



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
SEPTEMBER 7, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 7, 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: 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: Byron Roberson, Chief of Police; Keith Bredehoeft, Public Works Director; Cliff Speegle, Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Graham Smith, Gould Evans; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Meghan Buum, Assistant City Administrator; Nickie Lee, Finance Director; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Nelson made a motion to approve the agenda for September 7, 2021. Mrs. Myers seconded the motion, which passed unanimously.

**PRESENTATIONS**

Representative Stephanie Clayton provided a legislative update to the Council.

**PUBLIC PARTICIPATION**

- Vicki Riffle, 3627 Somerset Drive, spoke in favor of a proposed civic center.

With no one else present to address the Council, public participation was closed at 6:19 p.m.

**PUBLIC HEARING**

Hearing to exceed revenue neutral rate and 2022 budget hearing

- Steven Johnson, Kansas House Representative - 108<sup>th</sup> District, Saline County, provided information about pension funding bonds.



- Ms. Lee gave a summary of the 2022 budget, including information about the revenue neutral rate.
- John Beeder, 8428 Delmar Lane, shared concerns about rising property tax rates in the City, and spoke in favor of a mill levy reduction.

With no one else present to address the Council, the public hearing was closed at 6:36 p.m.

### **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 - August 16, 2021

**Mr. Nelson made a motion to approve the consent agenda as presented.**

**Mrs. Myers made a motion to amend, requesting that a notation be added to indicate that public speaker Dr. Jameelah Lang was a Ph.D., rather than a medical doctor. Mr. Runion seconded the motion.**

**A roll call vote was taken with the following votes cast: “aye”: Herring, Limbird, Myers, Reimer, Runion, McFadden, Gallagher; “nay”: J. Nelson, Selders, R. Nelson, Poling, Graves. The motion passed 7-5.**

### **COMMITTEE REPORTS**

#### **Planning Commission**

PC2021-117: Consider approval of revised preliminary development plan for Meadowbrook shopping center at 5300 W. 95th St.

Graham Smith, planning consultant with Gould Evans, stated that the applicant was requesting approval of a preliminary development plan for a partial tear down of an existing building, construction of a new two-story building, cosmetic changes to all existing buildings, and associated site improvements at the Meadowbrook Shopping Center. The property is zoned CP-1, Planned Restricted Business, which requires a preliminary development plan and a final development plan for redevelopment.

In this case, a new two-story building will replace the northeast corner of the existing building on the west half of the site. The front portion of the building and the existing building on the east half of the site will remain and be refaced. The primary use for the new building will be a childcare center, and the remaining tenant spaces will be unchanged as to their general uses (retail, service and office uses).



Mr. Smith reviewed the “Golden Factors” that must be considered for a revised preliminary development plan:

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; and
9. Approval of the preliminary and final development plans

Mr. Smith stated that the Planning Commission voted unanimously to recommend approval of the preliminary development plan with the following conditions:

1. Amended landscape plan approved by staff with the following changes:
  - a. 94<sup>th</sup> Terrace street trees coordinated with on-street parking options in condition #2;
  - b. Additional landscape to screen four trash enclosure areas on 94<sup>th</sup> Terrace;
  - c. Eight street trees be added to the 95<sup>th</sup> Street frontage, and preservation of the five existing street trees;
2. On-street parking on 94<sup>th</sup> Terrace be subject to further review and approval by Public Works and the applicant should consider forgoing on-street parking at this time;
3. Public Works approves drainage study and/or a drainage permit prior to building permits being issued;
4. Signs included the plan are conceptual; any future signs are subject to sign permits meeting City standards; and
5. Approval conditioned upon approval of the revised preliminary development plan by the City Council.

