



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
November 19, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 19, 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, Dan Runion, Courtney McFadden (via telephone), Ted Odell, and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Melissa Prenger, Public Works Project Manager; Interim City Attorney David Waters and Tammy Somogye, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Alley Porter, Assistant City Administrator, Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present were Teen Council members Jackson Bibb, Wenhan Sun, Mary Kate Gallagher and Sophie Rice.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Brooke Morehead moved the approval of the agenda for November 19, 2018 as presented. Tucker Poling seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PRESENTATIONS

Annual CID Update

Michelle Pitsenberger, Regional Property Manager, and Gregg Zike, Senior Vice President with First Washington, provided the annual update on the City's CID projects at Corinth Square and Prairie Village Shopping Centers. They reviewed capital investments and improvements undertaken in the past year, community activities supported and plans for the future. Mr. Zike reviewed tenant renewals and new tenants at the shopping centers, noting that the centers are 98.2% leased. He responded to questions from the Council.

Johnson County Parks & Recreation District - Meadowbrook Update

Jeff Stewart, Deputy Director of Johnson County Parks & Recreation District, provided the City Council with an update on Meadowbrook Park reviewing the status of development



for each of the areas of the park and potential future amenities. Mr. Stewart noted that the area south of Meadowbrook Parkway including 3.75 miles of trails is open to the public. The activity center, which will feature a rentable event space and be home to a childcare center and JCPRD 50+ Program staff, is still under construction. An aerial tour of the site was presented.

PUBLIC PARTICIPATION

Mayor Wassmer opened public participation for comments on the proposed non-discrimination ordinance asking speakers to limit their comments to three minutes and that only individuals who had not addressed the Council previously speak unless they have new information.

The following individuals spoke in support of the proposed non-discrimination ordinance: Piper Reimer, 4711 West 80th Street; Beth Koon, 7315 West 55th Place, Overland Park; Jeff Harris, 2512 West 51st Street, Westwood; Doug Smith, 5808 West 90th Terrace, Overland Park; Leigh Rysko, 4516 West 70th Street; Zach Mardan, 8833 Ensley Court, Leawood; Jerry Stogsdill, 4414 Tomahawk Road; Leslie Abbey, 7615 Chadwick; Melissa Gard, 7325 Birch; Amy Bucher-Long, 2904 West 72nd Street; Al Frisby, Merriam City Councilman; Paul Gorelick, 8040 Pawnee and Cindy Connellan, 5516 West 81st Terrace.

The following individuals spoke in opposition to the proposed non-discrimination ordinance: Susan Birchler, 5417 West 65th Terrace and Helen Quarnstrom, 5121 West 76th Street.

With no one else to address the Council, public participation was closed at 7:00 p.m.

CONSENT AGENDA

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

Sheila Myers moved for the approval of the Consent Agenda of November 19, 2018:

- 1. Approval of the Regular City Council meeting minutes for November 5, 2018.**
- 2. Ratification of the Mayor's appointment of Fred Grunwald, Beth Held and Jessica Skyfield to the Prairie Village Environmental Committee completing unexpired terms expiring February 2021.**
- 3. Ratification of the Mayor's appointment of Cathy Groves to the Prairie Village Foundation completing the unexpired term of Brandi Fisher ending March 2019.**
- 4. Approval of a waiver of the past due storm water special assessments on Lot 23 in Paddock Court in the amount of \$17,611.19.**

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

Parks and Recreation Committee

Consider renaming Prairie Park to Shaffer Park in accordance with City Council Policy CP501.

Chad Herring reported at their October 10th meeting the committee considered and approved the request to recommend the City rename Prairie Park to “Shaffer Park” in accordance with City Council Policy CP501. It was noted the policy does not include procedures for implementation, some parks had been named for Mayors not serving four years and suggested that at a later meeting the Council re-examine the policy.

Brooke Morehead moved the City Council approve the renaming of Prairie Park to Shaffer Park in accordance with City Council Policy CP501. The motion was seconded by Serena Schermoly and passed unanimously.

MAYOR'S REPORT

Mayor Wassmer attended the Council of Mayors Legislative Dinner where the mayors shared with legislative members their continuing priorities including the return of local control and reversal of the tax lid. She has met with Mayor-elect Mikkelson to discuss transition planning and participated in the interviews for a new City Clerk. She attended the Lathrop & Gage open house, NE Mayors Lunch, NEJC Chamber Gala and the presentation by the Jewish Community Relations Board dinner where the Henry Bloch award was presented to Irv Hockaday.

Ron Nelson noted and recognized three newly elected legislators in attendance at the meeting. Mayor Wassmer also acknowledged the presence of newly appointed Environmental Committee members Fred Grunwald and Beth Held.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf reported MADD recognized Officers Zac Blakemore, Sarah Magin and Jon Mixdorf for their efforts in combating drunk driving at a reception on November 3.
- The Department’s annual “Shop with a Cop” will be held on Thursday, December 6.
- Chief Schwartzkopf provided an update on the Mental Health Co-responder Program noting that in 2019 the co-responder shared services would be with Leawood with other NE cities making other arrangements for service. This amended agreement will increase the amount of time the Mental Health representative is assigned to Prairie Village.



Public Works

- Melissa Prenger provided an update on North Park plans announcing that an open meeting would be held on Tuesday, November 27 at the Community Center between 5:30 and 7:30 for residents to review plans.
- Public Works crews are putting up holiday lights at city facilities and gearing up for possible snow.
- City construction projects are in the process of wrapping up. Roe Avenue will have concrete laid this week, an asphalt ledge put in next week and complete the remainder of the project next spring.

