

Members of the Governing Body will participate in a hybrid-meeting format. The public may attend the meeting in person or view it online at <https://www.facebook.com/CityofPrairieVillage>.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, October 4, 2021
6:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

V. PRESENTATIONS

Legislative update from Representative Rui Xu

VI. PUBLIC PARTICIPATION

If you would like to speak live during the public participation portion of the meeting and would prefer to do so remotely, please notify City Clerk Adam Geffert at cityclerk@pvkansas.com, and provide your name and address prior to 3 p.m. on October 4. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins. Alternatively, you may speak in-person at the meeting without signing up beforehand.

To submit written comment to the Council, please email cityclerk@pvkansas.com prior to 3 p.m. on October 4 to be shared with Councilmembers prior to the meeting.

VII. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (roll call vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff

1. Approval of regular City Council meeting minutes - September 20, 2021
2. Consider the renewal of information technology services between Johnson County DTI and the City of Prairie Village

VIII. COMMITTEE REPORTS

IX. MAYOR'S REPORT

X. STAFF REPORTS

Update from Columbia Capital regarding the Meadowbrook bonds refinancing
Jeff White, Columbia Capital

XI. OLD BUSINESS

XII. NEW BUSINESS

XIII. COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)

COU2021-70 Consider an ordinance banning conversion therapy of minors
David Waters

COU2021-71 Consider committing to the “Cities Race to Zero” climate initiative
Ian Graves

XIV. EXECUTIVE SESSION

XV. ANNOUNCEMENTS

XVI. ADJOURNMENT

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, etc., please notify the City Clerk at 913-385-4616, no later than 48 hours prior to the beginning of the meeting. If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@pvkansas.com.



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
SEPTEMBER 20, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 20, 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; 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 20, 2021. Ms. Reimer seconded the motion, which passed unanimously.

PRESENTATIONS

Senator Ethan Corson provided a legislative update to the Council.

Residents Whitney Wilson and Kristin Riott gave a presentation on the regional climate action plan, developed by the Mid-America Regional Council and Climate Action KC.

PUBLIC PARTICIPATION

- Dr. Heather Noble, 7637 Tomahawk Road, spoke in favor of a ban on conversion therapy of minors.

With no one else present to address the Council, public participation was closed at 6:47 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 - September 7, 2021
2. Approval of expenditure ordinance #3006

Mrs. McFadden 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

- Mr. Graves said that the ad-hoc Housing Committee met for the first time on September 16 at Harmon Park. He noted that the group intended to present recommendations to the Council in the spring of 2022.
- Mr. Gallagher stated that the Arts Council met on September 15. Over 100 entries were received for the virtual State of the Arts event. Additionally, a video about the event, including information about artists and artwork was planned. The Council was also working with the Johnson County Parks and Recreation District to feature artwork at Meadowbrook Park in the future.
- Ms. Reimer shared an update on the Teen Council, noting that applications would continue to be accepted until September 30.

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 61.6%, and the rate in Prairie Village to 65.5%. CDC data, which included Johnson County residents who received vaccinations outside of the county, had risen to 74.4%. New cases remained steady, though the percent positive rate, hospitalization rate and death rate had all declined.
- Tamara Day, star of HGTV's "Bargain Mansions", gave a presentation at a Northeast Johnson County Chamber of Commerce luncheon on September 16. Additionally, her "Growing Days" store recently opened in the Corinth shopping center.
- The Corinth Quarter grand opening was postponed until the spring of 2022.
- The newly remodeled skate park ribbon-cutting event was held on September 15.
- The Mayor attended a Northeast Johnson County Chamber event at the Va Bene restaurant the previous week.



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- The Johnson County Charter Commission met on September 13 for a public comment session. The meeting was cut short due to disruptive behavior from some public attendees. Another public comment session will be scheduled for a future date.
- The Prairie Fields Homes Association held its annual block party on September 11.
- The Mayor and Ms. Limbird attended a “Library Lets Loose” fundraising event on September 18.
- The Mayor noted the Diaper Needs Awareness Week proclamation in the meeting packet.
- The virtual Shawnee Mission School District annual fundraiser breakfast will be held on September 28.
- The Mission Hills police appreciation lunch will be held on September 27.
- Club Pilates, a new business in the Corinth Quarter shopping center, will hold a ribbon-cutting event on September 21.

