 with the following votes cast: "aye" Warman, Noll, Kelly, Wassmer, Beckerman, Clark and Belz; "nay" Herrera, Hopkins, Wang, Morrison and Ewy Sharp.

Park & Recreation Committee

Diana Ewy Sharp reported on the successful dedication of the El Monte Fountain on Saturday, June 19th. There were over 100 people in attendance. Unfortunately, the fountain was not working at the time of the dedication. She noted there have been problems with the operation of the fountain and staff is continuing to investigate. Mayor Shaffer confirmed with Keith Bredehoeft that he was working with the contractor to correct the problems.

VillageFest Committee

Diana Ewy Sharp reported the 2011 Village Fest Celebration will be held on Sunday, July 4th. The final committee meeting will be held this week and all agreements have been approved. She was pleased to report strong financial support from area businesses and encouraged Council members to attend the event and volunteer for a couple of hours.

STAFF REPORTS

Public Safety

- No Report.

Public Works

- Keith Bredehoeft provided an update on Bond Construction Projects
- The parking area has been closed at Franklin Park and crews are beginning work on the trail and sidewalk. A revised construction schedule will be submitted the end of the week.
- Staff is working on the El Monte Fountain problems.

Administration

- Dennis Enslinger reported more than 390 residents called to request a special pick-up of storm damaged materials. The first round was made today with the remaining items being picked up tomorrow. The City has received calls from people missing the deadline to request pick up.

- Mr. Enslinger announced that MARC received one of five Smart City Grants awarded nationally for high efficiency lighting in the amount of \$4 million. Prairie Village was one of the partnering cities.
- The property owner at 2002 West 71st Terrace has requested a public hearing concerning the City's declaration of that property as a public nuisance. The Hearing will be held at the July 6th Council Meeting. He noted the certified notice on the other property was not able to be delivered and has not been received by the property owner.

Dale Beckerman asked if there were other options for delivering the notice. Mr. Enslinger responded the code requires it to be sent certified mail or personally delivered.

- Chris Engel reported the Park & Recreation Committee approved a "Make a Racquet Tennis Fundraiser" for the Miracle Network to be held at the Harmon Park Tennis Courts on Sunday, October 10th.
- Chris Engel reported he had spoken with Fairway regarding the charging of super pass holders Memorial Day weekend. The City of Fairway charged all persons attending the opening of the pool that weekend a dollar to offset the cost of special entertainment that weekend. They do not plan to do that again.
- Katie Logan reported the Judge has signed and filed the Journal Entry for the ruling on the challenge to the City's Charter Ordinance #25 on June 8th. This begins the 30 day appeal period.
- Quinn Bennion thanked the Governing Body and staff for their work during the 2011 budget process.

OLD BUSINESS

Charles Clark reported there was significant flooding in his neighborhood during the recent rain event with flooding in one of the homes and several of the yards. He noted six years ago the City approved a project to address flooding in this area, but five years ago the funding for the plan was removed due to budget constraints. He stressed the problem still exists and needs to be addressed when funding becomes available.

NEW BUSINESS

Executive Session

Michael Kelly moved pursuant to KSA 74-4319 (b) (2) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for thirty (30) minutes for the purpose of consulting with the City Attorney on a matters which are privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator,

Assistant City Administrator and City Attorney. The motion was seconded by Andrew Wang and passed unanimously.

Michael Kelly moved to reconvene the Council Meeting at 9:40 p.m. The motion was seconded by Dale Beckerman and passed unanimously.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Environmental Recycle Committee		06/23/2010	7:00 p.m.
JazzFest Committee		06/23/2010	7:00 p.m.
VillageFest Committee		06/24/2010	7:00 p.m.
Board of Zoning Appeals	(Tuesday)	07/06/2010	6:30 p.m.
Planning Commission	(Tuesday)	07/06/2010	7:00 p.m.
Council Committee of the Whole	(Tuesday)	07/06/2010	6:00 p.m.
City Council	(Tuesday)	07/06/2010	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Marearl Denning for the month of June.

Don't forget to come to VillageFest on Sunday, July 4th.

The City offices will be closed Monday, July 5th in observance of Independence Day. Deffenbaugh also observes this holiday and trash/recycling pick-up will be delayed one day.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 9:42 p.m.

Joyce Hagen Mundy
City Clerk



PRAIRIE VILLAGE ARTS COUNCIL

Council Meeting Date: June 21, 2010
CONSENT AGENDA

Consider contract for JazzFest

RECOMMENDATION

Recommend the City Council approve an entertainment contract with Tree Lawn Artists, Inc. for the performance of Karrin Allyson at the 2010 Jazz Fest celebration on Saturday, September 11, 2010, in the amount of \$3,000.00.

BACKGROUND

The Prairie Village Arts Council will be holding a Jazz Festival on Saturday, September 11, 2010. The festival is free to the public. Funding for the event will come from sponsorships, vendors, sales and donations. On March 22, 2010, during an update by the JazzFest Committee, the committee was directed to bring all contracts before the Governing Body for approval following the process used by Villagefest. Contracts will only be approved if sufficient funding is currently available to cover any liability incurred by entering into the agreement. The agreements will be written with termination clauses allowing for cancellation of the event if sufficient funds are not raised. All contracts will be reviewed by the City Attorney.

FINANCIAL IMPACT

Execution of this contract will commit \$1,000.00. The JazzFest account in the Municipal Foundation has a balance of \$5,943.00. The total cost of the contract is \$3,000. These funds will need to be raised by the termination date in the agreement or the performance will be cancelled.

ATTACHMENTS

Contract

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: June 28, 2010

TREE LAWN Artists, INC.

