



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
DECEMBER 7, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 7, 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, Bonnie Limbird, Sheila Myers, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Tim Schwartzkopf, Chief of Police; Major Byron Roberson; 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; Deana Scott, Court Administrator; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. Myers made a motion to approve the agenda for December 7, 2020. Mr. Herring seconded the motion, which passed unanimously.

PRESENTATIONS

Michelle Pitsenberger and Gregg Zike with First Washington Real Estate gave a presentation on investments and improvements made in 2020 at the Prairie Village Shops and Corinth Square, and shared plans for 2021. They also provided an update on the new Corinth Quarter buildings, which were currently under construction.

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 16, 2020
2. Approval of 2021 cereal malt beverage licenses
3. Approval of bid award for pest control services



4. Approval of bid award for portable toilet services
5. Approval of bid award for HVAC services
6. Approval of interlocal agreement with Johnson County for Project 79ST001: 79th Street, Roe Avenue to Lamar Street

Ms. Limbird 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, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 11-0.

COMMITTEE REPORTS

- **Planning Commission - PC2020-120: Consider Ordinance 2431 to approve an amendment to the special use permit at 8200 Mission Road for drive-through food and beverage service**

Mr. Brewster provided information about the project, noting that the Planning Commission had recommended that Council approve the amended special use permit at its meeting on November 3. The applicant, Taco Republic, was seeking approval for a drive-through in the building previously occupied by Arby’s, which required a special use permit.

The site was originally granted a special use permit in 1992. Zoning regulations allowed special use permits to be assigned to new owners or lessees when a property is sold or transferred; however, the special use permit granted to Arby’s in 1992 specifically stated that it would expire at the sale or transfer of the property. Because of this provision, Taco Republic was required to amend the special use permit and seek approval from the Planning Commission and Governing Body.

Mrs. Myers asked if the hours of operation would be the same as they were for the previous tenant, and if the new restaurant would serve alcohol. Mr. Brewster said he was unsure about the business hours, and that the business had applied for a drinking establishment license.

Mrs. Myers made a motion to approve Ordinance 2431 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, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher, Mikkelson. The motion passed 12-0.

- **COU2020-70: Consider approval of a recommendation to continue to hold further action of the civic center project**

Mrs. Myers said that the Civic Center Ad-Hoc Committee recommended holding further action on the Civic Center Project until the COVID-19 pandemic had passed and the City could assess its impact on the community or until circumstances arose that required city action.



Mr. Jordan stated that new playground equipment at Harmon Park would be installed regardless of whether the community center project moved forward, and would be brought to Council for consideration in 2021. Mrs. Myers added that any future work on the pool complex could require Council to revisit the civic center discussion.

Mr. Nelson made a motion to approve the Committee's recommendation as presented. Ms. Selders seconded the motion, which passed 10-1, with Mr. Runion in opposition.

- Mr. Nelson shared that the Insurance Committee met with commercial property insurance providers. Annual premium rates were expected to increase by a single-digit percentage in 2021.
- Ms. Limbird said that the winners of the Arts Council's State of the Arts show were posted online at www.artspv.org, and that artwork could be purchased on the website.
- Ms. Nelson stated that the Environmental Committee met the prior week to discuss the types of herbicides and pesticides used in City parks. The committee will research chemicals being used by other cities in an effort to find and use more natural products.
- Mrs. McFadden said that the Parks and Recreation Committee met on November 18. She noted that Public Works had started design work on the shelter and restroom projects at Taliaferro Park, and that the skate park replacement project would begin later in the winter. The 2021 fee schedule for the swimming pool was also reviewed.

MAYOR'S REPORT

- Mayor Mikkelson reported that the Prairie Village Foundation fundraising campaign was going well. Along with the anonymous donor that pledged matching funds up to \$10,000, another resident had donated \$5,000. Many smaller contributions had also been received.
- The Mayor's virtual tree lighting was held the prior week, and had a significant number of viewers online.
- The Mayor provided an update on the COVID-19 pandemic, noting that in Johnson County, the moving 14-day percent positive rate was down slightly from two weeks ago, at 15.1%. New hospitalizations and deaths were both trending downward.
- The Mayor attended a Johnson County / Wyandotte County Mayors meeting, at which the League of Kansas Municipalities' legislative platform was reviewed.
- The last scheduled Diversity Task Force meeting was held on November 18. Two top priorities were identified, which will be presented to Council in January.



