

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
MAY 18, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 18, 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; Melissa Prenger, 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 Boom, Assistant City Administrator; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mrs. Myers made a motion to approve the agenda for May 18, 2020. 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.

**PRESENTATIONS**

Mayor Mikkelson read a proclamation designating the week of May 17 through May 23, 2020, as “National Public Works Week”.

**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 4, 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

- Mrs. McFadden stated that the Parks and Recreation Committee met on Wednesday, May 13. She noted that Public Works had begun its planting and mowing season. Additionally, the doors at the pool facility were recently repainted, plaster repair work on two of the pools was nearly complete and the leak discovered under the lap and adult pools would be evaluated later in the summer. Finally, she said that Challenger Sports had cancelled its summer activities in 2020.
- Ms. Limbird shared that the Arts Council had cancelled all of its events through June, as well as all in-person Chamber in the Chamber concerts for the remainder of the year. However, the performances may still take place and be streamed online.
- Mr. Gallagher said that the Prairie Village Foundation met on May 6, at which new members were elected and officers reelected. Annual objectives and programs, such as the Mayor's Christmas Tree and Shop with a Cop were discussed. Foundation members voted to make donations to several Prairie Village food banks and utility assistance programs.
- Mr. Herring reported that the Tree Board held a meeting on May 6, at which several subcommittees were formed. He stated that the Board was considering educational opportunities about trees in the right-of-way.

Mr. Herring added that the first meeting of the Finance Committee would be held on May 19.

### MAYOR'S REPORT

- Mayor Mikkelson gave an update on the local impact of the COVID-19 pandemic, stating that the Johnson County Healthy Director had recently reported positive trends. The situation at Brighton Gardens, a long-term care facility in Prairie Village that had been particularly affected by the virus, appeared to be improving. With help from the Center for Disease Control (CDC) and the Kansas Department of Disability and Aging, the Johnson County Health Department was able to ensure expanded testing and PPE availability at the facility. Outside of Brighton Gardens, the infection rate in Prairie Village was among the lowest in the County.
- The Mayor noted that the City's reopening plan was available on the City website.
- The Mayor stated that former City Administrator Barbara Vernon, who worked for Prairie Village for over 30 years, passed away on May 15.
- The Mayor recognized graduating high school seniors in the City.
- The Mayor will moderate a webinar on "Resilient Cities" for Climate Action KC on May 28.
- The TCBY frozen yogurt shop at the Village Shops recently reopened under the name "Chill".



- Verbena, the new restaurant in Meadowbrook Park, held a soft opening the prior weekend.

## **STAFF REPORTS**

### **Public Safety**

- Chief Schwartzkopf reported that on May 5, the Police Department responded to a homicide on Somerset Drive. He stated that Department Detectives were conducting an investigation, with help from law enforcement staff from Lenexa, Olathe, Leawood, the Johnson County District Attorney and the Johnson County Crime Lab.

### **Public Works**

- Mr. Bredehoeft shared that three buildings had been demolished at the Public Works site as part of the building project. He added that the Delmar/Fontana drainage project was nearly complete.

## **OLD BUSINESS**

There was no old business to come before the Council.

## **NEW BUSINESS**

### **COU2020-17      Consider 2021-2025 CARS application**

Ms. Prenger stated that in order to receive County Assistance Road System (CARS) funds, the City must annually submit an application containing a list of streets and the estimated costs to repair them. Each year, Public Works presents the five-year proposed CARS program to Council, but only commits funds to the first year of the plan. In 2021, the proposed projects include 79<sup>th</sup> Street from Roe Avenue to Lamar Avenue, and Mission Road from 85<sup>th</sup> Street to 95<sup>th</sup> Street. The Mission Road project will be completed in conjunction with the City of Leawood and Johnson County Wastewater.

**Mr. Gallagher made a motion to approve the application as presented. Mr. Graves seconded the motion.**

Mr. Herring asked about the status of the stormwater project on 68<sup>th</sup> Street and Mission Road, and if it would be partially funded by CARS. Ms. Prenger stated that funding for that project would come from the Stormwater Management Advisory Committee (SMAC) program, which would be discussed later in the meeting during the CIP presentation.

**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.**



**COU2020-18          Consider construction contract for the 2020 residential street rehabilitation program**

Ms. Prenger said that the program would include new curbs, gutters, sidewalks and an asphalt overlay on streets throughout the City. The project is funded through the 2020 Residential Street Rehabilitation Program. Work will be performed by O'Donnell and Sons Construction as part of the third year of the three-year contract approved by Council in 2018. She noted that staff reviewed bids annually to ensure they remain competitive. Along with a bid of \$2,620,000 for repaving, an additional \$90,000 was included to reduce the size of a retaining wall causing sightline issues for drivers at 75<sup>th</sup> Street and Springfield Street.

**Mrs. Myers made a motion to approve the contract 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, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.**

**COU2020-19          Consider construction administration agreement with Trekk Design Group for 2020 construction projects**

Ms. Prenger stated that the City complements its own construction inspection staff with consultant inspectors each year due to workload. In 2020, Trekk staff will inspect the Reinhardt drainage project, as well as paving projects and storm drain repairs in other areas of the City. Funding will come from three CIP projects, at a total cost of \$169,673.40.