INTERNATIONAL AGREEMENT

8331 Germantown Ave., Philadelphia, PA 19118 ph: 215.248.LAWN (5296) fax: 215.974.7773 info@treelawn.org

THIS CONTRACT is made this day of , **June 22, 2010** by and between **Karrin Allyson Schoonover** (hereinafter called the PRODUCER) and **Daniel Anderson for Prairie Village Jazz Festival** (hereinafter called the PURCHASER). This Contract for Artist's personal services on this engagement described below shall consist of all provisions in this Contract, and any attachments. This Contract shall be executed by Purchaser and be returned by the contract due date. If Artist has not received the Contract as described above, the Artist shall at anytime thereafter have the option to terminate the agreement.

Contract # 1258

Agent: Eric Hanson

1.) Name and Address of Place of Engagement:

PRAIRIE VILLAGE JAZZ FESTIVAL @ HARMON PARK

7700 Mission Rd.
Prairie Village, KS

Notes:

-KC Jazz Orchestra to serve as backing band
-Promoter to bill Artist as presenting a special guest appearance courtesy of the Folly Theater
-Folly Theater to also be listed as a sponsor of the Festival.

2.) Artist Name: **KARRIN ALLYSON**

Other Acts: **TBD**

3.) Date(s), Starting Time, Number/Length of Sets:

Saturday, September 11, 2010

One show starting at 7:00 PM. Rain or Shine

4.) Capacity: **TBD**

Venue Type: **Outdoor**

Ticket Scale: **TBD**

Gross Potential:

Load In: per advance

Sound Check: per advance

Doors Open: per advance

Musicians: 1

Artist Comps: **TBD**

Ages: **All**

Merchandise Deal: **100% to Artist.**

5.) Terms Agreed Upon:

\$3000.00 (THREE THOUSAND USD) GUARANTEE NET OF TAX, PLUS 2 NIGHTS FOUR STAR HOTEL ACCOMMODATIONS AS NEEDED, PLUS PA, LIGHTS, BACKLINE, PRODUCTION, LOCAL GROUND TRANSPORTATION AND RIDER REQUIREMENTS.

TV/Radio: NO TAPINGS, BROADCASTS OR RECORDINGS OF PERFORMANCE WITHOUT WRITTEN PERMISSION FROM THE ARTIST.

NOTE: ANY AND ALL NECESSARY VISAS AND WORK PERMITS TO BE PROVIDED AND PAID FOR BY THE PURCHASER.

6.) Deadlines: **Contract Due: Monday, July 12, 2010**

Deposit Due: Monday, July 12, 2010

Deposit: **\$1,000.00 USD PAYABLE TO TREE LAWN ARTISTS, INC. BY CERTIFIED BANK CHECK OR BANK WIRE TO BE RECEIVED NO LATER THAN MONDAY, JULY 12, 2010**

Balance: **\$2,000.00 USD PAYABLE TO ARTIST IN CASH, BANK WIRE OR CERTIFIED BANK CHECK NO LATER THAN THE DAY OF SHOW (TO BE MUTUALLY AGREED TO BETWEEN ARTIST MANAGEMENT AND PRODUCER IN SHOW ADVANCE)**

Bank Wire Transfers Due to Tree Lawn Artists, Inc. should be sent to: Tree Lawn Artists, Inc., CITIBANK, 8500 Germantown Ave., Philadelphia, PA, 19118 Acct #: 759367932, ABA #: 021 272 655, swift code: citius33. ALL BANK WIRE DOCUMENTS MUST BE FAXED TO TREE LAWN ARTISTS, INC. ON DAY OF TRANSFER AND GIVEN TO ARTIST PRIOR TO PERFORMANCE.

In the event that PURCHASER refuses or neglects to make said payments, PRODUCER has the right not to perform as per the present Agreement, without forfeiting any of its rights herein. In case of cancellation at PURCHASER'S request, or for any other cause not attributable to PRODUCER, the full fee will be owed to the Artist. Earned percentages, overages and/or bonuses, if applicable, are to be paid to PRODUCER by CASH ONLY immediately following the last show. If this Agreement is not signed and returned to TREE LAWN ARTISTS, INC. at the address set forth within the time specified on this agreement, PRODUCER will have the right to declare this agreement null and void.

THE PARTIES BELOW CERTIFY HAVING READ EACH AND EVERY CLAUSE OF THIS AGREEMENT AND THOSE CONTAINED IN THE ATTACHED RIDER AND ANY ADDENDUM.

Signature of Purchaser

Signature of Artist/Producer

For: **Prairie Village Jazz Festival**
Daniel Anderson

Prairie Village, KS

For: **Karrin Allyson Schoonover**
Artist Manager: **Karrin Allyson - karrin2@earthlink.net**
Hotel: **TBD**

SS/FID#:

Contact: **Daniel Anderson**

Email: **daniel@pvkansasjazz.org**

Phone: **310-994-3545**

Fax:

Production Contact: **TBD**

Email:

Phone:

*****RIDER ATTACHED HERETO IS MADE PART OF HEREIN*****

MAYOR'S ANNOUNCEMENTS
July 6, 2010

Committee meetings scheduled for the next two weeks include:

Communications Committee	07/13/2010	5:30 p.m.
Sister City Committee	07/12/2010	7:00 p.m.
Arts Council	07/21/2010	7:00 p.m.
Council Committee of the Whole	07/19/2010	6:00 p.m.
City Council	07/19/2010	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a photography exhibit by Ric Cummings in the R. G. Endres Gallery for the month of July. The reception will be held on July 9th from 6:30 - 8:00 pm.

Moonlight Swim - Friday, July 9th, the pool remains open until 10:00 p.m.

