



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JULY 20, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, July 20, 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 Councilmembers 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; 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 July 20, 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, Myers, Reimer, McFadden, Graves, Gallagher. The motion passed 11-0.

PRESENTATIONS

Deb Settle, President/CEO of the Northeast Johnson County Chamber of Commerce, provided an update on how area businesses have adjusted their operations to remain open during the pandemic. She added that the Chamber was continuing its efforts to maintain connections through online networking events and social media communications.

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 - July 6, 2020
2. Approval of Expenditure Ordinance #2992
3. Consider appointment to Prairie Village Arts Council

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.

EXECUTIVE SESSION

At 6:17 p.m., Mrs. Myers moved for the City Council to recess into executive session for a period not to exceed 23 minutes for the purpose of discussing a potential legal claim related to land use with the City Attorney, pursuant to the exception for consultation with an attorney which would be deemed privileged in the attorney-client relationship, K.S.A. 75-4319(b)(2).

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.

The open meeting resumed at 6:40 p.m.

COMMITTEE REPORTS

- **Planning Commission - PC2020-106: Consider Ordinance 2422 to rezone 7631 Reinhardt Street from R-1A to R-1B**

Mr. Brewster provided background on the application, noting that it was first heard and approved by the Planning Commission at its June 2 meeting. At the July 6 City Council meeting, the Governing Body voted unanimously to send the rezoning request back to the Planning Commission for further consideration. The Council asked the Planning Commission to consider a broader, more holistic approach to planning in the area with significant public engagement and to specifically review Golden Factors 1, 2, 4, 5, and 8. The Council also asked the Planning Commission to consider the diversity of the housing stock in Prairie Village in determining whether the rezoning request should be approved or denied.

At its July 7 meeting, the Planning Commission took up the item for consideration again based on the Council’s direction. After discussion on the Council’s request as well as specifically discussing Golden Factors 1, 2, 4, 5, and 8, the Planning Commission voted unanimously 6-0 to send its original recommendation of approval back to the City Council for final consideration.

Mr. Brewster stated that rezonings required the City Council to evaluate facts, weigh evidence, and consider the “Golden Factors” outlined in the zoning ordinance:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property



5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

John Moffitt, applicant and co-owner of Mojo Built, was present to speak to the Commission, and shared his history of redeveloping existing homes and building new homes in Prairie Village.

Doug Patterson, attorney representing the estate of the owner of 7631 Reinhardt, stated that the property was currently under contract with Mojo Built, and referred to a letter he had written to the Council that was included in the meeting packet. He noted that the proposed rezoning was very similar to one that was approved by Council in 2018 for another property at 7540 Reinhardt.

Ms. Nelson and Ms. Selders read statements sharing their disappointment with the Planning Commission's decision. Both felt that the proposed homes would negatively impact the character of the neighborhood and adjacent properties, and stated that surrounding residents should be involved in planning for the future of their neighborhood.

Mr. Nelson noted that he had attended the Planning Commission meeting, and said that the main consideration for Council was the type of building that could be constructed on the lot if it remained R-1A versus what would be built on two R-1B lots. He added that the Planning Commission felt that the change in zoning would result in homes that better fit the character of the neighborhood, since a much larger home could be built on an R-1A lot.

Mrs. McFadden made a motion to approve Ordinance 2422, rezoning the property at 7631 Reinhardt from R-1A to R-1B. Mrs. Myers seconded the motion.

Mr. Herring asked about the size of the lots immediately to the east of the property on Windsor Street. Mr. Brewster stated that they were similarly sized to the proposed lots after the lot split, and were zoned R-1B.

Mayor Mikkelson stated that the application was different than the one approved in 2018 because the Phase 2 building guidelines had since been approved, and that the proposed lots would each be four feet smaller in width than those at 7540 Reinhardt. The Mayor added that the rezoning would not meet Golden Factor #1 (character of the neighborhood), #2 (zoning and uses of property nearby), #3 (the suitability of the property for the uses to which it has been restricted under its existing zoning) and #5 (the length of time of any vacancy of the property), in his opinion.

After further discussion, a roll call vote was taken with the following votes cast: "aye": R. Nelson, Myers, McFadden; "nay": Herring, J. Nelson, Selders, Poling, Limbird, Reimer, Runion, Graves, Gallagher, Mikkelson. The motion failed 10-3.



- Ms. Limbird said that the Art of Photography show was still viewable at <http://artspv.org>, and that votes for the People’s Choice Award could be made at <http://vote.artspv.org>. She also noted that Maddie Kamphaus had joined the Arts Council.

Ms. Limbird added that the kickoff for the Voter-to-Voter meeting would be held virtually on August 27.

- Mr. Nelson stated that he and Mayor Mikkelson had attended the First Suburbs Coalition meeting on July 17.

