



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 15, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 15, 2018, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Laura Wassmer presided.

ROLL CALL

Roll was called by the City Clerk with the following Council Members in attendance: Chad Herring, Jori Nelson, Serena Schermoly, Ronald Nelson, Tucker Poling, Andrew Wang, Sheila Myers, Brooke Morehead (via telephone), Dan Runion, Courtney McFadden, Ted Odell, and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; David Waters, Interim City Attorney and Tammy Somogye, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Assistant City Administrator; Alley Porter, Assistant to the City Administrator, Lisa Santa Maria, Finance Director; Amy Hunt, Human Resources Manager, Deana Scott, Municipal Court Administrator and Joyce Hagen Mundy, City Clerk. Also present were Dave Johnson and Kristin Grace with CBIZ.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ted Odell questioned the placement of the non-discrimination ordinance under New Business rather than the usual placement for the initial discussion of an issue on the Council Committee of the Whole agenda.

Chad Herring moved the approval of the agenda for October 15, 2018 as presented. The motion was seconded by Tucker Poling and passed by a vote of 7 to 5 with the following votes cast: "aye" Herring, J. Nelson, R. Nelson, Poling, Runion, McFadden and Gallagher and "nay" Odell, Morehead, Myers, Wang and Schermoly.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PRESENTATIONS

Introduction of 2018 Teen Council

Councilman Terrence Gallagher introduced and welcomed the following 2018 Teen Council members: Jackson Bibb (Shawnee Mission East), Mary Kate Gallagher (St. Theresa's Academy), Sophie Rice (Shawnee Mission East) and Wenham Sun (Barstow School) Teen Council member Ethan Wolf was unable to attend. Mr. Gallagher



administered the Teen Council Oath of Office and provided background on the teen council members. Mayor Wassmer welcomed the students.

Recycling Challenges

Lisa McDaniel, Mid America Regional Council, provided information on the changing global recycling market, the adverse impact on recycling programs and what can be done to address these challenges. Hank Potts, Republic Services, presented an update on the current crisis being faced with contamination of recycled materials resulting in some materials no longer being accepted, stressing the need for education of the public.

Megan England and Ruth Hopkins provided background on the Johnson County Solid Waste Management Committee and advised of the upcoming major update occurring in 2018/19 to the County's Solid Waste Management 5-year plan. They encouraged residents to become involved in the update of the plan through public sessions.

PUBLIC PARTICIPATION

Roxanne Wu-Rebein, 65 LeMans Court, thanked the City for its support of the Community Garden Program that has grown from 20 plots to 42 plots with locations at Harmon Park and 75th & Belinder and possible expansion at 67th & Roe.

Nathan Kovac, 4112 West 75th Street, suggested recyclable items be posted on the recycle containers and that the Environment/Recycle Committee be informed of issues being experienced in Prairie Village.

Mayor Wassmer opened public participation for comments on the proposed non-discrimination ordinance asking speakers to limit their comments to three minutes. The following individuals spoke in support of the proposed non-discrimination ordinance: Sandy Geduldig, 8400 Linden; Oscar Conway, 8921 Woodstone, Lenexa; Inga Selders, 4600 Tomahawk; Zach Mardan, 8833 Ensley Court, Leawood; Cindy Connellan, 5516 West 81st Terrace; Eva Brodzik, 4811 West 65th Terrace; Megan England, 5522 Cedar Street, Roeland Park; Mary English, 4402 West 77th Terrace; Josh Martin, 7516 Lamar; Kaitlin Vaughn, 5712 West 79th Street; Heather Rubesch, 4500 West 74th Place; Senator Barbara Bollier, 6910 Overhill, Mission Hills; Joel Marquardt, 5021 Clark Drive, Roeland Park; Leslie Abbey, 7615 Chadwick; Representative Jerry Stogsdill, 4414 Tomahawk Road; Letitia Harmon, Olathe; Michael Lamonica, 7124 Cherokee Drive; Lesa Patterson-Kinsky, 5607 West 69th Terrace; Nathan Kovac, 4112 West 75th Street; Angeliina Lawson, 7029 Round Prairie, Shawnee; and Aaron Roberts, 7834 Windsor with Colonial Church.

The following individuals spoke in opposition to the proposed non-discrimination ordinance: Steve Snitz, 4310 West 70th Terrace; Eric Teetsel, 15202 West 84th Terrace, Lenexa; Barbara Carpenter, 7633 Colonial Drive; Senator Mary Pilcher-Cook, 13910 West 58th Place and Owen Strachan, 4112 NW 76th Street, Kansas City, with Mission Bible Church.



With no one else to address the Council, public participation was closed at 7:56 p.m.