The 51st Annual Water Show will be Sunday, July 25th at 8:30 p.m.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

INFORMATIONAL ITEMS
July 6, 2010

1. Board of Zoning Appeals Agenda - July 6, 2010
2. Planning Commission Agenda - July 6, 2010
3. Council Committee of the Whole Minutes - June 21, 2010
4. Environmental Committee Minutes - May 26, 2010
5. VillageFest Committee Minutes - May 27, 2010
6. Communications Committee Minutes - June 8, 2010
7. JazzFest Committee Minutes - June 8, 2010
8. Mark Your Calendars
9. Committee Agenda

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
TUESDAY, JULY 6, 2010
6:30 P.M.**

Multi-Purpose Room

- I. ROLL CALL
- II. APPROVAL OF MINUTES - April 6, 2010
- III. ACTION ITEM
BZA2010-04 Request for a Variance from P.V.M.C. 19.06.030(b)
to expand their existing facility on the northwest corner to
add more nursing facilities at 8101 Mission Road under a
Special Use Permit for Adult Senior Dwellings
Applicant: Claridge Court Retirement Community
- IV. NEW BUSINESS
- V. OLD BUSINESS
- VI. ADJOURNMENT

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, JULY 6, 2010
Multi-Purpose Room
7:00 P. M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - June 1, 2010

III. PUBLIC HEARINGS

PC2010-05 Request for Amendment to Special Use
Permit for Adult Senior Dwelling
8101 Mission Road
Zoning: C-2 with SUP
Applicant: Claridge Court Retirement Communities

IV. NON-PUBLIC HEARINGS

PC2010-101 Request for Building Height Elevation
3104 West 71st Street
Zoning: R-1a
Applicant: Tony O'Keefe

PC2010-104 Sign Approval - Monument Sign
9410-9424 Mission Road
Zoning: C-3
Applicant: Tony Hemelick, Art of Illumination

PC2010-106 Request for Site Plan Approval
5400 West 95th Street
Zoning: C-2
Applicant: Russ Ehnen, Architect

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

*Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.

COUNCIL COMMITTEE OF THE WHOLE
June 21, 2010

The Council Committee of the Whole meeting was called to order by Council President Charles Clark on Monday, June 21, 2010 in the Council Chambers with the following members present: Mayor Ron Shaffer, Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. The following staff were also present: Captain Wes Lovett; Keith Bredehoeft, Interim Director of Public Works; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

2011 Capital Improvement Program

Keith Bredehoeft reviewed the following items included in the 2011 Capital Improvement Program:

Park Projects

Swimming Pool Reserve	\$100,000.00
Weltner Park	\$250,000.00
Trail - Porter Park to Tomahawk	<u>\$366,000.00</u>
	\$716,000.00

Drainage Projects

Mission Road Culvert Replacement	\$84,000.00
Drainage Repair Program	<u>\$300,000.00</u>
	\$384,000.00

Street Projects

75 th Street Stateline to Mission	\$667,239.49
Nall Avenue - 75 th to 79 th (CARS)	924,000.00
Cambridge Street (Bond Project)	\$680,000.00
Somerset Dr. - Roe to Nall (CARS)	<u>\$35,000</u>
(Design, 2011 - Construction, 2012)	\$2,306,239.49

Building Projects

None

Sidewalk & Curb

ADA Compliance Program	\$25,000.00
Concrete Repair Program	<u>\$649,000.00</u>
	\$674,000.00

Total CIP \$4,080,239.49

Keith Bredehoeft noted no additional funds have been added to the Water Discharge Program in 2011 or 2012 and that there are funds in the reserve to meet expected needs.

He noted Mission Road Culvert Project is a joint project with Leawood with design in 2011 and construction in 2012 being covered by the City of Leawood. There have been no CARS funds budgeted for 2012, 2013 or 2014, but noted the CARS commitment is for one year only and can be changed from year to year. Mr. Bredehoeft stressed the importance of making repairs when there are no scheduled construction projects. .

Mr. Bredehoeft noted there are no funds budgeted in 2011 - 2014 for Traffic Calming. He would recommend continuing forward on design for 75th Street State Line to Mission to determine what to do even if you do not move forward with construction.

David Belz questioned the \$180,000 reflected in the 2011 budget for 75th Street State Line to Mission on page 126 and the \$677,239.49 reflected on the CIP Summary page 115. Quinn Bennion replied both pages should reflect \$180,000.00 in 2011 and \$677,239 in 2012.

Keith Bredehoeft noted the rapid deterioration of the curbs on the Nall Avenue CARS project. Ruth Hopkins asked how this project fit into Mission's Plans for Nall. Mr. Bredehoeft that will be considered in the design of this project. He hopes to work cooperatively with the City of Mission and residents.

Mr. Bredehoeft noted the \$366,000 budget for the trail will need to be reconsidered depending on the level of grant funds received by the City. If no funding is received, those funds will be available to be used elsewhere. Possible uses include trail project, streets or parks.

Ruth Hopkins noted the Weltner Park improvements are significant, almost a million dollars, if all factors are considered. She has a problem going forward on this large project based on the number of projects that have been cut from the CIP. She questioned if residents would support improvements made to parks if they knew it may result in their streets not being repaired or maintained. Diana Ewy Sharp responded the street project is coming out of bond funds. The park project is only \$250,000. Mrs. Hopkins replied that Cambridge was not on the initial list of streets to be completed, but rose to the top only because of the proposed improvements to Weltner Park. Mrs. Hopkins asked if there were streets in greater need of repair than Cambridge. Mr. Bredehoeft stated he has a listing of streets and their street ratings.

Laura Wassmer expressed frustration over the short-term approach being taken noting that each year the Council makes cuts to the budget while revenues are going down. However, she stated the City cannot stop all projects and supports what has been proposed and then seriously discuss increasing City revenues and economic development efforts.

David Belz noted the street work and the park project go hand in hand. If you are going to do one, you need to do both.

Dale Warman stated it was a bad winter for streets and he is concerned that without any major street projects being done. Residents will not call to complain about parks, but they will call regarding unsatisfactory streets.

