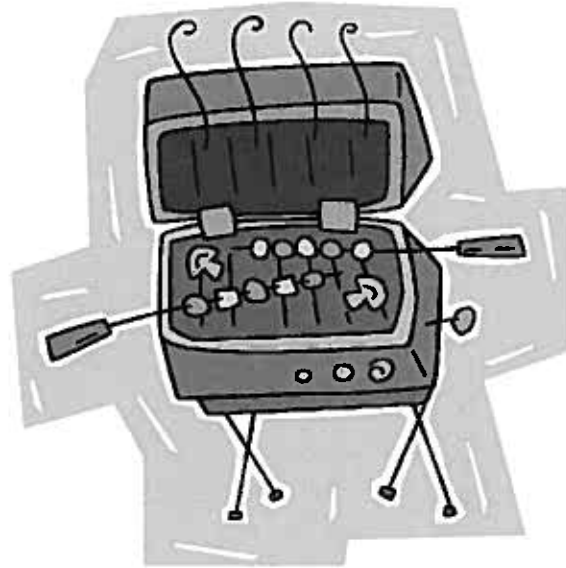


City Council Meeting

November 3, 2008



Dinner will be provided by:
Gates BBQ

Ham, Beef & Turkey
Potato Salad, Coleslaw & Beans
Pickles
Bread
Dessert

COUNCIL COMMITTEE
November 3, 2008
6:00 p.m.
Council Chamber

AGENDA

DAVID VOYSEY, COUNCIL PRESIDENT

CONSENT AGENDA

**COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking
Expansion - Construction Change Order #1 (Final)**

AGENDA ITEMS FOR DISCUSSION

**Update on Transportation Cooperation Council
David Belz & Bob Pryzby**

**COU2006-38 Update regarding Park & Recreation Committee Master Plan
Indigo Group**

**COU2008-80 Consider Agreement with Lowenthal, Singleton Webb & Wilson to Audit the
City's 2008 Financial Statements
Karen Kindle**

**COU2008-81 Consider Revisions to the Records Retention Schedule
Dennis Enslinger & Joyce Hagen Mundy**

**Update regarding change to Deffenbaugh routes
Dennis Enslinger**

COU2007-51 Village Vision

***Council Action Requested the Same Evening**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: November 3, 2008

Council Meeting Date: November 3, 2008

COU2007-62 CONSIDER PROJECT 190863: SHAWNEE MISSION EAST HIGH SCHOOL PARKING EXPANSION CONSTRUCTION CHANGE ORDER #1 (FINAL)

RECOMMENDATION

Staff recommends the City Council approves Construction Change Order #1 (Final) with O'Donnell & Sons Construction for an increase of \$13,129.60 to project 190863: Shawnee Mission East High School Parking Expansion.

COUNCIL ACTION REQUESTED ON NOVEMBER 3, 2008

BACKGROUND

This project is complete. Final as-built quantities have been computed. This change order represents an increase of 4.6% over the original contract amount.

FUNDING SOURCE

Funds are available in the Capital Infrastructure Program under Streets Unallocated. Sixty-nine percent (\$9059.42) of the \$13,129.60 will be reimbursed to the City by the Shawnee Mission School District. The additional City share amounts to \$4,070.18.

RELATED 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.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

ATTACHMENTS

1. Construction Change Order #1 (Final) with O'Donnell & Sons Construction.

PREPARED BY

S Robert Pryzby, Director of Public Works

October 23, 2008

BHC
Rhodes

CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 1 (FINAL)

Consultant's Name: BHC Rhodes
Project Title: SME Parking Expansion
Date Requested: November 3, 2008
Owner's Project No.: 190863
Contractor's Name: O'Donnell & Sons

Contract Date: March 3, 2008

REQUIRED CHANGES IN PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$3,000.00	LS	Mobilization	1	\$3,000.00	\$3,000.00
1	\$21,600.00	LS	Demolition	1	\$21,600.00	\$21,600.00
1	\$16,600.00	LS	Clearing and Grubbing	1	\$16,600.00	\$16,600.00
3	\$2,550.00	EA	Large Tree Removal	3	\$850.00	\$2,550.00
630	\$44,100.00	LF	Linear Grading	630	\$70.00	\$44,100.00
3810	\$6,667.50	SY	Cold Milling (2")	1359	\$1.75	\$2,378.25
1003	\$57,471.90	TON	2" Asphalt Surface (Type 3)	1003	\$57.30	\$57,471.90
1080	\$53,892.00	TON	4" Asphalt Base (Type 1)	1080	\$49.90	\$53,892.00
1081	\$16,215.00	TON	4" Granular Subbase	1081	\$15.00	\$16,215.00
220	\$4,400.00	TON	12" Subgrade Modification	220	20	4400
2111	\$28,709.60	LF	Concrete Curb and Gutter - Type A New	2217	13.6	30151.2
12	\$534.00	SY	Replaced 4" Sidewalk	12	44.5	534
86	\$2,975.60	SY	New 4" sidewalk	86	34.6	2975.6
5	\$320.00	SY	Replaced ADA Ramp	5	64	320
10	\$590.00	SY	New ADA Ramp	10	59	590
279	\$1,464.75	SY	Sod-Fescue	2052	5.25	10773
31	\$147.25	SY	Sod- Bluegrass	0	4.75	0
43	\$268.75	SY	Sod-Zoysia	0	6.25	0
66	\$330.00	LF	Erosion Control - Silt Fence	66	5	330
3	\$14,250.00	EA	7' x 4' Standard Type Curb Inlet	3	4750	14250
20	\$400.00	LF	Drain Tile Connection (EST)	0	20	0
1	\$2,200.00	LS	Contractor Construction Staking	1	2200	2200
4347	\$4,347.00	LF	4" White Thermoplastic Pavement Markings	4347	\$1.00	\$4,347.00
0	\$0.00	TON	Base Wedging	150	\$49.90	\$7,485.00
			Contingent Items			

0
0

TOTAL \$283,033.35 NET TOTAL \$296,162.95
Increase \$13,129.60

Explanation of Changes

Project 190863; SME Parking Expansion. This change order is to cover the following items:

Final As-Built Quantities

This change order increases the contract amount by \$13129.00.

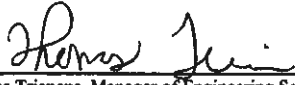
Calendar days were not added as result of this change order.

Original Contract Price	<u>\$283,033.35</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$283,033.35</u>
NET increase or decrease this Change Order	<u>\$13,129.60</u>
New Contract Price	<u>\$296,162.95</u>

Change to Contract Time

The current contract deadline of December 1, 2008 will remain the same.

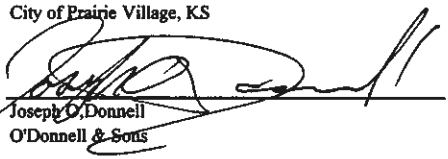
The City does not anticipate a related Engineering Change Order.



Thomas Trienens, Manager of Engineering Services
City of Prairie Village, KS

10/24/08

Date

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


Joseph O'Donnell
O'Donnell & Sons

Date
10-24-08

Date

M E M O R A N D U M

TO: David Belz
FROM: Bob Pryzby
DATE: October 20, 2008
RE: Infrastructure Fund
CC: Quinn Bennion

David, after our conversation I thought some more, so, here are my random thoughts.

- Combine the CARS funds and SMAC funds into one program
 - A program for funding construction and construction administration – design and right of way acquisition is not eligible
 - A program for maintenance and minor (widening) construction of roadway infrastructure
 - A program for maintenance and construction of drainage infrastructure
 - New streets are not eligible and should be funded in the STP program
 - Sidewalks, street lights, traffic signals, and fiber optic installation are not eligible
 - Traffic congestion projects are not eligible and should be funded in the CMAQ program
 - Bridge replacement projects are not eligible and should be funded in the BR program
 - Purchase of properties in FEMA flood zone is eligible
 - Operations such as sweeping, drainage system cleaning, pothole patching, traffic line painting, weed control, graffiti removal are not eligible
 - Funds can be used for City participation in State or Federal projects that meet the program criteria
- Criteria for projects
 - CARS
 - Streets having an average ADT of 3,500 or greater
 - Must have a direct connection to an arterial (ADT 10,000 or greater) that has interconnection with another City
 - Must comply with the Standard Specifications and Design Criteria of the Kansas City Metropolitan Chapter of American Public Works Association
 - SMAC

- Have a record of causing property damage
- Improve water quality
- Must comply with the Standard Specifications and Design Criteria of the Kansas City Metropolitan Chapter of American Public Works Association
- Process
 - A city will apply for project funding on a simplified form
 - No priority ranking of projects
 - A city will provide a final report of expenditures at completion of project
- Funding
 - The 1/10 cent sales tax currently dedicated to SMAC
 - 43% of the Motor Carrier Property Tax and Motor Fuel Taxes (commonly called Highway Gas Tax) received from the State of Kansas
 - 50% of Motor Vehicle Tax received by the County
 - Existing unspent funds the current CARS and SMAC programs
 - Each City will be eligible to receive its portion based on area of City (not population or property valuation)
 - 5% of annual funds will be reserved to County for administration costs and grant programs beneficial to the infrastructure program
 - Administrative Services
 - Regional & Support Projects
 - Grant Projects
- Advantages
 - Simpler program without a volume of paperwork
 - Funds will be distributed directly to the City each year
 - Less County Staff required as administration is mostly clerical
 - Cities have more flexibility for use of funds
 - Cities have 100% use of their allocation
 - Causes Cities to use other available funds such as STP, BR and CMAQ
- Disadvantage
 - Restricts the eligibility of funds for new construction
 - Loss of control for project funding by County
 - Loss of some revenues to County
- Estimated funds
 - See attached spreadsheet

Proposal Infrastructure Funding

Budget Year	SMAC	Highway Gas Tax	Motor Vehicle Tax	Total Fund	95% for Cities	5% for County Adm
2009	\$ 12,000,000	\$ 12,731,066	\$ -	\$ 24,731,066	\$ 23,495,000	\$ 1,237,000
2010	\$ 12,360,000	\$ 12,985,387	\$ 5,342,156	\$ 30,687,543	\$ 29,153,000	\$ 1,534,000
2011	\$ 12,730,800	\$ 13,245,401	\$ 5,502,421	\$ 31,478,622	\$ 29,905,000	\$ 1,574,000
2012	\$ 13,112,724	\$ 13,501,309	\$ 5,667,493	\$ 32,281,526	\$ 30,667,000	\$ 1,614,000
2013	\$ 13,506,106	\$ 13,780,515	\$ 5,837,518	\$ 33,124,139	\$ 31,468,000	\$ 1,656,000

David, these numbers are the best I can find. That is why I rounded to nearest \$1,000. I do not have the areas of each city to do the distribution

**Alternative Financing Methods for the Johnson County CARS Program
June 17, 2008**

**Prepared by Johnson County Budget and Financial Planning Department in cooperation
with the Johnson County Infrastructure and Public Works Department**

The BOCC directed staff to examine feasible financing methods available for the CARS program, as well as the financial impact for consideration as part of FY 2009 Budget development. The following options present six alternative CARS financing methods with following outcomes in mind:

- Consider available mechanisms for potential growth in program funding and the potential financial impact.
- Remedy static nature of program in terms of current funding and estimated future funding.

Incremental Increases

Option 1: County Funding Static, Growth of Highway Taxes (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010 and holding the County support for CARS constant at the proposed 2009 amount of \$2,668,934. The projected 2013 amount is estimated to be approximately \$1 million higher than if the program is left at the proposed 2009 budget amount of \$15.4 million.

Budget Year	Static Funding	County Support	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$2,668,934	\$12,985,687	\$15,654,621	1.7%
2011	\$15,400,000	\$2,668,934	\$13,245,401	\$15,914,335	3.3%
2012	\$15,400,000	\$2,668,934	\$13,510,309	\$16,179,243	5.1%
2013	\$15,400,000	\$2,668,934	\$13,780,515	\$16,449,449	6.8%

Option 2: Fixed Mill Rate, Growth of Highway Taxes (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010 and holding the County support for CARS constant at the 2009 Mill Levy rate of .331 Mills. The projected 2013 amount is estimated to be approximately \$1.5 million higher than if the program is left at the 2009 budget amount of \$15.4 million.

Budget Year	Static Funding	County Support	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$2,772,707	\$12,985,687	\$15,758,394	2.3%
2011	\$15,400,000	\$2,883,002	\$13,245,401	\$16,128,403	4.7%
2012	\$15,400,000	\$3,004,525	\$13,510,309	\$16,514,834	7.2%
2013	\$15,400,000	\$3,134,066	\$13,780,515	\$16,914,581	9.8%

Service Reduction/Revenue Reallocation

Option 3: No County Mill Levy Funding, Growth of Highway Taxes, General Fund portion of Motor Vehicle Tax (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010 and the General Fund Motor Vehicle Tax starting in 2010. The projected 2013 amount is estimated to be approximately \$10.3 million higher than the 2009 budget amount of \$15.4 million. The General Fund portion of the Motor Vehicle Tax is currently used to support various County operations. Any use of these funds would require an equal reduction of funding for other County services.

Budget Year	Static Funding	County Support	Motor Vehicle Tax (General Fund)	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$0	\$10,684,312	\$12,985,687	\$23,901,316	55.2%
2011	\$15,400,000	\$0	\$11,004,841	\$13,245,401	\$24,485,901	59.0%
2012	\$15,400,000	\$0	\$11,334,986	\$13,510,309	\$25,085,375	62.9%
2013	\$15,400,000	\$0	\$11,675,036	\$13,780,515	\$25,700,131	66.9%

Option 4: County Funding Static, Growth of Highway Taxes, Annual Increases in Motor Vehicle Tax (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010, holding County support for CARS constant at the 2009 amount of \$2,668,934, and the increase to the Motor Vehicle Tax (General Fund portion) over the 2009 base starting in 2010. The projected 2013 amount is estimated to be approximately \$1.3 million higher than the 2009 budget amount of \$15.4 million. Any use of these funds would require an equal reduction of funding for other County services.

Budget Year	Static Funding	County Support	Motor Vehicle Tax (General Fund)	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$2,668,934	\$311,194	\$12,985,687	\$15,965,815	3.7%
2011	\$15,400,000	\$2,668,934	\$631,723	\$13,245,401	\$16,546,058	7.4%
2012	\$15,400,000	\$2,668,934	\$961,868	\$13,510,309	\$17,141,111	11.3%
2013	\$15,400,000	\$2,668,934	\$1,301,918	\$13,780,515	\$17,751,367	15.3%

Option 5: Fixed Mill Rate, Growth of Highway Taxes, Annual Increases in Motor Vehicle Tax (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010, holding the County support for CARS constant at the 2009 Mill Levy rate of .331 Mills, and the increase to the Motor Vehicle Tax (General Fund portion) over the 2009 base starting in 2010. The projected 2013 amount is estimated to be approximately \$1.8 million higher than the 2009 budget amount of \$15.4 million. Any use of these funds would require an equal reduction of funding for other County services.

Budget Year	Static Funding	County Support	Motor Vehicle Tax (General Fund)	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$2,772,707	\$311,194	\$12,985,687	\$16,069,588	4.3%
2011	\$15,400,000	\$2,883,002	\$631,723	\$13,245,401	\$16,760,126	8.8%
2012	\$15,400,000	\$3,004,525	\$961,868	\$13,510,309	\$17,476,702	13.5%
2013	\$15,400,000	\$3,134,066	\$1,301,918	\$13,780,515	\$18,216,499	18.3%

NEW Option 6: No County Funding, Growth of Highway Taxes, General Fund Portion of Motor Vehicle Registration Fees (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010, and Motor Vehicle Registration Fees (General Fund portion) starting in 2010. The projected 2013 amount is estimated to be approximately \$1.9 million higher than the 2009 budget amount of \$15.4 million. Any use of these funds would require an equal reduction of funding for other County services.

Budget Year	Static Funding	County Support	Motor Vehicle Registration Fees (General Fund)	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$0	\$3,371,330	\$12,985,687	\$16,357,017	6.2%
2011	\$15,400,000	\$0	\$3,438,757	\$13,245,401	\$16,684,158	8.3%
2012	\$15,400,000	\$0	\$3,507,532	\$13,510,309	\$17,017,841	10.5%
2013	\$15,400,000	\$0	\$3,577,683	\$13,780,515	\$17,358,198	12.7%

NEW Option 7: County Funding Static, Growth of Highway Taxes, General Fund Portion of Motor Vehicle Registration Fees (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010, holding County support for CARS constant at the 2009 amount of \$2,668,934, and Motor Vehicle Registration Fees (General Fund portion) starting in 2010. The projected 2013 amount is estimated to be approximately \$4.6 million higher than the 2009 budget amount of \$15.4 million. Any use of these funds would require an equal reduction of funding for other County services.

Budget Year	Static Funding	County Support	Motor Vehicle Registration Fees (General Fund)	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$2,668,934	\$3,371,330	\$12,985,687	\$19,025,951	23.5%
2011	\$15,400,000	\$2,668,934	\$3,438,757	\$13,245,401	\$19,353,092	25.7%
2012	\$15,400,000	\$2,668,934	\$3,507,532	\$13,510,309	\$19,686,775	27.8%
2013	\$15,400,000	\$2,668,934	\$3,577,683	\$13,780,515	\$20,027,132	30.0%

New Revenue

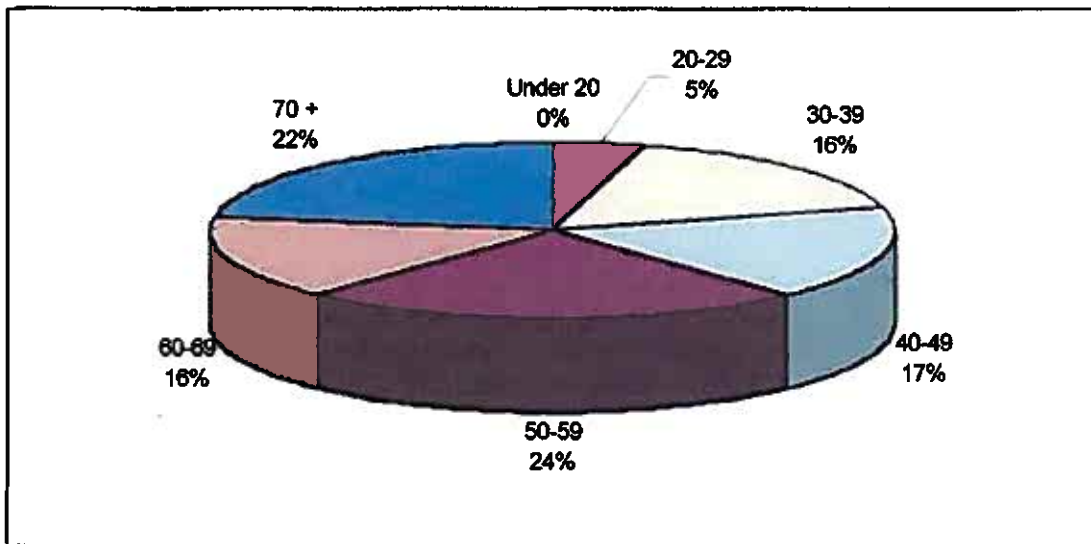
Option 8: No County Funding, Growth of Highway Taxes, .10 Cent Sales & Use Tax (Future) - Estimated CARS program funding is linked to Highway Tax growth starting in 2010 and a .10 cent Sales Tax started in 2010. The projected 2013 amount is estimated to be approximately \$11.6 million higher than the 2009 budget amount of \$15.4 million. Establishing this sales tax would require legislative approval for the authority and an election for authorization. This sales tax assumes the County would receive 100% of the revenue (SMAC Model).

Budget Year	Static Funding	County Support	.1 Cent Sales and Use Tax	Highway Tax	Program Total	Program Total/Static Funding % Increase
2009	\$15,400,000	\$2,668,934	\$0	\$12,731,066	\$15,400,000	0.0%
2010	\$15,400,000	\$0	\$12,507,499	\$12,985,687	\$25,493,186	65.5%
2011	\$15,400,000	\$0	\$12,757,649	\$13,245,401	\$26,003,050	68.9%
2012	\$15,400,000	\$0	\$13,012,802	\$13,510,309	\$26,523,111	72.2%
2013	\$15,400,000	\$0	\$13,273,058	\$13,780,515	\$27,053,573	75.7%

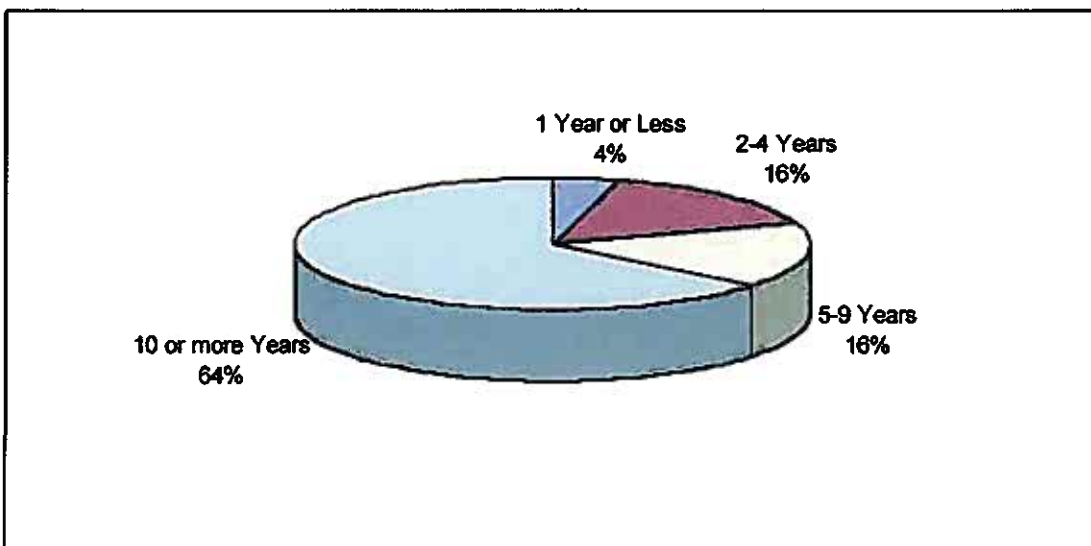
City of Prairie Village Parks and Recreation Master Plan

Survey Results

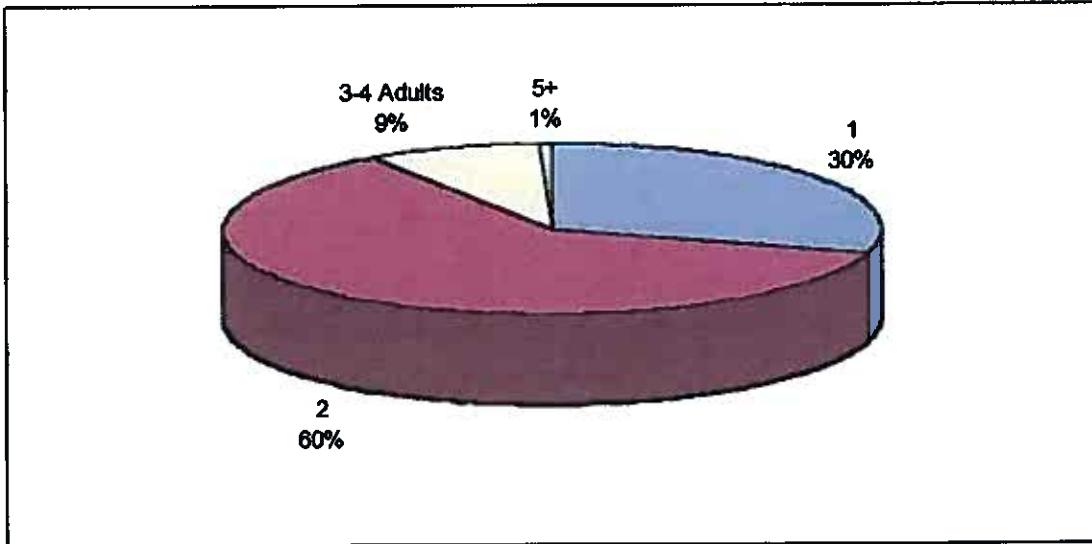
What is Your Age?



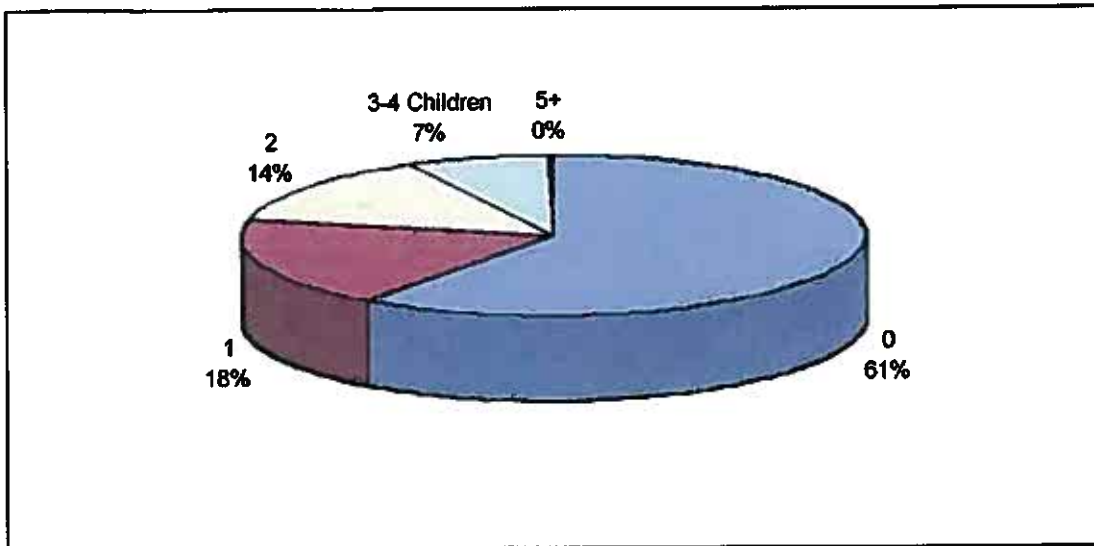
How Many Years Have You Lived in Prairie Village?