CONSENT AGENDA

Mayor Wassmer asked if there were any items to be removed from the consent agenda and discussed.

Jori Nelson moved for the approval of the Consent Agenda of October 15, 2018:

1. Approval of the Regular City Council meeting minutes for October 1, 2018.
2. Approval of the renewal of the agreement with All City Management Services, Inc. for crossing guard services for the 2018-2019 school year.

A roll call vote was taken with the following votes cast: “aye” Herring, J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher.

COMMITTEE REPORTS

Environment/Recycle Committee

Sheila Myers encouraged residents to attend the upcoming Recycling Extravaganza sponsored by the cities of Overland Park, Leawood and Prairie Village on Saturday, October 27th from 8 a.m. to 2 p.m. at Black & Veatch, 11401 Lamar.

Prairie Village Arts Council

Serena Schermoly reported on a very successful State of the Arts reception on Friday, October 12. She noted the Arts Council will be accepting applications from artists to show in the R.G. Endres Gallery during 2019 until November 6.

MAYOR'S REPORT

Mayor Wassmer attended the State of the Arts reception and commended the Arts Council and staff for a fabulous event. She attended the Council of Mayors meeting, candidate forums for state representative and mayoral candidates and was pleased to judge the Briarwood Elementary Chili Kick-off.

STAFF REPORTS

Public Safety

- None

Public Works

- Keith Bredehoeft reported the public meeting for the Mission Road/68th Street flooding/drainage study was held on October 9. The project will be brought before



the Council in November for consideration and subsequent submittal to the county for funding.

- There will be a public information meeting on the Delmar/Fontana Drainage Project on Wednesday, October 24
- A new light will be installed at the top of the walk way by the SME parking lot just north of the exit to the municipal building.

Administration

- Wes Jordan noted the October Plan of Action was included in the Council packet.

OLD BUSINESS

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

NEW BUSINESS

Discussion related to the consideration of adopting a non-discrimination ordinance including the LGBTQ community

Mayor Wassmer stated she believes Prairie Village to be an open and welcoming community with a Governing Body that fully supports non discrimination and equal rights for all. Unfortunately, this has not been fully addressed at the federal and state level. However, she noted legislation must be carefully written meeting the following criteria: 1) be able to be effectively enforced at the local level, 2) be shared with local businesses, 3) adequately protect citizens, 4) not conflict with existing laws nor create unintended consequences. She proposed the following order of discussion.

- Begin with a presentation of the proposed ordinance from Councilmen Poling and Herring
- Followed by general discussion by the Council on the intent of the ordinance
- Receive input from the city's legal staff on the proposed ordinance
- Take action and if approved the ordinance will be forwarded to staff and legal counsel for final drafting with formal action taken by the Governing Body at a later meeting.

Tucker Poling stated in drafting the proposed ordinance, he and Mr. Herring looked at the Roeland Park and Manhattan, Kansas ordinances as a starting point. The proposed ordinance fills the gap for protection to the LGBT community not addressed by the federal or state government. The city's legal counsel reviewed the original draft and changes were made based on their comments.

The ordinance applies to the city and entities that employ more than four employees with appropriate and targeted exceptions for religious organizations including churches, synagogues, mosques or temples. The ordinance makes the following unlawful:

- Discrimination in employment
- Discrimination in housing
- Discrimination in public accommodation



Tucker Poling moved the proposed Prairie Village ordinance against discrimination for consideration of adoption at the November 19, 2018 City Council meeting and to permit staff to bring proposed revisions, if any, for consideration by the Council at the same meeting. Chad Herring seconded the motion.

Council discussed at length their support for equal rights and non-discrimination for all; however, noting concerns that city processes were not followed, the lack of communication with staff and other council members in the preparation of this ordinance and the significant costs already incurred in the process. Concerns were expressed with the potential additional personnel needed for implementation and enforcement. Questions were raised regarding the Supreme Court ruling upholding religious freedom. Concerns were expressed with the duplication of already existing laws and with trying to fit Prairie Village into another city's ordinance.

Tammy Somogye, a non-discrimination attorney with Lathrop & Gage, reviewed the concerns of the city's legal counsel with the proposed ordinance.

Statements were made in support of the ordinance by some Council members and many of the questions raised were addressed. The widespread support of the ordinance by the community was acknowledged. Questions were raised regarding the feasibility of meeting the November 19 meeting date with a final ordinance. The desire of the Council was not to rush nor delay action. Staff noted the lack of an enforcement model and concerns with the selection of an investigator and hearing officer. If the final ordinance could not be completed by the November 19 meeting, an update would be provided with final action taken at a later meeting. The desire of the Council is a well written ordinance that balances the rights of all and providing protection to all.