Diana Ewy Sharp noted that in 2000 the Long Range Financial Planning Committee recommended a fund balance of 15 to 18%. She stated that balance has served the City well and questioned the need to maintain a 25% fund balance. Mrs. Ewy Sharp stated she spoke with representatives of the Government Finance Officers Association (GFOA) regarding fund balance and distributed to Council members their Best Practices Statement on Fund Balance. She quoted "GFOA recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months or regular general fund operating revenues or regular general fund operating expenditures." Mrs. Ewy Sharp stated if the City followed that recommendation its Fund Balance level would be 16% .

Diana Ewy Sharp distributed a sheet showing savings that would be incurred if the fund balance of reduced from its proposed 25% level to 20%, 18% and 16%. This would free up significant funds to more than adequately cover the City Capital Improvement Program needs.

Quinn Bennion stated he was not aware that fund balance would be discussed tonight and the appropriate level of fund balance has been discussed by Council in the past several years. Every City is different and their policies are different reflecting what risk level the City is comfortable having. Prairie Village has been fiscally conservative and it paid off in the recent bond rating. Mr. Bennion noted the fund balance is not a revenue source, if money is taken out, it does not regenerate itself. He is hesitant to use it to cover general operating costs. Staff would only consider it for a one-time project, not for general funding. He is comfortable with the 25% level and noted for the past four years when the Economic Development Funds were included in the fund balance it was near 40%. He reminded the Council that last year the General Fund was reduced by \$700,000 and this year staff had to come up with \$700,000 to begin the budget process.

David Morrison stated the recommendation is not a recommendation but the bare minimum. The Best Practices document goes on to list five factors that need to be considered in setting a fund balance level.

Diana Ewy Sharp stated she also contacted Standard & Poor's regarding bond rating and was told that fund balance was not the only factor considered in determining a bond rating. Mrs. Ewy Sharp distributed an article listing the top ten factors for fund balance. She also contacted colleagues from the 1st Tier Suburbs Committee and found many with a AAa rating who followed the GFOA recommendation of 2 months of revenue as their fund balance. She asked the Council consider reducing the City's balance to 16 to 18%.

Dale Beckerman noted the City's current fund balance is equivalent to three months operating expenditures. He agreed with Mr. Bennion that this is not a revenue source and it should not be spent for general operating expenditures.

Laura Wassmer stated she agreed with Mr. Beckerman; however, she hesitates to raise taxes while the City maintains a 25% reserve.

Ruth Hopkins stated the luxury of improving parks should be addressed before raising taxes. She also feels there are other items identified in Village Vision with a higher priority than park improvements. Her vote for the Parks Master Plan was not a vote for the immediate expenditure of funds for the recommended improvements. Nor does she support reducing fund balance to get money for park improvements.

Michael Kelly stated he did not support reducing the fund balance noting that the City needed long-term solutions and reducing fund balance is a short-term action. He feels the City should be making technological improvements that enable it to do more with less and look into the consolidation of services with other cities. The Council needs to think in the long term and leave the day to day operations to staff.

Solid Waste Management Fund

Dennis Enslinger stated this fund is based on the contract in place with Deffenbaugh. He noted when the 2010 budget was established, the new contract had not been negotiated and funds from the reserve were used to cover the additional cost. The proposed assessment for 2011 is \$200.74 per household. The 2010 assessment was \$177.62. The fee for exemption for homes associations providing their own service will be \$6.43 per household. This is composed of \$5 for the exemption and \$1.43 for the Large Item Pick-up. The Large Item Pick-up cost for 2011 is \$30,000.

Al Herrera asked how when Deffenbaugh's contract expired. Mr. Enslinger responded it is a four year contract with the first two years having fixed escalation rates. He noted an individual contracting for service would pay between \$20 and \$25 per month.

Mr. Herrera asked if there was any change to negotiate. Mr. Enslinger noted the City has a guaranteed increase for 2011 and 2012. He noted for the last few years the City had a 4% cap and Deffenbaugh's costs increased more than that. It was the consensus of the Committee to accept the proposed budget recommendation by staff.

Economic Development Fund

Dennis Enslinger stated the current balance in the Economic Development Fund is \$2,171,323. The following uses of Economic Development Funds have been proposed in the 2011 budget:

- Web site Upgrades for e-commerce \$10,000
- Johnson County Home Repair Program \$20,000
- KCADC Joint Membership with NE Chamber \$2,700
- Exterior Grant Program \$50,000

Mr. Enslinger noted there are 11 households on the 2011 waiting list for grants. Diana Ewy Sharp questioned the use of Economic Development Funds for the grant. Mr. Enslinger responded residents spend \$4 for every dollar received from the City under the program to make improvements to their homes resulting in increased property values.

Laura Wassmer stated she does not want to see this fund spent of these types of programs on an on-going basis, but will approve the expenditures for 2011. She feels the fund is to allow the City to do major improvements. Dennis Enslinger stated it would be better to fund this out of the general fund, but the current budget does not have the funds available.

Laura Wassmer asked what was being allocated to traffic calming. Mr. Bredehoeft responded under \$50,000. Ms Wassmer stated she would rather see those funds spent on streets. She would like to is funding for traffic calming stopped immediately. Mrs. Hopkins agreed. Charles Clark noted there are no funds budgeted in the 2011 budget for traffic calming. Ms. Wassmer would like to see the 2010 funds reallocated to other areas of need. Mr. Bredehoeft stated he would review projects and needs for the possible transfer of funds.

Mill Levy Discussion

Quinn Bennion stated the proposed 2011 budget is balanced without a mill levy increased. He stated the public works office furniture will be removed and the funds transferred into the CIP program.

Looking forward staff proposed Council consider increasing the mill rate by 0.692 mills. The annual increase to the average Prairie Village home will be \$16.39 with a monthly increase of \$1.37. This would raise approximately \$200,000 in revenue which is roughly equivalent to the revenue that has been lost by declining property appraisals.