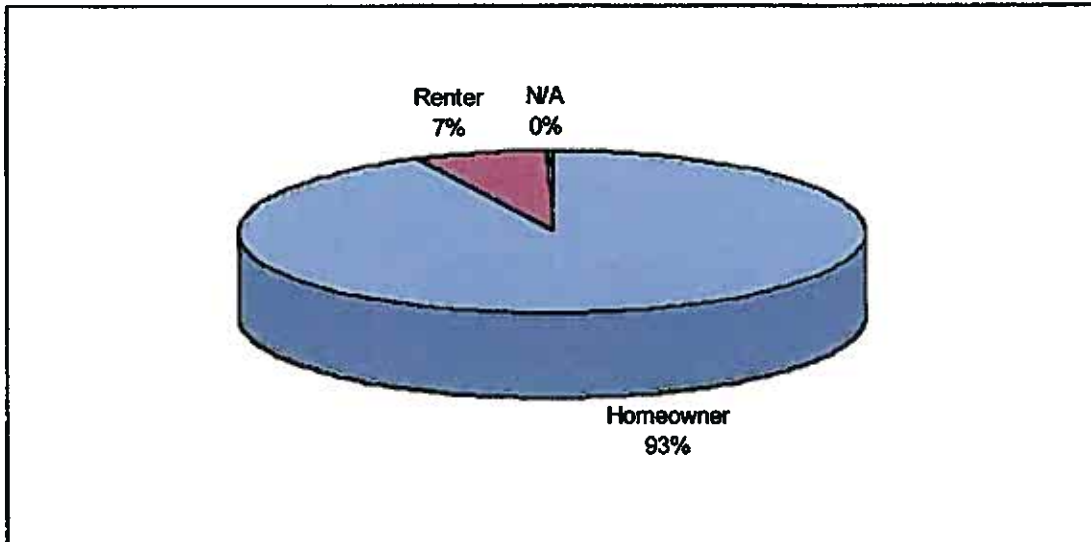
Number of Adults in Your Household (18 or older)



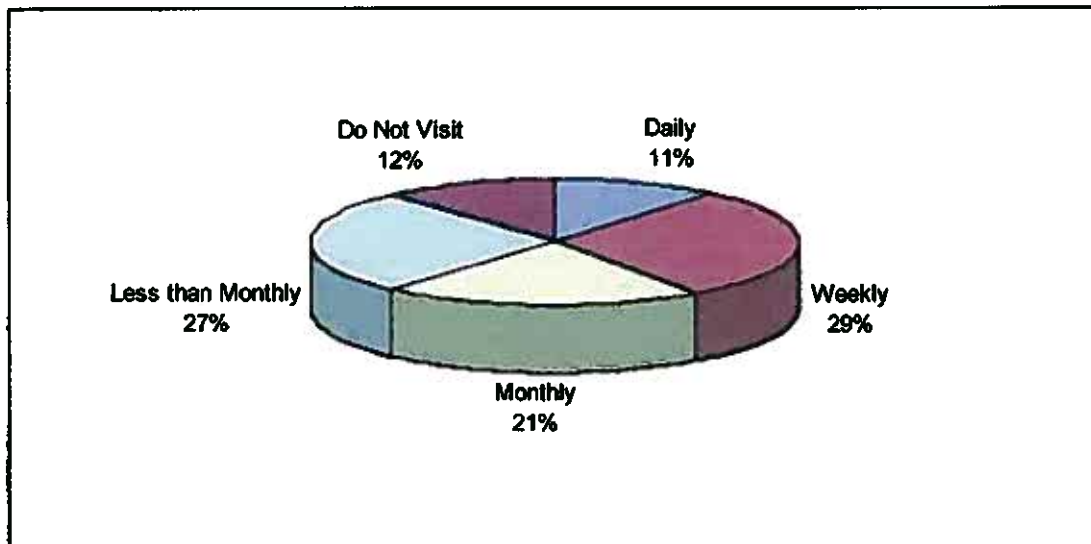
Number of Children (Under 18 Years of Age)



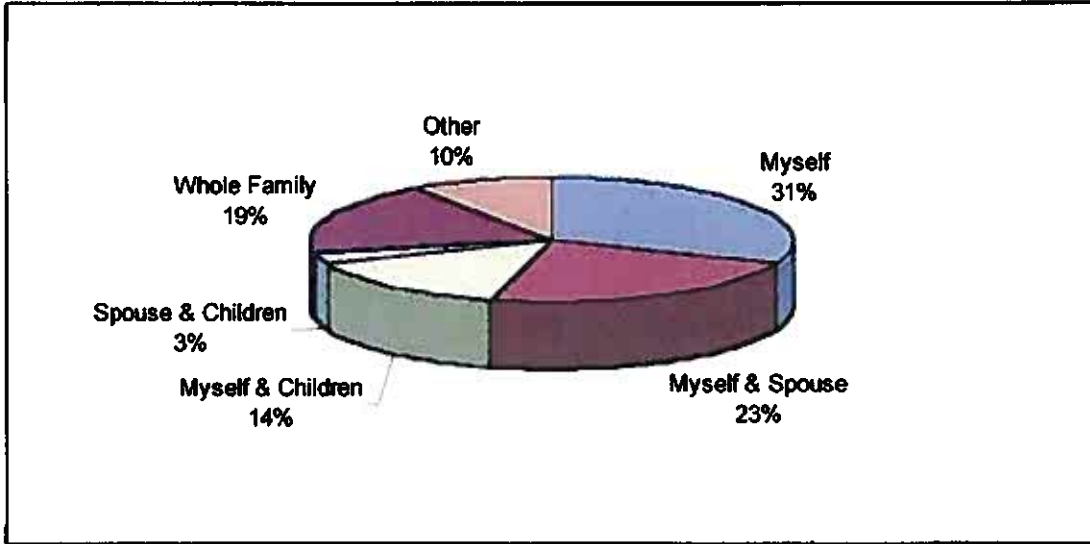
Please Indicate if You are a Homeowner or Rent Your Residence.



How Often Do You, Or a Member of Your Household, Visit a Prairie Village Park?



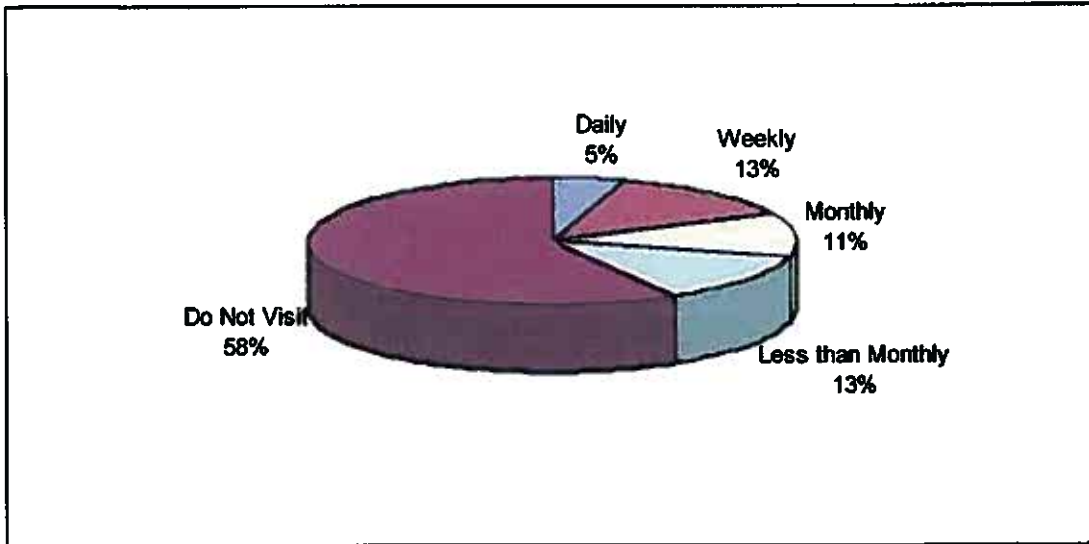
Please Indicate Who in Your Household Typically Visits the Prairie Village Park.



Below are several activities that you or someone in your household may do in our parks. Please list (1-5) those activities that you do most often. For example, if you walk or jog the most, place a #1 in the space provided. If you play tennis less frequently than walking/joggin, but more often than another activity, place a #2 in the space provided, etc.

	<u>Actual No. Of Respondents</u>	<u>Avg. Score</u>
Walking/Jogging	582	1.44
Dog Walking	301	1.75
Visit Gardens	271	2.31
Playgrounds	258	1.76
Swimming	215	2.30
Use Open Space	168	2.90
Tennis	141	2.45
Soccer or Football	64	2.47
Other	60	2.17
Basketball	44	2.77
Skate Park	35	2.60
Baseball	32	2.47

How Often do You Visit the Prairie Village Pool?



Below are current pool facilities. Please list (1-6) those pools that you use most often. For example, if you use the kiddie pool most often, place a #1 in the space provided. If you use the zero-entry pool less frequently than the kiddie pool, but more often than other pools, place a #2 in the space provided, etc.

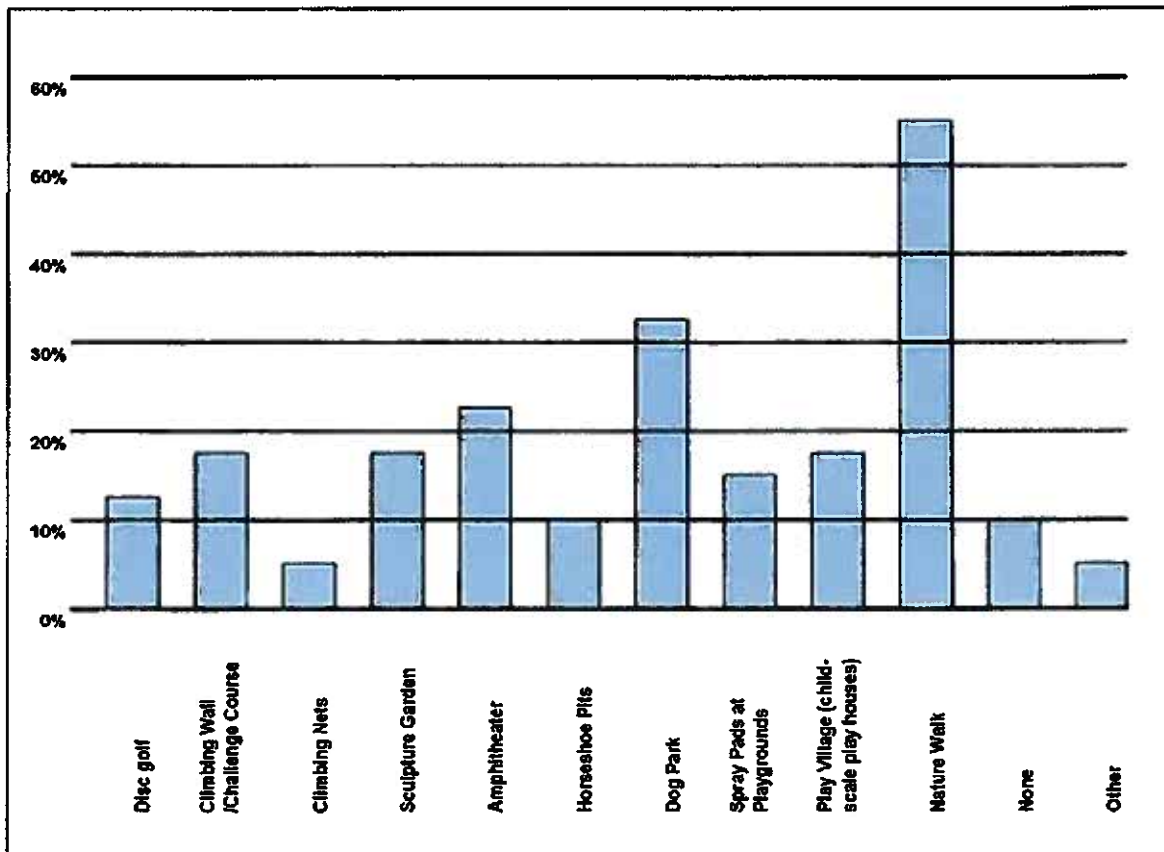
	<u>Actual No. of Respondents</u>	<u>Avg. Score</u>
Zero-Depth Pool	188	1.86
Adult Pool or Hot Tub	188	2.37
Water Slides	156	2.74
Lap Pool	156	3.08
Kiddie/Wading Pool	140	2.59
Diving Boards	131	3.66

Prairie Village Parks and Recreation Master Plan – Survey Results

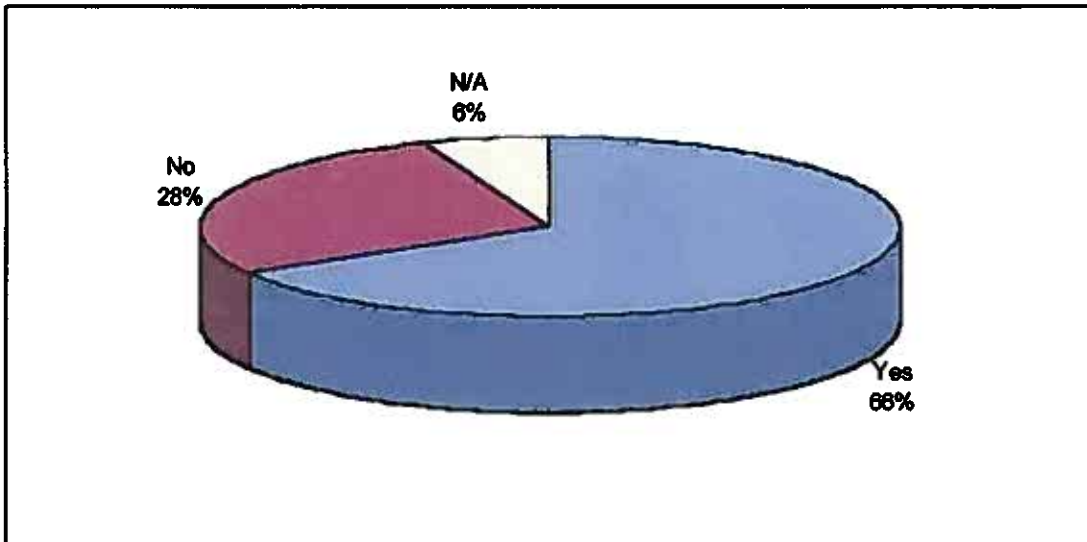
Please indicate your degree of satisfaction (on a scale of 1-5, with 5 being very satisfied and 1 being very dissatisfied; 0 is don't know) with the following Prairie Village Park Facilities and Programs.

	<u># of Respondents</u>	<u># of Resp. Not "0"</u>	<u>Avg. Score</u>
Franklin Park	620	484	4.46
Prairie Village Pool	560	350	4.35
Porter Park	564	398	4.31
Harmon/Santa Fe Park	531	274	4.27
Feeling of Safety in the Parks	584	493	4.26
Windsor Park	526	254	4.24
Bennett Park	493	149	4.24
Meadowlake Park	517	240	4.17
Prairie Park	478	111	4.17
McCrum Park	503	185	4.03
Pool Programming	486	166	3.98
Current Recreation Programming	479	175	3.73
Weltner (State Line) Park	480	118	3.54

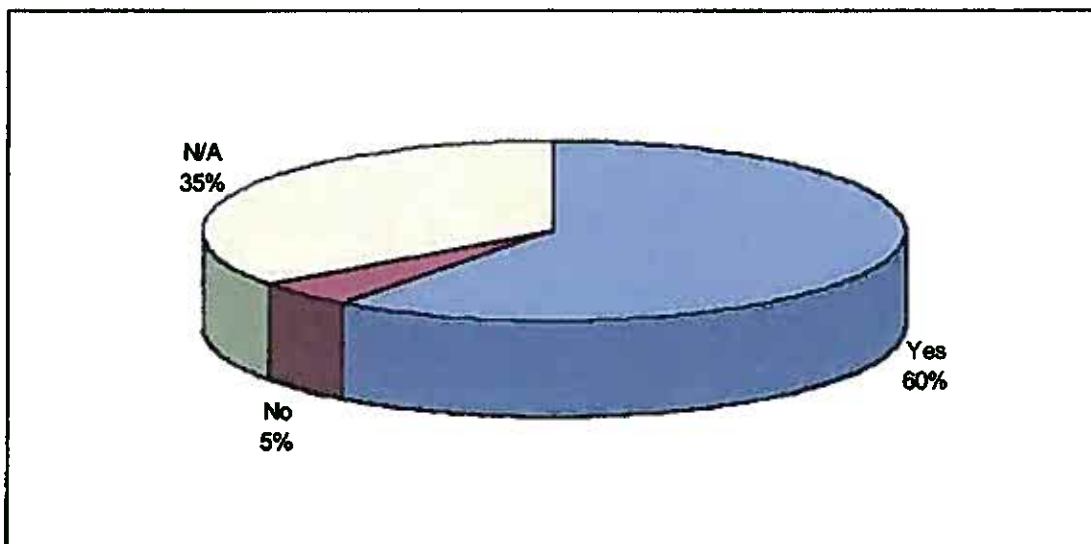
Would you Like to see the City Offer Any of the Following Park Features?



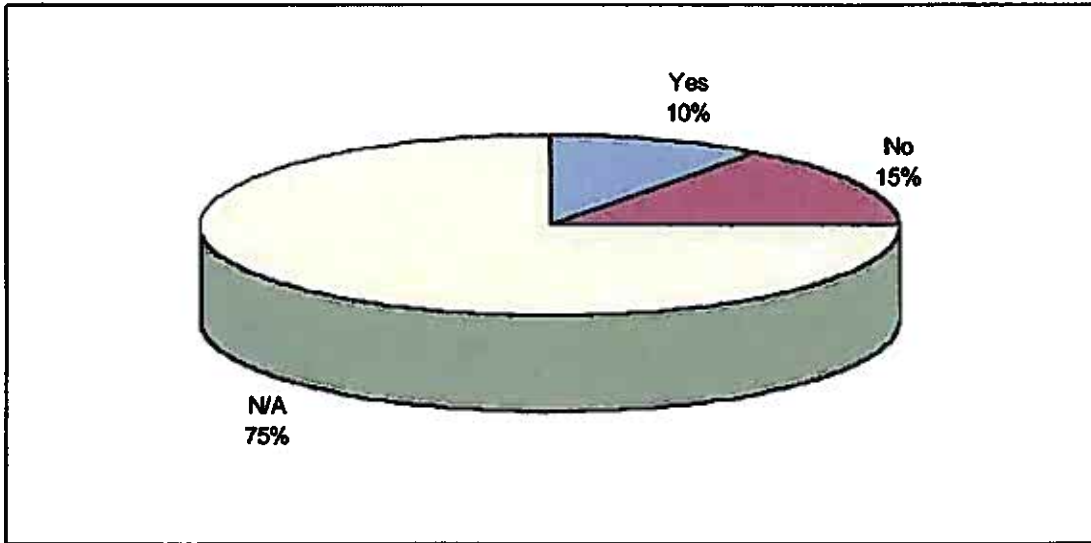
The City is Investigating the Need and/or Desire for a Community Center. For Purposes of this Questionnaire, a Community Center is Generally Defined as a Facility Including Community Meeting Rooms, Exercise and Weight Equipment, a Running/Walking Track, Gymnasium Space, an Indoor Pool and a Variety of Regular Recreation Program Offerings. With this Definition in Mind, Would you Like to See the City Develop a Community Center?



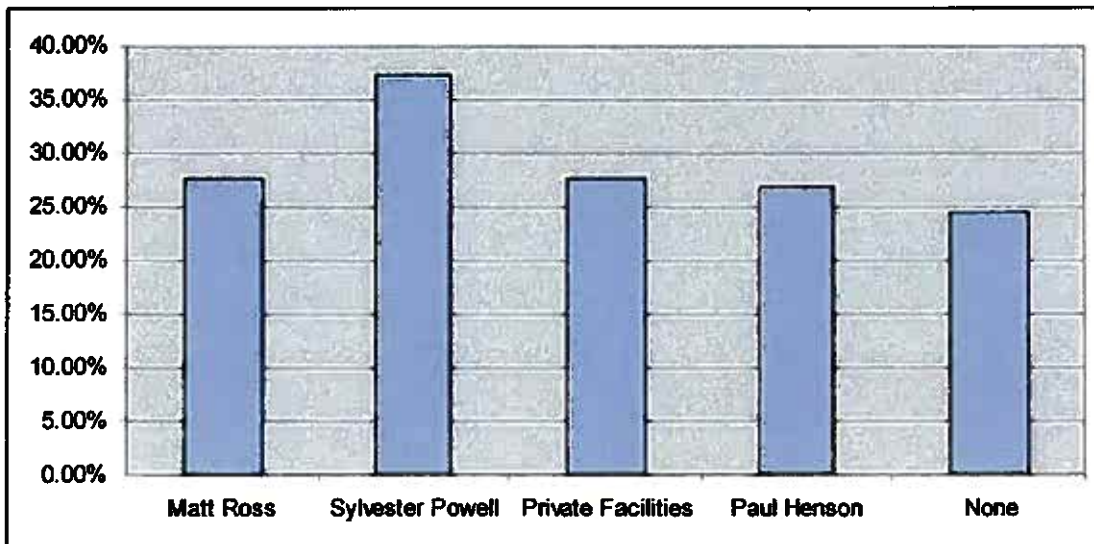
If You Indicated You Would Support a Community Center, Would You Support the Idea of the City Working in Partnership with Another Entity to Develop and Manage a Community Center?



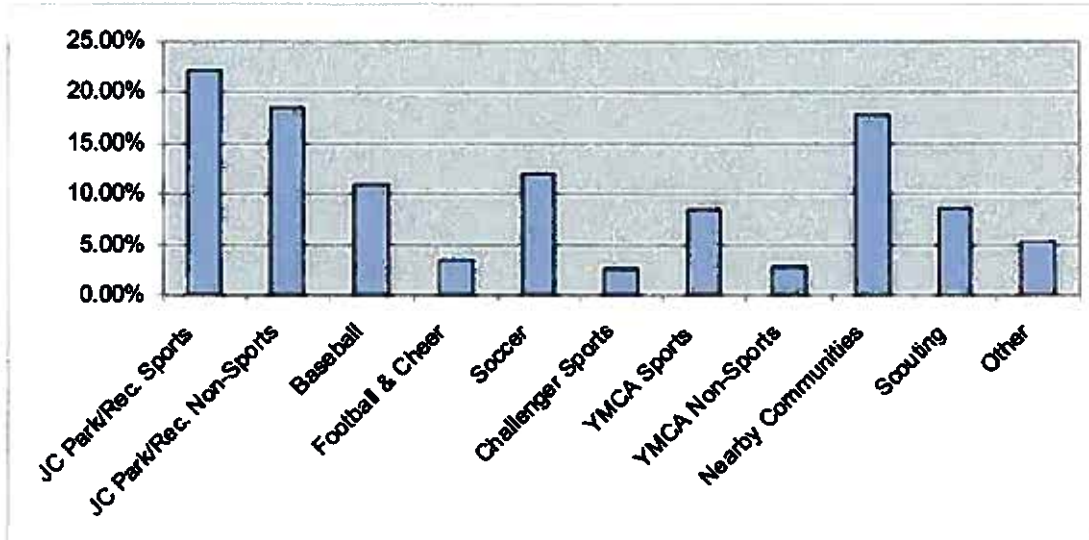
If You Indicated You Would Not Support a Community Center, Would You Support the Idea of the City Working in Partnership with Another Entity to Develop and Manage a Community Center?



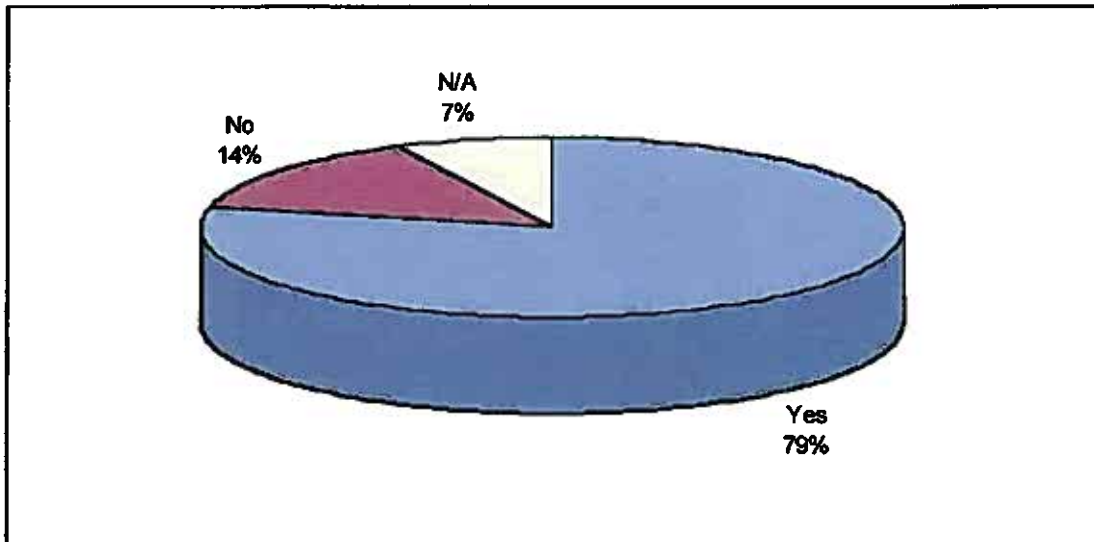
Which of the Following Recreation Facilities/Community Centers Have You Made use of in the Last Three Years?



