



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
MAY 4, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 4, 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 Buum, Assistant City Administrator; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Nelson made a motion to approve the agenda for May 4, 2020. 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, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

PRESENTATIONS

Mayor Mikkelson read a proclamation designating the week of May 10 through May 16, 2020, as “National Police Week”. Additionally, he recognized Overland Park Police Officer Mike Mosher, who had been killed in the line of duty the previous day.

PUBLIC PARTICIPATION

The Mayor stated that a number of emails had been received regarding the proposed pool closure, and noted that the Council would discuss the item later in the meeting.

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 - April 20, 2020

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

- Mr. Runion stated that the Police Pension Committee met the prior week and recommended a funding level of \$850,000 for 2021, the same amount as the current year. The recommendation was based on conversations with an actuarial consultant.

MAYOR'S REPORT

- Mayor Mikkelson said the first quarter financial report showed that the City was in a good financial position. He added that upcoming quarters would likely be difficult due to the COVID-19 pandemic.
- Shawnee Mission East was ranked the #1 high school in Johnson County and #2 in the state of Kansas.
- Verbena, the new restaurant at Meadowbrook Park, was forced to delay its opening due to the pandemic. However, they have been able to keep staff on the payroll by having them prepare and deliver 50 meals a day to St. Luke's Hospital medical staff.
- The Mayor stated that the Johnson County Task Force to Reopen the County tabled its plan in favor of the Governor's statewide order. Johnson County will maintain its stay-at-home order an additional week, ending on May 11.
- The Mayor noted that Brighton Gardens, a long-term care facility in Prairie Village, had experienced a high number of Coronavirus infections and several deaths. He added that the Center for Disease Control (CDC) and County Health Department were monitoring the situation closely.
- The Mayor said that the Summer Salt Ice Cream Company would be opening soon in the former Mely's location at Corinth Square.

STAFF REPORTS

Mr. Jordan stated that the May Plan of Action was included in the meeting packet.

OLD BUSINESS

COU2020-11 Consider approval for citywide survey for compost and glass recycling program

Mrs. Robichaud said that a survey had been developed to give Prairie Village residents an opportunity to offer feedback on curbside glass recycling and compost collection. The



survey was similar to the one provided to pilot program participants, with some additional questions recommended by Councilmembers.

Mr. Herring asked whether residents living in neighborhoods that opted out of the City's trash collection contract would have the opportunity to take the survey and participate in the proposed glass and recycling program. Mrs. Robichaud said that it would be up to the Council to make that determination.

Mr. Gallagher shared concern that residents might be oversaturated with information due to the pandemic crisis, and asked what response rate would be considered a success. Mrs. Robichaud said that no specific number had been established, and that the survey was just a tool to obtain input from residents.

Ms. Reimer asked whether some of the survey language should be adjusted to be more applicable to residents who did not participate in the City's trash contract. Mr. Herring stated questions #3 and #9 could be changed in order to state that the amount paid per year for trash service was only applicable to residents that participated in the City's program. Ms. Reimer suggested using the phrase "many residents" or "most residents" to clarify the issue.

Mrs. Myers made a motion for Council to approve the survey with the suggested modifications to questions #3 and #9. 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, McFadden, Graves, Gallagher; "nay": Runion. The motion passed 11-1.

Ms. Nelson read a statement in which she recommended that the Council create an Ordinance requiring individuals to wear face coverings while inside businesses where the public is invited, based on recommendations from the CDC. The requirement would not apply to people walking, biking or jogging on City streets or at parks.

Mayor Mikkelson suggested that a discussion be held to determine whether the Council would like the proposed Ordinance to be included on a future formal agenda, since draft language had not yet been developed.

Ms. Nelson made a motion for Council to direct David Waters to create an Ordinance requiring masks or other face coverings in businesses where the public is invited. Mr. Poling seconded the motion.

Mr. Herring stated that he supported the motion, but that a decision should be made by Council at its next meeting so as not to delay a final vote. Mrs. McFadden shared concern that the Ordinance would be confusing since surrounding communities would not have similar restrictions in place.



Chief Schwartzkopf expressed reservations on the proposed Ordinance and said that he was concerned about the impact of available resources to enforce the Ordinance on a consistent basis. He also shared concerns about the department's reputation being at stake if officers are asked to take enforcement actions. Mr. Waters added that the Governor's order allowed cities to enact more restrictive policies, but that those actions could not affect essential functions.

After further discussion, Mr. Runion moved to amend the motion to direct David Waters to draft an Ordinance requiring the wearing of face coverings including masks to the maximum extent legally permissible. Mr. Nelson seconded.

A roll call vote on the motion to amend the motion was taken with the following votes cast: "aye": Herring, J. Nelson, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, Graves, Gallagher; "nay": Selders, McFadden. The motion passed 10-2.

Ms. Nelson further clarified her motion, stating that Council would vote on the draft Ordinance at its May 18 meeting.

A roll call vote on the amended motion was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, Graves, Gallagher; "nay": McFadden. The motion passed 11-1.

NEW BUSINESS

COU2020-12 Consider construction contract for the 2020 CARS Program

Mr. Bredehoeft stated the contract was related to a street rehabilitation project on Roe Avenue, from 83rd Street to 91st Street. The project was selected for the County Assistance Road System (CARS) program, and as such, 50% of the funding would be provided by the County, and the remaining 50% from the City's CIP fund.

J. M. Fahey provided the lowest bid of the three that were received. Mr. Bredehoeft added that a \$50,000 change order authority had been included to cover any unforeseen expenses.

