



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JUNE 1, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 1, 2020, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Council Members in attendance remotely via Zoom: Chad Herring, Jori Nelson, Inga Selders, Ron Nelson, Tucker Poling, Bonnie Limbird, Sheila Myers, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Chris Brewster, Gould Evans; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Meghan Buum, Assistant City Administrator; Ashley Freburg, Public Information Officer/Deputy City Clerk; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. Myers made a motion to approve the agenda for June 1, 2020. Mr. Gallagher seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

PRESENTATIONS

- Mayor Mikkelson read a proclamation designating June 5, 2020 as "National Gun Violence Awareness Day".
- Stuart Little provided a summary of the 2020 Kansas legislative session. During the regular session, bills on the property tax lid, cable right-of-way access and local authority issues were considered prior to the legislature adjourning due to the COVID-19 pandemic. The Legislature met again on May 21, and passed several bills, including the following:
 - A bill limiting the Governor's authority to handle the pandemic response by inserting legislative committee oversight and veto power over current and future emergency response processes.
 - A bill expanding liability protection for businesses and health care providers



- A bill repealing the local government tax lid and replace it with a public hearing and notification process.
- A cable/right-of-way bill prohibiting municipalities from imposing additional requirements for the deployment of micro wireless facilities in the public right of way.

The Governor vetoed the tax lid bill and the bill limiting her authority to handle the COVID-19 crisis. Mr. Little stated that the Governor had called for a special session to be held later in the week to continue debate of the Kansas Emergency Management Act.

- Teen Council Graduation - Teen Council Chairs Ron Nelson and Jori Nelson thanked the four students for their participation in City events throughout the school year. Mayor Mikkelson recognized each member by name:
 - Harper Molen, Rockhurst Senior
 - Wenhan Sun, Barstow Senior
 - Sawyer Shutts, Bishop Miege Senior
 - Elizabeth Mikkelson, Shawnee Mission East Junior

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

1. Approval of regular City Council meeting minutes - May 18, 2020
2. Approval of Expenditure Ordinance #2990
3. Approval of school crossing guard agreement with All City Management Services, Inc.
4. Approval of short-term special use permit application for farm delivery

Mr. Nelson made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COMMITTEE REPORTS

- **Planning Commission - PC2020-104: Consider Ordinance 2419 to approve an amendment to the special use permit for Kansas City Christian School at 4801 W. 79th Street**

Mr. Brewster stated that the application was an amendment to the existing special use permit at Kansas City Christian School to allow the addition of daycare services. The prior permit, most recently amended in 2017, only allowed for kindergarten through 12th grade students. He noted that the maximum enrollment at the school would not change, nor would any major construction be required since the daycare



would be located in an existing room. Drop-off and circulation for the daycare would be a part of the same traffic flow and timeframe as the rest of the school.

The Planning Commission held a public hearing May 5 remotely via Zoom. No comments were submitted beforehand and no one was present in the meeting to speak in favor or against the application. The Planning Commission voted unanimously to recommend approval of the amended Special Use Permit to the City Council subject to the conditions outlined in the staff report and ordinance.

Mr. Gallagher made a motion to approve Ordinance 2419, amending the special use permit for the Kansas City Christian School. Mrs. Myers seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

- Mr. Herring stated that the Finance Committee met May 17 to discuss the current state of City finances and review the proposed 2021 budget. The Committee will next meet on Thursday, June 4 via Zoom.

Mr. Herring also noted that the Tree Board would meet on Wednesday, June 3, to discuss the protection and maintenance of right-of-way trees.

- Ms. Nelson shared several updates from the Environmental Committee:
 - The committee is considering ways to preserve older trees in the City, particular in areas of new construction.
 - The committee is co-sponsoring a native plant sale with Deep Roots Kansas City on June 6.
 - Research on software that measures greenhouse gasses in the atmosphere is in progress.
 - The committee is considering holding an electronic recycling event in 2021.
- Ms. Limbird stated that she attended a meeting concerning the Voter-to-Voter program, a non-partisan effort to increase voter turnout. She added that Mayors of some Northeast Johnson County cities were considering having a friendly competition to register voters, and offered to coordinate the City’s effort.
- Mrs. McFadden said that the VillageFest Committee met on May 21 to continue planning for the alternative VillageFest event on July 4.