Administration

- Lisa Santa Maria reported the City has received a Aaa Bond Rating for the 10th year. Prairie Village is the smallest Kansas city to hold a Aaa rating.

Brooke Morehead thanked Mrs. Santa Maria for the budget insert included in the latest Village Voice.

OLD BUSINESS

COU2018-50 Consider approval of the adoption of a non-discrimination ordinance

At the October 15, 2018 City Council meeting the City Attorney and staff were directed to consider several revisions to the proposed non-discrimination ordinance to strengthen the operational structure and framework of the enforcement process. City Administrator Wes Jordan reviewed the following changes made to the original draft ordinance:

- Utilizes the City Prosecutor as the “Investigator” and the Municipal Judge(s) as the “Hearing Officer”.
- Focused enforcement on the areas of employment, housing and public accommodation.
- Strengthen language to compel respondent compliance with the investigation
- Address how evidence is handled
- Remove provision for fees to be assessed to the non-prevailing party
- Revise definition of sexual orientation to align with a more inclusive definition.

Tammy Somogye reviewed section by section changes made to the draft ordinance that were intended to enhance the clarity of the ordinance, particularly as it relates to enforcement provisions. The Council engaged in extensive discussion on what organizations would be subject to the provisions of the ordinance, how the ordinance would be enforced (particularly as it relates to religious organizations/schools), proposed penalties for violation, how the rulings could be appealed and wording of definitions and provisions. Different scenarios were presented and clarified as to whether they would be covered by the ordinance.

Ted Odell moved the City Council approve the ordinance against discrimination as presented. The motion was seconded by Andrew Wang.

Mayor Wassmer noted there were several concerns and potential changes discussed and requested the Council take action on those items before voting on Mr. Odell’s motion.



Tucker Poling moved to amend the ordinance by removing paragraph D(2) from Section 5-803 entitled “Unlawful Practices” The motion was seconded by Jori Nelson and failed by a vote of 5 to 7 with council members Schermoly, Wang, Morehead, Runion, McFadden, Odell and Gallagher voting in opposition..

Terrence Gallagher moved to amend the ordinance by replacing the words “more than four tenant units” with “one or more tenant units” in Section 5-801(k) entitled “Place of public accommodation” and replacing the words “more than four dwelling units” with “one or more dwelling units” in Section 5-801(n) entitled “Rental Housing”. The motion was seconded by Serena Schermoly and passed by a vote of 9 to 3 with council members Wang, Runion and Odell voting in opposition.

Tucker Poling moved to further amend the ordinance by changing \$500 to \$1000 in Section 5-804(f) entitled “Enforcement” subject to the city’s authority to do so. Jori Nelson seconded the motion which failed by a vote of 5 to 7 with council members Nelson, Wang, Morehead, McFadden, Runion, Odell and Gallagher voting in opposition.

Ron Nelson moved to further amend the ordinance by changing \$500 to “up to \$1000” in Section 5-804(f) entitled “Enforcement” subject to the city’s authority to do so. Chad Herring seconded the motion which passed by vote of 9 to 3 with council members Wang, Morehead and Odell.

Chad Herring moved to further amend the ordinance by replacing “he/she” in Section 5-801 (a) to “such individual”; replacing “i.e.” with “e.g.” in Section 5-801(f) and Section 5-801(d) and adding the word “next” before day in Section 5-801(d). The motion was seconded by Ron Nelson and passed unanimously.

Chad Herring moved to further amend the ordinance amending Section 5-801(g) “Gender Identity” by adding “(by the individual or another)” to parallel Section 5-801(p) “Sexual orientation”. The motion was seconded by Tucker Poling and passed unanimously.

Serena Schermoly moved to further amend the ordinance amending Section 5-801(f) replacing “employing four or more employees” with “employing one or more employees”. The motion was seconded by Tucker Poling and passed by a vote by a vote of 8 to 4 with Wang, Morehead, Runion, Odell.

Mayor Wassmer confirmed that a majority of the Council did not desire to exempt any additional entities such as State, Federal, County and School Districts.

Mayor Wassmer called for a vote on the motion approving the non-discrimination ordinance with the amendments approved. The motion passed unanimously. She stated the ordinance will need to come back to the City Council in December for formal approval.

Mayor Wassmer stated staff is seeking direction on notification of businesses and rental property owners that will be impacted by this ordinance.



Terrence Gallagher moved to direct staff to develop a communication tool for the notification of businesses and rental property owners of the non-discrimination ordinance and its impact on them. The motion was seconded by Sheila Myers and passed by a vote of 10 to 2 with Mr. Nelson and Mr. Odell voting in opposition.

Staff confirmed the Council is no longer directing staff to prepare a non-discrimination resolution specifying that the City is committed to complying with Federal and State law prohibiting illegal discrimination.

NEW BUSINESS

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

COUNCIL COMMITTEE OF THE WHOLE

There were no items for consideration by the Council Committee of the Whole.

Executive Session

Dan Runion moved that the Governing Body, recess into Executive Session for 15 minutes to provide an update on the staffing transition for the City Clerk's position pursuant to KSA 75-4319 (b) (1) for the purpose of consulting with the City Attorney on personnel matters of nonelected personnel. Present will be the Mayor, City Council, City Administrator, Assistant City Administrator and City Attorney. The motion was seconded by Brooke Morehead and passed unanimously. The open meeting will resume in the City Council Chambers at 9:20 p.m.

Mayor Wassmer stated it is 9:20 p.m. and the Governing Body is reconvened in open session from executive session where no binding action was taken.

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 9:21 p.m.

Joyce Hagen Mundy
City Clerk