



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
NOVEMBER 16, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 16, 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; 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 November 16, 2020. Ms. Nelson seconded the motion, which passed unanimously.

PRESENTATIONS

Jeff Stewart, Executive Director of the Johnson County Parks and Recreation District, gave an update on Meadowbrook Park, noting that it had been awarded a 2020 Capstone Award by the Kansas City Business Journal. He shared information about the amenities currently at the park, and discussed possible future additions, including expanded parking, a sculpture garden, a “spray ground” and more pickleball courts.

Justin Duff, Director of Development at VanTrust Real Estate, stated that 54 of the 70 planned townhomes in the Meadowbrook development were either occupied, under construction or reserved. Additionally, thirty-four single family homes were under contract, sold or reserved, and the Kessler apartment complex was nearly 95% occupied. He added that, although the Inn at Meadowbrook had maintained a low occupancy rate during the COVID-19 pandemic, the two restaurants in the building were performing well. Lastly, the senior living facility was expected to open its first phase in the summer of 2021, with project completion projected for spring, 2022.

Jeff White, Managing Member of Columbia Capital Municipal Advisors, said that for the first time, 100% of the debt service on the Meadowbrook project was paid by project revenues in 2020. He added that the expected financial results from the tax increment



financing (TIF) bonds exceeded what was projected when they were issued, and that TIF revenues should be sufficient to pay the debt service due on the bonds.

PUBLIC PARTICIPATION

No requests to address the Council were received.

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 - November 2, 2020
2. Consider renewal of the Blue Valley Public Safety contract for the City's outdoor warning siren system maintenance for 2021

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 unanimously.

COMMITTEE REPORTS

- Mrs. Myers stated that the Civic Center Adhoc Committee met on November 12. A recommendation to keep lines of communication open with the Johnson County Library and YMCA will be brought to the full Council at a future meeting.
- Ms. Reimer said that a Teen Council orientation session had been held prior to the meeting with City staff.

A Shawnee Mission School District bond measure raising \$262 million to rebuild five elementary schools and upgrade playgrounds and athletic facilities would be presented to residents in January. Ms. Nelson added that a portion of the funds would also be used to hire additional teachers to reduce class sizes.

Prior to the meeting, the district announced that middle and high school students would return to a fully remote learning model after Thanksgiving due to a spike in COVID-19 cases.

- Ms. Limbird shared an update on the Arts Council, noting that the people's choice exhibit was online at <http://www.artspv.org>, and winners would be announced on Monday.
- Ms. Nelson stated that the November Environmental Committee meeting had been postponed to December 2 due to the Thanksgiving holiday. At the meeting, the



Committee will review the proposed tree protection ordinance and discuss chemicals used to maintain City parks.

MAYOR'S REPORT

- Mayor Mikkelson reported that an anonymous resident had offered to match up to \$10,000 in individual contributions to the Prairie Village Foundation through December 31, 2020.
- A virtual Mayor's Tree Lighting ceremony would be held on December 3 at 6:00 p.m. on Facebook.
- The Mayor provided an update on the COVID-19 pandemic, noting that in Johnson County, the 14-day percent positivity rate had increased from 9.9% to 16.5% in two weeks. Hospitalizations and daily deaths had also increased. A new county health order was issued with restrictions on gatherings and social distancing requirements.
- Johnson County and Wyandotte County Mayors met virtually to review a regional climate action plan presented by the Mid-America Regional Council.
- The Mayor noted that elections went smoothly in Prairie Village, and recognized the Police Department for their efforts.
- The City of Mission Hills thanked the Police Department by providing an outdoor lunch the previous week.
- The final scheduled Prairie Village Diversity Task Force meeting would be held on November 18.
- The next Village Vision 2.0 comprehensive planning session was scheduled for November 30.
- The Kansas City Chamber of Commerce would hold its annual dinner virtually on November 24.

STAFF REPORTS

Administration

- Mr. Jordan stated that staff held interviews for a new Financial Director, and the number of candidates had been narrowed from six to three. A second round of interviews, which would include the Mayor and Finance Chair, were scheduled later in the week.

Public Safety

- Chief Schwartzkopf reported that Detective Van Cil had left the Department to take on a civilian position with the Olathe Police Department.

Ms. Limbird asked about the timeline for new committee appointments. Ms. Buum said that the application submission period opened November 1 and would remain active through January 1. The Mayor would announce Councilmember committee assignments in January, after which applications would be reviewed and recommendations sent to the Mayor. Appointments would be made at the second Council meeting in February.



OLD BUSINESS

Extension of emergency declaration

Mayor Mikkelson stated that the proposed resolution would extend the declaration of a state of emergency due to the COVID-19 pandemic for an additional 90 days, to February 15, 2021.