Mayor Shaffer asked what other cities were doing. Mr. Bennion replied he is not aware of any area cities proposing a mill rate increase.

David Belz noted looking ahead it is unlikely that the City will not have to raise the mill rate at some point in the near future to increase funding of the CIP. With that assumption, he would prefer to have the increase made in small chunks rather than a large increase down the road. He noted the proposed funds could be used for the City Hall projects that have been cut and would allow them to be done at one time rather than spread out over several years.

Ruth Hopkins asked what the proposed rate is as reflected by percentage. Staff responded it would be a 3.8% increase.

Michael Kelly stated he felt the proposed increase of \$16.39 per household per year was fair and equitable to be able to continue the existing level of services to our residents.

Andrew Wang stated he does not support an increase for municipal projects but would as an investment in City infrastructure. If the funds raised from the mill rate increase would be placed in the CIP for infrastructure, he would support it.

David Morrison noted the mill levy always goes up. He has never seen it be reduced. The message he has received from residents is that they do not want any additional taxation and will not support a mill rate increase.

Diana Ewy Sharp noted the City set the storm water utility fee, which in essence is a tax, has approved in increased in the solid waste fees, the State has increased the sales tax and the City is looking at doing likewise. With a balanced budget she does not see any reason to add a mill rate increase on residents.

David Belz stated he is simply responding to a realistic forecast and the fact that \$1.4 has been removed from the CIP programs. Revenues will remain stagnant and the mill rate will need to be raised.

David Belz moved the Governing Body approve a mill rate increase of 0.692 with the raised revenue being allocated to the Capital Improvement Program. The motion was seconded by Andrew Wang. The motion passed by a vote of 7 to 5.

David Morrison requested a roll call vote. A roll call vote was taken with the following votes cast: "aye" Warman, Noll, Kelly, Wang, Beckerman, Clark and Belz; and "nay" Herrera, Hopkins, Wassmer, Morrison and Ewy Sharp.

Adjournment

Charles Clark stated the executive session on the agenda will be held during the Council meeting and adjourned the meeting at 7:27 p.m.

Charles Clark
Council President

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE

May 26, 2010

Anne-Marie Hedge called the meeting to order at 7:00 p.m. Attending were Karin McAdams, Thomas O'Brien, Bob Pierson, Pete Jarchow, Ruth Hopkins, Dennis Enslinger, Polly Swafford, Linda Smith, Deborah English, Kristin Carmody, and Anne-Marie Hedge. The April minutes were approved.

Finance: Dennis announced that of our annual budget of \$8000 we have spent approximately \$3000 on the Earth Fair and the electronics recycling. The latter was discussed and declared successful, with some 90,000 pounds collected. As more independent e-recyclers (such as Goodwill) appear, the situation may change, but at this time this is a useful service. Those who attended liked the Waddell and Reed location.

Featured speaker: Emily Akins from the KC CSA Coalition and the KC Food Circle on the subject of eating local. She...

- Efficiently listed many reasons to eat local food, which is often satisfying as well as environmentally responsible.
- Noted many ways to obtain local food, in its original state and in restaurants, and gave out very good guides to help us find it and make choices.
- Urged us to take workshops in food preservation and offered sources for them.

Reports:

- **Village Presbyterian Creation Care Earth Fair** – Bob Pierson attended and enjoyed it. The lunch, a \$6.00 box lunch, was good, and there was a table with free vegetable and fruit snacks. A variety of workshops was available.
- **Earth Fair** planning – There seems to be interest in looking thoughtfully at our intentions and preferred public for the next Earth Fair.
 - **Linda** will bring to the next meeting a series of questions to help us develop objectives to guide our planning process.
 - **An ad-hoc committee** will then form to work out details and start making plans for the 2011 Earth Fair.
- **Village Fest** – Deborah English asked for input that she can take to future planning meetings. The group decided:
 - To repeat last year's fishpond activity to teach children about recycling. We will provide our own materials this time. Working on this will be Deborah, wading pool and fishing rods; Thomas, sturdy magnets; Linda, appropriate trash to be caught and sorted, and all who wish to find/make/recruit appropriately earth-friendly prizes. A volunteer sign-up sheet was passed around.
 - To find or make clear, visible signs to guide people in the use of our clear recycling bins. Deborah will ask Bridging the Gap if they have any, otherwise Linda will make some. They could also be posted at the end of food lines.
- **Environmental Forum** – Kathy is putting together a panel on the subject of water.
- **Membership guidelines** – The group approved adoption of membership guidelines as described by Thomas O'Brien as follows:

Prairie Village Environmental/Recycling Committee
Membership Guidelines
Revised 26 May 2010

Types of membership:

Active

- An Active member is a volunteer who submitted the Volunteer Application and was appointed by the Mayor to a full 3-year term on the Committee, or to finish the uncompleted term of a member who has resigned.
- The Committee encourages its Active members to regularly attend Committee meetings and to avoid absence from more than 3 meetings per calendar year.
- The Committee encourages its Active members to dependably participate in Committee-sponsored events and projects.
- If necessary, an Active member may resign before the end of the appointed term by sending a letter of resignation to the Mayor.

Sustaining

- This member is recognized by the Committee but not officially appointed to serve a term as a City volunteer.
- A Sustaining member is encouraged to attend all Committee meetings and to participate in at least one Committee-sponsored project or event per calendar year.
- A Sustaining member must fill out a Volunteer Application.
- A Sustaining member may resign at any time by providing notice to the Committee.

All Members

- All members are encouraged to participate in public meetings and on-line efforts to address environmental issues.

Anne-Marie Hedge adjourned the meeting at 8:30.

