



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JUNE 15, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 15, 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; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Lisa Santa Maria, Finance Director; Meghan Buom, Assistant City Administrator; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. Myers made a motion to table the discussion of a proposed ordinance to keep chickens until the July 6 meeting due to the large number of agenda items. Mr. Runion seconded the motion.

After discussion, a roll call vote was taken with the following votes cast: “aye”: Myers, Runion, Gallagher; “nay”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, McFadden, Graves. The motion failed 9-3.

Mr. Nelson made a motion to approve the agenda for June 15, 2020 as presented. Ms. Nelson seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, McFadden, Graves; “nay”: Myers, Runion, Gallagher. The motion passed 9-3.

PRESENTATIONS

Stacey Hammond and Emily Sheldon from Berberich, Trahan & Company, P.A., gave a presentation on the results of the 2019 financial audit. The City was given an “unmodified audit opinion”, the highest possible score.

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 - June 1, 2020
2. Approval of Expenditure Ordinance #2991
3. Approval of Ordinance #2420 regulating solicitors
4. Approval of first addendum to the contract for planning advisory services

Mrs. Myers 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 - PC2020-102: Consider appeal of Planning Commission decision regarding exception 19.44.025 of the City’s Zoning Regulations at 7052 Cedar.**

Ms. Robichaud stated that the Planning Commission had denied the applicant’s request for an exception to the fence standards at its February 4 meeting, and that the applicant had requested an appeal of the decision to the City Council.

She provided background on the application, noting that a City building inspector initially flagged the location where the fence could be constructed in July 2019. When the inspector returned to perform a final inspection after the fence installation was completed, he observed that the fence was not built in the location that had been marked with flags prior to issuing a permit. The applicant was informed that the fence would either have to be moved or that an exception would need to be requested from the Planning Commission.

The Planning Commission voted 5-1 to deny the request for an exception, citing concerns that approving it would set a dangerous precedent in allowing residents to knowingly ignore the City’s regulations and then ask for an exception after the fact. The Commission also felt the decision was consistent with a similar application it considered in January 2020, which was also denied.

Ryan DeSpain, the applicant and property owner, was present to appeal to Council. He acknowledged that the decision to build the fence in its existing location was made intentionally for aesthetic purposes. Ms. Nelson stated that she had visited the property and viewed the fence, and although it was of high quality, she could not support approval based on the applicant’s actions. Mr. Runion and Mrs. Myers concurred.

Mr. Nelson made a motion to deny the appeal of the Planning Commission decision. Mr. Graves 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.



- Mrs. McFadden stated that the VillageFest Committee met on June 11 to prepare for the “Village Fest To-Go” event on July 4.
- Ms. Limbird said that the Arts Council met on June 10 and voted to cancel the July art reception due to the COVID-19 pandemic. August and September events were also cancelled, and the State of the Arts show in October would be held virtually. She added that the Arts Council would be coming before the City Council to request approval to hire a temporary social media coordinator to reduce workload on existing volunteers and develop an effective digital marketing plan.
- Mrs. Myers shared that the MARC Solid Waste Management District group virtually attended a presentation on composting, green infrastructure and land management.
- Ms. Selders stated that the JazzFest Committee met on June 9 to consider cancellation of the 2020 event.
- Ms. Nelson said that she and Mr. Graves met with a company that had developed software capable of measuring greenhouse gasses. A presentation would be given to the Environmental Committee in July, and then to Council.

MAYOR’S REPORT

- Mayor Mikkelson provided an update on the COVID-19 pandemic, stating that the number of new cases in the county remained flat, and hospitalizations were on a downward trend. He added that most businesses in the City had implemented protective measures voluntarily.
- The Mayor said that federal funds to reimburse cities for COVID-19 expenses were anticipated to arrive soon from the county and state. Reimbursable items included “non-budgeted” COVID expenses, such as the purchase of personal protective equipment.
- The Mayor noted that the local emergency declaration in Prairie Village was set to expire at the end of the day if the Council chose not to extend it.
- The Mayor recounted the “Stand Up for Black Lives” march and rally that took place in Prairie Village on June 10, and spoke of efforts to improve diversity in the City.
- The Mayor received a letter from Mayor Carl Gerlach thanking the City for providing coverage in Overland Park during the funeral for Officer Mike Mosher.
- Officer Bill Baldwin, a 20-year veteran of the Prairie Village Police Department, retired on June 12.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf spoke about the senseless killing of George Floyd by Minneapolis Police Officers. He shared how the Prairie Village Police Department would continue to thoroughly investigate any reports of police wrongdoing or improper use of force, and added that all officers were equipped with body-worn



cameras and attended frequent training on how to de-escalate incidents. Furthermore, command staff regularly review traffic stop data and camera video footage.