MAYOR’S REPORT

- Mayor Mikkelson provided an update on the COVID-19 pandemic, sharing that there had been no new cases at the Brighton Gardens long-term care facility for 28 days. The percentage of positive tests in Johnson County were higher, but deaths and hospitalizations remained flat.
- The Mayor spoke about the Black Lives Matter rally that took place on Saturday, July 18, and stated that there were no conflicts or incidents. He added that the City was committed to diversity, and that staff was working on initiatives to ensure fair and impartial justice and to make the community more welcoming to diverse groups.
- The Mayor met with other Northeast Johnson County Mayors the previous week to discuss CARES funding to reimburse pandemic-related expenses.
- The Mayor participated in National Ice Cream Day on July 19 by serving as a “guest scooper” at the new Summer Salt ice cream shop in the Corinth Shops.
- The rating and review website Niche ranked Prairie Village as the #1 place to live in the state of Kansas and the Kansas City metropolitan area.

STAFF REPORTS

Administration

- Mr. Jordan spoke about CARES funding, noting that Johnson County was awarded \$116 million, and was responsible for disbursement to cities. The City Administrators and Managers Association assigned three members to work with the County to develop an online portal through which cities could submit expenses for reimbursement. The City currently had approximately \$32,000 in actual costs related to the purchase of PPE, signage, and retrofitting counters in city hall with protective plexiglass. Some salary and payroll expenses could qualify as well. Mr. Jordan also shared strategies for making the Council Chambers safer for future in-person meetings.
- Mrs. Santa Maria provided second quarter financial information, noting that while sales tax revenue was down compared to 2019, the decrease was less than expected. Conversely, use tax revenue, collected from online purchases, had increased.



Public Safety

- Chief Schwartzkopf provided a summary of the Black Lives Matter march that took place in the City on Saturday, July 18. He stated that the Police Department had chosen to take a less conspicuous approach in an effort to reduce potential conflict, and that mostly positive comments were received from residents.

The Chief added that a Change.org petition had been created to address concerns raised by a resident about harassment she had received from a neighbor during the march.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2020-33 Recommend the Governing Body adopt Charter Ordinance No. 29, which repeals Charter Ordinance No. 27.

Mrs. Santa Maria said that the new Charter Ordinance would allow the City to collect a transient guest tax directly, rather than relying on the Kansas Department of Revenue (KDOR) to collect and distribute funds. The City would also collect the 2% administrative fee that would have previously been retained by KDOR.

Mrs. McFadden made a motion to approve Charter Ordinance No. 29 as presented. Ms. Reimer 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, Mikkelson. The motion passed 13-0.

COU2020-34 Consider amendments to Chapter 1 (article 13 - Emergency Assistance and National Emergency Situations) of the Municipal Code

Mr. Waters stated that at its July 6 meeting, the Council discussed Governor Kelly's most recent emergency order and determined there was a need to amend applicable City Ordinances contained in Chapter 1 (Article 13) of the Municipal Code to give the Mayor the expanded authority to enforce any county, state or federal health orders. The Council voted 12-0 to direct the City Attorney to make necessary changes so the Mayor would be able to declare such an emergency by proclamation to allow for local enforcement actions to preserve the health, safety, peace and/or order of the City.

Mr. Waters added that under the new Ordinance, the Mayor's emergency order would automatically terminate after seven days unless it was extended by the Governing Body, if the Mayor determined it was no longer needed, or upon the decision of the Governing



Body at any time. Lastly, he noted that the amendments did not supersede the Council's authority to take action by home rule.

Mrs. McFadden made a motion to approve Ordinance No. 2423 amending Chapter 1, Article 13 of the Municipal Code as presented. Mr. Herring seconded the motion.

After further discussion, 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. Myers 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

Consider approval of agreement with Energy Solutions Professionals for an investment grade energy audit

Ms. Robichaud said that the 2020 budget included the undertaking of an energy audit of city facilities. In 2010, the City issued a Request for Qualifications to conduct an energy audit and a possible energy performance contract. The City received four submissions at the time and moved forward with selecting Energy Solutions Professionals. The investment grade energy audit in 2010 then resulted in an energy performance contract, which was the project through which the geothermal HVAC system was installed in 2011.

Because of the City's previous work with Energy Solutions Professionals and their in-depth knowledge of the current energy systems in place, staff felt that it made sense to use their services again for a new energy audit rather than going out to bid. \$10,000 was budgeted for the project.

Jeff Flathman, President of Energy Solutions Professionals, stated that there were opportunities to ensure the geothermal system was running optimally, to improve indoor air quality and consider a conversion to LED lighting. The analysis would be completed in 90 days.

Mr. Runion made a motion to approve the agreement with Energy Solutions Professionals for \$8,602. The motion was seconded by Ms. Selders.

After further discussion, Mr. Runion moved to call the question. The motion was seconded by Mrs. McFadden. 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.



A roll call vote on the original 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 moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Nelson. 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. McFadden made a motion to adjourn the meeting. 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.

Mayor Mikkelson declared the meeting adjourned at 9:06 p.m.

Adam Geffert
City Clerk