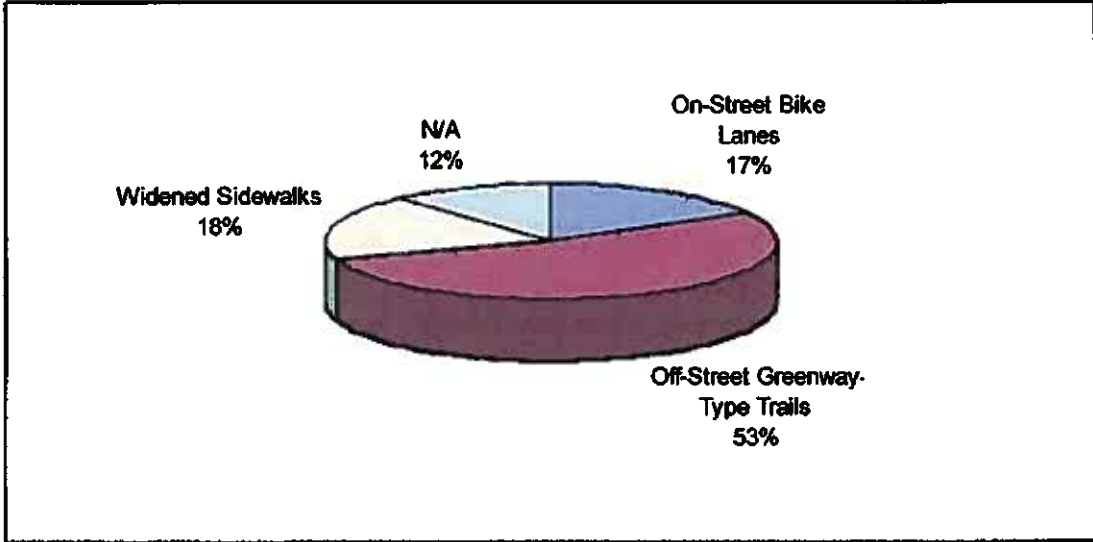
Which of the Following Recreation Program Providers Have You Made Use of Within the Last 3 Years?



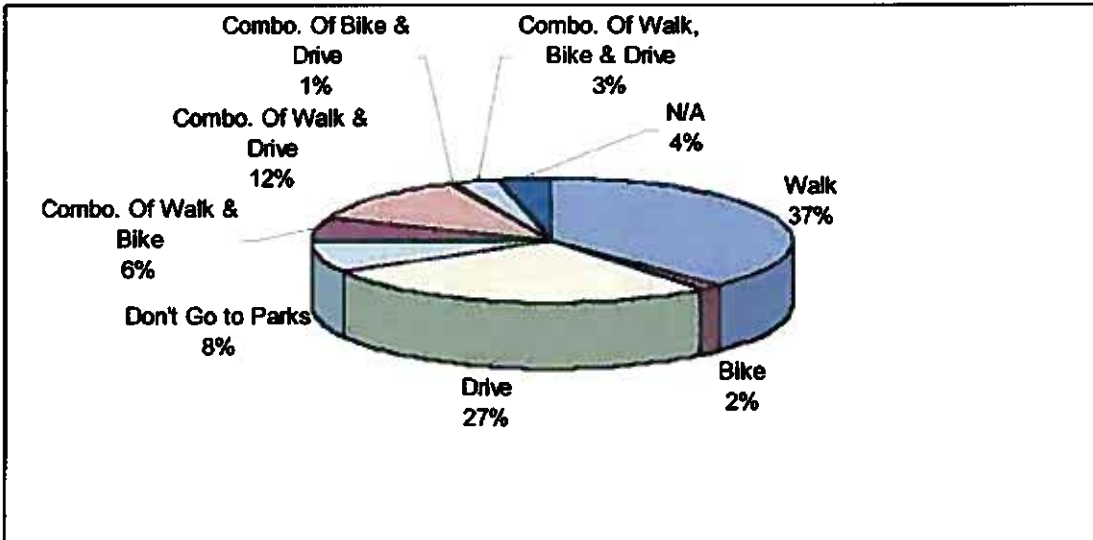
Would you Like to See the Development of a Walking/Biking Trail System Throughout Prairie Village to Increase Ease of Access to Parks, Schools, Shopping Areas and Other Public Areas?



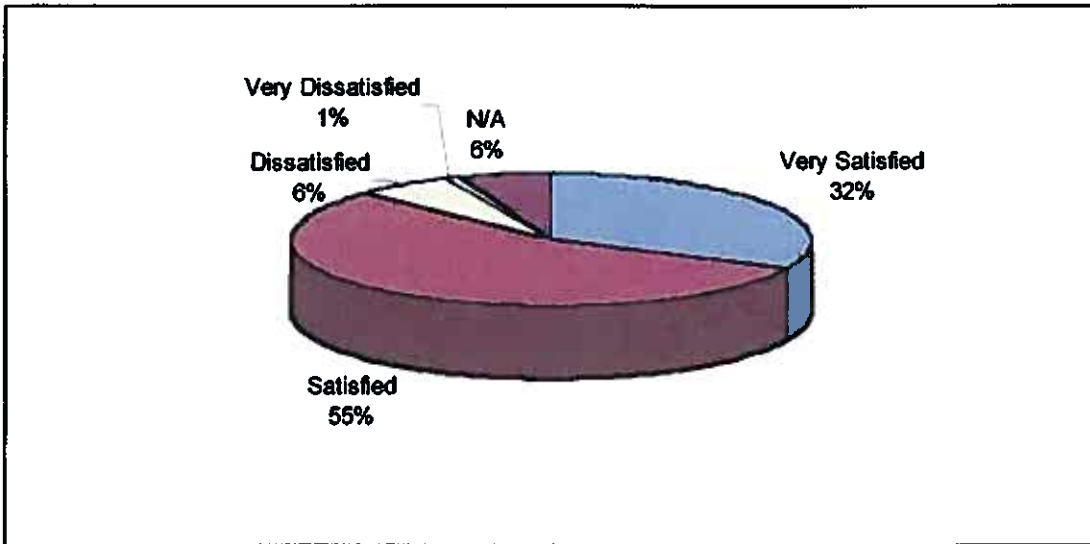
If you Answered “Yes” to the Previous Question, Which Trail Option Would you Most Prefer?



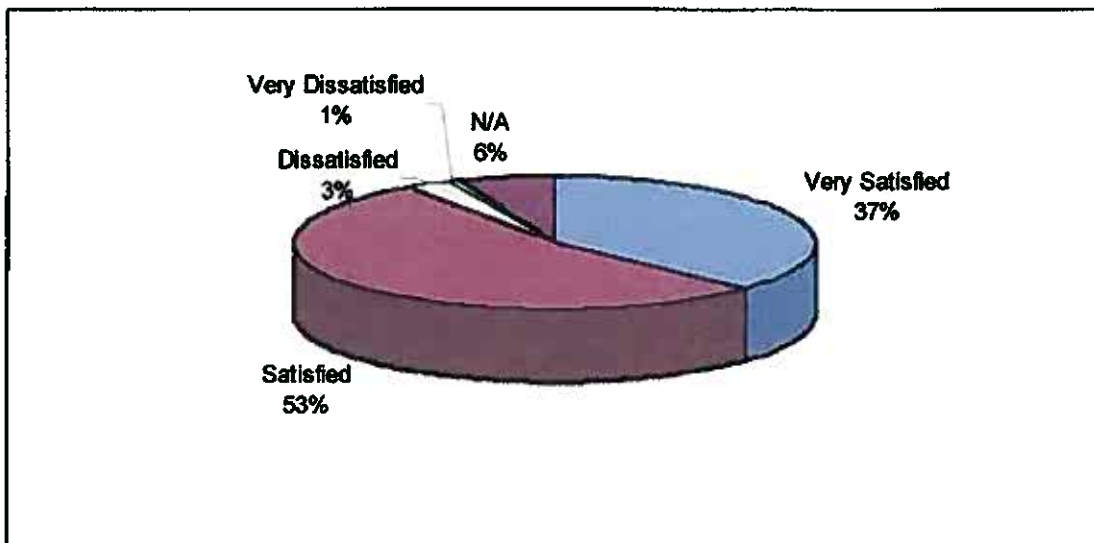
How do You Generally Travel to a Prairie Village Park Site?



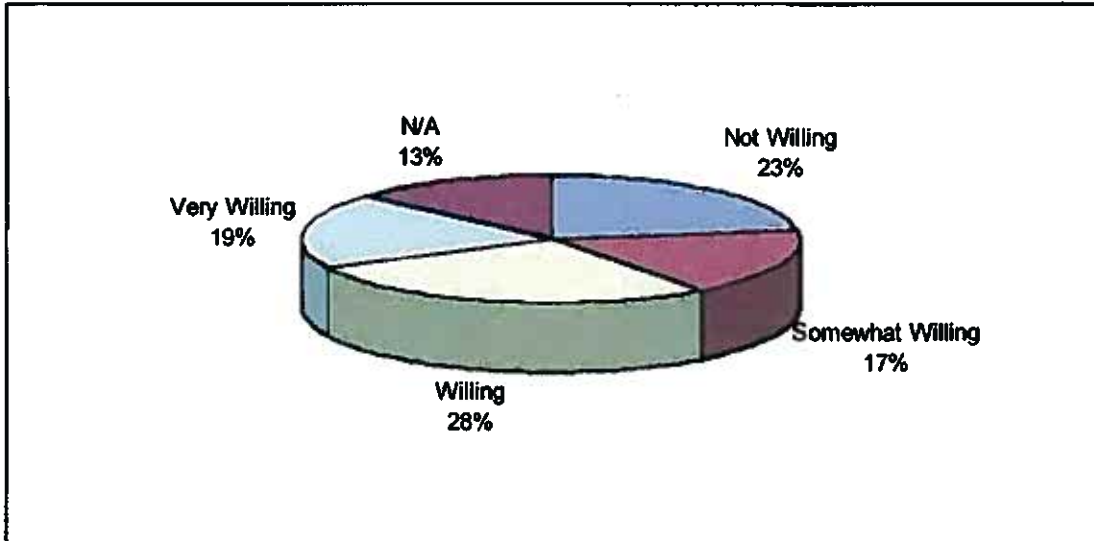
Please Indicate How Satisfied You Are With the Current Amount of Park Land in the City of Prairie Village.



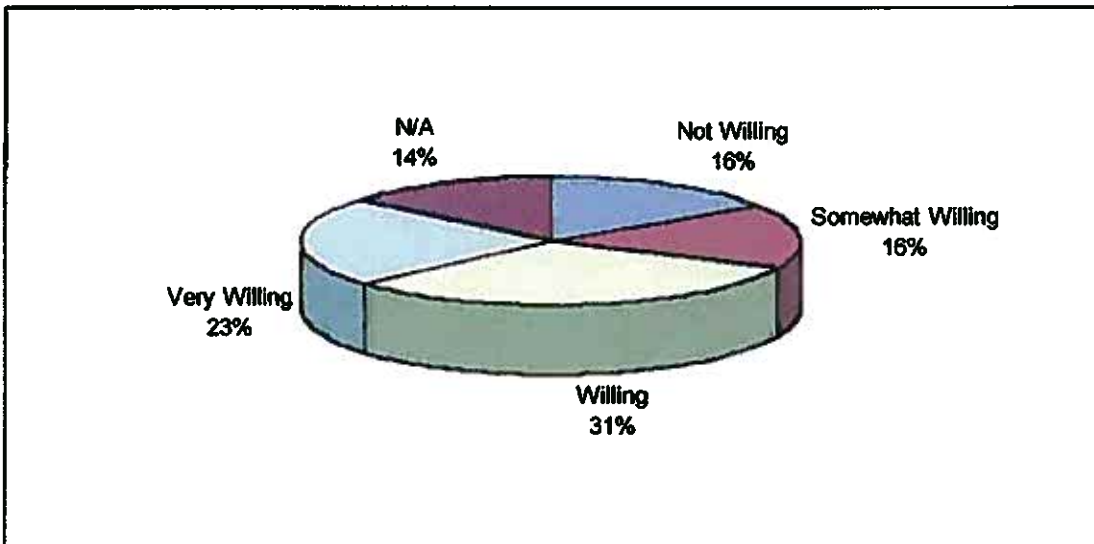
Please Indicate How Satisfied You Are With Access to the Existing Park Land in the City of Prairie Village.



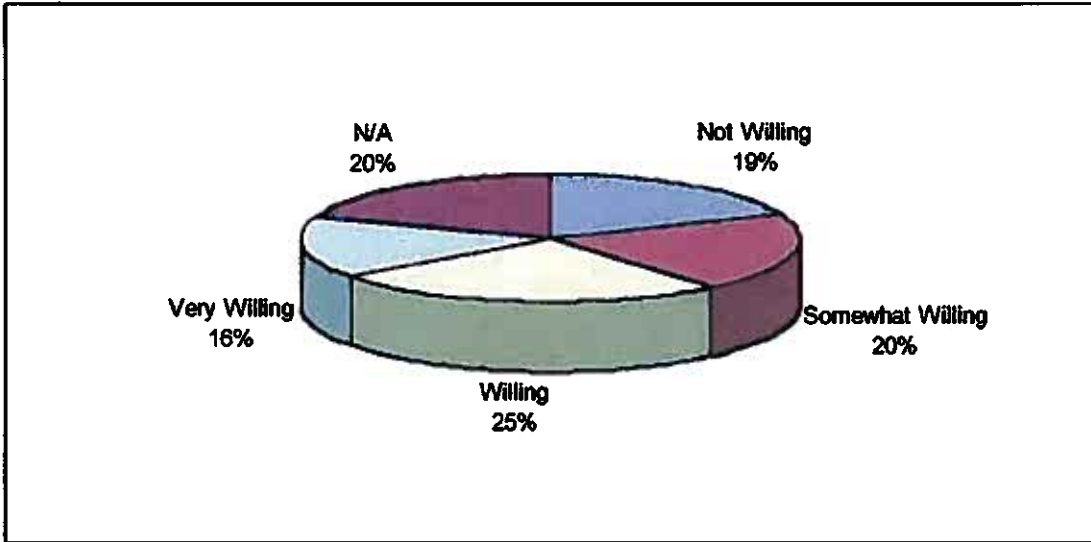
How Willing are You to Help Fund a Community Center?



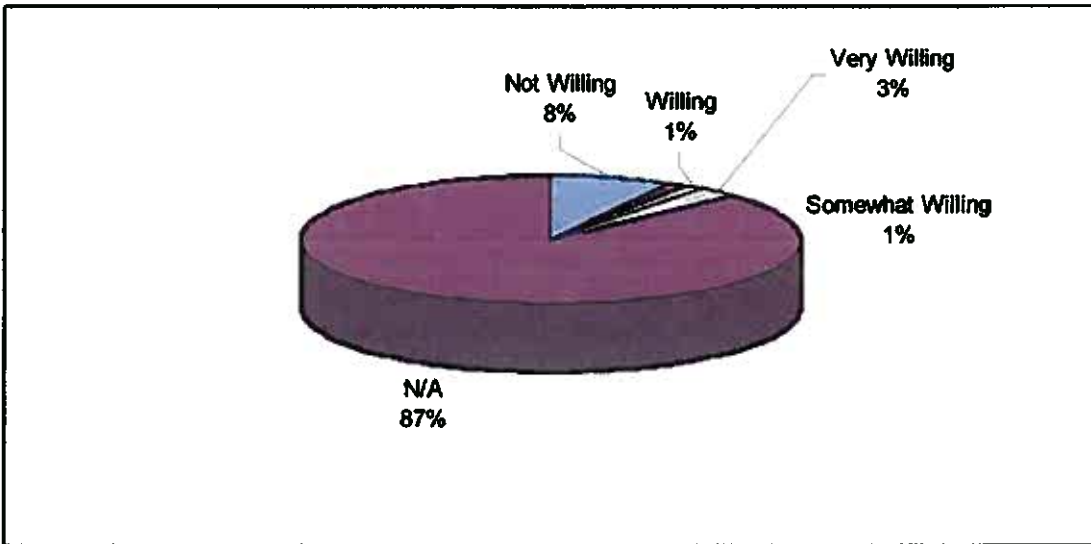
How Willing Are You to Help Fund a Trail System?



How Willing Are You to Help Fund New Park Facilities?



How Willing Are You to Help Fund Other Facilities?





ADMINISTRATION

Council Meeting Date: November 17, 2008
Committee Meeting Date: November 3, 2008

COU2008-80 Consider Agreement with Lowenthal, Singleton, Webb & Wilson to Audit the City's 2008 Financial Statements

RECOMMENDATION

The Council approve the agreement with Lowenthal, Singleton, Webb & Wilson to audit the City's 2008 financial statements subject to review by the City Attorney.

COUNCIL ACTION REQUESTED ON November 17, 2008

SUGGESTED MOTION

Move to approve the agreement with Lowenthal, Singleton, Webb & Wilson to audit the City's 2008 financial statements subject to review by the City Attorney.

BACKGROUND

KSA 75-1124 requires the City to have an annual audit. In 2004, the City issued a Request for Proposals for auditing services and selected Lowenthal, Singleton, Webb & Wilson (LSWW) for the 2004 audit with the option of auditing the financial statements for the three subsequent fiscal years (2005, 2006 and 2007). The firm has performed the audits of the 2004, 2005, 2006 and 2007 financial statements.

At the July 17, 2008 Finance Committee meeting, the Committee discussed doing an RFP for audit services. Staff noted that LSWW's services have been satisfactory. Staff recommended and the Committee agreed that continuity of the auditor during the implementation of Governmental Accounting Standards Board Statement 45 and the implementation of the new financial accounting software was very important.

The proposed fee for the 2008 audit is \$20,590, a 3.0% increase over the cost of the 2007 audit.

FUNDING SOURCE

Funding for the financial statement audit is included in the 2008 budget for the Financial Management Program.

RELATION TO VILLAGE VISION

LG1.b. Enhance communication between government officials and the public.
Enhance transparency of processes and financial accountability.

ATTACHMENTS: Agreement with Lowenthal, Singleton, Webb & Wilson.

Prepared By:

Karen Kindle

Finance Director

Date: October 29, 2008

LOWENTHAL SINGLETON WEBB & WILSON
P R O F E S S I O N A L A S S O C I A T I O N

CERTIFIED PUBLIC ACCOUNTANTS

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Lawrence, Kansas 66044-2868
Phone: (785) 749-5050
Fax: (785) 749-5061
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David A. Lowenthal, CPA
Thomas E. Singleton, CPA
Patricia L. Webb, CPA
Thomas G. Wilson, CPA
Audrey M. Odermann, CPA

Abram M. Chrislip, CPA
Brian W. Nyp, CPA

Members of American Institute
and Kansas Society of
Certified Public Accountants

October 7, 2008

Mayor and City Council
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

We are pleased to confirm our understanding of the services we are to provide the City of Prairie Village, Kansas, (the City) for the year ended December 31, 2008. We will audit the financial statements of the governmental activities, each major fund, budgetary comparison schedules and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ended December 31, 2008.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management discussion and analysis (MD&A), to accompany the City's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited: management's discussion and analysis and OPEB information.

Supplementary information other than RSI, such as combining and individual fund financial statements, also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on them in relation to the basic financial statements: combining statements and individual fund statements.

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements and for which our auditor's report will disclaim an opinion: introductory and statistical sections.

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to above when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with U.S. generally accepted auditing standards and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, each major fund, budgetary comparison schedules and the aggregate remaining fund information of the City's and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles. Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You have requested that we prepare the financial statements that are the subject matter of this audit for the year ended December 31, 2008, hereinafter referred to as nonattest services. You are responsible for those financial statements. You are responsible for the substantive outcomes of these nonattest services, for making any decisions involving management functions related to the nonattest services and for accepting full responsibility for such decisions.

Management is responsible for making all financial record and related information available to us and for the accuracy and completeness of that information. Management is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud and illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud and illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations. With regards to the electronic dissemination of audited financial statements, including financial statements published electronically on your website (if any), you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

Audit Procedures-Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Audit Administration, Fees and Other

When delivered to the City, the audit reports and financial statements produced in connection with this engagement letter are public records and may be used (a) to fulfill the requirements of continuing disclosure under SEC Rule 15c2-12, (b) as inserts or incorporated by reference in offering documents issued by the City, and (c) for any lawful purpose of the City, all without subsequent consent from us. Any official statements in connection with debt issuances which include the above mentioned audit reports and financial statements shall contain the following: "Our independent auditor has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. The independent auditor also has not performed any procedures relating to this official statement."

In the interest of facilitating our services to your organization, we may communicate by facsimile transmission or send electronic mail over the Internet. Such communications may include information that is confidential to your organization. Our firm employs measures in the use of facsimile machines and computer technology designed to maintain data security. While we will use our best efforts to keep such communications secure in accordance with our obligations under applicable laws and professional standards, you recognize and accept that we have no control over the unauthorized interception of these communications once they have been sent and consent to our use of these electronic devices during this engagement.

We may prepare a general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the general ledger into a working trial balance. Also, as part of the audit we will prepare a draft of your financial statements and related notes. You will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

The workpapers for this engagement are our property and constitute confidential information. However, we may be requested to make certain workpapers available to others pursuant to authority given by law, regulation or other legal process. If requested, access to such workpapers will be provided under the supervision of firm personnel. Furthermore, upon request, we may provide photocopies of selected workpapers to governmental agencies who may intend or decide to distribute the photocopies or information contained therein to others, including other governmental agencies. You agree to reimburse us for our personnel and other costs associated with our compliance with such requests. Our policy is to retain workpapers for five years after the engagement. During the term of this engagement, we agree to comply with the provisions of K.S.A. 44-1030.

You agree that the term "those charged with governance", as used in Statement on Auditing Standards No. 114 for defining our communication responsibilities under that standard, consists of the mayor, city council, and the city administrator.

It is understood that the services provided by our firm necessarily rely, to some extent, on information provided by your organization, including management representations, as well as information and documents. Accordingly, your organization indemnifies our firm and its owners and employees, and holds them harmless from all claims, liabilities, losses or costs in connection with services provided by our firm that are affected in any way by erroneous, misleading, or incomplete information furnished by your organization. This indemnification will survive any terminations under this letter.

We agree that our gross fee, including all expenses, for the above services shall not exceed \$20,590, except as noted above. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit, including delays resulting from the untimely delivery of and incomplete preparation of schedules and questionnaires we have requested from your staff. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Prairie Village, Kansas and believe this letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

LOWENTHAL, SINGLETON, WEBB & WILSON
Professional Association
Certified Public Accountants

By Audrey Odemann

RESPONSE:

This letter correctly sets forth the understanding of the City of Prairie Village, Kansas.

By: _____

Title: _____

Date: _____



CITY CLERK DEPARTMENT

Council Committee Meeting Date: November 3, 2008
Council Meeting Date: November 17, 2008

COU2008-81 Consider Amendment to Records Retention Schedule & Council Policy 036

RECOMMENDATION

Recommend the City Council adopt the proposed revisions to the City's Records Retention Schedule and amendment to Council Policy CP036 entitled "Records Management Program"

BACKGROUND

In 2002 the City adopted Council Policy 036 establishing a records management program and corresponding records retention schedule. The records retention schedules are created in conjunction with the individual City Departments based on their records inventory, the value of the record, accepted records retention standards and required federal and stated retention rulings. The Council Policy has been revised to reference the City's Administrative Policy AP1105b addressing electronic mail messages. These changes are reflected in Section V. B 2 & 3.

The City Attorney has reviewed the proposed revisions to the retention schedule and found them to be in compliance with state, federal and employment regulations.

New language is represented by **Bold type**. This includes changes in time frame on identified records as well as newly identified records. The previous language to be changed is shown as ~~regular print~~. Unchanged language is printed in green. The term DAA means "destroy after audit".

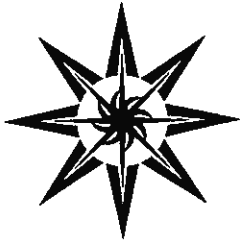
ATTACHMENTS

Council Policy 036 entitled Records Management Program
Proposed Revisions to City of Prairie Village Records Retention Schedule

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: October 30, 2008



City Council Policy: CP036 - Records Management Program

Effective Date:

Amends: October 21, 2002

Approved By: City Council

I. SCOPE

II. PURPOSE

- A. This policy is to provide direction for a Records Management Program, to bring consistency to the conduct of the City's record keeping operations, to eliminate unnecessary records, and to clarify the established City records control procedures.
- B. Further, this policy establishes the responsibility for the custody of records to include:
 - 1. Location;
 - 2. Method of storage;
 - 3. Personnel responsibility; and
 - 4. Criteria and authority for active records, inactive records and destruction of records.