- A Village Vision 2.0 work session was held on November 30. The final session will take place on December 14.
- As of November 27, all Prairie Village government buildings were being powered by wind energy provided through Evergy's "Renewables Direct" program.
- The Mayor attended the annual Johnson County United Community Services meeting.
- The Mayor stated that the most recent revenue report indicated that both sales and use tax revenues were better than expected. The City was also working with Johnson County to reimburse some public safety salaries with funds from the CARES Act.
- The Mayor stated that the City was on track to beat the 2020 budget. He proposed offering a one-time bonus of 1.5% to City staff to recognize their work through the pandemic, totaling approximately \$100,000. Council would have the opportunity to discuss and vote on the proposal at its December 21 meeting.
- The Mayor noted that Teen Council member Macy Cherra was in attendance.

STAFF REPORTS

Administration

- Mr. Jordan stated that new Financial Director Nickie Lee would begin on January 4, and would train with retiring Director Lisa Santa Maria throughout the month.

Mr. Jordan added that staff was developing an orientation program for new committee volunteers.

- Ms. Buom asked Councilmembers to send emails recognizing staff for employee appreciation week. She said that volunteer appreciation notes were sent to committee members the prior week.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2020-61 Consider approval of an additional position of Assistant City Administrator

Mr. Jordan said that the City's administrative management personnel were having difficulty keeping up with daily workload, committee assignments, personnel supervision and meeting the goals and objectives of the City Council in an efficient manner. Adding another Assistant City Administrator position would reduce workload on existing staff, allow the City Administrator to reassign some responsibilities, and indirectly provide an opportunity for employee retention and succession planning in the Police Department.

Anticipated duties for the new position would include emergency management, administration of municipal court and information technology staff, diversity relations and other special projects. Mr. Jordan stated that the position would be funded through



budgetary savings from lower than anticipated health insurance renewal costs for 2021, along with retirements, staffing changes and associated benefits.

Mr. Gallagher made a motion to approve the addition of an additional Assistant City Administrator position. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Myers, Reimer, McFadden, Graves, Gallagher; “nay”: Runion. The motion passed 10-1.

Mr. Jordan stated that he intended to hire retiring Police Chief Schwartzkopf to fill the new position, effective January 4, 2021. Mayor Mikkelson added that he would appoint Major Byron Roberson to fill the Police Chief vacancy.

COU2020-62 Consider adoption of the 2020 Standard Traffic Ordinance (STO) for Kansas Cities and the 2020 Uniform Public Offense Code (UPOC) for Kansas Cities

Ms. Scott said that on an annual basis, the City received the latest edition of the UPOC and the STO from the League of Kansas Municipalities. Prior to the request for incorporation, the offense codes and traffic ordinances were reviewed against current City ordinances for discrepancies. All deletions and additions were approved by the City Prosecutor and City Attorney.

Mrs. Myers made a motion to approve Ordinance 2430 incorporating the 2020 Uniform Public Offense Code as presented. Mr. Graves seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 11-0.

Mrs. Myers made a motion to approve Ordinance 2429 incorporating the 2020 Standard Traffic Ordinance as presented. Mr. Graves seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 11-0.

COU2020-63 Consider renewal of Public Defender agreement with Robin A. Lewis

Ms. Scott stated that the public defender for the City’s municipal court was responsible for representing defendants who had been found indigent by the court and had been charged with criminal actions for which a jail sentence could be imposed. Robin A. Lewis began as the City’s public defender in 2008. Staff recommended that her contract be renewed for the two-year period from January 1, 2021 through December 31, 2022, and include a 3% rate increase.

Mr. Nelson made a motion to renew the public defender agreement as presented. The motion was seconded by Mr. Gallagher, and passed 11-0.