Public Works

- Mr. Bredehoeft shared that bike lanes had been added on Nall Avenue between 83rd Street and 91st Street as part of the resurfacing project. Bike lanes will also be added on Nall from 83rd Street to 67th Street as part of a future project. Additionally, a bike/pedestrian plan website will be launched later in the summer.

Bid documents received for the Public Works building construction project will be presented to Council at the July 6 meeting.

Mr. Gallagher asked about an easement that was discovered between two houses at the northern edge of Taliaferro Park. Mr. Bredehoeft said a walkway easement at the end of Fairway Street was established in 1955. He met with property owners on either side of the easement the prior week to discuss concerns, and will continue to work with them to address erosion and drainage issues.

Administration

- Ms. Robichaud provided an update on large-item pickup delays. She stated that staff would consider ways to improve the process in 2021, and will bring recommendations to Council later in the year.

OLD BUSINESS

Mr. Herring moved to extend the City's local emergency declaration to Monday, August 17. Mr. Graves seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, Runion, McFadden, Graves, Gallagher; "nay": Myers. The motion passed 11-1.

NEW BUSINESS

COU2020-28 Consider cancellation of 2020 JazzFest event

J.D. Kinney, Chair of the JazzFest Committee, stated that the Committee had met on June 9 to discuss the feasibility of holding the festival due to the COVID-19 pandemic. A decision to cancel was made in the interest of public health, but also due to reduced event revenue, sponsorships and donations. All members agreed to remain on the committee in preparation for the 2021 event.

Ms. Selders made a motion to cancel the 2020 JazzFest event in light of the COVID-19 pandemic. 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.



COU2020-29 Consider approval of joint statement from the Prairie Village Governing Body regarding racial justice

Mrs. Myers stated that she regretted not making a motion to endorse the Mayor’s statement on racial justice at the June 1 meeting, and felt that it was appropriate for Council to discuss the item and issue its own statement.

Mrs. McFadden made a motion to approve the draft statement presented in the meeting packet. Mr. Runion seconded the motion.

Mr. Poling submitted a modified version of the statement, which was also included in the meeting packet. He stated the revisions were intended to strengthen the statement and make clear that racism was not simply a problem of the past.

Ms. Reimer made a motion to amend the motion to include Mr. Poling’s revisions to the joint statement. Ms. Limbird seconded the motion.

Mr. Nelson suggested adding language regarding “segregated deed restrictions” to the statement. Ms. Reimer and Ms. Limbird agreed to modify the motion with Mr. Nelson’s edits.

After further discussion, a roll call vote was taken on the motion to amend the motion 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.

A roll call vote was taken on the original motion 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 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. Gallagher. 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

COU2020-27 Consider an amendment to Chapter II (Animal Ordinance) of the Municipal Code and Section 19.36.005 (E.) of Zoning Regulations to allow residents to keep chickens

Mr. Waters stated that two Ordinances concerning the keeping of chickens had been prepared for Council to review. The first made revisions to language in Chapter II of the Municipal Code, regarding animal control and regulation. Based on staff recommendation, a registration process for keeping chickens was not included. Instead, residents would be



allowed to keep chickens as long as guidelines were being met, similar to existing beekeeping regulations. The Ordinance also included regulations regarding the number of animals permitted, the required size of enclosures, their location on a property, and standards of care. Mr. Waters recommended removing the phrase “for a minimum of 72 square feet total” from Section 2-143 (C)(2) in regard to chicken coops, as that amount would only be necessary if a resident kept six chickens, the maximum number allowed.

The second Ordinance described amendments that needed to be made to the City’s Zoning Regulations, which also prohibited the keeping of poultry. Mr. Waters noted that the City Council on its own could not change the Zoning Regulations; rather, a draft Ordinance would need to be sent to the Planning Commission for review, and a public hearing would also be required. The Planning Commission would then make a recommendation to the Council for final approval. Mr. Waters suggested that both Ordinances should be published at the same time to ensure consistency in the Municipal Code.