III. RESPONSIBILITY

- A. City Clerk

IV. DEFINITIONS

- A. "Active Records": Records in current use; often retained in offices because frequent reference is needed.
- B. "Department Manager": The officer who by ordinance or administrative policy is in charge of an office of the City of Prairie Village that creates or receives records.
- C. "Essential Records": Any record of the City necessary for the resumption or continuation of operations of the City in an emergency or disaster, including but not limited to the re-creation of the legal or financial status of the City or the protection and fulfillment of obligations to the residents of the City.
- D. "Inactive Records": Records which are seldom referred to, but which must be retained, temporarily or permanently because of administrative, fiscal, legal, historical and/or research value.
- E. "Permanent Record": Any record of the City of Prairie Village for which the retention period on a records control schedule is given as permanent.
- F. "Record": All volumes, documents, papers, letters, reports, drawings, plans, ledgers, maps, disks, microfilm, sound or video recordings, photographs and/or other material, regardless of physical form or characteristics, created, maintained or received by the City of Prairie Village, its officers or employees. Published material acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience of reference and publications, blank forms and duplicated documents are not included within the definition of records.
- G. "Records Custodian": The employee of the City of Prairie Village designated on Attachment A, as the custodian for a specific City Department.
- H. "Records Management Officer": The person designated as the Freedom of Information Officer/City Clerk for the City of Prairie Village.
- I. "Records Management Program": The application of management techniques to the creation, use, maintenance, retention, preservation and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

CP036 Records Management Program

- J. **"Records Retention Schedule"**: The document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of Prairie Village, their retention periods, and other records disposition information that the records management program may require and any updates thereto, which shall be approved by the City Administrator and the Department Managers and adopted by the City Council. The current version of the Records Retention Schedule is attached hereto as Attachment B.
- K. **"Retention Period"**: Means the minimum time that must pass after the creation, recording, or receipt of a record or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

V. POLICY

- A. In consideration of this policy established guidelines as set by Kansas Statutes, Federal Regulations, Legal Opinions and Record Value Determinations have been considered. These include, but are not limited to the following:
 - 1. KSA 10-111, as amended - Cancellation of Bonds and Coupons
 - 2. KSA 12-120, as amended - Destruction of Certain Records
 - 3. KSA 12-121 - Statutory Basis for Record Disposal of documents of temporary value after a reasonable time
 - 4. KSA 12-122, as amended, Reproduction of records on film
 - 5. KSA 12-123, as amended, Evidence in courts or administrative agencies
 - 6. KSA 13-518 - General Duties of Clerk, Records and Accounts, Deputies, Salaries
 - 7. KSA 45-215 through 45-225, as amended - Open Records Act
 - 8. KSA 45-401 - Government Records Preservation Act
 - 9. KSA 45-402 - Definitions
 - 10. KSA 45-403 - Records public property; destruction prohibited, except as permitted by retention and disposition.
 - 11. KSA 45-421©, as amended - Original copies kept until negative copy of film has been deposited in a secure place.
 - 12. KSA45-501 - Computer Disks and Tapes, recording on
 - 13. KSA 45-502 - Use of standard size paper for documents filed with state agencies and courts.
 - 14. KSA58-2224, as amended - Recordation of instruments, papers or documents, making of photographic or microphotographed copies deemed recording and record books.
 - 15. KSA 60-465, as amended - Authentication of copies of records.
 - 16. KSA 60-469 - Photographic copies to prove content of business and public records.
 - 17. F.L.S.A. 29 C.F.R. Subsection 516.5 and 516.6 - Payroll records, employment records, purchase of goods and supplies.
 - 18. AG Op. #76-88 - Public Records; destruction of Certain Records.
 - 19. Administrative Order No. 138 - The Supreme Court of the State of Kansas.
- B. Disposition of Records -
 - 1. Paper: The City staff is authorized to dispose of those records listed in the Records Retention Schedule after the minimum retention period has been fulfilled. It is not compulsory to discard the records. The records are grouped by departments in the Records Retention Schedule, See attachment B. Inactive records shall be readily accessible to staff.
 - 2. Electronic. Whenever possible, paper records will be saved and maintained electronically with those records following the approved Records Retention Schedule.
 - 3. E-mail. Retention of electronic mail messages (E-Mail) will follow Administrative Policy AP1105b - "Voice and Electronic Mail Message Procedure".
- C. Records Retention Schedule (Attachment B) -
 - 1. The Records Retention Schedule shall be created in conjunction with the individual City Departments based on their records inventory, the value of the record, accepted records retention standards and required Federal and State retention rulings.
 - 2. The Schedule shall identify the records. It will further provide the retention requirements of each record indicating the time period to be kept in active status in department offices; the number of years to be kept as an inactive record kept in the designated Records Storage Area and when the record can be legally destroyed.

CP036 Records Management Program

3. This schedule shall be approved by the City Administrator and the Department Head and adopted by the Governing Body.
 4. Updates to the Records Retention Schedule shall be coordinated by the City Clerk and presented to the City Council for approval and inclusion in the Council Policy on Records Retention.
- D. Responsibility - Designation of Records Management Officer. The Freedom of Information/City Clerk, and the successive holders of said office, shall serve as Records Management Officer for the City of Prairie Village.
1. Responsibilities of the Records Management Officer. The Records Management Officer shall be responsible for the implementation of the Records Management Program and shall:
 - a.) in cooperation with Department Managers identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;
 - b.) develop procedures to ensure the permanent preservation of the historically valuable records of the City;
 - c.) monitor records retention schedules and administrative rules issued by the Kansas Historical Society to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
 - d.) disseminate to the City Council and Department Managers information concerning state laws and administrative rules relating to local government records; and
 - e.) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of Prairie Village are carried out in accordance with the policies and procedures of the records management program and the requirements of the state law.
 2. Department Managers shall:
 - a.) cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Prairie Village for efficient and economical management of records and in carrying out the Records Management Program;
 - b.) adequately document the transaction of government business and the services, programs, and duties for which the Department Manager or his or her staff are responsible;
 - c.) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the Records Management Program of the City of Prairie Village; and
 - d.) report to the City Clerk during March of each year that his/her files have been purged and files transferred to the designated records storage area in accordance with the approved Records Retention Schedule.
 3. Records Custodians
 - a.) Be responsible for the neat and orderly filing of department records
 - b.) Take an audit/inventory of all files by February 15th of each year to ensure that the files have been purged;
 - c.) Examine all records going to storage and label records to be stored identifying the records and if possible, the destruction date.
 - d.) Determine which records are no longer actively used, but are not yet scheduled for destruction; advise City Clerk or possible revisions to the records retention schedule.
 4. Designation of Official and Alternate Records Custodians for each location of records is as follows:

<u>Department</u>	<u>Official Custodian(s)</u>
Administration	City Clerk
Codes Administration	Building Official
Municipal Court	Municipal Court Administrator
Accounting/Finance	Finance Director
Personnel	Director of Human Resources

CP036 Records Management Program

Public Works

Office Manager - Public Works

Public Safety

Computer Systems Specialist

VI. PROCEDURES

- A. This program has been prepared to aid City officials and employees in solving the growing problem of what can be done to dispose legally of official records after their administrative, legal, historical and/or fiscal values have expired and to set forth criteria for keeping records.

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: City Clerk	Retention Period in Years		
	Active	Inactive	Destroy
ADMINISTRATION (Mayor & Council)			
Agendas	2 years	3 years	3 years
Agendas	2 years		2 years
Appointments	Current	Term-45 years	Term-45 years
Appointments	Current	Term +3	Term +3
Committee Listings	Current	5 years	5 years
Committee Listings	Current	2 years	2 years
Master Committee Listing	Perm		
Committee/Council Minutes	2 years	Perm	
Council Records			
Council Packets	Current	5 years	5 years
Council Personnel Files	Current	Perm	
Council pictures	Current	Perm	
Council Worksessions	2 years	Perm	
Council Records			
Council Packets	Current	1 year	2 years
Council Personnel Files	Current	Term +1	Term + 1
Council pictures	Current	Perm	
Council Worksessions	2 years	Perm	
City Awards	Perm		
Correspondence, City Administrator's	2 years	3 years	5 years
Correspondence, Mayor's	2 years	3 years	5 years
Correspondence, Mayor's	2 years	2 years	4 years
City Policies (Administrative, Council, Personnel)	Current		
Council & Personnel Policy Master File	Perm		
CITY CLERK			
Abstract of Assessments	Perm		
Accident Reports involving City facilities, vehicles and/or Personnel	5 years		5 years
ADA Records	Perm	Perm	
Affirmative Action Records—SEE HR	Perm	Perm	
Agreements/Contracts	2 years	3 years	Term + 5 years
Animal Records			
Licenses	2 years		2 years
License Reports	Perm		Perm
Leash/Law Violations	2 years		2 years
Enumeration – Summary	5 years		5 years
Tag information	Perm	Perm	
Animal Records			
Licenses	Current	1 year	2 years
License Reports	Perm		Perm
Leash/Law Violations	2 years		2 years
Enumeration – Summary	5 years		5 years
Tag information	Perm	Perm	

CITY CLERK - Retention Schedule	Active	Inactive	Destroy
Annexation Records	Perm	Perm	
Annual Reports	3 years	Perm	
Annual Reports	2 years	Perm	
1) Architectural Plans, Drawings City Facilities	Current	Perm	
Bad Check Correspondence	2 years		2 years
Bid Records	Current	4 years	5 years
3)Bond Documents	Current	Perm	
3)Bond Documents	Current		3 years after final maturity
Canceled bonds, bond coupons, bank statements from escrow Accounts			
Budget			
Final Document	2 years	Perm	Perm
Notice to County	2 years	3 years	5 years
Budget Preparation Materials	2 years	3 years	5 years
Budget			
Final Document	2 years	Perm	Perm
Notice to County	2 years	3 years	5 years
Budget Preparation Materials	1 year	1 year	2 years
Capital Improvement Projects			
Contract/Change Orders/Final Reports	Current	Perm	
Project correspondence, pay estimates, inspections, etc	Current	5 years	5 years
Celebrations/Dedications	Current	Perm	
Census Information	Perm		
Citizen Surveys	Current	Perm	
City Administrator's Reports	2 years	8 years	10 years
City Administrator's Reports	2 years		2 years
City Directories	Current		
Claims Against the City (insurance)	5 years		5 years
Comprehensive Plan	Current	Perm	
Computer System Documentation	Current		Life of Equipment
Correspondence – Policy Related			
General	Perm	3 years	5 years
County Assistance Program Agreements	2 years	2 years	5 years
Drug & Alcoholism Council Information	2 years	3 years	5 years
Drug & Alcoholism Council Information	2 years		2 years
Election Records			
Candidate filing documents	2 years		2 years
Disclosure of Substantial Interests	2 years		2 years
Election Voting Abstracts	Perm		Perm
Emergency Preparedness Records	Current	Perm	
Employee Events i.e. appreciation dinner, holiday lunch,	Current	2 years	3 years
2) Equal Employment Opportunity Records	Perm		
Equipment Records			
Services Manuals, Maintenance Records, etc.	Life of Equipment		Life of Equipment
Facility Reservation Records	1 year	2 years	3 years
Facility Reservation Records	1 year	1 year	2 years
Fax Confirmation Records	1 year		1 year
Franchise Records	Perm		
Grant Files			
Federal, State & Private	Perm		
CDBG	2 years	3 years	5 years

CITY CLERK - Retention Schedule	Active	Inactive	Destroy
History of the City	Perm		
Incorporation Documents		Perm	
3) Insurance Policies	Current	5 years	Term +5
- KPERs non-personnel records SEE HR	2 years	3 years	5 years
League of Kansas Municipalities Information	2 years	3 years	5 years
League of Kansas Municipalities Information	2 years		2 years
Legal Documents - Lawsuits pending	Current		
Lawsuits closed		Perm	
Legal Opinions	Perm		
Legal Notices of Publication	5 years		5 years
Legislation Records: Legislative Breakfast, Programs, etc.	3 years		3 years
Leases	Current	5 years	Term + 5
Licenses			
Applications	Current	4 years	5 years
Reports	2 years	Perm	
Licenses			
Applications	Current	2 years	3 years
Reports	2 years	Perm	
Mailing Lists	Current		Superseded
Maps	Current	Perm	
Motor Vehicle Titles	Current		
Newsletters - Prairie Village Voice	3 years	Perm	
- Employee Noteworthy	2 years	2 years	5 years
Newspaper Clippings			
Having Historical City Value	2 years	Perm	
Having local interest value	2 years	3 years	5 years
Newspaper Clippings			
Having Historical City Value	2 years	Perm	
Having local interest value	1 year	1 year	2 years
Open Record Requests	2 years	3 years	5 years
Ordinances	2 years	Perm	
Parade & Street Race Permits	3 years		3 years
Parks			
Historical Information	Perm		
Ball Field Reservations	1 year	1 year	2 years
Shelter/Pavillon Reservations	1 year	1 year	2 years
Tennis Court Reservations	1 year	1 year	2 years
Pension Records (Non-personnel)	2 years	Perm	
Petitions - General	5 years		5 years
Placed on the ballot	Perm		
Postal Records: Bulk mailing, postage meter, etc.	1 year	2 years	3 years
Postal Records: Bulk mailing, postage meter, etc.	2 year		2 years
Policy Manuals	Current	Perm	
Council Policy; Personnel Policy; Administrative; Safety			
Prairie Village Art Exhibit Information	2 years	3 years	5 years
Proclamations	2 years	3 years	5 years
Proclamations	2 years		2 years
Procedures	Current		
Promotional Catalogs	Current		
Property Files			
Deeds (Real Estate) & Warranty Deeds	Perm		
Easements & Right-of-Way acquisition	Perm		
Vehicle titles	Ownership		

CITY CLERK - Retention Schedule	Active	Inactive	Destroy
Recreation Records			
Program Flyers/Information	Perm		
Recreation Membership Applications	1 year	1 year	2 years
Team Membership Applications	1 year	1 year	2 years
Tennis Lesson Information	1 year	1 year	2 years
Program Reports	Perm		
5) Recruitment Records - Employment Notices - SEE HR	2 years	3 years	4 years
Redevelopment Audit Final Reports	Perm		
Resolutions	Perm		
Scrapbooks	Perm		
Short-term Special Use Permits	2 years	3 years	5 years
Short-term Special Use Permits	2 years		2 years
Solid Waste Program Records - Policy	Perm		
Contracts for Service	2 years	3 years	Term +5
Assessments to County	5 years	5 years	10 years
Strategic Plan Records	Current	Perm	
Supply Requisitions	2 years		2 years
Surveys - City	Current	Perm	
Others	Current	5 years	5 years
4) Tax Records	5 years		5 years
Board of Tax Appeals			
City Property Tax Records			
Reports from the County			
Sales Tax Records			
Telephone Logs	1 year	1 year	2 years
Tree City Information	Perm		
Traffic Safety Study	Current	Perm	
United Community Services Information	2 years	3 years	5 years
United Community Services Information	2 years		2 years
Unsafe Structure Files	2 years	3 years	5 years

- 1) KSA 79-1410 & KSA 79-1604 & KSA 45-221(a)(12)
 - 2) KSA 45-221(a)(11) & (25)
 - 3) KSA 12-120 & Federal Tax Requirements
 - 4) The State of Kansas requires State Tax Records to be retained for 4 years
 - 5) KSA 45-221(a)(4)
- Note: Kansas Statute of Limitations - General Contracts 5 years; Sales Contracts 4 years; Improvements to real property 2 years

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: Finance & Accounting	Retention Period in Years		
	Active	Inactive	Destroy
Accounts Payable Records Vouchers, Invoices, Ledgers, Correspondence	2 years	3 years	5 years
Accounts Receivable Records Invoices, Correspondence	2 years	3 years	5 years
Annual & Special Reports	2 years	Perm	
Audit Reports	2 years	Perm	
Audit Proposals and Contracts	2 years	3 years	5 years
Banking Records Bank Statements; Deposit records, Check Register, cancelled checks, Voided Checks	2 years	3 years	5 years
Certificates of Deposit	Current	Maturity + 5 years	Maturity + 5 years
Check Logs	2 years	3 years	5 years
City Budget	3 years	Perm	
Claims Ordinances	2 years	Perm	
Employee Time Records Time Cards, Time Sheets, W-4, Attendance reports	1 year	4 years	5 years
Fixed Asset Records	2 years	3 years	5 years
General Ledger	2 years	Perm	
Investment Records	2 years	3 years	5 years
KPERS Records	2 years	Perm	
Payroll Reports	2 years	Perm	
Payroll Records: W2's, Direct deposit authorization, Payroll deduction authorizations, etc.	2 years	3 years	5 years
Purchasing Records, Purchase Orders	2 years	3 years	5 years
Receipt Records - Receipt slips/books/ledgers	2 years	3 years	5 years
Tax Records	2 years	Perm	
Treasurer's Reports	2 years	3 years	5 years
Treasury Bills & related correspondence	Maturity y	5 years	Maturity + 5 years
Vouchers & Requisitions	2 years	3 years	5 years
1099's	2 years	3 years	5 years
Labor and Statistics Reports	2 years	3 years	5 years
Journal Entries	2 years	3 years	5 years
Budget Preparation Files	2 years	3 years	5 years

Approved by:

Karen Kindle, Finance Director

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: Human Resources	Retention Period in Years		
	Active	Inactive	Destroy
<i>Employment</i>			
Job Recruitment	1 year	2 years	3 years
Equal Opportunity Employment Program	Perm		
Affirmative Action Records	Perm		
Affirmative Action Records	3 years		3 years
EEO-4 Employer Information Report	3 years		3 years
Employee Personnel Manual/Handbook (City Clerk maintains Permanent Copy of Manual)	Current		
Employment Applications/Resumes (Not Hired)	1 year		1 year
Physicals/Drug Test Results & Correspondence -Hired	Perm		
Physicals/Drug Test Results/Correspondence -Not Hired	1 year		1 year
Active Employee Records	Perm		
Inactive Employee Records		3 years	3 years
Employee Grievances	Perm		
Employment Eligibility Verification I-9	Term	3 years	Term + 3
Employee Position Descriptions	Perm		
<i>Compensation & Benefit Plans</i>			
Compensation Plans	Perm		
Benefit Plans	Perm		
Deferred Compensation Records - Employee	Term	3 years	Term + 3
Deferred Compensation Records - General	Perm		
Deferred Compensation Access Reports	2 years	3 years	5 years
Deferred Compensation Records - General	Term	3 years	5 years
Insurance Information - General	Current	5 years	Term + 5
Individual Employee	Term	3 years	Term + 3
Insurance Information - General	Current	5 years	5 years
Employee Classification Plans	Perm		
KPERS Accounting Records and Annual Reports	5 years		5 years
Pension Plan Actuarial Reports	Perm		
<i>Workers Compensation</i>			
Worker's Compensation Records	Perm		
<i>Payroll Related Records</i>			
W-4	1 year	4 years	5 years
Direct deposit authorization, Payroll deduction authorizations	2 years	3 years	5 years

Approved by:

Nicholas Sanders, Human Resources Specialist

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: Codes Administration	Retention Period in Years		
	Active	Inactive	Destroy
Annual Statistical Reports	2 years	Perm	
Building Permits	2 years	Perm	
Building Codes	Current	Perm	
Building Permit Reports	Perm		
Certificates of Occupancy	2 years	Perm	
Construction Plans – Public Buildings	Current	Perm	
Contractor Licensing	2 years	3 year	5 years
Correspondence	2 years	3 years	5 years
Demolition Files	2 years	Perm	
Flood Insurance Maps	Current		
Informational Bulletins	Current		
Inspection Reports	2 years	Perm	
Inspection Schedules	1 year		1 year
MAPS			
AIMS	Current		
Address, Plat & Zoning	Current	Perm	
Monthly Reports	2 years	Perm	
PERMITS	2 years	Perm	
Elevator, Fence, Pool, Sign/Banner, Underground Tank			
Plan Review Comments	2 years	Perm	
Plans – Commercial	3 years		
Plans – Residential	Term + 90 days		Completion + 90 days
Receipts	Current		DAA
Subdivision Plats	Perm		
CODE ENFORCEMENT RECORDS			
Abatement Notices	3 years		3 years
Assessment Notices	5 years		5 years
Code Enforcement Correspondence/Notes/Photos	3 years	4 years	7 years
Code Enforcement Correspondence/Notes/Photos	2 years	3 years	5 years
Code Enforcement Complaints – Substantiated	3 years	4 years	7 years
Code Enforcement Complaints – Substantiated	2 years	3 years	5 years
Code Enforcement Complaints – Unsubstantiated	3 years	4 years	7 years
Code Enforcement Complaints – Unsubstantiated	2 years	3 years	5 years
Code Enforcement Inspection Reports	3 years	4 years	7 years
Code Enforcement Inspection Reports	2 years	3 years	5 years
Code Enforcement Inspection Schedules	1 year		1 year
Hot Docket – Agendas/Minutes	3 years	Perm	
Hot Docket – Findings/Orders	3 years	Perm	
Rental Property Inspections	3 years		3 years

Approved by:

Dennis Enslinger
Assistant City Administrator

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: Municipal Court	Retention Period in Years		
	Active	Inactive	Destroy
Abstract List	1 year		1 year
Bank Records	2 years	3 years	5 years
Cash Bond Receipts	2 years	3 years	5 years
Cash Receipts	1 year		DAA
Closed-Case-Files	1 year	2-years	3-years
Closed Case Files – Minor	1 year	4 years	5 years
Closed Court Cases	1 year	49 years	50 years
– Driving Under the Influence (DUI)			
– Driving While Suspended (DWS)			
– Eluding a Police Officer			
– Leaving Scene of Injury Accident			
– No Drivers License			
– Reckless Driving			
– Transport of Open Container (TOC)			
Closed Case Files – A & B Misdemeanor/C Assault	1 year	49 years	50 years
Court Disposition Dockets	1 year	Perm	
Expungements	1 year	Perm	
Monthly Reports	1 year	4 years	5 years
Municipal Court Procedure Manual	Current	Perm	
Quarterly Reports	2 years	3 years	5 years
Annual Reports	2 years	3 years	5 years
Tickets – Dismissed or Void	1 year	2 years	3 years
Tickets – Voided	1 year		DAA
Tickets – Parking	1 year	2 years	3 years
Tickets	1 year	4 years	5 years

Approved by:

Bettina Jamerson
Municipal Court Administrator

**CITY OF PRAIRIE VILLAGE
RETENTION SCHEDULE**

DEPARTMENT: Public Works	Retention Period in Years		
	Active	Inactive	Destroy
ADMINISTRATION			
Accident Reports – personal injury (copy)*	Current Employment	1 year	Term + 1
Accident Reports – property damage (copy)*	Current Employment	1 year	Term + 1
ADA Records			
Complaints	2	3	5 years
Correspondence	2	3	5 years
Manuals	Current		Superseded
Annual Reports (copy)*	Current	4 years	5 years
Assets less than \$1,000 value	Current	1 year	Term + 1
Assets value at \$1,000 or greater (copy)**	Current	1 year	Term + 1
Bids – Materials (copy)*	Current	1 year	Term + 1
Bonds – Maintenance (copy)*	Current	1 year	Term + 1
Bonds – Bid (copy)*	Current	1 year	Term + 1
Bonds – Performance (copy)*	Current	1 year	Term + 1
Budget Preparation Documents	Current	4 years	5 years
Budget (copy)*	Current	4 years	5 years
Calendar and Appointment Books	Current	1 year	Term + 1
Call Log Books	Current	1 year	Term + 1
Committee Agendas (copy)*	2 years		2 years
Committee listings (copy)*	Current	1 year	
Committee Minutes (copy)*	2 years		2 years
Correspondence	5 years		5 years
Council Action Memos (copy)*			
Department Training Records	5 years		5 years
Drawings – Construction	Current		Superseded
Driver's Licenses Copies	Current		Termination
Employee Application (copy)***	Current	1 year	Term + 1
Employee Records (copy)***	Current	1 year	Term + 1
Estimates for Purchases (copy)**	Current	1 year	2 years
Financial Statements (copy)**	Current	4 years	5 years
Invoices (copy)**	Current	1 year	2 years
Leave Requests	Current	1 year	Term + 1
Legal Notices (copy)*	Current		1 year
Manuals	Current		Superseded
Medical Records (copy)***	Current	1 year	Term + 1
Ordinances (copy)*	Current		
Packing Slips	Current	1 year	2 years
Pay Estimates (copy)***	Current	1 year	2 years
Petitions (copy)*	Current		1 year
Photos	5 years	Perm	