**Mrs. McFadden made a motion to accept the Planning Commission’s recommendation and approve PC2021-117, a revised preliminary development plan for the Meadowbrook shopping center located at 5300 W. 95<sup>th</sup> Street. 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, Mikkelson. The motion passed unanimously.**



### **Finance Committee**

COU2021-64: Consider approval of a resolution authorizing the offering for sale of special obligation tax increment revenue refunding bonds (Meadowbrook TIF project) of the City of Prairie Village, Kansas

Jeff White, with the City's financial advisor Columbia Capital, said that in 2015, Van Trust Real Estate, along with the Johnson County Government, the City of Prairie Village, and the Johnson County Park & Recreation District announced their intent to work together on the Meadowbrook Park redevelopment project. Currently, many elements of the park are complete and the Tax Increment Finance (TIF) district is performing above expectations.

In 2016, the City issued two series of bonds to finance land acquisition and public infrastructure costs related to Meadowbrook Park and Village Project:

- \$11.3 million - General Obligation (GO) Bonds
- \$8.135 million - Special Obligation (SO) TIF Revenue Bonds

Although TIF revenues have been sufficient to make debt service payment to date, the City's general fund remains obligated to repayment on the GO bonds. The success of the project and a very strong municipal market provide an opportunity to eliminate the City's exposure to the project and restructure the GO debt to SO bonds.

Columbia Capital recommended the City refund both 2016 bond series in a single series of SO refunding bonds. The Finance Committee reviewed this recommendation on August 19, 2021 and recommended it be brought to City Council for approval. The proposed resolution would express the City Council's intention to "go-to-market" and have staff work together with advisors, counsel and others to prepare a refunding bond transaction for the market. If approved, Council will take action in October 2021 to finalize the sale and amend the development agreement where necessary.

Ms. Nelson asked if the bond sale would negatively impact the City's 'Aaa' bond rating. Mr. White noted that it should actually strengthen the rating, and that the total cost of the debt would be reduced.

**Mrs. McFadden made a motion to approve Resolution 2021-14 authorizing the offering for sale of special obligation tax increment revenue refunding bonds (Meadowbrook TIF project) of the City of Prairie Village, Kansas. The motion was seconded by Mr. Graves. A roll call vote was taken with the following votes cast: "aye": Herring, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, McFadden, Graves, Gallagher; "nay": J. Nelson, Runion. The motion passed 10-2.**

Discussion of the City bond capacity



Adam Pope, with Columbia Capital Management, shared information about the City's debt capacity. He noted that City currently had three series of bonds outstanding for street improvement, streetlights and the construction of the Public Works facility. As of 2024, both the street improvement and streetlight bonds will be fully paid off. If the City decided to capitalize the \$760,000 difference between its current monthly debt payment and the reduced amount once the two bonds are paid off over the course of 30 years, it would result in \$15.4 million in net proceeds. Further, the City could issue as much as \$20 million in debt over 30 years before its bond rating fell from 'Aaa' to 'Aa+'.

- Mr. Herring reported that the Tree Board met on September 1. The Tree Board's fall seminar will be held on October 13.
- Mr. Graves said that the Environmental Committee met on August 25. The committee was considering ways that it could participate in events throughout the region to share information, such as the City of Mission's environmental fair in 2022.
- Ms. Reimer shared that the United Community Services' Drug and Alcohol Council met on August 19 for training on the upcoming annual grant funding cycle for 2022. Interviews with prospective grantees will begin on September 21.
- Ms. Selders stated that the JazzFest Committee had to cancel the annual event due to guidance from the Kansas Department of Health and Environment for large outdoor events. A total of \$12,193.66 was spent on non-refundable fees to vendors and performers.

Ms. Selders also said that the Diversity Committee met in August, at which the Mayor joined the group to discuss the new Affordable Housing ad-hoc committee. A potential ban on conversion therapy was also discussed, as was demographic data of police stops in the City.

### **MAYOR'S REPORT**

- The Mayor provided an update on the COVID-19 pandemic, stating that the vaccination rate of Johnson County residents 12 and over had increased to 60.2%, and in Prairie Village, the rate had increased to 64.2%. The Center for Disease Control data, which included Johnson County residents that had been vaccinated out of state, had increased to approximately 70%. New cases had plateaued, and percent positives, hospitalizations and deaths had fallen.
- The Mayor attended the Shawnee Mission School District's "State of the Schools" luncheon on August 19.
- The Mayor participated in the Lancer Day parade, held on September 3.
- The Johnson County / Wyandotte County Mayors group met in Prairie Village on September 1.