Mr. Poling 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.

COU2020-13 Consider approval of contract with Vance Brothers, Inc., for the 2020 Crack Seal/Micro Surfacing Program



Mr. Bredehoeft said that the program was implemented annually to maintain the City's roads, and noted that a map of the streets that would be repaired in 2020 was included in the meeting packet. Vance Brothers' bid was the lowest of the two bids received.

Mr. Nelson made a motion to approve the contract as presented. 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.

COU2020-14 Consider approval of an alternate concept for the 2020 VillageFest event

Ms. Buum stated that as a result of the COVID-19 pandemic and the associated restrictions on large gatherings, a traditional VillageFest event could not be held in 2020. The VillageFest Committee met and unanimously recommended moving forward with an alternate event that would include a drive-through component and other elements to be determined later.

Mr. Gallagher made a motion to approve the proposed concept as presented. Ms. Selders seconded the motion.

Mrs. Myers asked if the event would follow the same timeframe as other years, running between 9:00 a.m. and 1:00 p.m. on July 4. Ms. Buum said that it would likely be a shorter period of time, as "goodie bags" would be handed out to residents until there were none left. Ms. Reimer asked that individuals using other forms of transportation, such as walking and biking, be allowed to participate as well.

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.

COU2020-15 Consider closure of the pool for the 2020 swim season

Ms. Buum said that the recommendation to keep the pool closed was initially based on the recommendation made by the Johnson County Task Force on Reopening, which was tabled in favor of the Governor's plan. That plan allows pools to open in Phase 2, which would permit gatherings of up to 30 people. She noted that the Prairie Village pool generally had 30 employees working at the facility each day, which would prohibit the entry of guests in Phase 2. Phase 3, which limits gatherings to 90 people, would also be challenging, and Phase 4, during which gathering restrictions are lifted, would not begin until June 15 at the earliest.

Ms. Buum shared the primary reasons for the decision, which were based on public health considerations:



- Consideration of the safety of staff and residents. Seasonal staff is composed of minors under the age of 18.
- How to provide required lifeguard certification training while maintaining 6 feet of separation between guards.
- Enforcement of gathering limits, distancing requirements, and the high likelihood of conflict regarding gathering limits.
- Ability to accommodate social distancing practices among staff and patrons, as well as sanitary conditions in the concession area, break room, and locker rooms.
- Coordination with other Northeast Johnson County cities, and avoiding an increased burden on pools that attempt to stay open should other area pools close.
- To be fair to seasonal staff so they can seek other employment opportunities.

Mr. Gallagher asked if any lifeguards from previous seasons would be returning, and whether the pool might still be able to open for the second half of the season. Ms. Buum said that even though approximately 30 previously certified guards did plan to work at the pool again, the City required a yearly certification to ensure maximum safety, which they might be unable to obtain. Additionally, due to the number of guards that stop working in August, it would be difficult to keep operations going with a very limited staff.

Ms. Limbird asked if the City could restrict entry to Prairie Village residents only. Mr. Waters said that, legally, it could be done, but that complications could arise in scenarios such as when residents bring guests with them that do not live in the City.

Mr. Poling suggested that more time be given to consider options, and made a motion to table the item until the next meeting. Mrs. Myers seconded the motion. A roll call vote was taken with the following votes cast: “aye”: J. Nelson, Poling, Limbird, Myers, Graves, Gallagher; “nay”: Herring, Selders, R. Nelson, Reimer, Runion, McFadden. The motion tied 6-6, and failed on a tiebreaking vote by Mayor Mikkelson.

Mr. Nelson made a motion to close the pool complex for the 2020 season based on staff recommendation. Mr. Graves seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher; “nay”: Poling, Myers. The motion passed 10-2.

COU2020-16 Consider approval of Resolution No. 2020-02 extending the Mayor’s Declaration of a State of Local Emergency for Prairie Village, Kansas

The Mayor noted that the existing State of Local Emergency Declaration had previously been extended by Council to May 8, and would therefore expire later in the week. He added that there were three reasons that made extending the Declaration appropriate:

1. To quickly address any public health issues that arise on a local basis.
2. To provide a local enforcement remedy for violations.
3. To potentially aid the City in receiving emergency reimbursement funding.



Mr. Poling stated the Governor's orders were the law, and that there was not a necessity to declare a state of emergency at the local level. The Mayor said having the Declaration in place allowed for more immediate enforcement by local authorities if needed, as described in Chapter 1, Article 13 of the Municipal Code.

Mr. Herring noted that the Council had a responsibility to continue to review the item regularly, and proposed a 45-60 day extension rather than 90 days as stated in the draft Resolution.

Mrs. Myers made a motion to extend the Declaration of a State of Local Emergency an additional six weeks, to June 15, 2020. Mr. Nelson seconded the motion.

After further discussion, Mr. Herring made a motion to amend the motion, adding the following sentence to Section 2 of the Resolution: "Amendments to this order shall be subject to ratification by the City Council within seven days following the amendment." The motion to amend was seconded by Mr. Poling.

A roll call vote on the motion to amend the motion was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, Poling, Limbird, Reimer, Runion, McFadden, Gallagher; "nay": R. Nelson, Myers, Graves. The motion passed 9-3.

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.

COUNCIL COMMITTEE OF THE WHOLE

There were no items to come before the Council Committee of the Whole.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mrs. Myers made a made a motion to adjourn the meeting. 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 10:02 p.m.

Adam Geffert
City Clerk