PUBLIC WORKS Retention Schedule	Active	Inactive	Destroy
Plat Map (Copy)	Current		
Policies (copy)*	Current		Superseded
Publication Notices & Affidavits (copy)*	Current	1 year	2 years
Purchase Orders (copy)**	Current	1 year	2 years
Quotes (copy)**	Current	1 year	2 year
Software, Public Works	Current		Superseded
Timecards/sheets (copy)**	Current	1 year	2 years
Training Certificates	Current		
Vandalism Reports	5 years		5 years
Vendor files	Current		Superseded
Stormwater Utility Fee Data	5 years		5 years
AGREEMENTS			
Annual Service Agreements (copy)*	Current	1 year	Term + 1
Engineering Agreements (copy)*	Current	1 year	Term + 1
Interlocal Agreements (copy)*	Current		
Rental Agreements (copy)*	Current	1 year	Term + 1
CAPITAL IMPROVEMENT PROJECTS			
Agreements*	Current	Perm	
Bid*	Current	Perm	
Bid Bond*	Current	Perm	
Correspondence	Current	Perm	
Drawings	Current	Perm	
Maintenance Bond*	Current	Perm	
Pay Estimates**	Current	Perm	
Performance Bond*	Current	Perm	
Reports/Studies	Current	Perm	
Specifications	Current	Perm	
Change Orders*	Current	1 year	Term + 1
Easement and land taking documents (copy)*	5 years	Perm	
CITIZEN REQUESTS			
Complaints about Service	5 years		5 years
Service Requests & Request Surveys	5 years		5 years
Street light – installation (copy)*	5 years		5 years
Street light – requests & work orders	5 years		5 years
Work Requests	5 years		5 years
FACILITIES			
Building Maintenance & Repair Records	1 year	2 years	3 years
Chemical Use Records	1 year	Perm	
Equipment Warranties	Current		Termination
Inspection Reports	1 year	2 years	3 years
Maintenance Reports	5 years		5 years
Pool Water Quality Tests	1 year	1 year	2 years
Sidewalk Inventory	Current		
Tree	1 year	2 years	3 years
Planting/Trimming/Inspection/Removal			

PUBLIC WORKS Retention Schedule	Active	Inactive	Destroy
MAPS			
Aerial Maps	Current		Superseded
Aerial Maps	5 years	Perm	
Maps	Current		Superseded
PARKS			
Playground Inspections	1 year	2 years	3 years
PERMITS			
Driveway, Excavation, Right-of-way	5 years	Perm	
Drainage	5 years	Perm	
PROJECTS/REPORTS			
Bridge Safety Study/Inspection	Current		
Environmental Reports	5 years	Perm	
Infrastructure Condition Inspections	5 years		5 years
Inspection Reports	5 years		5 years
Operations Reports	Current	4 years	5 years
Pavement Management Report	Current		
State Required Reports	5 years	Perm	
Storm Drainage Studies	3 years	Perm	
Street Lighting Report	1 year	1 year	2 years
Street Sign Inventory	Current		
Traffic Safety Study	10 years		10 years
VEHICLE RECORDS			
Equipment/Parts purchases	1 year	1 year	2 years
Equipment Operating Costs	1 year	1 year	2 years
Fuel Consumption	Life of Vehicle		Life of Vehicle
Fuel Purchase	2 years		2 years
Service Manuals	Current		Life of Equipment
Vehicle Maintenance Records	Current		City Ownership
Vehicle Registrations	Current		City Ownership
Vehicle Title of Ownership (copy)	Current		City Ownership

*originals maintained by City Clerk

**originals maintained by Accounting

***originals maintained by Human Resources

Approved by:

S. Robert Pryzby
Public Works Director

PRAIRIE VILLAGE POLICE DEPARTMENT

Retention Schedule

ADMINISTRATION	Retention Period		
	Active	Inactive	Destroy
Accounts Payable / Receivable Records	2 years	3 years	5 years
Administrative Staff Meeting Agendas and Minutes	2 years	3 years	5 years
Agreements/Contracts	2 years	3 years	termination + 5 years
Biased-Based Policing Reports	2 years	3 years	5 years
Bid Records	current	4 years	5 years
Budget (copy)	2 years	permanent	
Budget Preparation Materials	2 years	3 years	5 years
CALEA Annual Report	3 years	3 years	permanent
CALEA Correspondence	3 years	3 years	6 years
CALEA On-Site Reports	3 years	6 years	permanent
Catalogs	current		
Chemical Irritant Report - Annual	2 years	3 years	5 years
Citizen Surveys	current	permanent	
Complaint Control Reports (CCR)	1 year	9 years	10 years
Complaint Documents - General	2 years	3 years	5 years
Correspondence - Chief	2 years	3 years	5 years
Correspondence - Office Manager	2 years	3 years	5 years
Crime Summaries - Monthly	2 years	3 years	5 years
Department Goals and Objectives - Annual	2 years	3 years	5 years
Employment Notices	2 years	2 years	4 years
Equipment Records	life of equipment		
Fleet Accident Reports	2 years	3 years	5 years
Forfeiture Account Records	5 years	permanent	
Grant Files - Federal	current	permanent	
Internal Affairs Reports	2 years	3 years	termination + 2 years
Internal Affairs Summary - Annual	2 years	3 years	5 years

(continued)

ADMINISTRATION (continued)	Retention Period in Years		
	Active	Inactive	Destroy
Job Task Analysis	current		10 years
Lateral Transfer Process Documents	2 years	3 years	5 years
Lawsuit Documents - Closed	permanent		
Lawsuit Documents - Current/Pending	current		
Leave Requests (Vacation / Holiday / Sick)	current	1 year	3 years
Legal Documents	permanent		
Legal Opinions	permanent		
Motor Vehicle Accident Summary - Annual	2 years	3 years	5 years
Performance Evaluation Appeals	5 years		termination + 2 years
Personnel Files	current	termination + 2 years	to HR
Plans of Action - Monthly	2 years	3 years	5 years
Policy Manuals	current	permanent	
Postal Records	1 year	2 years	3 years
Promotional Process Records	2 years	8 years	10 years
Property Room Audits	2 years	permanent	
Psychologicals - Current Employees	current		termination + 2 years
Psychologicals - Non-Hires			2 years
Purchase Orders	current	4 years	5 years
Pursuit Reports	2 years	3 years	termination + 2 years
Staff Meeting Agendas and Minutes	2 years	3 years	5 years
Strategic Plan Records	current	permanent	
Supply Requisitions	2 years	2 years	
Traffic Safety Study	current	permanent	
Use of Force Reports	2 years	3 years	termination + 2 years

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PRAIRIE VILLAGE POLICE DEPARTMENT

Retention Schedule

INVESTIGATIONS	Retention Period		
	Active	Inactive	Destroy
"Communicator" Additions/Deletions/Revisions	current	permanent	
"Code Red" Additions/Deletions/Revisions	Current	Perm	
Crime Bulletins	2 years	3 years	5 years
IIF's	2 years	3 years	5 years
Intoxilyzer Repair Logs	current	permanent	
Investigations Monthly Activity Report	2 years	3 years	5 years
Investigations Staff Meeting Agendas	2 years	3 years	5 years
Siren Test Log	1 year	4 years	5 years
SIU Buy Fund Ledger/Reports	2 years	5 years	7 years
SIU C/I Files	2 years	8 years	10 years
SIU Intelligence/Complaint Files	2 years	3 years	5 years
SIU Operational Plans	2 years	3 years	5 years
SRO Juvenile Information Report	2 years	4 years	6 years
Storm Warning Notification	1 year	2 years	3 years
Training Requests	2 years	3 years	5 years

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PRAIRIE VILLAGE POLICE DEPARTMENT

Retention Schedule

PATROL	Retention Period		
	Active	Inactive	Destroy
CFAs	current		when vehicle is traded/sold
Property Audit - Annual	2 years	permanent	
Readiness Checklist	1 year	2 years	3 years (after accreditation cycle)
Unannounced Audit - Annual	2 years	permanent	

PRAIRIE VILLAGE POLICE DEPARTMENT

Retention Schedule

STAFF SERVICES	Retention Period		
	Active	Inactive	Destroy
Annual Audit of Records Unit	1 year	Permanent	Permanent
Detention Log in Records	1 year	Permanent	Permanent
Fire Inspection Reports	1 year	3 years	5 years
Hiring Processes	1 year	1 year	2 years
Monthly Intake Inspection Reports	1 year	3 years	5 years
Officer Training Records	1 year	5 years	Termination +5 years
Parking District Records	1 year	3 years	5 years
Print Outs 9-1-1 calls	1 year	3 years	Permanent
Print Outs 9-1-1 calls	1 year	2 years	3 years
Towed Vehicles	1 year	3 years	5 years
Weekly Intake Inspection	1 year	3 years	5 years

Accident Reports	Retain and/or Destroy
KSA 75-3504	
Case Files - Accidents	5 years minimum or Until Litigation is Settled
Diagrams of Accident and Disaster Scenes	
Motor Vehicle Accident Location Maps	
Motor Vehicle Accident Report Summaries	
Motor Vehicle Accidents, Film Indexes	
Motor Vehicle Accidents, Indexes to	
Motor Vehicle Accidents, Information Exchange Forms	
Non-Reportable Accident Forms	
KSA 8-1601, et seq	
Motor Vehicle Accident Reports	5 years minimum or Until Litigation is Settled

(continued)

Arrest Records (Arrest Folders/Arrest Files)	Retain and/or Destroy
KSA 75-3504	
Booking Records	Misdemeanors - 5 years minimum Felonies - 20 years minimum
Criminal History Clearance Letters	
Criminal History Request Logs	
Fingerprint Records	5 years minimum After Release
Jail Inmate Medical Records	
Photographs - Mug Shots - Felonies	20 years minimum
Photographs - Mug Shots - Misdemeanors	5 years minimum
KAR 10-14-1	
Logs for Disseminations of Criminal History Record Information	Misdemeanors - 5 years minimum Felonies - 20 years minimum

Case Files	Retain and/or Destroy
Case Files - Extraditions	20 years minimum after Statute of Limitations 80 years for Murder Cases Permanent for Unsolved Murder Cases
Case Files - Felonies	
Case Files - Fugitives - Felonies	
Case Files - Fugitives - Misdemeanors	
Case Files - Juveniles - Felonies	
Case Files - Juveniles - Misdemeanors	
Case Files - Mental Illness	
Case Files - Misdemeanors	
Laboratory Reports - Felonies	
Laboratory Reports - All Others	
Field Interview Cards - Felonies	Permanent
Field Interview Cards - Misdemeanors	
Internal Investigation Files	Permanent

(continued)

Case Files (continued)	Retain and/or Destroy
Offense Information Cards	20 years minimum after Statute of Limitations 80 years for Murder Cases Permanent for Unsolved Murder Cases
Offense Report and Field Contact Forms from Other Counties (copies of)	
Offense Reports - Felonies	
Offense Reports - Misdemeanors	
Offense Report - News Media Copies	
Reports from Other Law Enforcement Agencies - Felonies	
Reports from Other Law Enforcement Agencies - All Others	
Photographs - Crime Scenes and Evidence (negatives, prints, slides and films)	
Statements of Witnesses and Victims - Felonies	
Statements of Witnesses and Victims - All Others	
Voluntary Statements - Felonies	
Voluntary Statements - All Others	

Complaints	Retain and/or Destroy
Complaint Statements, Reports and Related Documents - Felonies	3 years minimum unless information is also contained in case files with a higher retention schedule
Complaint Statements, Reports and Related Documents - Misdemeanors	

Daily Reports	Retain and/or Destroy
Daily Logs	3 years minimum
Daily Logs	Current year-one year-destroy 2 years
Duty Logs	
Officers' Activity Reports and Cards	

(continued)

Incident Reports	Retain and/or Destroy
Incident Cards and Log Books	3 years minimum
Incident Reports - Felonies	
Incident Reports - Misdemeanors or Non-Criminal	
Information Cards	
Narrative Incident Reports and Related Notes - Felonies	
Narrative Incident Reports and Related Notes - Misdemeanors	

Indexes to Cases/Arrest Records	Retain and/or Destroy
Indexes to Cases - Felonies	20 years minimum after Statute of Limitations 80 years for Murder Cases Permanent for Unsolved Murder Cases
Indexes to Cases - Misdemeanors	

Jail Reports	Retain and/or Destroy
Jail Admission Record Books	Permanent
Jail Escapes (documents concerning)	Permanent

Juvenile Arrest Records	Retain and/or Destroy
Juvenile Arrest Books and Cards	Minimum - Until the Age of Majority

National Criminal Information Center Records	Retain and/or Destroy
National Crime Information Center (NCIC) Report Forms (copies of)	Minimum - Until Case is Terminated

(continued)

Process Log	Retain and/or Destroy
Search Warrants (copies of) - Felonies	5 years minimum After Close
Search Warrants (copies of) - All Others	
Sales Documents	Retain and/or Destroy
Sale of Impounded Vehicles or Evidence (documents concerning)	5 fiscal years minimum
Other	Retain and/or Destroy
Affidavits for Prosecution - Felonies	Permanent
Affidavits for Prosecution - All Others	5 years
Attorney General's Opinions	Permanent
Bomb Threat Reports	Permanent
Bulletins Received from Other Law Enforcement Agencies	Until no Longer Useful
Case Assignment Logs	5 years
Coroner's Reports	Permanent
Disposition Card Files or Registers - Felonies	Permanent
Disposition Card Files or Registers - Misdemeanors	5 years
False Alarm Notifications (copies)	5 years
False Alarm Notifications (copies)	Current-one year-destroy 2 years
Fee Collection Records/Books	3 fiscal years minimum
Grants for Police Equipment (documents concerning Governor's Committee on Criminal Administration and Law Enforcement Assistance Administration)	5 years after Termination and after Federal Audit Requirements are Met
Indexes to Items Received	5 years after Disposition
Information Directives or Flyers	Permanent (one copy)
Intelligence Reports	Permanent
Jail Reports	2 years after Inmate's Release
Juvenile Face or Data Sheets	Permanent
Juvenile Reports	Permanent

(continued)

Other (continued)	Retain and/or Destroy
KBI Complaint and Investigation Reports	Permanent
KBI, Copies of Monthly Reports to	5 years
KBI Criminal Record Abstracts - Felonies	Permanent
KBI Criminal Record Abstracts - All Others	5 years
Law Enforcement Plans	Permanent
Liability Waivers	5 years
Lists of House Numbers and Residents	Until Obsolete or Superseded
Master Name Index File	Permanent
Missing Persons Reports	Permanent
Notices of Hearings on Drivers' License Suspensions or Revocations	5 years
Personal Property of Jail Prisoners (documents concerning)	5 years after Disposition
Postmortem Examination Reports (copies of)	Permanent
Radio Code Number Lists	Permanent
Radio Equipment, Licenses and Other Documents Concerning	Until Superseded or for Life of Equipment
Receipts for Personal Property Taken From and Returned to Prisoners	5 years
Record Check Reports Sent (copies of)	5 years
Record Check Requests Received	5 years
Records Ordered Sealed by a Court	Until Ordered by Court to be Destroyed
Recovered Property Records	5 years after Disposition
Runaway Report Forms	Permanent
Sex Offenders Registers	Until Offender is No Longer Required to Register
Statistical Data, Compilations of	5 years if available in Annual Reports or Elsewhere - Permanent if not Available Elsewhere
Statistical Reports (copies of) - Annual Reports	Permanent
Statistical Reports (copies of) - All Others	5 years
Stolen Property Lists	20 years
Suspects Wanted, Records of - Felonies	Permanent
Suspects Wanted, Records of - All Others	Until No Longer Useful

(continued)

Other (continued)	Retain and/or Destroy
Tape Recordings	5 years after disposition or until no longer useful if unrelated to criminal case
Tornado Watch Program (documents concerning)	Permanent
Traffic Studies (documents concerning) - Final Reports	Permanent
Traffic Studies (documents concerning) - Other Documents	Until No Longer Useful
Type-of-Crime Files	Permanent
Uniform Crime Reports (UCR) Offense Code Listings	Permanent
Uniform Crime Reports (UCR) Reports	Permanent
Uniform Crime Reports (UCR) Worksheets	2 years
Videotapes	5 years after Final Disposition
Wanted Notices for Alleged Criminals - Local Cases	Permanent
Wanted Notices for Alleged Criminals - All Others	Until No Longer Useful
KSA 8-2105	
Parking/Traffic Tickets - Officer's Copies	Minimum - Until No Longer Useful
KSA 2001 Supp. 21-4619	
Expunged Conviction Records - Felonies	Permanent
Expunged Conviction Records - Misdemeanors	5 years
KSA 19-1812 and 60-303	
Service and Execution	5 years minimum After Close
Service and Execution, Registers or Dockets of	
KSA 21-2501a	
Felony Offenses and Misdemeanor Drug Offenses Reported or Known to Have Been Committed (copies of Reports to KBI)	Permanent
Felony Offenses and Misdemeanor Drug Offenses Reported or Known to Have Been Committed (records of)	Permanent

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
November 3, 2008
7:30 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PRESENTATION BY SHAWNEE MISSION SCHOOL DISTRICT SUPERINTENDENT DR. GENE JOHNSON AND SCHOOL BOARD PRESIDENT DONNA BYSFIELD**
- V. PUBLIC PARTICIPATION**
- 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 – October 20, 2008
2. Approve Construction Change Order #2 (FINAL) with Musselman & Hall Contractors for a decrease in the final contract in the amount of \$528.43.

By Committee:

3. Approve City Council Policy CP258 to include the Manual of Best Management Practices for Stormwater Quality adopted by the Kansas City Metro Chapter of American Public Works and the Mid-American Regional Council as part of the City's Infrastructure Manual. (Council Committee of the Whole Minutes – October 20, 2008)
4. Adopt Ordinance 2180 establishing erosion and sediment requirements and controls on any new development or redevelopment projects that disturb the land. (Council Committee of the Whole Minutes – October 20, 2008)
5. Adopt Ordinance 2181 establishing post construction minimum stormwater management requirements and controls on any new development or redevelopment projects that disturb the land for more than one acre. (Council Committee of the Whole Minutes – October 20, 2008)
6. Adopt Ordinance 2182 establishing stream setback requirements and controls. (Council Committee of the Whole Minutes – October 20, 2008)

VII. STAFF REPORTS

VIII. COMMITTEE REPORTS

**Sister City Committee – Michael Kelly
Update on visit from Dolyna delegates**

IX. OLD BUSINESS

X. NEW BUSINESS

XI. EXECUTIVE SESSION

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

November 3, 2008

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
OCTOBER 20, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 20, 2008, at 7:45 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, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, David Morrison, Charles Clark, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator and Joyce Hagen Mundy, City Clerk.

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

PRESENTATIONS

Sister City Dignitaries from Dolyna

Mayor Shaffer recognized the delegation from Dolyna, Ukraine, visiting the City through the International Visitor Leadership Program.

Recognition of Employee Accomplishments

Bob Pryzby stated the public works field staff recently participated in the annual APWA Snow Plow Rodeo for Johnson County. The event also features contests for mechanics on other equipment. This is a two-day competition held nationally. Mike Helms, Field Superintendent introduced Public Works employees Michael Glascock and Chris Worden. Mike placed 2nd overall after placing 10th last year. He earned a trip to

Las Vegas. Chris placed 1st in the "Rookie" division and received a jacket recognizing his accomplishment. Both Mike and Chris were present with their wives to receive the Council's congratulations on their achievements. Bob Pryzby added Wednesday is the anniversary of the October snow storm and advised the same conditions are forecast for this Wednesday, but noted the crews are ready.

Recognition of New Business

Mayor Shaffer welcomed Tom Tivol, a new business owner at 3515 West 75th Street. Mr. Tivol stated he is pleased to have his jewelry and appraisal business in Prairie Village.

PUBLIC PARTICIPATION

Pat Daniels, 8000 Juniper, stated it has been a delightful experience hosting visitors from Dolyna. When Quinn Bennion became City Administrator, Mr. Daniels stated he challenged him to walk/run every street in the City. Mr. Bennion recently completed this challenge covering over 116 miles and was awarded, by Mr. Daniels, the coveted moccasin award.

CONSENT AGENDA

David Voysey moved the approval of the Consent Agenda for Monday, October 20, 2008:

1. Approve Regular Council Meeting Minutes - October 20, 2008
2. Approve Claims Ordinance 2852
3. Ratify the Mayor's appointment of Shelly Trewolla to the Prairie Village Arts Council to fill an unexpired term ending in April, 2010; Roderick Atteberry to the Sister City Committee to fill an unexpired term ending in April, 2010 and Amy Esselman to the Sister City Committee as a student representative for a one-year term.
4. Adopt Ordinances 2177 and 2178 incorporating the Uniform Public Offense Code, (UPOC) and the Standard Traffic Ordinances (STO), 2008 Edition, prepared and published by the League of Kansas Municipalities with certain sections deleted and with additional and supplemental sections.

5. Approve the spending of contingency funds for an evaluation of the grounding issues involving the City's cell tower by Lyncole Industries at a cost of \$6,822.00.

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

STAFF REPORTS

Public Works - Bob Pryzby

- The remaining cones on Mission Road and Somerset are marking lane painting that needs to be completed. WaterOne also still has some work they need to do.
- The "Porchlight" at Somerset and Lee Blvd. is progressing. The copper roof has been installed. The project is funded and coordinated by the City of Leawood.
- Mr. Pryzby acknowledged the work of the public works crews, Mike Helms and Suzanne Lownes on the creation of the City's float for the Lancer Day parade.

Public Safety

- Chief Jordan acknowledge all the staff involved with the safe and successful Lancer Day parade; particularly the work of Mike Helms and Byron Roberson adjusting to the many and significant changes to the size of the parade. Chief reported the City did not receive any complaints on the closing of Mission Road and 75th Street for the parade.
- The Dolyna delegation spent two hours visiting the Public Safety Center and learning about police operations in Prairie Village. It was an educational and enjoyable experience for all.

Codes Administration

- Dennis Enslinger thanked the Council on behalf of the Arts Council for their support of a very successful State of the Arts Event attended by approximately 400 people on October 10th. He thanked the public works crews for their assistance in putting up the tents.
- The Environment/Recycle Committee will be hosting an Electronics Recycling Day on Saturday, October 25th from 9 a.m. to 2 p.m. in the Shawnee Mission East Parking Lot. Over 60 volunteers will be working the event which expects to draw 400-500 vehicles. More information is available on the City's website.

Finance

- Karen Kindle reported the pre-bid meeting on the RFP for the new Financial software was held this morning and introduced Barry Strock, the consultant coordinating the process. Mr. Strock briefly reviewed the process and stated he expected to receive several qualified proposals.
- Mrs. Kindle also noted the Third Quarter Financial Report was included in the Council packet information and asked members to contact her if they had any questions.
- The City received the final abstract of taxes from the County. The submitted mill levy for the City was 18.166 and final adjusted mill levy for 2009 is 18.182.

Administration

- Quinn Bennion reported he and Council members Ruth Hopkins and Diana Ewy Sharp attended the annual League of Kansas Municipalities meetings. He was able to speak with several vendors at the conference, including three respondents to the city's financial RFP.
- Diana Ewy Sharp added the focus was on the upcoming legislative session and the financial challenges facing the state. The conference also addressed recent federal legislation that would require cities to accept collective bargaining for first responders. Currently in Kansas, cities have the choice whether to accept collective bargaining.
- Ruth Hopkins noted the opening speaker presented excellent but startling information on challenges faced by cities in western and southern Kansas with declining population and water. The ability to network and talk with other Council members continues to be very rewarding.

COMMITTEE REPORTS

Council Committee of the Whole

COU2008-75 Consider approval of a revision to Council Policy PP910 regarding "comp time".

David Voysey reported that staff has requested that this item be deferred to a later date.

COU2008-27 Consider Project 190864: 2008 Street Resurfacing Program

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve Construction Change Order #6 with O'Donnell & Sons Construction for an increase of \$40,055.40 on Project 190864: 2008 Street Resurfacing Program bringing the new contract amount to \$2,267,248.00. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2007-49 Consider Project 190767: 2008 CARS, Roe Avenue (91st Street to Somerset Drive)

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve Construction Change Order #1 with O'Donnell & Sons Construction for an increase of \$7,879.89 on Project 190868: 2008 CARS, Roe Avenue (91st Street to Somerset Drive) bringing the final contract amount to \$321,261.64. The motion was seconded by Laura Wassmer and passed unanimously.

Park & Recreation Committee

Diana Ewy Sharp reported the Parks Master Plan is progressing. She encouraged all to attend the Parks Master Plan Workshop to be held on Monday, October 27th at 7 p.m.

Pension Boards

Charles Clark reported the Pension Boards overseeing the city's retirement plans will be meeting in the next few weeks and noted he is expecting the news will not be good. Some of the stocks in the Police Pension Portfolio are down 30-35% on a plan that assumes an 8% gain. However, he stated it is the balance as of December 31st that is important; but noted additional funds may be needed to meet the requirements of the plan. The other plans are experiencing similar losses on their investments which could result in increased employer contributions to support the plans.

OLD BUSINESS

There was No Old Business to come before the City Council.

NEW BUSINESS

Mayor Shaffer presented certificates of appreciation to the five households, Sara Thompson, Laura Stack, Jim & Shelly Lichy, Pat & Liz Daniels and Cleo Simmonds, that hosted these visitors for the vital part they had in the success of this visit.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Environment/Recycle Committee	10/22/2008	7:00 p.m.
Council Committee	11/03/2008	6:00 p.m.
Council	11/03/2008	7:30 p.m.

The Prairie Village Arts Council is pleased to announce the State of the Arts mixed media exhibit during the month of October. It is a juried show featuring entries from local artists. Three \$1,000 prizes were awarded at the October 10th reception.

A Parks Master Plan Public Workshop will be held on October 27 at 7 p.m. in the Council Chambers.

The National League of Cities Conference is November 11-15 in Orlando, Florida.

The Northeast Johnson County Chamber of Commerce Annual dinner is November 22nd at the Lake Quivira Country Club.