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- The “Puppy-Palooza” event was held earlier in the evening to close out the pool season.
- The Mayor noted that Chief Roberson had been appointed to the Johnson County Criminal Justice Advisory Council, and that the Financial Department had been awarded the “triple crown” award from the Government Financial Officers’ Association for transparency and excellence in City finances.
- The first meeting of the ad-hoc Affordable Housing Committee will be held on September 16.
- The Mayor will attend a Johnson County Charter Commission meeting on September 13.
- Tamara Day, local business owner and star of HGTV’s “Bargain Mansions”, will give a presentation at the Northeast Johnson County Chamber of Commerce lunch on September 16.
- The newly constructed skate park ribbon-cutting ceremony will be held on September 15.
- The Corinth Quarter ribbon-cutting ceremony will be held on September 16.
- The Mayor noted that the application period for the Teen Council was underway.

### STAFF REPORTS

- Chief Roberson reported that the Police Department would participate in a national event called “Faith in Blue” on October 9. In addition, the first Prairie Village K-9 officer will be named “Blitz”, based on the results of an online recent poll.
- Mr. Bredehoeft stated that the skate park would open by the end of the week. Additionally, the various street repair projects throughout the City continued, including 71<sup>st</sup> Street between Belinder Avenue and State Line Road, and State Line Road between 71<sup>st</sup> Street and 75<sup>th</sup> Street.

### OLD BUSINESS

There was no old business to come before the Council.

### NEW BUSINESS

**COU2021-61**

**Consider Resolution 2021-13 approving a tax rate of mill levy rate in excess of the revenue neutral rate for the 2022 budget year**

Mayor Mikkelson noted that funding the 2022 budget with existing services and approved decision packages would not require an increase to the mill levy rate, but would exceed the revenue neutral rate due to revenue that will be received from increased property valuations. The revenue neutral rate is 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. In Prairie Village, the revenue neutral rate would be 18.386 mills, whereas the 2022 recommended budget has a total mill rate of 19.321, flat with the 2021 rate.

**Ms. Limbird made a motion to approve Resolution 2021-13 approving a tax rate of mill levy rate in excess of the revenue neutral rate for the 2022 budget year. Mr. Poling 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, Reimer, McFadden, Graves, Gallagher; “nay”: Myers, Runion. The motion passed 10-2.

**COU2021-62          Consider 2022 budget adoption**

Mr. Poling made a motion for the City Council to adopt the 2022 budget as certified in the amount of \$38,834,206 with ad valorem tax in the amount of \$9,526,762. Mr. Graves seconded the motion.

Mr. Runion made a motion to amend the motion by eliminating the \$500,000 contingency fund and to reduce the mill levy rate accordingly. The motion was seconded by Mrs. Myers. A roll call vote was taken with the following votes cast: “aye”: Myers, Runion; “nay”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, McFadden, Graves, Gallagher. The motion failed 10-2.

After further discussion, a roll call vote on the original motion 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.

**COU2021-63          Consider reappointment of City Administrator**

Mayor Mikkelson said that under the terms of the Municipal Code, the following positions within the City are appointive positions with four-year terms: City Attorney, Assistant City Attorney, Municipal Judges, City Prosecutor, City Clerk, City Treasurer, City Administrator, Deputy City Administrator, Director of Public Works, City Architect and Chief of Police. The Mayor requested the City Council ratify the reappointment of Wes Jordan to serve as the City Administrator.

**Ms. Selders made a motion to ratify the appointment of Wes Jordan as City Administrator. Mrs. McFadden seconded the motion, which passed unanimously.**

After Council approval, Mayor Mikkelson swore in Mr. Jordan as City Administrator.