The motion was voted on and passed with the following votes cast: "aye" Herring, J. Nelson, R. Nelson, Poling, Myers, Morehead, Runion, McFadden and Gallagher; "nay" Schermoly, Wang and Odell.

Mayor Wassmer thanked the residents for their participation and declared a five minute recess for the meeting. The meeting was reconvened at 9:30 p.m.

COU2018-42 Consider approval of the renewal of the City's health, dental and vision insurance provides for 2018

Amy Hunt, Human Resources Manager, presented the proposal received by the city for employee health, dental and vision plans for 2019. Dave Johnson with CBIZ answered questions regarding the plans.

Ted Odell moved the City Council approve the renewal of the agreement with United Healthcare as the City's health insurance provider for 2019 with an 8.4% increase in premiums, with a one month premium holiday; and approve renewal of the agreement with Delta Dental of Kansas as the City's dental insurance provider for 2019 with a 0.0% increase in premium and approve the renewal of the agreement with Superior Vision as



the City's vision insurance provider for 2019 with a 0.0% increase in premiums. Sheila Myers seconded the motion which passed unanimously.

COU2018-43 Consider adoption of the 2018 Standard Traffic Ordinance (STO) for Kansas Cities and the 2018 Uniform Public Offense Code (UPOC) for Kansas Cities
On an annual basis, the City receives the latest edition of the STO and UPOC from the League of Kansas Municipalities. The 2018 codes have been reviewed against the city's current offense codes and traffic codes for any discrepancies by the City Attorney and City Prosecutor. Deanna Scott, Municipal Court Administrator, noted the primary change was additional language added to address texting while driving.

Ron Nelson moved the City Council adopt Ordinance No. 2393 incorporating by reference the 2018 Uniform Public Offense Code for Kansas Cities and Ordinance No. 2394 incorporating by reference the 2018 Standard Traffic Ordinance for Kansas Cities with certain sections deleted and with additional and supplemental sections. Tucker Poling seconded the motion.

A roll call vote was taken with the following votes cast: "aye" Herring, J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Runion, McFadden, Odell and Gallagher.

COU2018-44 Consider approval of the reorganization plan of the City Clerk's office and corresponding job classification title changes specific to City Ordinance, Chapter 1.
Wes Jordan presented proposed reorganization plan for implementation in 2019 with the retirement of the City Clerk. The position of Assistant City Administrator will be change to Deputy City Administrator with no change in job function. The position of Assistant to the City Administrator will be changed to Assistant City Administrator with additional duties added including oversight of the City Clerk's Office and a part-time position of "Special Events Coordinator" that will replace the existing intern position. Mr. Jordan estimated the cost of the new position to be \$25,000 and some portion to be covered by a reduction in pay for the new employees hired and discontinuation of the intern position. Terrence Gallagher stated he would like to see the possible return of the intern position in the future. Sheila Myers confirmed the new position would not receive benefits. Dan Runion confirmed the cost would be absorbed in the adopted 2019 budget.

Terrence Gallagher moved the City Council approve the personnel related changes by the City Administrator specific to job title changes and corresponding Ordinance 2395 amendments, salary range classifications and the employment of a part time Special Events Coordinator. The motion was seconded by Tucker Poling.

A roll call vote was taken with the following votes cast: "aye" Herring, J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Runion, McFadden, Odell and Gallagher.

Serena Schermoly moved the City Council go into the Council Committee of the Whole portion of the meeting. The motion was seconded by Ron Nelson and passed unanimously.



COUNCIL COMMITTEE OF THE WHOLE

COU2018-45 Consider approval of a request to install a new streetlight at the end of Chadwick Lane

Public Works Director Keith Bredehoeft stated the residents on Chadwick Lane have requested a streetlight be added to the north end of their street at the cul-de-sac as allowed by Council Policy 250 with more than 50% of the residents within 500 feet of the proposed street light signing a petition in support of the light. The cost for the proposed street light is \$4,369.75.

Chad Herring moved to recommend the City Council approve the request to install a new streetlight at the end of Chadwick Lane. Terrence Gallagher seconded the motion which passed unanimously.

Chad Herring moved to adjourn the Council Committee of the Whole portion of the meeting and return to the City Council meeting. Sheila Myers seconded the motion which passed unanimously.

ANNOUNCEMENTS

Mayor Wassmer noted the announcements were included in the Council packet.

ADJOURNMENT

With no further business to come before the City Council, Mayor Wassmer declared the meeting adjourned at 10:00 p.m.

Joyce Hagen Mundy
City Clerk