The Municipal Foundation will be hosting the annual Mayor's Holiday Tree lighting on Monday, November 24th at Corinth Square from 6:30 - 8:00 p.m.

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

Executive Session.

David Voysey moved pursuant to KSA 74-4319(b)(2) that the Governing Body, recess into Executive Session for a period not to exceed fifteen (15) minutes for the purpose of consulting with the City Attorney on 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.

Mayor Shaffer reconvened the meeting at 8:40 p.m.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:50 p.m.

Joyce Hagen Mundy
City Clerk



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: November 3, 2008

Council Meeting Date: November 3, 2008

CONSENT AGENDA

CONSIDER PROJECT SP5000: 2008 CRACK SEAL/SLURRY SEAL PROGRAM - CONSTRUCTION CHANGE ORDER #2 (FINAL)

RECOMMENDATION

Staff recommends the City Council approve Construction Change Order #2 (FINAL) with Musselman & Hall Contractors for a decrease in the final contract in the amount of \$528.43.

COUNCIL ACTION REQUESTED ON NOVEMBER 3, 2008

BACKGROUND

This project is complete and the final as-built quantities computed.

FUNDING SOURCE

No additional funding is required.

ATTACHMENTS

1. Construction Change Order #2 (FINAL) with Musselman & Hall Contractors

PREPARED BY

S. Robert Pryzby, Director of Public Works

October 23, 2008

1114

**CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 2 (FINAL)**

Consultant's Name: None

Project Title: 2008 Crack/Slurry Program

Date Requested: October 20, 2008

Owner's Project No.: P5000

Contract Date: January 22, 2008

Contractor's Name: Mussleman and Hall Contractors, LLC

REQUIRED CHANGES IN PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$1,400.00	LS	Mobilization	1	\$1,400.00	\$1,400.00
38000	\$25,080.00	SY	Crack Sealant	37599	\$0.66	\$24,815.34
49000	\$82,320.00	SY	Slurry Lunch	48843	\$1.68	\$82,056.24
1	\$3,300.00	LS	Traffic Control	1	\$3,300.00	\$3,300.00
3	\$13,450.00	EA	Speed Tables	3	\$4,483.33	\$13,450.00
			Contingent Items			

TOTAL	\$125,550.00		0		TOTAL	\$125,021.58
			0	NET Increase Decrease		-\$528.43

Explanation of Changes

Project P5000 Crack/Slurry Program. This change order is to cover the following items:

Final As-Built Quantities.

This change order decreases the contract amount by \$528.43.

Calendar days were added as result of this change order.

Original Contract Price	<u>\$112,100.00</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$125,550.00</u>
NET increase or decrease this Change Order	<u>(\$528.43)</u>
New Contract Price	<u><u>\$125,021.57</u></u>

Change to Contract Time

The current contract deadline of December 1, 2008 will remain the same.

The City does not anticipate a related Engineering Change Order.

Thomas Trienens
Thomas Trienens, Manager of Engineering Services
City of Prairie Village, KS

10/24/08
Date

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

Date

Howie Snyder for
Howie Snyder
Executive Vice President

10-24-08
Date

COUNCIL COMMITTEE OF THE WHOLE
October 20 2008

The Council Committee of the Whole met on Monday, October 20, 2008 at 6:00 p.m. The meeting was called to order by Council President David Voysey with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Nic Sanders, Human Resources Specialist; Karen Kindle, Finance Director; Chris Engle, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Update on Transportation Cooperation Council

David Belz reported on the recent meeting of the Johnson County Transportation Cooperation Council. The primary discussion was on the CARS Program and how it should be funded. For the past several years it has been funded at \$15,400,000 with funding coming from county support and highway tax funds. The Council feels there needs to be a designated independent funding source for this program to ensure its continuation. Mr. Belz reviewed several options which were discussed. Currently any increase in CARS funding results from a decrease of funding elsewhere in the county's budget.

One of the options is to combine the CARS and SMAC funds into one program. SMAC is funded with designated sales tax revenue. In order to also use these funds for CARS would require the question be placed on the ballot for the public to approve the change to use these funds not only for stormwater improvements but for infrastructure improvements. The thought is the cities would then be designated a portion of these funds to be used as they determine on infrastructure improvements.

Bob Pryzby explained the processes for receiving SMAC and CARS funds. Although Prairie Village was the first city to receive SMAC funds for Brush Creek improvements, it hasn't received funds in several years as city projects do not meet the criteria for funding which is based on identified flooding. Mr. Pryzby noted the current structure and process for the awarding of grant funds is detrimental to the smaller established northeast Johnson County cities. He would like to see SMAC funds be allowed for maintenance. David Voysey confirmed the Delmar project was approved for SMAC funding. Mr. Pryzby noted the SMAC review board recommends projects to the Board of County Commissioners, but the awarding of the funds is totally in the hands of the Commission.

Bob Pryzby stated the CARS program funding is made up of a mill rate contribution by the county and a percentage of the highway (gas) tax funds. Over the past years as the highway tax funds have increased, the county's mill rate share has decreased with the Commission leaving the amount of funding available static at \$15,400,000. The distribution of these funds is tied to population figures which is detrimental to smaller cities.

David Belz stated the Council is also looking at more clearly defining the types of projects covered by the programs. Over the years, sidewalks, trailways, drainage systems and even street lights have been included for CARS funding. Mr. Pryzby noted there are other grant programs that address traffic congestion, new streets, street reconstruction by widening and bridge repairs/replacement. A significant portion of the available funds are being issued to the County and larger southern Johnson County cities. He agrees there is a need to overhaul the programs.

David Voysey asked if there was discussion about eliminating CARS as it exists and have it become a straight pass-through funded program. Mr. Belz stated that was discussed.

Bill Griffith stated the County's keeping the funding static as tax funds have increased decreasing their share of costs for the program is unacceptable. He noted the decrease in the amount of funds and services provided to northeast Johnson County cities for the past years.

David Belz stressed this is why the TCC is supporting having a dedicated revenue funding source and noted it would be better to have it a dedicated funding source. Mr. Pryzby stated regardless of changes to the funding, it is essential that the distribution or allocation to cities along with what work is eligible has to be changed.

Diana Ewy Sharp asked about option three which would tie funding to the motor vehicle tax. Mr. Pryzby responded with this option the use of these funds for CARS would require an equal reduction of funding for other county services. Mrs. Sharp stated it was important that northeast Johnson County cities join together to address this issue as they are losing funds to projects in the southern part of the county. Mr. Pryzby stated CARS funds have become a private funding source for the county to use as they please. As long as the county controls the policy on the use of funds, they control the funds. The program needs to be restructured.

David Belz stated he does not need action from the City Council this evening noting members have not had time to thoroughly review the information handed out. He would like to see this item on the agenda for the next committee meeting for continued discussion. David Voysey stated it will be added to the next committee agenda.

COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program

Bob Pryzby reported the original design called for partial replacement of the existing curb and sidewalk on 80th Street (Nall Avenue to Rosewood Drive). Due to additional deterioration over the winter and the excellent unit bid prices that were received with this contract, it is recommended that all curb and sidewalk be replaced. The resulting change order represents a 1.8% increase over the current contract amount.

Ruth Hopkins made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #6
WITH O'DONNELL & SONS CONSTRUCTION FOR AN INCREASE OF \$40,055.40
TO PROJECT 190864: 2008 STREET RESURFACING PROGRAM
COUNCIL ACTION TAKEN
10/20/2008**

COU2007-49 Consider Project 190767: 2008 CARS, Roe Avenue (91st Street to Somerset Drive)

Bob Pryzby stated this project is complete and the requested change order reflects the final as-built quantities. The change order represents an increase of 2.5% over the original contract amount. Mr. Pryzby added half of the additional \$7,879.89 will be reimbursed to the City by Johnson County. The additional funding is available in the Capital Infrastructure Program for this project.

Ruth Hopkins made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #1
WITH O'DONNELL & SONS CONSTRUCTION FOR AN INCREASE OF \$7,879.89
TO PROJECT 190868: 2008 CARS, Roe Avenue (91st STREET to
SOMERSET DRIVE.TREET RESURFACING PROGRAM
COUNCIL ACTION TAKEN
10/20/2008**

COU2008-76 Consider City Council Policy CP258 BMP Manual

Bob Pryzby stated the Kansas City Metro Chapter of American Public Works and the Mid-American Regional Council have published a Manual of Best Management Practices for Water Quality in March, 2008. This manual has been in development for over two years by engineers and public works personnel from both the State of Kansas and the State of Missouri. The manual addresses a combination of infiltration, filtration, detention and other water quality treatment of stormwater. The most common Best Management Practices (BMP) is rain garden, bio-retention cell, swale and sand filter.

Laura Wassmer made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE CITY COUNCIL POLICY CP258 TO
INCLUDE THE MANUAL OF BEST MANAGEMENT PRACTICES FOR STORM-
WATER QUALITY ADOPTED BY THE KANSAS CITY METRO CHAPTER OF
AMERICAN PUBLIC WORKS AND THE MID-AMERICAN REGIONAL COUNCIL
AS PART OF THE CITY'S INFRASTRUCTURE MANUAL.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2008-77 Consider New Erosion and Sediment Control Code

Bob Pryzby stated one of the requirements of the National Pollution Discharge Elimination System (NPDES) permit issued by the Kansas Department of Health and Environment (KDHE) to the City is for the City to have a municipal code that pertains to the erosion and sediment conditions that occur during construction activities.

The proposed new code was written using a draft prepared by Johnson County Public Works with input from several cities. Consequently, the proposed code is nearly identical to the code adopted or being adopted by Johnson County cities.

Mr. Pryzby noted the new code may increase the number of drainage permits issued by Public Works resulting in additional revenue. Ruth Hopkins asked how many additional permits were anticipated and from whom. Mr. Pryzby responded a permit would be required of anyone disturbing more than 1000 square feet or more of land and/or located within 50 feet of any drainage component, i.e. channel, detention facility or stormwater inlet.

Ruth Hopkins asked how the City would know. Mr. Pryzby responded the building permit triggers getting a drainage permit if necessary. Mrs. Hopkins noted it would primarily impact residential properties. Mr. Pryzby noted the City has been issuing drainage permits for several years as required by ordinance with no adverse issues.

Bill Griffith asked what would be required if a resident tore out and replaced a 500 foot driveway. Mr. Pryzby responded, if it included the apron, a right-of-way permit would be required as well as a review of the land disturbance. Mr. Griffith asked how much the permit would cost. Mr. Pryzby responded the same as the existing permit and noted it only takes him 25-30 minutes to review an application.

Diana Ewy Sharp confirmed this is being mandated and the only thing the City can control is the cost of the permit.

Bill Griffith stated he doesn't see, from a real world perspective, that a permit should be required. Mrs. Hopkins added she has received several calls from residents complaining about the complicated process and steps that the city requires for replacing a driveway. She will not support this ordinance as she feels it is adding another layer of unnecessary bureaucracy and actually hindering resident's efforts to make improvements to their property.

Andrew Wang asked for a review of the process and time involved. Mr. Pryzby stated permits are turned around in one day and generally require one or two inspections. Some of the problems with this type of work are the storage of materials in the street as well as the erosion impact.

David Belz asked what would happen if the ordinance was not adopted. Mr. Pryzby noted at some point the City would be audited and found not to be in compliance. He does not know what the penalty would be. Mr. Belz asked if there was a way to make the process less intrusive. Mr. Pryzby responded the amount of square footage that would trigger a permit could be changed; however, he noted the ordinance is needed because of the amount of damage that is being done to storm drainage systems and because contractors do not clean up after completing a job.

Ruth Hopkins asked if there was a way to incorporate this into a policy instead of an ordinance. Mr. Pryzby responded the NPDES requires a code not a policy. He noted many of the drainage permits do not require right-of-way permits, only those that go beyond the right-of-way are required to get a permit. He feels the process is necessary.

Bill Griffith noted approximately half of the driveways are not over 1,000 square feet, while half are and suggested the size be increased to 5,000 square feet.

David Morrison asked if it could be handled on a notification of violation process. Mr. Pryzby stated most contractors who are responsible for the work know the requirements.

David Belz made the following motion, which was seconded by Andrew Wang and passed by a vote of 10 to 2 with Griffith and Hopkins voting "nay":

**MOVE THE CITY COUNCIL ADOPT ORDINANCE 2180 ESTABLISHING EROSION AND SEDIMENT REQUIREMENTS AND CONTROLS ON ANY NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS THAT DISTURB THE LAND
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2008-78 Consider New Post Construction Management Code

Bob Pryzby stated one of the requirements of the National Pollution Discharge Elimination System (NPDES) permit issued by the Kansas Department of Health and Environment (KDHE) to the City is for the City to have a municipal code that pertains to the management of post construction after construction is complete.

The proposed new code was written using a draft prepared by Johnson County Public Works with input from several cities. Consequently, the proposed code is nearly identical to the code adopted or being adopted by Johnson County cities.

Mr. Pryzby noted this code primarily addresses the requirement for maintenance being the responsibility of the property owner ensuring the work is maintained. The new code may increase the number of drainage permits issued by Public Works resulting in additional revenue.

Quinn Bennion asked what types of projects would be required to develop a maintenance plan. Mr. Pryzby responded primarily BMP such as retention/detention facilities, drainage swales on larger projects.

Diana Ewy Sharp made the following motion, which was seconded by Charles Clark and passed unanimously:

**MOVE THE CITY COUNCIL ADOPT ORDINANCE 2181 ESTABLISHING POST CONSTRUCTION MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS ON ANY NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS THAT DISTURB THE LAND FOR MORE THAN ONE ACRE
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2008-79 Consider New Stream Setback Requirement and Controls Code

Bob Pryzby stated several Johnson County cities have adopted a stream setback code. The intent of the code is to prevent and to limit construction activity along the slopes of a natural watercourse. For the City of Prairie Village, this code would apply to activities along Brush Creek and Rock Creek. There could possibly be an application within Meadowbrook Country Club as it is a feeder creek to Tomahawk Creek and is considered a natural watercourse.

The proposed new code was written using a draft prepared by Johnson County Public Works with input from several cities. Consequently, the proposed code is nearly identical to the code adopted or being adopted by Johnson County cities.

Laura Wassmer asked if this would apply to drainage channels. Mr. Pryzby responded it could, but would not apply to drainage channels that only have water during a rain event and are not considered as streams. Ms. Wassmer asked if this would apply to backyard landscaping. Mr. Pryzby stated that this Code would not be the Erosion and Sediment Code would if it was within 50' of a stream or disturbed more than 1000 square feet of land.

David Belz made the following motion, which was seconded by Michael Kelly and passed by a vote of 11 to 1 with Griffith voting "nay":

**MOVE THE CITY COUNCIL ADOPT ORDINANCE 2182 ESTABLISHING
STREAM SETBACK REQUIREMENTS AND CONTROLS.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Sister City

Michael Kelly introduced the visiting Dolyna, Ukrainian delegation. The visitors are members of the Dolyna Commission, similar to our City Council. The trip is organized by the International Visitors Council with grant funding from the Open World Program through the Library of Congress. Mr. Kelly acknowledged Barbara Dolci for her work in organizing the visit.

Each of the members of the delegation gave a presentation featuring their respective places of employment including a private business, two schools, children's hospital and culture center.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President David Voysey adjourned the meeting at 7:40 p.m.

David Voysey
Council President

ORDINANCE 2180

AN ORDINANCE AMENDING CHAPTER 14 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, 2005, ENTITLED "STORMWATER" BY ADDING ARTICLE 5 ENTITLED "EROSION AND SEDIMENT CONTROL"

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

Section I.

Chapter 14 of the Prairie Village Municipal Code, 2005, entitled "Stormwater" is hereby amended by adopting a new Article 5 entitled "Erosion and Sediment Control" with the following sections:

Chapter XIV Article 5

EROSION AND SEDIMENT CONTROL

Sections:

14-501	Purpose of Ordinance
14-502	Definitions
14-503	Administration
14-504	General Provisions
14-505	Erosion and Sediment Control Plans
14-506	Inspection
14-507	Enforcement
14-508	Violation
14-509	Miscellaneous

14-501 Purpose of Ordinance

- A. The purpose of this Ordinance is to set forth procedures for controlling erosion and sedimentation caused by land disturbance activities, thereby providing for the protection and enhancement of the water quality of watercourses, water bodies, and wetlands. This ordinance seeks to meet this purpose through the following objectives:
 1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and stream bank erosion and maintain the integrity of stream channels;
 2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality, particularly if receiving water bodies are classified as impaired on the current version of the 303d listing of impaired waters in Kansas as identified by the Kansas Department of Health and Environment (KDHE);
 3. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management best management practices (BMPs) and to ensure that these BMPs are properly maintained and pose no threat to public safety.

14-502 Definitions

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

- A. "Best Management Practice", or "BMP" mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or

reduce the discharge of water or air pollution associated with Land Disturbance activities regulated by this Ordinance.

- B. "Certified Professional in Erosion and Sediment Control (CPESC)" means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a state license authorizing them to prepare and submit an Erosion and Sediment Control Plan as Professional Engineer or Landscape Architect registered in the State of Kansas.
- C. "Code" means the City of Prairie Village Municipal Code.
- D. "Director" means the Director of Public Works or the Director's authorized representative.
- E. "Erosion" means the wearing away of land by the action of wind, water, gravity or ice or a combination thereof.
- F. "Erosion and Sediment Control Plan", means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMP) on a project. The Plan shall include any information required to review the design of the BMP and to ensure proper installation, maintenance, inspection, and removal of the BMP, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.
- G. "Erosion and Sediment Control Standards" means the Erosion and Sediment Control design criteria and specifications adopted in writing by the Director.
- H. "Land Disturbance" means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
- I. "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Ordinance, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective erosion and sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered perennial vegetation.
- J. "Permit" means a Drainage Permit.
- K. "Permit Holder" means the owner or contractor who is issued a permit.
- L. "Person" means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.
- M. "Sediment" means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.
- N. "Storm Sewer System" means any conveyance or system of conveyances for storm water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.
- O. "Storm Water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

- P. **"Water Bodies"** means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as water of the United States.

14-503 Administration

- A. **Authority.** The Director shall be responsible for the administration and enforcement of this Ordinance. The Director shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this Ordinance. The Director may waive the requirements for maps, plans, reports or drawings, if the Director finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will conform to the requirements of this Ordinance.
- B. **Right of entry.** Whenever the Director has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Ordinance, the Director is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.
- C. **Erosion and Sediment Control Standards.** The Director shall adopt and maintain Erosion and Sediment Control Standards at the Public Works Office to assist in the administration of this Ordinance. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:
1. Fit the development to existing site conditions
 2. Minimize the extent of exposure
 3. Minimize duration of exposure
 4. Break work activities into phases when possible
 5. When possible, protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites, at least during the construction period
 6. Stabilize disturbed areas
 7. Keep runoff velocities low
 8. Retain Sediment on the site
 9. Inspect and maintain control measures
 10. Use performance measures and outcomes
 11. Timely employment and maintenance of all measures
- D. **Time Requirement.** Where land disturbance activities have temporarily or permanently ceased on a portion of a project site for over 21 consecutive days, the disturbed areas shall be protected from erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMP, unless the timeframe for compliance is extended by the Director. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- E. **Other Pollutants.** In addition to sediment, the Erosion and Sediment Control Plan shall provide for the control of other pollutants related to the land disturbance activity that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.

14-504 Land Disturbance Permit

- A. **Requirements.** Any Person undertaking land disturbance activities, including the clearing, grading, excavating, filling, storing, and disposing of soil and earth materials, shall comply with the requirements and standards for obtaining a Drainage Permit as set forth in Chapter XIV Article 2 of the Code
- B. **Responsible Person.** The responsible Person is the person to whom the permit is issued and the owner of the property upon which a land disturbance takes place and any person performing a land disturbance activity. When a drainage permit is issued, the owner is

responsible for land disturbance activities from permit issuance to closure, unless the City approves a transfer of responsibility to a new owner.

14-505 Erosion and Sediment Control Plans

- A. **Applicability.** Any land disturbance activity requires a drainage permit for any land disturbance activity of 1,000 square feet or more and/or is located within 50 feet of any drainage component, including channels, BMP detention facility, or stormwater inlet, shall comply with the spirit and intent of this Ordinance. At a minimum, such persons shall employ BMP methods for Erosion and Sediment Control in proportion to the scale of the activity to reduce the amount of Sediment or other pollutants in stormwater discharges associated with those activities.
- B. **Plan Requirements.** All proposed land disturbance activity requiring a permit shall be depicted on a site-specific Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan shall be submitted to the Director for review. The Plan shall include, at a minimum, the following information:
1. Proposed site map.
 2. Areas to be disturbed.
 3. Proposed Erosion and Sediment Control BMP to be employed.
 4. Phasing of Erosion and control measures.
 5. Final stabilization plan for each phase.
 6. Details and specifications for any sections of the final storm sewer system that must be constructed after the removal of BMP such as temporary sediment basins.
 7. Work schedule.
 8. Maintenance and inspection requirements.
- The Director may require any additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of this Section of the Code.
- C. **Review and Approval of Erosion and Sediment Control Plans.** The Erosion and Sediment Control Plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The Plan shall clearly show that the proposed work will conform to the provisions of this Code, and other relevant laws, ordinances, policies, rules and regulations as determined by the Director. The Director shall review the submitted documents to determine compliance with the Erosion and Sediment Control Standards. If the Director finds that the Plan is in compliance, the Applicant shall be advised that they may request a Permit. If the Director finds that the Plan is not in compliance, the Director shall advise the applicant which elements of the Plan are not in compliance.
- D. **Preparation of Plans.** Erosion and Sediment Control Plans submitted to the City for review must be prepared under the supervision of and sealed by a licensed professional engineer or landscape architect or by a Certified Professional in Erosion and Sediment Control (CPESC). The engineer or landscape architect must be licensed to practice in the State of Kansas.
- E. **Amended Plans.** Work shall be installed and maintained in accordance with the approved Plan. Changes made during construction that are not in compliance with the approved Plan shall be resubmitted for approval as an amended set of construction documents. Minor modifications of the approved Plan may be authorized by the Director without formal review provided those modifications are consistent with the Erosion and Sediment Control Standards and standard industry practice.

14-506 Inspection

- A. **Initial Inspection.** The Permit Holder shall notify the Director when initial Erosion and Sediment Control measures are installed in accordance with the Erosion and Sediment Control Plan. No Land Disturbance activities shall begin prior to approval from the Director that all pre-construction Erosion and Sediment Control measures are correctly installed per the approved Plan.
- B. **Maintenance of 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.
- C. **Routine Inspection.** It shall be the duty of the Permit Holder to routinely inspect the construction site and maintain effective Erosion and Sediment Control measures. Routine inspections shall be performed once per month or more frequently if required on the Plan and within 24 hours following each rainfall event of ½-inch or more within any 24 hour period. A log shall be kept of these inspections by the Permit Holder. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. Inspection reports shall be submitted to the Director upon request. The inspection report shall include the following minimum information:
 - 1. Inspectors name.
 - 2. Date of inspection.
 - 3. Observations relative to the effectiveness of the Erosion and Sediment Control measures.
 - 4. Actions necessary to correct deficiencies.
 - 5. Signature of Person performing the inspection.
- D. **Compliance Verification.** The Director may also perform inspections of the Land Disturbance site to verify compliance with the Erosion and Sediment Control Plan. Should it be found that Erosion and control methods are ineffective or are not being maintained properly, the Director may take enforcement actions described within this Chapter.
- E. **Closure of Land Disturbance Activities.** Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when Perennial Vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial Vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 80 percent of undisturbed areas at the site.
- F. **Removal of Temporary Erosion and Sediment Control Measures.** Subsequent to a satisfactory final inspection of the Land Disturbance, all temporary Erosion and Sediment Control measures must be removed and the segments of the storm sewer system shall be inspected for any sediment removal. Such removal shall be complete prior to closure of the Permit which authorized the Land Disturbance.

14-507 Enforcement

- A. **General.** The Director shall handle enforcement of the provisions of this Chapter through routine activities that include receiving inspection reports from the Permit Holder when requested, inspections, and communication with contractors. However, if these methods fail, the Director may proceed with any or all of the following enforcement measures:
- B. **Refusal of Inspection.** Request for an inspection of any permitted construction activity may be denied if it is found that Erosion and Sediment control measures have not been implemented, or are found to be ineffective or are not maintained. If an inspection is refused, a notice of violation or a stop work order may be issued. No further inspections will be performed until the Erosion and control measures have been implemented or violations abated.