**COU2021-61      Consider memorandum of understanding with Bird Rides, Inc., for a one year pilot program**

Mr. Bredehoeft stated that the Council Committee of the Whole had recommended approval of the MOU with Bird Rides at its September 7, 2021 meeting. Mike Butler was present to answer questions from Council.

**Mr. Poling made a motion to authorize the Mayor to sign the memorandum of understanding with Bird Rides, Inc., for a one year pilot program. The motion was seconded by Mr. Nelson.**

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

**Mayor Mikkelson voted “aye” to provide the tiebreaking vote. The motion passed 7-6.**

**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 Ms. Reimer and passed unanimously.**

**COUNCIL COMMITTEE OF THE WHOLE**

**Discussion on returning to in-person / hybrid Council meetings**

Mr. Schwartzkopf stated that Council had directed staff to prepare a plan to return to in-person or hybrid meetings at its May 3, 2021 meeting. On May 14, a power surge caused significant damage the audio/visual equipment in the Council Chamber. The equipment was replaced and became operationally ready the week of August 16, 2021.

Mr. Schwartzkopf noted that chairs had been moved to allow for social distancing and up to 15 people could be seated in the gallery. Four staff members would be able to sit at a work table on the south side of the room. Staff recommended that masks be mandatory for all in-person participants.

Additionally, the new equipment would allow for a hybrid option with both in-person and virtual attendees, including individuals that wished to speak during public participation. For this option, staff recommended in-person attendees be allowed to speak first during public participation followed by those attending virtually.

**After discussion, Mr. Poling made a motion to proceed with implementing a hybrid model. Ms. Selders seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Graves, Gallagher; “nay”: J. Nelson, Runion, McFadden. The motion passed 9-3.**





Discuss MIRD0007 - Mission Road at 68<sup>th</sup> Street flood control project budget

Mr. Speegle stated that the proposed project would address roadway and home flooding issues along Mission Road north of Tomahawk Road caused by the flooding of Brush Creek. A preliminary engineering study was completed in 2018 to secure Johnson County Stormwater Management Program (SMAC) funding for the project, which will fund 50% of the project costs. Preliminary design began in the spring of 2021 with construction anticipated to start in the summer of 2022.

The 2018 study established a project budget based on an engineering solution that would raise Mission Road between 68<sup>th</sup> Terrace and 67<sup>th</sup> Terrace in order to keep Brush Creek's flow east of Mission Road. As preliminary design and analysis progressed in 2021, it was determined that additional channel modifications and retaining walls were also needed. The project originally budgeted \$2,500,000 for construction. The addition of the channel modifications and retaining walls, along with miscellaneous construction cost increases, raised the overall construction estimate to \$3,650,000.

The Johnson County SMAC program agreed to adjust the overall project budget to account for the project cost increase in its 2022 budget. City stormwater funds would need to account for the remaining 50% of the increase. The project is anticipated to be bid for construction in early 2022. At that time, the final bid cost will be used to determine the funding transfer amount required from the 2022 Drainage Program to MIRD0007. It is estimated that up to \$600,000 would be added to the project funding from City funds. Funds are available in the 2022 drainage program for this transfer and only the amount necessary for construction will be transferred at the time of bid award.

**Mr. Herring moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Reimer and passed unanimously.**

### **EXECUTIVE SESSION**

At 9:55 p.m., Mrs. McFadden made a motion for the City Council recess into executive session for a period of 20 minutes for a discussion of the acquisition of real property, pursuant to K.S.A. 75-4319(b)(6). The Governing Body, City Administrator, Deputy City Administrator, Assistant City Administrators, and Financial Director will be present, either in person or via video conference. The motion was seconded by Mr. Herring, and passed unanimously.

The open meeting resumed at 10:15 p.m.



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**ANNOUNCEMENTS**

Announcements were included in the Council meeting packet.

**ADJOURNMENT**

Mr. Nelson made a motion to adjourn the meeting. Ms. Nelson seconded the motion, which passed unanimously.

Mayor Mikkelson declared the meeting adjourned at 10:16 p.m.

Adam Geffert  
City Clerk