MAYOR’S REPORT

- Mayor Mikkelson provided an update on the COVID-19 pandemic, noting that case trends continued to improve in Johnson County. He added that although the state and county were no longer enforcing gathering restrictions, the local emergency order remained in effect, and the City maintained the right to disperse mass gatherings.



- A task force composed of Councilmembers, City staff, and business owners in the community was created to consider communication and messaging strategies regarding response to the pandemic.
- The Mayor spoke about the senseless death of George Floyd and the subsequent protests across the country, including in Kansas City, Missouri. He stated that decades ago, the Prairie Village Police Department had implemented anti-bias and cultural diversity training to reduce the risk of similar incidents in Prairie Village. He added that body-worn cameras had been issued to officers earlier in the year.
- The Mayor moderated a webinar panel for Climate Action KC on May 28, and will attend a Climate Action KC advisory board meeting on June 6.
- The Mayor noted that the Tidal Wave car wash and the Inn at Meadowbrook had both opened, and that the Prairie Village YMCA had recently reopened as well.
- The Mayor was elected the Vice-Chair of the Johnson County/Wyandotte County Mayors Association.

STAFF REPORTS

Administration

- Ms. Freburg discussed the COVID-19 brainstorming session that was held the prior week with several City Council members and the Mayor. Ideas included developing a list of businesses that have reopened, and what safety requirements have been put in place and services that are being offered. The group will be holding a conference call with area business organizations later in the week. Additionally, the City's social media accounts will be used to share stories and photos from residents.
- Ms. Robichaud said that the City's annual large-item trash pickup would be taking place over the following two weekends.

Phase 3 of the state's reopening plan was scheduled to begin June 8; City Hall would reopen on that date as long as germ barrier installation has been completed. Mrs. Robichaud added that in-person City meetings could resume at that time as well, with a modified seating arrangement in the Council Chambers.

Mrs. McFadden asked if it would be possible to continue using Zoom for meetings rather than restarting in-person meetings. Ms. Robichaud said that would be up to the Council, though there were some items that would benefit from being presented in person.

After further discussion, Mrs. McFadden made a motion to continue to meet via Zoom until Council decided to meet via a different format. Ms. Nelson seconded the motion.

Mr. Gallagher suggested that Council reconsider meeting in person every 30 days. Mrs. McFadden stated that she was comfortable modifying her motion to include Mr. Gallagher's recommendation, but asked that it be considered by the Council Committee of the Whole each month.



A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

Ms. Robichaud asked whether other committee meetings and the monthly Arts Council receptions should follow the same guidance.

Ms. Limbird made a motion to cancel the July art reception and consider whether to hold Arts Council events on a monthly basis. Mr. Herring seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

- Ms. Buum stated that summer tennis programming was underway. Although the Kansas City Junior Tennis League cancelled its season, Johnson County Parks and Recreation would be offering tennis lessons on Tuesday and Thursday mornings, and an alternate program for Prairie Village youth had been implemented.

Ms. Limbird asked if staff had reconsidered opening the pool. Ms. Buum said that the Red Cross was still not offering lifeguard training with in-person contact, per CDC guidelines. Mr. Poling asked how other cities that had chosen to open their pools were addressing lifeguard training. Ms. Buum stated some larger cities with multiple pool facilities had enough fully trained lifeguards to work at a single pool. Mrs. Myers added that Leawood used a different training provider that offered an online, socially-distanced training program. Ms. Buum reiterated that the situation at the Prairie Village pool had not changed, due to training challenges and staff safety concerns.

- Mr. Jordan said that the June plan of action was included in the meeting packet.

OLD BUSINESS

Ms. Nelson asked that the Council review the City’s noise ordinance at an upcoming meeting, specifically in relation to new residential construction noise.

NEW BUSINESS

COU2020-22 Consider approval of revised 2020 VillageFest budget

Ms. Buum stated that the VillageFest Committee evaluated its budget proposal for the 2020 revised “Village Fest To Go” event on July 4. Council had allocated \$20,000 from the general fund for the event; the proposed budget was reduced to \$10,000.