- C. **Notice of Violation.** The Director is authorized to serve a Notice of Violation or order on any Person found to be doing work in violation of the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the responsible Person.
- D. **Stop Work Order.** The Director is authorized to issue a stop work order for any or all construction activity without an approved permit or within the established boundary of the Permit. The stop work order shall be in writing and shall be mailed by certified mail to the owner of the property involved, or the owner's agent or to the Person doing the work. In addition, notice of the stop work order shall be posted on the site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any Person, who shall continue to work after having been served with a stop work order, except such work as that Person is directed by the City to perform to remove a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as in the Code.
- E. **Abatement.** Should any Person fail to comply with the provisions of this Code, the Director is authorized to correct or abate such violation. This action can be taken in lieu of, or in conjunction with, any action taken, or enforcement actions set forth in this Chapter.
- F. **Abatement Costs by City.** City expenditures to correct or abate a violation shall be assessed as a fee against the Permit issued for work at the same site. The City will keep a record of the abatement costs. The fee shall be paid prior to recommencement of work on the site and prior to any further inspections. If the fee is not paid within 30 days of the date the invoice is sent to the Permit Holder, the Director is authorized, as the Director deems appropriate, to expend additional abatement funds to provide permanent soil stabilization on the site. Such additional expenditures shall also be assessed as a fee against the Land Disturbance, or other Permit issued for work on the same site.
- G. **Recovery of City Abatement Costs.** Should the Permit become suspended, revoked, or expired with the fee not paid, all City expenditures to correct or abate the violation may be assessed as a lien and special assessment against the lot or parcel of land on which the permitted activity took place. The same abatement and collection procedure shall apply if work is done without the issuance of a Permit. After thirty calendar days of receipt of abatement notice, the City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.
- H. **Surety.** Prior to approval of a Permit that authorizes the disturbance of one acre or more of land, the Director shall require surety in the form of a bond, cash deposit or letter of credit, approved by the City, to be used to offset the costs of abatement of erosion and sediment caused by the land disturbance, including removal of the temporary BMP and where applicable, their replacement. The surety amount, established and reviewed by the Director, shall be based on the estimated cost to the City of providing temporary Erosion control and establishing Perennial Vegetation on typical project sites and may be increased to include costs associated with removing temporary BMP and repairing or cleaning segments of the storm sewer system. The surety amount will be proportioned based on the acreage of the site. If the surety is furnished in the form of a letter of credit, the amount shall equal the surety amount or five thousand dollars (\$5,000), whichever is greater. Amounts not used for abatement shall be returned to the Permit Holder after final inspection and approval to close the Permit.

14-508 Violations and penalties

- A. **Failure to Comply.** Any Person who violates a provision of this Ordinance, fails to comply with any of the requirements thereof or fails to comply with a directive issued by

the Director is guilty of a public offense and shall be subject to penalties as provided in the City Code.

- B. **Citation of Owner.** The City Code Enforcement Officer shall be permitted to cite the owner, or any/all Persons identified on a Permit as being legally responsible to the City for any violations of the Ordinance pertaining to that Permit.

14-509 Miscellaneous

- A. **Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts the Permit Holder or any other Person from other requirements of this Code, state and federal laws, or from procuring other required Permits, including any state or federal stormwater Permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit Holder or any Person arising from the activity regulated by this Ordinance.
- B. **Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a Permit imply that land uses permitted will be free from damages caused by Storm Water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger storms may occur or Storm Water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.
- C. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section II.

Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF NOVEMBER, 2008.

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

Catherine P. Logan
City Attorney

ORDINANCE 2181

AN ORDINANCE AMENDING CHAPTER 14 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, 2003, ENTITLED "STORMWATER" BY ADDING ARTICLE 6 ENTITLED "EROSION AND SEDIMENT CONTROL"

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

Section I.

Chapter 14 of the Prairie Village Municipal Code, 2003, entitled "Stormwater" is hereby amended by adopting a new Article 6 entitled "Post-Construction Stormwater Runoff Control" with the following sections:

Chapter XIV Article 6

POST-CONSTRUCTION STORM WATER RUNOFF CONTROL

14-601	Purpose
14-602	Definitions
14-603	Permit Required
14-604	Post Construction Plan
14-605	Site Plan and Existing Conditions
14-606	Preliminary Post Construction Plan
14-607	Final Post Construction Plan
14-608	Maintenance Agreement
14-609	Maintenance Responsibility
14-610	Work Schedule
14-611	Minimum Control Measurements
14-612	Plan Modification
14-613	As-built Plan
14-614	Permit Expiration and Renewal
14-615	Miscellaneous

14-601 Purpose

- A. The purpose of this Code shall be to establish post-construction minimum stormwater management requirements and controls on any new development or redevelopment projects that disturb greater than one acre. This Code also will establish requirements for long-term maintenance of structural controls within the City for drainages into the municipal separate storm sewer system and/or into surface waters. This Code seeks to meet this purpose through the following objectives:
1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and stream bank erosion and maintain the integrity of stream channels
 2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality, particularly if receiving water bodies are classified as impaired on the current version of the 303d listing of impaired waters in Kansas as identified by the Kansas Department of Health and Environment (KDHE)

3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable
4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management best management practices (BMPs) and to ensure that these BMPs are properly maintained and pose no threat to public safety.

14-602 Definitions

A. For the purposes of this Code, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Applicant" means any person who makes application for an approved drainage permit for an activity involving building or development that results in land disturbance as required by this Code.
2. "Approved plan" means a set of representational drawings or other documents that have been approved by the City as complying with the provisions of this Code submitted by an applicant (either as an independent submittal or a part of another development application(s) required by the City Code as a prerequisite to obtaining a drainage permit and that contain the information and specifications required by the to minimize storm water runoff.
3. "As-Built plan" means a record drawing or plan prepared and certified by a licensed Professional Engineer or Land Surveyor that represents the actual dimensions, contours, elevations, etc., of the completed land disturbance activity.
4. "Best Management Practice", or "BMP" mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with Land Disturbance activities regulated by this Code.
5. "Certified Professional in Erosion and Sediment Control (CPESC)" means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a state license authorizing them to prepare and submit an Erosion and Sediment Control Plan.
6. "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
7. "City" means the City of Prairie Village, Kansas
8. "Code" means the City of Prairie Village Municipal Code.
9. "Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.
10. "Detention" means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
11. "Director" means the Director of Public Works or the Director's authorized representative.
12. "Drainage Easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes
13. "Erosion and Sediment Control Plan", means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMP) on a

project. The Plan shall include any information required to review the design of the BMP and to ensure proper installation, maintenance, inspection, and removal of the BMP, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.

14. "Erosion and Sediment Control Standards" means the Erosion and Sediment Control design criteria and specifications adopted in writing by the Director.
15. "Erosion" means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.
16. "Floodplain" means the floodway and floodway fringe as identified by the Federal Insurance Administration through its latest report entitled "The Flood Insurance Study for the City of Prairie Village, Kansas," or such other designation of the floodplain as is subsequently adopted by the City, in Chapter XIV Article 3 and representing the regulated 100-year water surface and corresponding elevations.
17. "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
18. "Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).
19. "Infiltration" means the process of percolating stormwater into the subsoil.
20. "Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above or below grade.
21. "Jurisdictional Wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
22. "Land Disturbance" means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
23. "Landowner" means that legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights on the land.
24. "Licensed land surveyor" means an individual who is duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A 74-7001 et seq. to practice surveying.
25. "Maintenance Agreement" means a legally recorded document that Codes as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
26. "Maximum Extent Practicable" means the use of those best management practices, which, based on sound engineering and hydro-geological principals, will, to the greatest degree possible, given all relevant considerations, including technology, climate, and site conditions, minimize storm water runoff from a site during and after construction.
27. "Nonpoint Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

28. "Off-Site Facility" means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.
29. "On-Site Facility" means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.
30. "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Code, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective erosion and sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered perennial vegetation.
31. "Permit Holder" means the owner or contractor who is issued a permit.
32. "Permit" means a Drainage Permit.
33. "Person" means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.
34. "Professional Engineer" is an engineer duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice engineering.
35. "Recharge" means the replenishment of underground water reserves.
36. "Responsible personnel" means any foreman, superintendent, or project engineer designated in the permit or in an approved plan, as the person in charge of on-site land disturbance activities or stormwater runoff associated with land disturbance activities.
37. "Sediment" means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.
38. "Site" any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed.
39. "Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.
40. "Storm Water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
41. "Storm Water Management" means the use of structural or non-structural practices that are designed to reduce storm water pollutant loads, discharge volumes, and/or peak flow discharge rates.
42. "Stormwater Runoff" means flow on the surface of the ground, resulting from precipitation.
43. "Water Bodies" means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as water of the United States.
44. "Water Quality Volume" means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of long term rainfall statistical data.
45. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

14-603 Permit Required

- A. **Drainage Permit** No person shall receive any of the building, or disturb any land without first obtaining a drainage permit from the City.
- B. **Conflict with other laws** This code shall not be construed to be in conflict with any state law intended to control post construction storm water runoff. In those instances where state law imposes a duty or requirement with respect to a matter covered by this code, the more environmentally stringent duty or requirement shall control.
- C. **Permit Not Required** Neither a drainage permit nor an approved post-construction storm water plan is required under this code solely for:
 - 1. Any land disturbance activity that:
 - a. Disturbs less than one acre of surface area
 - b. Landscaping or home gardening
 - c. Re-establishment of lawn areas
 - d. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- D. **Permit Authorization** The issuance of a permit shall constitute authorization to do only that work described or shown on the approved plan, all in strict compliance with the requirement of this code, unless each and every modification or waiver is specifically listed and approved by the Director.
- E. **Permit Responsibility** The permittee and/or agent of the permittee, property owner, contractors, and employees shall carry out the proposed work in accordance with the approved plan, and the permit, and in compliance with all applicable requirements or conditions.

14-604 Post Construction Plan

- A. **Plan Submittal** Where land disturbance activity is to be performed, the owner of the site or the site owner's authorized representative shall submit the engineered post construction plans to the Director when applying for a drainage permit.
- B. **Right to Inspect** In making an application covered by this Code, the applicant or the landowner performing or allowing the work consents to the City right to enter the site for the purpose of inspecting compliance with the approved plan or for performing any work necessary to bring the site into compliance with the approved plan.
- C. **Information Required** The following information shall be submitted to the Director:
 - 1. A site map in compliance
 - 2. A post construction stormwater runoff management concept plan
 - 3. A post construction stormwater BMP maintenance
 - 4. A work schedule
 - 5. An engineering soils report in compliance, when required by the City.
- D. **Concept and Maintenance Agreement** The post construction stormwater runoff management concept and stormwater BMP maintenance agreement plans must be prepared and certified by a Professional Engineer.
- E. **Additional Information** The City may require any additional information or data deemed appropriate and/or may impose conditions thereto as the Director may deem necessary to ensure compliance with the provisions of this Code and to preserve public health and safety.
- F. **Waiver of Requirements** The Director may waive the requirements for maps, plans, reports, or drawings, if the Director finds that the information otherwise is submitted or to be submitted will be sufficient to show that the proposed work will conform to the requirements of this Code.

- G. **Information Submitted** The applicant is bound by information submitted and by this Code.
- H. **Permit Issuance** Land disturbance activity may not take place in the City until a permit has been issued, and the Director has determined that an acceptable performance guaranty has been obtained.

14-605 Site Map and Existing Conditions

A. **Site Location** The applicant shall submit a site map clearly showing the location of the proposed land disturbance site in relation to the surrounding area's watercourses, water bodies, and other significant geographic and natural features, and street and other significant features.

B. **Site Map Details** The site map also should

1. Identify any watercourses or water bodies where drainage on the site may flow to waters that are known to be impaired as defined by the Clean Water Code 303d listing as identified by the Kansas Department of Health and Environment or known to have any special designation, such as habitat for a protected species. Also, if impaired waters or special designations are present, list impairments and special designations
2. Show the existing and proposed topography of the entire site with contour lines drawn with one chosen interval in accordance with the following table:

Ground Slope	Contour Interval (in feet)
Flat: 0-2%	0.5 or 1
Rolling: 2-8%	1 or 2
Steep: 8%+	2, 5, or 10

3. Show on and off-site drainage, including the sub-watershed as well as the entire drainage basin
4. Show the site's property lines shown in true location of all existing and proposed natural and man-made drainage facilities
5. Present a graphic representation of the location of and legend of soil types if applicable to proposed runoff controls (including source of information)
6. Show a clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on this site, or a statement that there are no wetlands, detention areas or drainage ditches located on the property
7. Show a clear and definite delineation of any drainage, sanitary, utility, or other easement(s) on or near the site
8. Detail a clear and definite delineation of applicant's determination, based on the best available information and sound engineering principles of the existence of a regulatory 100-year floodplain, as defined in Chapter XIV Article 3 and of any fully urbanized floodplain on or near the site as determined by a Johnson County watershed study or a statement that there are no such floodplains located on the property;
9. Locate and present a legend of existing vegetative cover and the location and legend of vegetative cover to be left undisturbed;
10. Show location of existing surface runoff and detention control measures;
11. Show the signature and seal of a Professional Engineer or Landscape Architect registered in the State of Kansas.

14-606 Preliminary Post-Construction Concept Plan

A. **Requirements** A stormwater management concept plan shall be required with all permit applications and will include sufficient information (i.e., maps, hydrologic calculations, BMP level of service calculations, etc.) to evaluate the environmental characteristics of

the project site, the potential impact of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The stormwater management concept plan shall present:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) also will clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads, and easements; the limits of clearing and grading; a written description of the site plan and justification of proposed changes in natural conditions.
2. Sufficient engineering analysis to show that the proposed stormwater management BMP(s) are capable of controlling and treating runoff from the water quality storm at the site in compliance with this Code.
3. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features, including water body impairments listed in the Clean Water Code 303d listing and identified by the Kansas Department of Health and Environment, which provide particular opportunities or constraints for development.
4. Identification and preliminary plan for control of any stormwater "hot spots" that could pose an environmental hazard such as, but not limited to; fuel dispensing facilities, above ground storage of liquid materials, solid waste storage areas, exterior storage of bulk materials, material transfer areas and loading docks, equipment and vehicle washing facilities, covered parking areas, and high-use vehicle and equipment traffic areas, parking, and vehicle storage.
5. A written description of the required maintenance burden for any proposed structural and non-structural stormwater BMP.
6. A schedule for required maintenance as well as identification of party responsible for the maintenance.
7. For development or redevelopment occurring on a previously developed site, the applicant is required to include within the plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Code to the maximum extent practicable.

14-607 Final Post Construction Plan

A. **Requirements** After review of the preliminary stormwater management concept plan, and modifications to that plan as deemed necessary by the Public Works Director, a final post-construction stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the following information:

1. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
2. A 1"=200' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

3. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Code. Such calculations shall include (i) description of the design storm frequency, intensity, and duration, (the design storm for water quality BMPs is the water quality storm, which is the storm event that produces less than or equal to 90 percent volume of all 24-hour storms on an annual basis) (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area; (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms, (ix) pre- and post-development percent imperviousness of the site, and (x) documentation of sources for all computation methods and field test results.
 4. If a stormwater management control BMP depends on the hydrologic properties of soils (i.e., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measures.
 5. A Maintenance and Repair Plan showing the design and planning of all storm water management structural and non-structural BMPs shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
 6. Landscaping plan presented by the applicant detailing a plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the local soil conservation district.
 7. Maintenance Easements prepared by the applicant to ensure access to all stormwater BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and in the land records of the Johnson County and will remain in effect even with transfer of title to the property.
 8. Erosion and Sediment Control Plans prepared by the applicant must prepare detailing the erosion and sediment control for all construction activities related to implementing any on-site stormwater management practices as required.
- B. **Other Environmental Permits** The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

14-608 Maintenance Agreement

- A. **Binding Maintenance Agreement** Prior to the issuance of any building permit for which stormwater management is required, the City shall require the applicant to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the City or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. **Land Records** The agreement shall be recorded by the applicant and/or owner in the land records of the Johnson County.

- C. **Violation Correction** The agreement shall also provide that, if after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the City may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the City.

14-609 Maintenance Responsibility

- A. **Good Condition** The owner of the property on which work has been done pursuant to this Code for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. **Plan** A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

14-610 Work Schedule

- A. **Schedule** The applicant shall submit a chronological construction and maintenance schedule for each BMP, structural or non-structural, approved in the final post-construction stormwater management plan.
- B. **Inspection** Stormwater BMP(s) are subject to inspection throughout construction at the discretion of the Public Works Director.

14-611 Minimum Control Requirements

- A. All stormwater management practices will be designed so the water quality storm frequency storage volumes are treated and controlled.
- B. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Public Works Director reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

14-612 Plan Modification

- A. **Modification** Modification of the approved plan must be submitted to the City, and shall be reprocessed in the same manner as the original plan, where:
1. Field inspection or evaluation has revealed the inadequacy of the approved plan to accomplish the control the post construction runoff according to the design criteria; or
 2. The person responsible for carrying out the approved plan finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.
- B. **Field Modification** Field modifications of a minor nature may be authorized by the Public Works Director; provided those modifications are consistent with the post construction runoff criteria of this Code and the Post-Construction Stormwater Runoff Management manual. The Public Works Director may establish a list of allowable field modifications for this purpose that shall be included in the manual.

14-613 As Built Plans

- A. All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the City is required before the release of any performance guaranty can occur.

14-614 Permit Expiration and Renewal

- A. **Validity** The drainage permit shall be valid for three years from the time that it is issued until a final certificate of completion has been issued.
- B. **Sale of Property** If the permittee sells the property before the expiration of the permit, the permit may be assigned to the new owner of the site if the assignment is approved in writing by the Director.
- C. **Out of Compliance** If the permittee violates the conditions of the permit and does not comply with the required remedial work within ninety days, the permit will be terminated.

14-615 Miscellaneous

- A. **Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts the Permit Holder or any other Person from other requirements of this Code, state and federal laws, or from procuring other required Permits, including any state or federal stormwater Permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit Holder or any Person arising from the activity regulated by this Ordinance.
- B. **Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a Permit imply that land uses permitted will be free from damages caused by Storm Water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger storms may occur or Storm Water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.
- C. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section II.

Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF NOVEMBER, 2008.

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

Catherine P. Logan
City Attorney

ORDINANCE 2182

AN ORDINANCE AMENDING CHAPTER 14 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, 2003, ENTITLED "STORMWATER" BY ADDING ARTICLE 7 ENTITLED "EROSION AND SEDIMENT CONTROL"

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

Section I.

Chapter 14 of the Prairie Village Municipal Code, 2003, entitled "Stormwater" is hereby amended by adopting a new Article 6 entitled "Stream Setback Requirements and Controls" with the following sections:

CHAPTER XIV ARTICLE 7

STREAM SETBACK REQUIREMENTS AND CONTROLS

14-701	Purpose
14-702	Definitions
14-703	Applicability
14-704	Stream Corridor
14-705	Prohibitions
14-706	Regulated Uses
14-707	Activities Permitted
14-708	Permit
14-709	Appeals
14-710	Appeal to District Court
14-711	Notification and Recording
14-712	Enforcement
14-713	Miscellaneous

14-701 Purpose

- A. It is the intent of this Article to reasonably regulate uses and activities within Steam Corridors and to thereby preserve, conserve, manage disturbance, and attempt to restore the City's natural stream corridor, so that the following objectives may be achieved:
1. Regulate the land use, location, and engineering of all development within the Stream Corridor to ensure accepted conservation and Best Management Practices, and to work within the carrying capacity of existing natural resources;
 2. Assist in the implementation of pertinent federal, state, and local laws concerning clean water, pollutant discharges, storm and surface water management, erosion and sediment control and flood control;
 3. Improve surface and ground water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands and subsurface and surface water bodies by using proven processes including filtration, deposition, absorption, adsorption, plant uptake, and de-nitrification, and by improving infiltration, encouraging sheet flow and stabilizing concentrated flows;

4. Manage development within floodplains, on land adjacent to stream segments with greater than 15% slopes, and other environmentally sensitive areas to minimize hazards to life, property, and stream features;
5. Recognize that natural features contribute to the welfare and quality of life of the residents of the City;
6. Provide natural, scenic, and recreation areas within and adjacent to Stream Corridor for the community's benefit.

14-702 Definitions

A. These words and phrases have the following meaning:

1. "Best Management Practices or BMPs" The utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and their adjacent Stream corridor.
2. "Clearing" Any act by which vegetative cover, structures or surface material is removed, including, but not limited to, surface layer, root mat or topsoil removal.
3. "Development" Any human-made change to improved or unimproved real estate including, but not limited to buildings, other structures or land disturbance such as mining, dredging, filling, grading, site clearance, paving, excavation, drilling operations and storage of equipment and materials.
4. "Drainage Permit" as defined in Chapter XIV Article 2 of the Municipal Code of the City of Prairie Village.
5. "Edge of the Stream" A line formed by the outer boundary of the stream as delineated by the bank-full or channel-forming flow caused by approximately the two-year rainfall event.
6. "Enhancement" A process undertaken to rehabilitate or improve an existing degraded stream segment by increasing native plant diversity or removing exotic plant species and increasing water quality, wildlife habitat or erosion controls.
7. "Erosion" The process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and /or land disturbance.
8. "Filling" Any act by which soil, rock, organic material or any other material is deposited, placed, pushed, pulled or transported and includes the conditions that result from that act.
9. "Floodplain" The floodway and floodway fringe as identified by the Federal Insurance Administration through its report entitled "The Flood Insurance Study of the City of Prairie Village, Kansas, " as amended, or such other designation of the floodplain as is subsequently adopted by the City, and representing the regulated 100-year water surface and corresponding elevations.
10. "Intermittent Stream" A stream of mixed character, behaving as a perennial stream at certain times of the year and an ephemeral stream at other times. Depending on seasonal conditions these streams may feed to and from the groundwater.
11. "Grading" Any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.
12. "Native Vegetation" Vegetation comprised of plant species that are indigenous to the area in question.
13. "Public Works Director" The individual appointed by the City as the Public Works Director or authorized designee.
14. "Restoration" The act of improving, enhancing, and reestablishing a once viable and now degraded Stream Segment to a state in which its stability, functions, and values approach its unaltered state.

15. "Slopes" The inclined surface of a fill, excavation or natural terrain expressed as a ratio of horizontal distance to vertical distance over a measured inclined surface.
16. "Stream" A body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river that flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.
17. "Structure" Anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including, but not limited to signs, conventional television or satellite antennas and excepting customary utility poles, retaining walls and boundary fences.
18. "Utility" Buildings, structures or any constructed portion of a system that provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, storm water, telephone and cable television.

14-703 Applicability.

- A. No Development shall be approved that proposes development on any parcel of land wholly or partially within the defined Stream Corridor unless the proposed development is in compliance with the applicable provisions of this Article.

14-704 Stream Corridor.

- A. The Stream Corridor is an area surrounding an identified Stream Segment, including adjacent floodplains and lands with slope greater than 15%. The Stream Corridor is a protective zone for the adjacent stream.
- B. Where manmade ponds interrupt streams, the Stream Corridor as herein defined shall stop at the pond and resume on the other side thereof. Where ponds are removed or filled in as part of development, the stream shall be restored through that area and the Stream Corridor buffer shall be created used the typology for adjacent stream sections.

14-705 Prohibitions.

- A. Any use or activity not identified as permitted by this Article.

14-706 Regulated Uses

- A. No development shall be undertaken on land in a Stream Corridor unless a Drainage Permit has been approved authorizing the applicant to perform the Development proposed therein; provided that, no Drainage Permit shall be approved unless the Development proposed therein is, in all respects, in conformity with the requirements of this Article.
- B. Uses and activities permitted:
 1. Conservation uses, wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of parklands.
 2. Unpaved and unpaved recreational trails and greenways.
 3. Education/scientific research.
 4. Stream bank stabilization and other storm water BMPs approved by the Public Works Director.
 5. Activities associated with the Restoration and Enhancement of Stream Corridor.
 6. Excavation and fill required to plant any new trees or vegetation.
 7. Installation of water and wastewater facilities, provided that, the owner of the facilities provides information to the City that is sufficient to allow the Public Works Director to determine that the installation of the facilities is unfeasible in another location.

Feasibility will be determined through consideration of factors, such as geology, topography and the presence of unique habitat in the Stream Corridor. When installation of such facilities does occur, such installation and construction activities must comply with the recommendations of the Public Works Director. Water and wastewater facilities will be permitted to cross the Stream Corridor, as necessary, provided that, the number of crossings is minimized to the greatest extent possible.

8. Public infrastructure.
- C. The rear yard of a single-family residential use may extend into the Stream Corridor; provided, however, that the rear of the actual residential structure may not be located nearer than 50 feet from the outer edge of the stream corridor and no ancillary structure may be located in the stream corridor unless permitted by the Public Works Director.
- D. Uses Subject to Federal and/or State Approval.
- E. The following in-stream activities are regulated and require approval from United States Corp of Engineers or Environmental Protection Agency, the Kansas Department of Health and Environment or other appropriate federal and state agencies:
 1. dredging,
 2. filling,
 3. excavation,
 4. draining, and
 5. clearing;Provided, that the requisite state and/or federal approvals are provided to the City.

14-707 Activities Permitted

- A. The following activities are allowed within the Stream Corridor:
 1. Maintenance/repair of public right-of-way, streets, public structures;
 2. Site investigation work necessary for initial land use applications, such as surveys, soil logs and percolation tests, and special studies, provided, however, that the land must be restored to its pre-investigation condition;
 3. Reconstruction, remodeling or maintenance of existing structures, provided that the activity does not expand the existing use beyond the previously approved use so as to physically extend into or adversely affect the Stream Corridor;
 4. Routine maintenance of existing landscaping within the boundary of a lot, including pruning, removal of diseased trees or other diseased vegetation and replacement of individual plants when necessary to maintain a unified landscape theme;
 5. Control of vegetation defined as state noxious weeds by K.S.A. 2-1314 et seq., by the recommended methods or alternative methods established by the State Board of Agriculture, Noxious Weed Division;
 6. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be taken at any time without advance notice to the Public Works Director; provided that, the notice, as herein above required, shall be given at the earliest opportunity thereafter.