Respectfully submitted,

Karin McAdams

VILLAGEFEST COMMITTEE

May 27, 2010

The VillageFest Committee met May 27, 2010. Present and presiding, Chairman John Capito. Members present: Joel Crown, Art Dick, Bob Engel, Bob Pisciotta, Luci Mitchell, Katie Aguilera, Diana Ewy Sharp, Doug Sharp, Ed Roberts, Dale Warman, Sgt. Byron Roberson, and Jeanne Koontz.

Minutes

Ed Roberts moved approval of the minutes of the April 2010 meeting. Bob Pisciotta seconded the motion which passed unanimously.

New Members

John Capito introduced and welcomed Dale Warman, Ward I Council Member.

Budget Report

Jeanne Koontz said the budget is in good shape. There are 4 gold sponsors, 2 silver sponsors and 3 bronze sponsors.

Staff Reports

A. Administration

Jeanne Koontz reported that Wacky Banana would like to provide the regular inflatables this year and one additional inflatable for us to try out for free. The committee decided to try the pedestal joust.

B. Public Works

John Capito reported there has been discussion about extending the tent out from the stage to provide shade to the audience. John suggested putting a tent at the back of the crowd instead of over the whole crowd because it will get hot under the tent. Joel Crown mentioned the possible hazard of having a large tent near the petting zoo and other children's activities.

C. Police Department

Byron Roberson reported that Med-Act will not be able to bring the robot but they will provide four personnel on bikes and a gator. Byron said the Police Department is looking at providing more citizen-friendly displays this year.

Byron emphasized the importance of no parking in the circle drive. Joel Crown said there needs to be a sign for handicap parking. John Capito said there will be no parking on the grass behind the church parking lot.

Diana Ewy Sharp asked if the PVPD color guard could be present. Byron Roberson said it will be an issue with the holiday; some of the employees will not want to come.

D. Fire Department

Jeanne Koontz confirmed that they will be there after 8:30 am to set-up.

Sub-Committee Chairperson Assignments

A. Decorations

Art Dick reported the balloons will cost \$650 and they may do a centerpiece at the pavilion if the Chinook is not present. The committee approved increasing the decoration budget to \$750.

B. Entertainment

Diana Ewy Sharp reported the sub-committee listened to three bands and are recommending KOKOMO. They are a local band who play 50's to current music. They play at a lot of non-profit balls. They will play 1 ½ hours for \$2,000. They do not have liability insurance but staff is working with legal on this issue.

C. Sponsorship

John Capito reported that we have lost a couple of sponsors and gained a couple of sponsors. Sponsorships have gone well this year.

D. Electronic Marketing and advertising update - No Report

E. Facebook

Bob Pisciotta reported that he created a Facebook group page for VillageFest. Anyone can join the group and invite people to the group. He said he will add committee members as administrators of the site.

F. Schedule and Map Review - In Progress

G. Flyer - In Progress

H. Sign Placement

Signs will be distributed on June 12th and 13th. Details will be sent by e-mail.

I. Creativity Center

Katie Aguilera reported the kids will decorate a Chef's Hat; decorate cookies; and make 4th of July gliders. There will be a give-away: Emeril's "There's a Chef in My Soup!"

J. Patriotic Service

John Capito reported Dr. Susan Lee will sing two songs and there will be the standard service. Miller-Marley will not be performing.

K. Food

Jeanne Koontz reported that Fresher than Fresh sno-cones expressed interest but she has not heard back.

L. Hospitality

Doug Sharp reported that Johnny's will provide food for 150 people.

M. Volunteers

Nici Flinn is coordinating volunteers. Doug Sharp said he needs one volunteer to help unload the food at 8 am.

N. Children's Parade - No Report

O. Information Booth

Bob Engel said he met with Jim Bernard and is ready.

P. Student Contest - No Report

Q. Community Spirit Award

Diana Ewy Sharp said the judging panel will be Ann Lilak, Ian Bartalos and Jeff Anthony.

R. Bike Rodeo - No Report

S. Children's Fingerprinting - No Report

T. Fashion Coordinator

Luci Mitchell said we will order 144 t-shirts for \$5.50/shirt with a spread of sizes. There will be a mix of ladies' and regular men's cuts. The youth sizes will be shot into the crowd with the t-shirt gun and the volunteers can have a shirt for free. The rest can be sold. Next year we will provide a lanyard or sticker that says staff. Joel Crown moved to approve the purchase of 144 t-shirts. The motion passed unanimously.

U. Committee Booths

Jeanne Koontz said the JazzFest committee will be selling raffle tickets at VillageFest.

V. Train Show - No Report

W. Joel's Flying Lawn Mower Brigade

Joel Crown said the event has been cancelled for this year.

Sunday Issues and Parking

John Capito said the church has been very supportive and suggested we send them a thank you letter.

Review Monthly Schedule

John Capito reviewed the monthly schedule.

Other

Bob Pisciotta will ask Tom Lawrence if he can emcee.

The SME Robotics team will be in the plaza area. The robot is the t-shirt gun and shoots 4 shirts at time. They cannot travel with it. However, we could send kids up in the bucket to toss out t-shirts. They would like to ask for donations. Diana Ewy Sharp asked if the committee could make a \$100 donation. Joel Crown moved to donate \$100 to the SME Robotics team. Bob Pisciotta seconded the motion which passed unanimously.

Katie Aguilera reported that Teddy Roosevelt cannot come.

John Capito reported that Chad Taylor offered to sign up as a sponsor for 5 years if we excluded any other realtors from sponsoring. The committee decided it is not fair to exclude any potential sponsors.

Dale Warman suggested stringing canvas between the trees to help with the shade. He said he could be available to meet with the tent vendor to discuss options.

Bob Pisciotta moved to adjourn at 8:10 pm. Ed Roberts seconded the motion which passed unanimously.

John Capito
Chair

COMMUNICATIONS COMMITTEE
June 8, 2010
MINUTES

The Communications Committee met at 5:30 pm in the Multi-Purpose Room. Members present: Chairman Andrew Wang, Vice-Chairman Laura Wassmer, Nici Flinn, John Wilinski and Heather Schrotberger. Also present: Quinn Bennion, Dennis Enslinger and Jeanne Koontz.