Mrs. Myers made a motion to approve the revised budget as presented. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: “aye”:



Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COU2020-23 Consider approval of contract with Metro Asphalt, Inc., for the 2020 street repair program

Mr. Bredehoeft stated the agreement was for a maintenance project that was not part of the normal annual street rehabilitation programs. He added that the City had worked with Metro Asphalt in previous years on similar projects. The contract totaled \$150,000.

Mr. Herring made a motion to approve the contract as presented. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COU2020-24 Consider approval of contract with Phoenix Concrete LLC for the 2020 concrete repair program

Mr. Bredehoeft said that the project would focus on the repair of curbs, sidewalks and ADA ramps in locations throughout the City. He added that other funding sources, including the traffic calming program and pool house repair project had been included. He noted that the City had worked with Phoenix Concrete on past projects, and that the agreement totaled \$725,000.

Mrs. Myers made a motion to approve the contract as presented. Mr. Herring seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COU2020-25 Consider making the neck down traffic calming measure installed in 2018 on 67th Street between Roe Avenue and Nall Avenue a permanent installation

Mr. Bredehoeft said that the project began in 2018 with the addition of speed display signs and the installation of “neckdowns”, which narrow the street. He added that the additions had proven to be effective in reducing vehicle speed, and neighbors were supportive of making them permanent.

Ms. Nelson made a motion to make the neckdown traffic calming measure installed on 67th Street from Roe Avenue to Nall Avenue a permanent installation. Mr. Herring seconded the motion.



Mr. Nelson shared concern about how neckdowns and narrowed streets affect bicycle and pedestrian traffic.

A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

Mr. Gallagher made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Nelson. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COUNCIL COMMITTEE OF THE WHOLE

COU2020-26 Consider revisions to Solicitor Regulations - Chapter 5, Article 2

Mr. Geffert provided background on the proposed changes to the regulations, noting that Council had initially discussed the issue at its August 5, 2019 meeting. Each year, staff receive complaints from residents regarding the behavior of some solicitors working in the City. A discussion was held regarding proposed changes to the City’s Municipal Code to address complaints and revoke permits when necessary. Since that time, the City Attorney drafted revisions that give administrative staff more flexibility in issuing solicitor permits while at the same time protecting the free speech rights of the public.

Mr. Waters stated that the changes only applied to “commercial speech”, not political and religious speech, both of which are protected under Kansas law. The updated Ordinance modifies licensing requirements and provides administrative staff the ability to revoke permits when warranted. Mr. Jordan added that the Ordinance did not apply to persons under the age of 18 soliciting for seasonal work such as lawn care or snow removal.

Mr. Herring made a motion to approve the proposed changes to the solicitor ordinance. The motion was seconded by Ms. Nelson. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

COU2020-27 Consider an amendment to Chapter 2 (Animal Ordinance) of the Municipal Code to allow for residents to keep chickens

Ms. Selders gave a statement regarding public comment she had received in favor of the keeping of backyard chickens, and Ms. Reimer shared a personal story of raising chickens in her own home. Ms. Nelson provided a presentation with proposed regulations and processes for residents to keep chickens.



Mr. Nelson said that the Homes Associations of Kansas City had notified City staff that all J.C. Nichols homes associations in Prairie Village contained restrictions preventing the keeping of livestock and poultry. Mr. Jordan added that City Ordinances did not supersede deed restrictions and covenants. He also asked that staff be given the latitude to decide whether a permit was necessary for residents to keep chickens, noting that residents were currently allowed to keep bees without a permit as long as regulations were followed.

After further discussion, Ms. Selders made a motion to direct City staff to draft an amendment to Chapter 2 of the Animal Ordinance in the Municipal Code to allow residents to keep chickens. The motion was seconded by Ms. Nelson. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, Poling, Limbird, Myers, Reimer, Graves; "nay": R. Nelson, Runion, McFadden, Gallagher. The motion passed 8-4.

Mr. Graves moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Reimer. A roll call vote on the original motion as amended was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Ms. Reimer made a motion to adjourn the meeting. The motion was seconded by Mr. Nelson. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

Mayor Mikkelson declared the meeting adjourned at 9:26 p.m.

Adam Geffert
City Clerk