14-708 Permit

- A. All persons required to submit a Drainage Permit Application. Stream Corridor and location information must be accurately delineated on a property survey.
- B. When considering any Drainage Permit Application, the City may:
 1. Require a reduction in the yard and setback requirements established by the underlying zoning district, of up to 25%, to maintain the width of Stream Corridor;

2. Alter the outer boundary of the mapped Stream Corridor allowing the width to become narrower than as mapped at some points within the property, as long as the Stream Corridor is not altered by the narrowing, and no new structures are built within the Floodplain.
- C. The decision to approve or deny a request for a deviation from requirements applicable to lands within Stream Corridor shall be based on the following considerations:
1. Sensitivity of the stream segment and affected critical habitats;
 2. Sensitivity of land use adjacent to the stream segment proposed for reduced Stream Corridor width;
 3. Impact on Floodplain and stream functions.
- D. A Stream Corridor deviation shall not be approved when the reduction would result in the Stream Corridor being narrower than the Floodplain or a width that does not include adjacent land with a slope of greater than 15%

14-709 Appeals

- A. If an applicant believes that the requirements of this Article will result in an unnecessary hardship, the applicant may seek an appeal through the procedures from the Board of Code Appeals.
- B. The appeal shall be in writing on form approved by the City and a copy shall be simultaneously provided to the Public Works Director. The written appeal shall identify the specific grounds for the appeal, including the exact locations of the Stream Corridor that the applicant disputes. The notice shall also be accompanied by a Stream Corridor Report that shall include:
1. A surveyed site plan covering all property that is the subject of the appeal application, which shows the property's topography;
 2. Drainage flow on the property;
 3. The location of streams, flow, width, quality, critical habitat, value and function;
 4. The ordinary high-water mark of the stream;
 5. A tree and native vegetation inventory;
 6. A delineation of areas with slope greater than 15% (with the percentage slope shown);
 7. Critical habitat contiguous to the streams;
 8. Designation of the Floodplain;
 9. All other information required by the Board of Code Appeals to be submitted for its consideration.
- C. On appeal, the burden will be on the appellant to establish, by clear and convincing evidence, that the Drainage Application is consistent with the Stream Corridor.
- D. The Board of Code Appeals, after considering all evidence presented by the applicant in support of the appeal and any evidence presented by the City in rebuttal or otherwise presented in relation to the appeal, shall render a written decision. If the Board of Code Appeals determines that applicant has not met the requisite burden of proof, it shall affirm, wholly or partly, the decision of the Public Works Director. If the Board of Code Appeals determines that the applicant has met the requisite burden of proof, it may reverse or modify the decision of the Public Works Director and make a decision respecting Development Application as it determines is appropriate. In making this new decision, the Board of Code Appeals may attach any condition it deems necessary to further the purposes of this Article.

14-710 Appeal to District Court

- A. Any person or persons jointly or severally aggrieved by any final decision on appeal may present to the District Court of Johnson County, Kansas, a petition duly verified appealing the decision. The petition shall set forth that the decision is illegal, in whole or in part, and specify the ground of its illegality. The petition shall be presented to the court within thirty (30) days after the decision is issued or it shall be barred.

14-711 Notification and Recording

- A. The owner of any property within a Stream Corridor, upon the approval of a Drainage Permit covering property containing a Stream Corridor (which does not involve the approval of a final plat) shall record a notice of presence for each Stream Corridor with the Johnson County Register of Deeds. This recording shall contain notice of the Stream Corridor, the application of this Article to the property, and the limitations on actions in or affecting such Stream Corridor. The applicant must submit proof that the notice has been legally recorded before the Drainage Permit is issued. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this Article. The notice shall be substantially as set forth below:

1. Legal Description:
2. Present Owner:
3. Notice: This property is located within or contains the following Stream Corridor, as defined and regulated in the City of Prairie Village,
4. Restrictions on the use or alteration of land within the Stream Corridor may apply.
5. Application # ___ filed on (Date).
6. Signature of owner(s).
7. Notarization:

- B. For all subdivision proposals within the Stream Corridor, the applicant shall include a notice on the face of the plat. The notice shall be substantially as set forth below:

1. Notice: This site lies within a protected Stream Corridor, as defined and regulated in City of Prairie Village,
2. Restrictions on the use or alteration of the Stream Corridor may apply.

14-712 Enforcement.

- A. The Public Works Director is authorized and empowered to enforce the requirements of this Article in accordance with the procedures set forth herein and shall have all the enforcement powers and may employ all or any of the remedies set forth in the Municipal Code of the City of Prairie Village, Kansas.

14-713 Miscellaneous

- A. **Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts the Permit Holder or any other Person from other requirements of this Code, state and federal laws, or from procuring other required Permits, including any state or federal stormwater Permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit Holder or any Person arising from the activity regulated by this Ordinance.
- B. **Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and

employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a Permit imply that land uses permitted will be free from damages caused by Storm Water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger storms may occur or Storm Water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.

- C. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section II.

Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF NOVEMBER, 2008.

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

Catherine P. Logan
City Attorney

MAYOR'S ANNOUNCEMENTS

Monday, November 3, 2008

Committee meetings scheduled for the next two weeks include:

Planning Commission	11/04/2008	7:00 p.m.
Sister City Committee	11/10/2008	7:00 p.m.
Park & Recreation Committee	11/12/2008	7:00 p.m.
Council Committee of the Whole	11/17/2008	6:00 p.m.
City Council	11/17/2008	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce an exhibit by the Mid-America Pastels Society during the month of November. The reception will be held on November 7th from 6:00 to 7:30 p.m.

The National League of Cities conference is November 11-15 in Orlando, FL.

The Northeast Johnson County Chamber of Commerce Annual dinner is November 22nd.

Please remember to RSVP to Joyce by November 24th when you receive your invitation to the Mayor's Holiday Party. It will be held on December 5th this year.

The Municipal Foundation will be hosting the annual Mayor's Holiday Tree lighting on Monday, November 24th at Corinth Square from 6:30 - 8:00 p.m.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

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

INFORMATIONAL ITEMS
November 3, 2008

1. Planning Commission Agenda - November 4, 2008
2. Prairie Village Environmental Committee Minutes - September 24, 2008
3. Park and Recreation Committee Minutes - October 8, 2008
4. Sister City Committee Minutes - October 13, 2008
5. Prairie Village Environmental Committee Minutes - October 22, 2008
6. Peanut Butter Week Memorandum
7. Mark Your Calendars
8. Committee Agenda

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, NOVEMBER 4, 2008
Council Chamber
7:00 P. M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - October 7, 2008

III. PUBLIC HEARINGS

**PC2008-11 Request for Conditional Use Permit for a DayCare
7501 Belinder
Zoning: R-1a
Applicant: Ron Johnson for KC Autism Center**

**PC2008-10 Request for Conditional Use Permit for Drive-thru
8200 Mission Road
Zoning: C-2
Applicant : Landplan Engineering for CVS**

IV. NON-PUBLIC HEARINGS

**PC2008-115 Site Plan Approval - Retail building
Southwest Corner Somerset & Mission
Zoning: C-2
Applicant: Landplan Engineering for CVS**

**PC2008-113 Site Plan Approval
3500 West 75th Street
Zoning: C-0
Applicant: Thad Smith**

**PC2008-114 Sign Standard & Monument Sign Approval
1900 West 75th Street
Applicant: Luminous Neon, Inc.**

**PC2008-116 Site Plan Approval - Fence
4210 Homestead Drive
Zoning: R-1a
Applicant: Kraig Kohring**

**PC2008-107 Request for Site Plan Approval for Emergency Generator
4500 West 89th Street
Zoning: C-2
Applicant: Emily Harding, Softek Solutions**

V. OTHER BUSINESS

**Discussion on Cell Tower Regulations
Review/Approval of 2009 Meeting & Submittal Schedule**

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

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE
MINUTES, September 24, 2008

Margaret Thomas, chair, called the meeting to order at 7:00 p.m. Attending were Margaret, Barbara Brown, Deborah English, Margaret Goldstein, Anne-Marie Hedge, Cheryl Landes, Don Landes, Pete Jarchow, Toby Grotz, Karin McAdams, Ruth Hopkins, Linda Smith, Mary Helen Korbelik, Kathy Riordan, Bob Pierson, Polly Swafford and Dennis Enslinger. The minutes were approved as corrected.

Events and information:

- Shawnee Mission East is accepting small garage sale items from nine to 12 am on October 4.
- The Land Institute's Prairie Festival will be the weekend of September 27.
- The Sustainable Sanctuary Coalition is hosting a two-day event with a talk and workshop by Peter Sawtell, of Eco-Justice Ministries. It is at Village Presbyterian on October 17 and 18.
- The Tree Board will meeting October 1 in the council chambers, presenting information on the impact of trees.
- Toby Grotz recently attended a conference where it was made clear that the demand for oil is expected to surpass supply by 2012.
- The city of Mission is having a workshop October 11 on rehabbing houses. Prairie Village will have a booth and will be offering chances on a composting bin and free bags.

Reports:

- **Community Forum:** The numbers of people registering are low so far. Perhaps the topic is a hard sell; given that there will be more action on the Holcomb power plant, it would be excellent if local legislators would attend. We are all asked to publicize this event. The details of the event are well under control. It was suggested that Don and Polly, the publicity people, try to arrange an article on the speaker or an interview with him.
- **Recycling event:** Linda, Dennis and Barbara met with Kristin Riott to try to get more high school students to help. Barbara is still working on getting Boy Scouts and Bishop Miege students. Deffenbaugh is donating trash and recycling bins. The planning committee will email our work assignments to us.

Old business:

- Those who volunteered to help with the SME running shoe collection (Margaret, Margaret and Karin) will probably attend their meeting on November 5th or 19th. Margaret G. will work on a poster for this effort.
- We had discussed selling tote bags, but due to the Prairie Village give away at the Mission workshop, it won't be necessary.

New business:

- Kristin Riott and Margaret T. attended the September 2 City Council meeting and presented their idea of creating an ad hoc subcommittee of the Environmental Committee. This group would work on a sustainability plan for the city and would report to the Environmental Committee as a whole. If this committee were to be formed, Margaret could no longer chair the wider committee, so new leadership and perhaps a new purpose for the original committee would be needed. Margaret polled those present to see if some were interested in chairing the committee. There was a great deal of discussion about possible goals for the original committee: education, events and carrying out the goals of the ad hoc committee were some of the ideas.

The meeting was adjourned at 8:30.

Respectfully submitted,

Karin McAdams, Secretary

PARK AND RECREATION COMMITTEE

October 8, 2008

The Park and Recreation Committee met October 8, 2008 at 7:00 pm. Present and presiding, Chairperson Diana Ewy Sharp. Members present: Vice Chair, Al Herrera, Sally Holmes, Joe Nolke, Peggy Couch, Diane Mares, AJ LoScalzo, Ann Bontrager and Kathy Peterson. Staff: Bob Pryzby, Wes Jordan, Mike Helms and Chris Engel. Also in attendance: Doug Pickert, President, Indigo Design

Diana welcomed new member Ann Bontrager.

CONSENT AGENDA

Al moved approval of the consent agenda. Sally seconded and it passed unanimously.

REPORTS

Public Works Report

Mike passed around pictures of a new walkway at McCrum Park created with old project bricks that have been stored at Public Works. Mike also passed around photos of the benches at Harmon Park that had recently sustained \$980 in damage by vandals. Mike believes the damage was done by repeatedly jumping up and down on them until they bent. Mike did report that vandalism in the Santa Fe pavilion had disappeared since the age restriction was placed there a few months ago.

Chief Jordan reported he had recently met with Diana and staff to talk about some proactive solutions to the vandalism in the parks. One idea he pursued was to have the SRO meet with some of the skate kids. Unfortunately, the kids all wanted to haggle over additions to the skate park such as lights and new rails before they would consider taking any sort of ownership stake. Chief reiterated his belief that skate kids don't really have an interest in being involved with the police. Chief was looking into hidden wireless cameras in the park, but costs were about \$20,000. However, he did say he knew someone that could build a system between \$2,500 and \$4,000 and could pay for it out of the police budget. Chief also informed the Committee that one of the regulars at the skate park was recently busted with 21 lbs of marijuana in their apartment and would be facing some time in jail because of their apartment's proximity to a number of schools.

Bob passed around photos of a solar panel WaterOne installed in Franklin Park without permission. The panel is to power a small discharge pump. Also included in the photos was a recommended shorter version of the panel that is moved into the channel to be less of an obstruction. Bob reminded the committee that in Windsor they requested parking spots for the use of the parkland and asked if they wanted WaterOne to pay for the use of parkland or some other in-kind payment. There was discussion and it was settled that they would ask WaterOne to run irrigation lines to the fields.

Bob gave an update on the El Monte fountain at Oxford and 69th. He has the preliminary design plans on his desk and he is still working on costs and will be visiting with the homes association about sharing some of that cost. The current budget for 2008 on this item is \$35,000 with an initial bid of \$65,000.

There was also discussion over complaints that the depth markers at the pool were too slippery. He said he has new pads that are a bit rougher in texture and will be replacing the ones at the wading and leisure pool.

Presentation by Indigo Design

Doug Pickert from Indigo Design handed out a draft copy of the results from the parks survey. He informed the committee that 791 of the 2,100 mailed were returned. Doug said there were still some cross-tabulations to be run in order to identify any interesting trending within different age groups. There was also a brief overview of each park and some possible enhancements to each. Doug updated the committee on a recent development he would be exploring in the near future concerning the City of Mission and the usage of their Community Center. Mission needs to rebuild their pool in the next two years. To save the cost of building an entire pool complex they have proposed extending resident rates to Prairie Village residents to use their community center if we would act in kind concerning our pool complex. If that arrangement was agreed upon they would only need to build a single lap pool for their swim team and lap swimmers so they would not impinge on our teams and lap swimmers. This potential option had just been revealed so information is very limited so far. There was discussion over this option and the committee was not very enthusiastic. Reasons ranged from proximity to the need for a Prairie Village specific facility and the fact that the results of the survey could be interpreted to mean the citizens would support a city-specific facility.

INFORMATIONAL ITEMS

The next meeting will be **November 5, 2008** at 7.00pm.

Diana Ewy Sharp
Chairperson

SISTER CITY COMMITTEE
13 October, 2008
MINUTES

Call to Order

Chairperson Jim Hohensee called the meeting to order at 7.00pm. Members present: Michael Kelly, Cleo Simmonds, Dick Bills, Carole Mosher and Cindy Dwigans. Also present: Hildegard Knopp, Vera Glywa, Rod Atteberry and Amy Esselman. Staff: Chris Engel.

Minutes

Michael moved for the approval of the September 8 minutes. Carole seconded and it passed unanimously.

Follow-up on First Dolyna Visit

The group reviewed the Memorandum of Understanding sent from Charlotte Siggins. It was decided that item five concerning the establishment of an American and Ukrainian Center in each city was a long-term item that was not officially agreed upon thus it should be omitted. Michael explained again the things that were agreed upon between the two Mayor's: student exchanges, arts/cultural/NGO exchanges, business exchanges, and municipal exchanges. Michael also recommended that these items be revisited on a regular basis so as not to be forgotten or shelved and all agreed.

Carole asked if a scrapbook should be created to document their new relationship with Dolyna. Everyone agreed that would be a good idea for possible inclusion in any display case that may be purchased. The committee took a brief tour of City Hall to determine what shape and size of display case would be appropriate. It was decided that either a stand-up or low rectangular case would work.

Fundraising

Cindy collected \$120 from committee members for the Macy's fundraiser. She also mentioned she has a check from Bob McGowan for an additional \$25 that is made out directly to her and needs him to change.

Second Dolyna Visit

The Committee reviewed the agenda for the upcoming Ukrainian visit sent by Barbara Dolci. There was discussion over items still needed for the potluck on Saturday evening at the Community Center. Cindy asked if Public Works could set up two extra tables for the visit. Chris will make this happen.

Dick brought in six suitcases to give to the Ukrainians to bring extra purchased items home with them. Dick also mentioned that during the last visit, Oxana indicated there were two totally blind students who couldn't afford canes. He said the Kiwanis had agreed to donate the canes but since the shipping was questionable he wondered if it would be appropriate to send them with one of the new visitors. Everyone felt it would be very appropriate as long as they did not take up too much room.

Cleo reported the Friday closing event was coming along slowly. He reminded everyone that it was really Barbara's deal and he was just helping. He mentioned that Strawberry Hill was an option being explored. Barbara will rent it and pay for the meat, cake, and keg. The committee worked on a list of guests they would like to forward to Barbara to be invited.

New Business

Carole informed everyone that the info on fundraising wreaths should be going out soon.

There was discussion about moving the Shawnee Mission East reception up into this year. There was talk about the lack of 2008 budget and the item was shelved until next month.

It was decided that the committee should consider setting fundraising goals and one of those goals should be to send two members to the SCI Convention in Northern Ireland next year. It was requested this item be placed on the November agenda.

Cleo mentioned that Steven Blank from the US War College will be speaking at KU on October 27 on the topic of "Prospects over a new Cold War in Ukraine."

Cindy moved to accept Rod Atteberry's application for membership in the Sister City Committee. Michael seconded and it passed unanimously.

Carole moved to accept Amy Esselman's student application for membership in the Sister City Committee. Michael seconded and it passed unanimously.

Adjournment

The next scheduled meeting will be Monday, November 10 at 7.00 pm in City Hall. The meeting was adjourned at 8:30 p.m.

Jim Hohensee
Chair

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE

MINUTES, October 22, 2008

Margaret Thomas, chair, called the meeting to order at 7:00 p.m. Attending were Margaret, Barbara Brown, Deborah English, Margaret Goldstein, Anne-Marie Hedge, Cheryl Landes, Don Landes, Karin McAdams, Linda Smith, Kathy Riordan, Bob Pierson, Polly Swafford and Dennis Enslinger. Visitors were Kristin Carmody, sponsor of the SME Environmental Committee, and Tom O'Brien, guest speaker. The minutes were approved as corrected.

Events and information:

- **Environmental Excellence Business Network** is a training arm of Bridging the Gap for sustainable businesses. They are having an event this Friday. Margaret decided to join the EEBN, and the committee voted to authorize paying her \$75 membership fee.
- **SME Environmental Club** will be meeting November 19 to discuss collecting running shoes for Malawi. Margaret T, Margaret G and Karin are planning to attend.
- **Julie Coon** from the Johnson County Environmental Dept. is available to give her recycling road show to any group.
- **Burns and McDonald's** open house showed details of their energy-efficient headquarters.
- **Peter Sawtell's** talk and workshop on faith and ecology were excellent. Margaret offered copies of his workshop handout.
- **MARC** will have a discussion next Thursday at Sylvester Powell; it would be good to have someone there.

Reports:

- **Financial** report, Dennis: there will probably be money left over from the e-recycling event, and our budget must be spent by the end of the year. Dennis suggested buying recycling containers for offices in city hall and the police department, and the group approved a motion to spend up to \$1000 for that. Members are asked to think of other projects in case there is more money.
- **Community Forum:** Kathy reported a smaller attendance this year, about 110, but all agreed that it was an excellent event.
- **Electronics recycling:** Linda has emailed all the volunteers with assignments and details. The cost of recycling most items will be lower than we expected; they will be posted prominently. A non-profit from out of our area has asked for free recycling, but this did not seem feasible.

Guest speaker: Tom O'Brien

Tom recently attended the Solar Power International Convention, where he attended a variety of classes, especially those pertaining to compliance and building codes. He offered us some interesting facts and factoids concerning solar power:

- **Jobs:** In California, 214,000 people have jobs in solar energy. From new tax credit laws, we can expect the creation of 440,000 solar-related jobs.
- **Policy:** The Midwest lags behind the Southwest and Northeast in solar-friendly policy. More specifically, Kansas has no net-metering law. Tax incentives help encourage use of solar energy, and the recent federal laws let utilities and small wind take advantages of tax credits. Standardizing solar energy systems would help make them cheaper.
- **Germany** leads the world in solar energy use, despite a notable lack of sun.
- **Southern California Edison** is the utility with the most solar integration.
- **Four pillars of solar policy are:** Incentives, net metering, interconnection and utility rates and revenue policy.

The meeting was adjourned at 8:15.

Respectfully submitted, Karin McAdams, Secretary

MEMORANDUM

To: Mayor Shaffer
Council Members

From: Penny Mann

Date: October 17, 2008

Re: 2008 Peanut Butter Week

Approximately 4,751 pounds of peanut butter were collected from the following locations:

The Colonial Church	53 pounds
Nall Avenue Baptist Church	253 pounds
Nall Avenue Church of the Nazarene	9 pounds
Saint Ann's Catholic Church	204 pounds
Lutheran Church of the Resurrection	42 pounds
Community of Christ	43 pounds
Belinder Elementary School	379 pounds
Briarwood Elementary School	400 pounds
Corinth Elementary School	692 pounds
Prairie Elementary School	1,007 pounds
Prairie Early Childhood Center	225 pounds
Indian Hills Middle School	348 pounds
Mission Valley Middle School	216 pounds
Shawnee Mission East High School	512 pounds
Highlawn Montessori	187 pounds
Claridge Court	29 pounds
City of Prairie Village	152 pounds

Included in the City Hall totals were boxes dropped off by Pam's Day Care. In addition to the above, \$550 was collected for Harvesters. The 2007 peanut butter donation was 5,646 pounds and \$1,520.

**Council Members
Mark Your Calendars
November 3, 2008**

November 2008 Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 7 Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 11-15 National League of Cities Conference, Orlando, FL
November 17 City Council Meeting
November 22 NEJC Chamber of Commerce Annual Dinner
November 24 Mayor's Holiday Tree lighting
November 27 City offices closed in observance of Thanksgiving
November 28 City offices closed in observance of Thanksgiving

December 2008 Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1 City Council Meeting
December 3 Council of Mayors Holiday Social
December 5 Mayor's 2008 Holiday Party
December 12 Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15 City Council Meeting
December 25 City offices closed in observance of Christmas

January 2009
January 1 City offices closed in observance of New Year's Day
January 5 City Council Meeting
January 19 City offices closed in observance of Martin Luther King Jr. Day
January 20 (Tues.) City Council Meeting

February 2009 Prairie Village Arts Collection mixed media exhibit in the R. G. Endres Gallery
February 2 City Council Meeting
February 16 City offices closed in observance of President's Day
February 17 (Tues.) City Council Meeting

March 2009
March 2 City Council Meeting
March 16 City Council Meeting

April 2009 Christi Roberts-Bony oils exhibit in the R. G. Endres Gallery
April 6 City Council Meeting
April 20 City Council Meeting

May 2009 Kay Trieb photography exhibit in the R. G. Endres Gallery
May 4 City Council Meeting
May 18 City Council Meeting
May 25 City offices closed in observance of Memorial Day

June 2009
June 1 City Council Meeting
June 15 City Council Meeting

July 2009	Mark Raynes photography exhibit in the R. G. Endres Gallery
July 3	City offices closed in observance of Independence Day
July 6	City Council Meeting
July 20	City Council Meeting
August 2009	Senior Arts Council mixed media exhibit in the R. G. Endres Gallery
August 3	City Council Meeting
August 17	City Council Meeting
September 2009	
September 7	City offices closed in observance of Labor Day
September 8 (Tues.)	City Council Meeting
September 21	City Council Meeting
October 2009	State of the Arts exhibit in the R. G. Endres Gallery
October 5	City Council Meeting
October 19	City Council Meeting
November 2009	
November 2	City Council Meeting
November 16	City Council Meeting
November 26	City offices closed in observance of Thanksgiving
November 27	City offices closed in observance of Thanksgiving
December 2009	
December 7	City Council Meeting
December 21	City Council Meeting
December 25	City offices closed in observance of Christmas

COMMITTEE AGENDA

November 3, 2008

ANIMAL CONTROL COMMITTEE

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

COMMUNICATIONS COMMITTEE

COM2008-01 Consider upgrade to City's Website (assigned 10/8/2007)

COUNCIL COMMITTEE

COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)
COU2006-38 Consider Park & Recreation Committee Master Plan (assigned 09/27/2006)
COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)
COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)
COU2007-35 Consider reactivation of Project 190709: 83rd Street/Delmar Drainage Improvements
COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
COU2007-49 Consider Project 190868: Roe - 91st to Somerset Drive (assigned 6/27/2007)
COU2007-62 Consider Project 190863: Parking at Shawnee Mission East (assigned 10/12/2007)
COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
COU2008-01 Consider Project SP105: 2008 Crack Seal/Slurry Seal Program (assigned 12/31/2007)
COU2008-02 Consider Project SP107: 2008 Street Repair Program (assigned 12/31/2007)
COU2008-03 Consider Project 191022: 2008 Concrete Repair Program (assigned 12/31/2007)
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)
COU2008-25 Consider Project 190871: Mission Lane Bridge Replacement (assigned 2/27/2008)
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)
COU2008-76 Consider City Council Policy CP258 "BMP Manual" (assigned 10/14/2008)
COU2008-77 Consider new erosion and sediment control code (assigned 10/14/2008)
COU2008-78 Consider new post construction management code (assigned 10/14/2008)
COU2008-79 Consider new stream setback requirement and controls code (assigned 10/14/2008)
COU2008-80 Consider Agreement with Lowenthal, Singleton Webb & Wilson to Audit the City's 2008 Financial Statements (assigned 10/29/2008)
COU2008-81 Consider Revisions to the Records Retention Schedule (assigned 10/14/2008)

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)
PC2008-01 Consider Cell Tower Policy (assigned 3/19/2008)
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)