Approve Minutes

The May 11, 2010 minutes were approved as written.

Website Update

Quinn Bennion reviewed the website design process. In the second selection process, three or four firms were interviewed. MMG Worldwide was selected for the creativity, energy, excitement, and local connection. The contract was divided into two phases.

1. \$20,000 - conceptual design, sitemap, stakeholder meetings, and scope proposal
2. \$40,000 - build and implementation

Phase one took a little longer than planned but is almost finished.

MMG Worldwide submitted a web development proposal based on the functional priority list that staff prepared. The proposal recommends Drupal an open-source Content Management System. Initially they were considering Ektron but it was cost-prohibitive. In addition to Drupal, other software will be needed to complete the site.

1. Wordpress - Blogs
2. Trumba - Calendar
3. E-subscription provider
4. Facebook
5. YouTube
6. Twitter
7. Flickr

Staff is considered about ease of use and the maintenance of the website. Staff is not clear on the ongoing costs for some of the items or the ongoing maintenance fees.

Laura Wassmer asked what smaller cities are using. Quinn Bennion stated Mission Hills uses Civic Plus. He said the original proposals were grouped into four different categories: basement/garage company; tech firm; marketing/advertising firm; and government sites. Laura Wassmer asked if we could consider a company that builds government sites for the second phase. Quinn Bennion said the question is whether MMG is the right choice.

Laura Wassmer said it seems staff is uncomfortable with the proposal and the proposal sounds very complicated. Dennis Enslinger said whitehouse.gov uses Drupal but they have lots of programmers. Drupal is not backwards compatible so we would have to go back to MMG to make it work. He expressed concern with the number of systems.

Heather Schrotberger asked what the benefits are with going with someone else or with staying with MMG. Dennis Enslinger said it will take time to re-iterate the design concepts to someone else but it will take MMG longer to build the site in Drupal.

Laura Wassmer asked if staff is looking for permission to look at other firms for the build phase. Quinn Bennion said we would like to air our concerns with MMG first. John Wilinski said he

would like to give MMG the opportunity to respond. Nici Flinn said it will be important to make sure the other firms can maintain the design. Dennis Enslinger suggested going to MMG, Vision and Civic Plus to compare all three for phase two.

Andrew Wang said he could see where we would be a good client to start a niche market for MMG. He expressed concern that the other firms would be able to maintain the creative feel.

John Wilinski said he is pleased with Phase I.

Staff will meet with MMG Worldwide and then determine whether to meet with Vision and Civic Plus.

The meeting was adjourned at 6:20 pm.

Andrew Wang
Chair

**Jazz Fest Committee
June 8, 2010**

Attending: Dan Andersen, Chris Huff, Rod Atteberry, Karen Ecton, Kathy Peterson, Bob McGowan, Randy Kronblad, Kyle Kristofer and Joyce Hagen Mundy

Approval of Minutes of 05/26/2010

Minutes of the May 26, 2010 were approved as submitted.

Recap of PV Art Fair Fundraiser

Dan Andersen reported more than a thousand flyers were given out over the three day event. \$1053 was raised in donations and raffle sale. Expenses related to the raffle are estimated at \$642. Sales of raffle ticket will continue until the drawing on June 17th.

Subcommittee Reports

Entertainment

Dan reported contracts for DSS, Inc. The Kansas City Jazz Orchestra, Eldar, The Sons of Brasil, David Basse and KCH&G were approved by the City Council on June 7th. The contracts include cancellation clauses of 30 days prior to the event or August 15th.

The line-up distributed does not include Karrin. Dan stated she is performing at the Foley and her contract prohibits her appearing elsewhere in the metro area. Dan has talked with her agent and representatives at the Folly suggesting that she only sing 3 songs with the KC Jazz Orchestra, not a full set, and the appearance would be advertised courtesy of the Folly, they would be listed as a sponsor and would be allowed to sell tickets for their performance from a booth at JazzFest. Kathy Peterson has talked with the new Executive Director and efforts are continuing to work out some kind of arrangement.

Dan reported he is continuing to negotiate with Eldar to do a fund-raising concert.

Technical

Now that contracts have been approved Chris and Rod need to get together and begin working on the required backline acquisitions. Dan stated he has copies of the layouts requested by each of the performers and noted the Orchestra will need a larger stage area.

Sponsors

Dan is continuing to talk with Lane4. Jack has secured two additional sponsors. The committee discussed potential sponsors and identified individuals who would make the contacts. Joyce will send the list to Rod who will prepare the information packets.

Marketing & Signage

Rod will write an article for the next issue of the Village Voice.

Website

Dan will get together with Karen to integrate Twitter and Face Book into the JazzFest web site.

Social Media

Karen Ecton reported Face Book hit 400 last week. She will get a vanity url for Face Book.

Beer, Wine & Soda

Jack agreements with both Budweiser and Pepsi to provide drinks.

Karen noted Pepsi has advertised a "Community Challenge Grant" she will get additional information on the program.

Volunteers

Kathy stated people are still expressing an interest and she is confident there will be sufficient volunteers to staff the event.

T-Shirts & Festival Gear

Dan reported the entertainment contracts allow for the sale of merchandise with a 20/80 split on CD's and 30/70 split on all other merchandise.

Vendors

Dan reported there are two food vendors in place in addition to the two drink vendors. He anticipates another 4 food vendors as well as possible lemonade, cotton candy vendors, vendors at JazzFest.

Signage

Joyce will get the Villagefest Sign specifications for Dan. The sign purchased for the PV Art Fair will be used at Villagefest as well as other promotional events. The committee discussed what should be included on the Mission Road banner.

Hospitality

Joyce will get Randy copies of the entertainment riders to determine what is required by the different entertainers.