COU2020-64 Consider agreement with Adam Peer for backup public defender services

Ms. Scott said that, if approved, Adam Peer would be contracted to represent Spanish-speaking individuals or individuals who have a legal conflict of interest with primary public defender Robin A. Lewis. Mr. Peer became the Public Defender for the City of Mission Hills in August, 2020. Staff recommended a two-year contract for the period of January 1, 2021 through December 31, 2022. Compensation would be at an hourly rate of \$93.00, which represented a 3% increase from the previous rate.

Mrs. Myers made a motion to approve the backup public defender agreement as presented. The motion was seconded by Mr. Gallagher and passed 11-0.

COU2020-69 Consider approval of agreement with Johnson County for enforcement of county health order

Mr. Waters stated that the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 on November 13, 2020. The Order established social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Health Order became effective in all of Johnson County on Monday, November 16, 2020, and would remain in effect through January 31, 2020, unless otherwise amended, revoked, or replaced.

This type of order could generally be enforced by the district attorney. However, there had been concern over the ability to enforce such rules due to the backlog of cases currently pending in district court. To help alleviate district court pressures, and to better allow the County to enforce the Order, on November 19, 2020, the County adopted Resolution No. 108-20 establishing noncompliance with the Health Order as a violation of the Johnson County Code.

Because there was some question as to whether the County could enforce its own resolutions in Johnson County Codes Court within city limits, the County requested that cities within Johnson County approve an agreement with the County allowing enforcement of the Health Order, as incorporated into the County Code. The agreement provided the following:

- The County, and not the City, would be responsible for enforcement of the Health Order within the City limits. The City would agree to cooperate with the County in the sharing of information related to enforcement, and to assist in educating its citizens as to the requirements of the Health Order.
- The Agreement would be limited to Johnson County Board of Public Health Order No. 002-20. No other orders would be covered by the agreement.



Mr. Waters added that either party could terminate the agreement at any time, if deemed in the best interests of the City or County.

Ms. Limbird asked who the primary point of contact would be for the City, as required in the agreement. Mr. Jordan said he would be the contact.

Mr. Nelson made a motion to approve the agreement as presented. The motion was seconded by Ms. Selders.

Mrs. Myers asked how the Police Department would be involved. Mr. Waters said that officers could be required to testify about incidents they observed if the County determined charges needed to be filed.

After further discussion, a roll call vote was taken with the following votes cast: “aye”: Herring, Selders, R. Nelson, Limbird, Reimer, McFadden, Graves, Gallagher; “nay”: J. Nelson, Myers, Runion. The motion passed 8-3.

Ms. Limbird made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mrs. Myers and passed 11-0.

COUNCIL COMMITTEE OF THE WHOLE

Discuss 2021 Legislative Platform

Ms. Robichaud stated that she was seeking input from Council regarding proposed changes to the 2021 legislative platform, and to identify top priorities to share with the City’s lobbyist and representatives. She shared an updated version of the 2020 platform with suggestions from Councilmembers for review.

Ms. Limbird made a motion to adopt the League of Kansas Municipalities’ State of Municipal Policy as the City’s own, and select the top five priorities from that list to provide to legislators. Mrs. McFadden seconded the motion.

Several Councilmembers shared concerns that the League’s platform did not adequately represent Prairie Village residents, and that the City should have its own. Mr. Gallagher suggested the platform could be adopted but include amendments made by Council. Ms. Nelson asked that staff provide a document comparing the League’s platform with the City’s.

Mr. Herring made a motion to postpone action on the motion to a subsequent Council Committee of the Whole meeting, with the direction that staff send to members of Council a side-by-side comparison of the existing proposed 2021 Prairie Village Legislative Platform and the 2021 League of Kansas Municipalities’ State of Municipal Policy, and ask members of Council to come to the meeting prepared to discuss variances they might have with the League’s document and to define those which they wish to make part of the Prairie Village platform. Mr. Nelson seconded the motion.



After further discussion, Mr. Gallagher called the question, which was seconded by Ms. Nelson and passed 11-0.

The motion to postpone action on the motion passed 10-1, with Mrs. McFadden in opposition.

Mr. Gallagher moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Nelson and passed 11-0.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Ms. Limbird made a motion to adjourn the meeting. The motion was seconded by Mr. Nelson, and passed 11-0.

Mayor Mikkelson declared the meeting adjourned at 9:04 p.m.

Adam Geffert
City Clerk