



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JULY 6, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, July 6, 2021, 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: Jori Nelson, Inga Selders, Ron Nelson, Tucker Poling, Bonnie Limbird, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Byron Roberson, Chief of Police; Keith Bredehoeft, Public Works Director; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Meghan Buum, Assistant City Administrator; Nickie Lee, Finance Director; Cindy Volanti, Human Resources Manager; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Gallagher made a motion to approve the agenda for July 6, 2021. Mr. Nelson seconded the motion, which passed 10-0.

PRESENTATIONS

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 - June 21, 2021
2. Consider appointment to the Arts Council
3. Consider school crossing guard contract renewal with All City Management Services, Inc.



4. Consider the school resource officer agreement with the Shawnee Mission School District
5. Consider approval of short-term special use permit for the KU Kickoff event at Corinth Square

Mr. Nelson made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: “aye”: J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.

COMMITTEE REPORTS

- Mrs. McFadden provided a summary of the VillageFest-to-go event that was held on July 4, and thanked those that volunteered.
- Ms. Selders said that the JazzFest Committee was continuing to prepare for its September event.
- Ms. Limbird gave an update on the Statuary Committee, which recently met with Paul Benson, the City’s statuary maintenance contractor. The committee voted to approve the purchase of outdoor covers for several pieces.
- Mr. Graves reported that the Environmental Committee watched a Kansas Open Meetings Act (KOMA) training video at its last meeting.

MAYOR’S REPORT

- The Mayor provided an update on the COVID-19 pandemic, noting that 49.2% of Johnson County residents ages 12 and up were fully vaccinated, and that in Prairie Village, the total was somewhat higher, at 53%. There had been a slight increase in the percent positive rate, though deaths remained very low.
- The Mayor planned to attend a ribbon cutting ceremony at the Nektar Juice Bar on July 13.
- The next MARC First Suburbs Coalition meeting would be held virtually on July 16.

STAFF REPORTS

- Chief Roberson said that the next session of the Citizens’ Police Academy would begin on September 1. He added that a “Coffee with a Cop” event was held on Thursday, July 1 at Hattie’s Coffee.
- Mr. Bredehoeft reported that a crosswalk would be installed on Roe Avenue near McCrum Park at 69th Terrace.



- Ms. Nelson stated that she had received several emails from residents concerned with the amount of fireworks being shot off over the holiday weekend. Chief Roberson said that the Police Department had received approximately a dozen calls, and officers responded to each of them. He added that individuals caught shooting off fireworks were first given a warning, but could be issued a citation if they did not comply.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2021-53

Consider Resolution 2021-12 of the City's intent to exceed the revenue neutral rate and establishing the date and time of a public hearing

Ms. Lee stated that the Governing Body had approved the preliminary 2022 budget on May 17. The budget maintained the same level of services as the 2021 budget while also adding certain decision package items. Funding the budget with existing services and approved decision packages would not require an increase to the mill levy rate, but it would exceed the "revenue neutral rate" due to increased revenue received from higher property valuations. The revenue neutral rate is defined as the tax rate in mills that generates the same property tax in dollars as the previous tax year using the current tax year's total assessed valuation.

The 2022 proposed budget included a total mill rate of 19.321, the same as the 2021 rate. The revenue neutral rate for 2022 was calculated to be 18.386 mills; therefore, the proposed rate would require a public hearing, per Kansas Senate Bill 13. The public hearing was scheduled to take place at the City Council's regular meeting on Tuesday, September 7, 2021, along with the budget public hearing and adoption of the 2022 budget.

Mrs. McFadden made a motion to approve Resolution 2021-12 stating the City's intent to exceed its revenue neutral rate and establishing the date and time of a public hearing on such matter, and providing for the giving of notice of such public hearing. Mr. Poling seconded the motion.

After further discussion, the motion passed 9-1, with Mr. Runion in opposition.

Ms. Nelson 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 and passed 10-0.



COUNCIL COMMITTEE OF THE WHOLE

Discussion of diversion agreements and legal review of marijuana enforcement

Mr. Schwartzkopf shared information that compared the cost of diversion for possession of marijuana in Prairie Village and six surrounding cities. Each of the six cities required full supervision, meaning defendants must report to a monitor, pay monitor fees and perform random drug tests. Prairie Village only requires full supervision when the prosecutor believes there is a significant safety need. Additionally, total diversion fees in Prairie Village were substantially lower than the six other communities.

Mr. Waters shared his legal research on the ability of the City to decriminalize marijuana, and/or to reduce penalties associated with marijuana possession, based on a request made by the Council Committee of the Whole at its May 3, 2021 meeting. In his opinion, the City could not legalize the possession of marijuana because it is illegal under both federal and state law, and the City did not have the home rule authority to authorize something which legislature had forbidden. He noted that the City's home rule authority would allow it to enact an ordinance similar to one in Lawrence, Kansas, which would create a policy establishing that penalties in Municipal Court could be lower than those established by statute. Lastly, he said that the City likely could remove marijuana possession from the Uniform Public Offense Code (UPOC) under its home rule authority. He added that doing so would not make marijuana possession legal in the City; rather, it would result in violations being processed by the Johnson County District Court.