June 17th Event Planning

Dan reported the drawing for the raffle will be held at Village Flower on Thursday, June 17th at 5:45 p.m. In addition to that event, JazzFest will also be supported by Tomahawk merchants at their "Third Thursday Event". Dan will approach the merchants regarding selling raffle tickets. He is also working to get a live remote

radio broadcast from the event. Joyce will prepare a sign-up sheet for workers. Event coverage is needed from five o'clock to eight o'clock.

Villagefest Participation

New Raffle

Committee members discussed possible raffle items for this event. Kathy Peterson will look into getting remote cars. It was decided the primary focus at Villagefest would be informational/promotional not fund-raising.

Handouts

Fans will be created to give away at the event. They will contain the date of the event, line-up and website address. Other possible items were discussed. The handout created for the Art Fair will also be given away.

T-Shirts

It was decided to have T-shirts for the volunteers to wear. The T-shirts would have the logo on the front and the line-up printed on the back. Kathy will send out an e-mail to get sizes. JazzFest Committee/Staff will have polo shirts with the JazzFest logo to be paid for by the members. Jack and Bess will contact possible vendors regarding doing the shirts and possibly an embroidered logo. A sign up sheet will be created for Villagefest Volunteers.

Fundraising Concert

Dan reported he is negotiating having Eldar do a one-night fund-raising concert. Possible locations for the concert were discussed. The event would include the concert with a cash bar. Suggested ticket prices were \$50 or two for \$75.

Next Meeting

The next meeting will be Wednesday, June 23rd at 7 p.m. in the Council Chambers.

Adjournment

The meeting was adjourned at 9:00 p.m.

**Council Members
Mark Your Calendars
July 6, 2010**

July 2010	Ric Cummings photography exhibit in the R. G. Endres Gallery
July 9	Artist reception in the R. G. Endres Gallery 6:30 - 8:00
July 19	City Council Meeting
August 2010	Senior Arts Council mixed media exhibit in the R. G. Endres Gallery
August 2	City Council Meeting
August 13	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
August 16	City Council Meeting
September 2010	Joan Gerding oils exhibit in the R. G. Endres Gallery
September 6	City offices closed in observance of the Labor Day holiday
September 7(Tues.)	City Council Meeting
September 10	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
September 20	City Council Meeting
October 2010	State of the Arts exhibit in the R. G. Endres Gallery
October 4	City Council Meeting
October 8	Artist reception in the R. G. Endres Gallery 6 - 8 p.m.
October 18	City Council Meeting
November 2010	Mid-America Pastel Society pastels exhibit in the R. G. Endres Gallery
November 1	City Council Meeting
November 12	Artist reception in the R. G. Endres Gallery 6:00 - 8:00
November 15	City Council Meeting
November 25	City offices closed in observance of the Thanksgiving holiday
November 26	City offices closed in observance of the Thanksgiving holiday
December 2010	Marcus Cain mixed media exhibit in the R. G. Endres Gallery
December 6	City Council Meeting
December 10	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
December 10	Mayor's Holiday Gala
December 20	City Council Meeting
December 24	City offices closed in observance of the Christmas holiday

COMMITTEE AGENDA

July 6, 2010

ANIMAL CONTROL COMMITTEE

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

COUNCIL COMMITTEE

- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-35 Consider reactivation of Project 190709: 83rd Street/Delmar Drainage Improvements
- COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-21 Consider Project 190865:2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83rd Street (assigned 2/26/2008)
- COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)
- COU2008-67 Consider sidewalk policy relative to sidewalks (8200 Rosewood) (assigned 8/13/2008)
- COU2008-75 Consider approval of a modification to Personnel Policy 910 regarding "comp time" (assigned 10/1/2008)
- COU2008-100 Consider approval of ordinance affirming City Boundaries (assigned 12/10/2008)
- COU2009-03 Consider Project 191023: 2009 Concrete Repair Program (assigned 12/23/2008)
- COU2009-14 Consider Project 190870: 2010 Street Resurfacing Program (assigned 1/13/2009)
- COU2009-15 Consider Project 190721: 2009 Storm Drainage Repair Program (assigned 1/13/2009)
- COU2009-16 Consider Project 190876: 2010 CARS, 83rd Street Resurfacing from Nall Avenue to Roe Avenue (assigned 1/13/2009)
- COU2009-17 Consider Project 190877: 2009 CARS, 83rd Street Resurfacing: Roe Avenue to Somerset Drive (assigned 1/13/2009)
- COU2009-26 Consider Project 190722: 2010 Storm Drainage Repair Program (assigned 2/6/2009)
- COU2009-63 Consider Project 190866 - 75th Street Paving (assigned 6/10/2009)
- COU2009-98 Consider Project 190656 Community Center Study (assigned 10/12/2009)
- COU2009-100 Consider Project 190728: Prairie Lane Drainage Project (assigned 10/14/2009)
- COU2010-37 Consider Engineering Change Order No. 1 for Project 190870: 2010 Street Resurfacing Program for Design of the Somerset Drive Project from East of Mission Road to Roe Avenue (assigned 6/30/2010)
- COU2010-38 Consider agreement with Johnson County related to the use of Community Development Block Grant (CDBG) funds for Project 190891 - 75th Place from Belinder Avenue to Booth Drive (assigned 6/30/2010)
- COU2010-39 Consider Project 190890: 2010 Bond Project - Construction Change Order #4 Adding Project 190876, 2010 CARS Project on 83rd Street from Roe Avenue to Nall Avenue

PARKS AND RECREATION COMMITTEE

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

PLANNING COMMISSION

- PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)
- PC2008-02 Consider development of ordinances to support best practices for renewable energy and for green design related to residential and commercial building design (assigned 7/7/08)

PRAIRIE VILLAGE ARTS COUNCIL

PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1st Quarter of 2001)