**Mrs. Myers made a motion to approve the proposed construction administration agreement as presented. 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.**

**COU2020-20          Consider Amendment #3 with McCownGordon for sanitary sewer construction at the Public Works facility**

Ms. Prenger said that the third amendment to the initial agreement approved in October, 2019, would allow for the installation of a sanitary sewer for the new Public Works facility, which must be completed prior to building construction. The plans had already been finalized and approved by Johnson County Wastewater. The project cost totals \$221,341, but includes an option to abandon some existing pipe, which could reduce the total by \$10,860.

**Mr. Poling made a motion to approve the amendment as presented. Ms. Reimer seconded the motion.**



Ms. Limbird asked what the existing pipe was composed of, and if there would be any environmental concerns from abandoning it. Ms. Prenger stated that the pipe was made of either clay or iron, and would be filled to prevent collapse. She added that doing so would not present any environmental issues. The agreement to abandon was necessary to ensure that the change in ownership of the pipe was reflected in plans and historical records.

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.

**COU2020-21            Consider Ordinance No. 2418 regulating public offenses within the City of Prairie Village, Kansas, amending Chapter 11 (Public Offenses & Traffic), Article 2 (Local Regulations) of the code of the City of Prairie Village to require the wearing of face coverings or masks during the COVID-19 public health emergency and recovery**

Mayor Mikkelson stated that Council had voted at its previous meeting to direct City Attorney David Waters to draft an Ordinance requiring the wearing of face coverings at businesses in which the public is invited. He noted that there had been a significant amount of communication from the public regarding the topic, both in favor of the Ordinance and against it.

Mr. Waters said that the Ordinance had been crafted based on examples from other cities across the country along with limitations under Kansas state law. Considerations were given to the requirements of businesses and the individuals patronizing them, as well as age requirements, penalties and physical and mental health exceptions. He added that the Ordinance as written would expire on June 15 or at the conclusion of the Governor’s reopening plan.

Ms. Nelson read a statement sharing recommendations from health officials that individuals wear masks while in public to reduce the spread of the COVID-19 virus, and made a motion to adopt Ordinance 2418 as written. Ms. Reimer seconded the motion.

Ms. Reimer, Mr. Herring, Ms. Selders and Mr. Nelson all spoke in favor of the Ordinance, while Mrs. Myers, Mrs. McFadden, Mr. Graves, Mr. Gallagher, Ms. Limbird and Mayor Mikkelson spoke in opposition.

Mr. Herring made a motion to amend the motion, changing Section 11-222, subsection C, paragraph #2 of the Ordinance to the following: “This subsection shall not be construed or interpreted as requiring that a Place of Business provide Face Coverings or Masks to customers, clients, and/or visitors.” Mr. Nelson seconded the motion. A roll call vote on the motion to amend the motion was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, Graves; “nay”: Myers, Runion, McFadden, Gallagher. The motion passed 8-4.



After further discussion, a roll call vote on the original motion as amended was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, Poling, Reimer; “nay”: R. Nelson, Limbird, Myers, Runion, McFadden, Graves, Gallagher. The motion failed by a vote of 7-5.

Mr. Nelson made a motion for a resolution based on the language found in the Ordinance, replacing the word “shall” with “should”, and removing exceptions for churches, synagogues and mosques. Ms. Selders seconded the motion.

Mr. Herring made a motion to refer the motion to staff to develop a resolution and bring it back for approval at the next Council meeting. Mr. Gallagher seconded the motion.

After discussion, a roll call vote on the motion to refer was taken with the following votes cast: “aye”: Herring, J. Nelson, Reimer, Runion, Gallagher; “nay”: Selders, R. Nelson, Poling, Limbird, Myers, McFadden, Graves. The motion failed 7-5.

Mr. Nelson modified his original motion, stating the goal of the motion was to get a “sense of Council” on recommending that individuals should wear a face covering when they cannot socially distance, either inside or outside a business or religious institution. The motion was seconded by Ms. Selders. A roll call vote on the modified motion 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 made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Limbird. 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**

### **Public Works budget update**

Ms. Prenger provided information on infrastructure projects currently underway in 2020, as well as recommended projects for 2021. Repairs to multiple sections of City roadway, as well as drainage, concrete and asphalt repair projects were discussed. She also provided a report on road conditions in the City, noting that the majority of streets were in “good” or “excellent” condition, with a smaller percentage rated “fair” or “poor”.

Mr. Gallagher stated that multiple streets in Ward 6 were rated fair or poor, and asked if Public Works needed additional funding to address street repair more quickly. Ms. Prenger said that the current \$3 million dedicated to the residential street repair program annually had allowed Public Works to keep the percentage of fair and poor streets on a downward trend for several years, and would be adequate for the future.





Ms. Nelson asked if the significant number of construction vehicles in several areas of the City were causing roads to age more quickly. Ms. Prenger said that solid waste and recycling trucks tended to be the most destructive to roads due to their weight and the area of the road on which they drive.

Mr. Bredehoeft presented a list of CIP projects planned for 2021, separated into four categories: parks, drainage, streets and building/other. Anticipated projects for years 2022 through 2024 were also included.

Ms. Limbird and Mr. Poling asked when the planned restroom construction at Windsor Park would begin. Mr. Bredehoeft stated that funding for the project would be allocated in both the 2022 and 2023 budgets, and that construction would begin in 2023.

Mr. Poling asked if any additional funding was needed for the bike/pedestrian implementation plan. Mr. Bredehoeft stated that existing funding was adequate to complete the project.

**Ms. Nelson 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**

**Ms. Nelson made a motion to adjourn the meeting. The motion was seconded by Ms. Limbird. 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 9:40 p.m.**

Adam Geffert  
City Clerk