Ms. Selders made a motion to direct the Police Department to internally discuss opting out of the marijuana possession regulations in the UPOC, and report back to the Council Committee of the Whole at a later meeting. She also moved for the Committee to draft a proclamation stating that it was taking a stand against systemic racism surrounding marijuana laws and urging other municipalities and counties in Kansas to do the same. With no second, the motion failed.

Mr. Poling and Mr. Graves shared their support for changes to marijuana legislation, but also concern about eliminating marijuana possession from the UPOC, which would result in defendants having to be tried by District Court.

Chief Roberson stated that a policy removing an officer's discretion to evaluate situations and the authority to arrest individuals in possession of marijuana would negatively impact safety in the City.

Ms. Selders made a motion to draft a proclamation at an upcoming Council Committee of the Whole meeting expressing the Council's views on marijuana reform and sharing it with the City's state representatives. The motion was seconded by Mr. Poling.

After further discussion, Ms. Selders retracted her motion, instead opting to develop a proclamation with the Diversity Committee and bring it back to the Council Committee of the Whole at a future meeting.



Consider new and revised employee handbook policies to include paid parental leave, military leave, and designation of Juneteenth and Christmas Eve as City holidays

Ms. Volanti stated that staff periodically reviewed benefits and policies offered to employees to ensure the City was remaining competitive and providing similar benefits to those of peer cities. With these goals in mind, staff recommended revisions to three policies: a new policy to offer paid parental leave, revisions to the City's current military leave policy, and the designation of Juneteenth and Christmas Eve as holidays. In addition to these policy recommendations, the City will conduct a thorough compensation and benefits study in 2022 and bring forward recommendations to ensure the total compensation package remains competitive and is neither lacking nor overly generous when compared with the compensation package offered by similar jurisdictions.

- **Paid Parental Leave**

Staff proposed a paid parental leave policy for full-time employees granting 6 weeks of paid leave to new parents for the birth or adoption of a child. The policy requires that the leave be taken within 12 weeks following the event; once the 6 weeks of paid parental leave is exhausted, the employee has the option to use their accrued sick and vacation leave balances, take unpaid leave, or return to work.

- **Military Leave**

Under federal law, the City is required to grant an employee leave for service in the armed forces and reinstate the employee upon return from active duty or training. The City's current military leave policy also provides a pay differential to the employee for any military service that extends beyond 30 days. During the leave, the employee is paid the difference between their city rate of pay and military rate of pay to make the employee whole. For leave that is less than 30 days, the employee is able to take their accrued vacation or personal leave (or leave without pay) but are not currently eligible for the military pay differential as an alternative. Staff proposed a revision to this policy based on feedback from employees currently serving in the armed forces to allow the employee to receive military leave pay even if the leave does not extend beyond 30 days. This would mean employees could receive military leave pay for short-term military leave rather than using their paid vacation and sick leave balances.

- **Designation of Juneteenth and Christmas Eve as City Holidays**

In June 2021, the federal government designated Juneteenth as a federal holiday to commemorate the emancipation of African-American slaves. The City historically has recognized all federal holidays as city holidays, with the exception of Columbus Day, in which City employees are instead given a floating holiday to use on a date of their choosing. Staff recommended adding Juneteenth as an officially recognized holiday in the City of Prairie Village.



In addition, Christmas Eve is not currently designated as a paid holiday; however, it has long been a tradition for employees to be dismissed at noon on Christmas Eve by the Mayor. While this is a tradition that many of our employees enjoy and are grateful for, it can become an administrative challenge to manage the timecards for employees who work in the field, have taken the day off in advance, or who are required to work on the holiday due to being an essential public safety employee. To alleviate this issue, ensure equity in treatment of all employees, and be consistent with historical practice, staff is recommending designating Christmas Eve as an official half-day city holiday.

Mr. Poling made a motion to adopt the amendments to the employee handbook policies as presented. Mr. Nelson seconded the motion.

After further discussion, Mr. Graves made a motion to amend the motion, making paid parental leave 8 weeks over the first 12 months following the birth or adoption of a child. Mr. Nelson seconded the motion, which passed 8-2, with Ms. Limbird and Mr. Gallagher in opposition.

The original motion as amended passed 10-0.

Ms. Nelson moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Graves and passed 10-0.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Ms. Nelson made a motion to adjourn the meeting. Ms. Limbird seconded the motion, which passed 10-0.

Mayor Mikkelson declared the meeting adjourned at 8:06 p.m.

Adam Geffert
City Clerk