Mr. Herring asked for clarification on the language regarding the public slaughter of chickens referenced in Section 2-143 (D)(5). He stated that it would be important to specify in the Ordinance that the language only applied to residents keeping chickens in their homes, and not restaurants or veterinary practices within the City.

Mrs. McFadden made a motion to approve amendments to Chapter II of the Municipal Code including the revisions recommended by Mr. Waters to Section 2-143 (C)(2), and to direct staff to make amendments to Section 19.36.005 (E) of the Zoning Regulations consistent with approved amendments to Chapter II of the Municipal Code to allow for residents to keep chickens. The motion was seconded by Ms. Selders.

Ms. Reimer made a motion to amend the motion to strike Section 2-143 (D)(5) regarding the public slaughter of chickens. The motion was not seconded.

After further discussion, a roll call vote on the original motion was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, Poling, Limbird, Myers, Reimer, McFadden, Graves; “nay”: R. Nelson, Runion, Gallagher. The motion passed 9-3.

2021 Budget Discussion

Mr. Herring, Chair of the Finance Committee, stated the group met twice to prepare the 2021 budget. He noted a decision package regarding curbside composting and recycling would be presented to Council for a vote during the presentation.

Mrs. Santa Maria gave a presentation on the proposed 2021 budget, noting that a 2% increase in total expenditures over 2020 had been budgeted. No changes were made to the mill levy rate, which would still give the City a 25% fund balance. Estimated revenues for 2020 and 2021 were both reduced due to the COVID-19 pandemic.



Ms. Robichaud provided information on the personnel services budget. She stated that the recommended merit pool for 2021 was 3%, which was 1% lower than 2020. In 2020, a health insurance increase of 12.5% had been projected, but rates remained flat. For 2021, the same rate was budgeted.

Ms. Robichaud also provided information on the 2021 solid waste budget. With the decision package on curbside composting and recycling excluded, a 3.2% rate increase for solid waste services with Republic had been budgeted. However, the 2020 rate of \$228 per year included an allocation to build back up the solid waste reserve fund after contingency funds were used for storm cleanup in 2019. As a result, the proposed yearly fee for solid waste services would actually decrease to \$218 per year in 2021, excluding the decision package.

Mrs. Robichaud shared results from the two compost and glass recycling surveys, as well as rates for a proposed program, based on weekly and bi-weekly pickup options. Five options had been considered by the Finance Committee, and were presented to Council:

1. Make no changes
2. Add curbside glass and food compost services (not recommended by Finance Committee)
3. Add only curbside food compost services (not recommended by Finance Committee)
4. Add only glass recycling services
5. Build a rate subsidy into the solid waste assessment to make curbside compost and glass recycling more affordable for residents who opt-in directly for services with the vendor

Mrs. Robichaud stated that if Council selected option #1, staff would work to negotiate a discounted rate for residents who requested service directly from vendors, and promote compost and recycling services.

Mr. Runion made a motion to adopt the 2021 budget including decision package option #1, and to work with the Environmental Committee to develop a policy on sustainability. The motion was seconded by Mrs. McFadden.

After discussion, a roll call vote was taken with the following votes cast: "aye": Limbird, Myers, Runion, McFadden; "nay": Herring, J. Nelson, Selders, R. Nelson, Poling, Reimer, Graves, Gallagher. The motion failed 8-4.

Mr. Poling made a motion to adopt the 2021 budget including decision package option #5, at the \$200,000 pool level. The motion was seconded by Mr. Herring. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Poling, Reimer; "nay": Selders, R. Nelson, Limbird, Myers, Runion, McFadden, Graves, Gallagher. The motion failed 8-4.

Mrs. McFadden made a motion to adopt the 2021 budget including decision package option #1. The motion was seconded by Ms. Limbird. A roll call vote was taken with the



following votes cast: “aye”: Limbird, Myers, Runion, McFadden, Graves, Gallagher; “nay”: Herring, J. Nelson, Selders, R. Nelson, Poling, Reimer. The motion passed 7-6, with Mayor Mikkelson casting the tie-breaking vote.

Mrs. Santa Maria stated that she would bring back updated budget numbers at the July 6 meeting, and that final budget approval would need to be made no later than August 3.

Mr. Poling made a motion to move forward the 2021 budget to the City Council. The motion was seconded by Mr. Herring. 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. Limbird moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Herring. 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

Mrs. Myers made a 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 10:45 p.m.

Adam Geffert
City Clerk