Mrs. Myers asked what specifically the declaration provided that the county or state could not. The Mayor said that it provided an ability to enforce violations at the local level, and allowed the City to respond more quickly in the event of a major issue. Additionally, the declaration could be useful for recovering expenses related to the pandemic.

Mrs. McFadden made a motion to approve Resolution 2020-08 as presented. Ms. Limbird 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, Gallagher; “nay”: Myers, Runion. The motion passed 10-2.

NEW BUSINESS

United Community Services (UCS) presentation

Christina Ashie Guidry, Director of Resource Allocation at UCS, gave a presentation describing the core functions of the organization and its focus on education and advocacy, mobilization and planning, and targeted resource allocation. These allocations, collected from Cities within Johnson County, were used to provide services to residents and improve the well-being of the community.

COU2020-58 Consider 2021 contribution allocation recommended by UCS for Human Services Fund grants

Since 1990, the City had contributed to the United Community Services (UCS) Human Service Fund to help support local non-profit agencies. The 2021 budget designated \$8,300.00 for this contribution. Funding was included in the 2021 budget for the Parks and Community Programs.

Mrs. McFadden made a motion to approve the allocation as recommended. Mr. Nelson seconded the motion, which passed unanimously.

COU2020-59 Consider 2021 contribution allocation recommended by the Drug and Alcoholism Council of Johnson County for the 2021 alcohol tax funds

State Statutes require that one-third of the revenue derived from the state excise tax on liquor sold by the drink be used for alcohol or drug prevention or rehabilitation programs. The Drug and Alcoholism Council of Johnson County formed a grant review process that



provided a structured and accountable system allowing organizations, through one application, access to funds from multiple jurisdictions. The Council makes recommendations to cities for the expenditure of their funds. The City has the ultimate authority and responsibility for determining the allocation of its portion of the Alcohol Tax Fund. Funding was included in the 2021 budget for the Parks and Community Programs.

Mrs. McFadden made a motion to approve the allocation as recommended. Mr. Herring seconded the motion, which passed unanimously.

COU2020-55 Amendments to City right-of-way regulations

Mr. Waters said that in 2019, Council approved updates to City zoning regulations, which included provisions regarding wireless facilities. As part of the process of accommodating anticipated "small-cell" installations, staff completed a thorough review of the City's right-of-way regulations and made the following updates:

- General "clean-up" revisions
- Updated terminology to account for wireless facility language incorporated into the City's zoning regulations
- New design and aesthetic requirements for use of the public right-of-way

Mr. Waters added that the Council Committee of the Whole approved the amendments at its November 2 meeting.

Mrs. McFadden made a motion to approve Ordinance 2428, updating right-of-way regulations 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 unanimously.

COU2020-55 Amendments to City fee schedule

Mr. Waters stated that the Kansas Legislature had prohibited the use of the term "franchise fee" for wireless providers, and as such, the City fee schedule needed to be updated to reflect the new term, "small-cell deployment fee". Additionally, a 2018 FCC order established that fees charged to providers must be "reasonable", and not exceed the following "safe harbor" thresholds:

- \$500 for a single, up-front application that includes up to five (5) small wireless facilities, with an additional \$100 for each small wireless facility beyond five
- \$270 per small wireless facility per year for all recurring fees, "including any possible right-of-way access fee or fee for attachment to municipally-owned structures in the right-of-way"



Mr. Waters added that some of the wireless fees on the City's current fee schedule exceeded these safe harbors, but that there had been legal challenges to the 2018 FCC Order, which had not yet been finalized. In discussions with providers and other Johnson County city attorneys, at least two providers agreed to language moving forward that accommodate some of the cities' higher fees, but allow the providers to pay only the "safe harbor" fees until such time as the challenges are completed. The proposed fee structure was consistent with many other cities in Johnson County.

Mr. Waters noted that the Council Committee of the Whole approved the amendments at its November 2 meeting.

Mrs. McFadden made a motion to approve Resolution 2020-07, updating the fee schedule as presented. Mrs. Myers seconded the motion, which passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

There was no business to come before the Council Committee of the Whole.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

EXECUTIVE SESSION

At 7:41, Mrs. Myers made a motion for the Governing Body to recess into Executive Session for 40 minutes for the purpose of discussing personnel matters of nonelected personnel, pursuant to KSA 75-4319(b)(1). The Mayor, City Council, City Administrator and City Attorney would be present. The motion was seconded by Mr. Herring, and passed unanimously.

The regular meeting resumed at 8:21 p.m.

ADJOURNMENT

Mr. Herring made a motion to adjourn the meeting. The motion was seconded by Mrs. Myers, and passed unanimously.

Mayor Mikkelsen declared the meeting adjourned at 8:22 p.m.

Adam Geffert
City Clerk