STAFF REPORTS

- Chief Roberson reported that the police department participated in an event to raise money for the Special Olympics, and would be participating in a blood drive on September 30. Additionally, the Citizen Advisory Board met for the first time earlier in the day. Police staff also toured the Johnson County Arts and Heritage Museum in preparation for a future class on the history of redlining and racial segregation practices in the Kansas City area.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2021-65

Consider extending ordinance requiring the wearing of face coverings or masks during the COVID-19 public health emergency and recovery

Mr. Waters stated that the existing mask ordinance would expire at midnight on September 30, 2021. He noted that City staff had received a minimal amount of complaints, and that the police department had not issued any tickets for violation of the ordinance. The Johnson County Department of Health and Environment (JCDHE) also provided its support for extending the mask mandate.

Ms. Nelson made a motion to extend the mask mandate until November 30, or until such time as the county is no longer considered a high-transmission area based on CDC metrics. There was no second to the motion.

Mr. Graves made a motion to extend the mask mandate to October 31. The motion was seconded by Mr. Herring.



After further discussion, a roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, Runion, McFadden, Graves, Gallagher; “nay”: Myers. The motion passed 11-1.

COU2021-66 Consider plan for hybrid (virtual and in-person) Council meetings

Mr. Schwartzkopf stated that a hybrid meeting plan was included in the meeting packet, and asked that the Council provide direction on how to proceed. The general plan for hybrid meetings included the following points:

- Members of the Governing Body will have the choice to be in-person or virtual.
- There will be no minimum number required to be in-person.
- Governing Body members will be encouraged to let City staff know of their intention to appear in-person prior to the meeting for planning purposes.
- At the discretion of the Mayor and City Administrator (or designee), meeting format could be modified in keeping with the best interest of health and safety of attendees.
- This hybrid meeting format can begin at the Governing Body’s discretion. City staff will be ready to proceed in October 2021.

Mrs. McFadden made a motion to approve the proposed hybrid meeting plan for Council meetings. Mr. Poling seconded the motion, which passed unanimously.

COU2021-67 Consider design amendment with Affinis Corporation for the design of MIRD007 Phase 2 - Mission Road at 68th Street flood control project

Mr. Speegle stated that a preliminary engineering study was completed in 2018 to secure Johnson County stormwater funding for the project, which will address home and roadway flooding along Mission Road. Stormwater Management Program (SMAC) funding was approved by the county in 2020, and project design began in March of 2021.

Mr. Speegle added that the previously approved agreement (Phase 1) focused on preliminary design development, topographic surveys, early permit coordination, and stakeholder engagement. Phase 2 would include final design, public involvement, project permitting with various agencies, sub-consultant costs, construction documents, and construction services. Construction is anticipated to begin in the summer of 2022.

The SMAC program will fund 50% of the project’s design and construction costs as part of its flood control program. The current construction cost estimate is \$3,250,000, and the total project budget is \$3,650,000.



Mrs. McFadden made a motion to approve the phase two design amendment with the Affinis Corporation for final design, construction documents, and permitting of the MIRD0007 - Mission Road at 68th Street flood control project in the amount of \$299,938.00. Mr. Poling seconded the motion, which passed unanimously.

Mr. Herring 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

COU2021-68 Consider ordinance banning conversion therapy of minors

Ms. Selders said that at the August 18, 2021 Diversity Committee meeting, Taryn Jones, a representative from Equality Kansas, gave a presentation on the negative effects conversion therapy has on minors in the LGBTQ community. After discussion, a formal motion was made to move the topic to Council to consider enacting an ordinance prohibiting conversion therapy in Prairie Village. The motion was approved unanimously by the Diversity Committee. Ms. Selders added that an ordinance banning conversion therapy of minors from the City of Roeland Park was included in the meeting packet.

Ms. Jones and Brian Shapley from the metro Kansas City chapter of Equality Kansas gave a presentation on conversion therapy. A list of cities across the country that already had bans in place was included.

Ms. Selders made a motion to direct staff to draft ordinance language banning the conversion therapy of minors modeled after an existing ordinance in Roeland Park. Mr. Poling seconded the motion.

Mr. Runion requested that a cap on legal fees be included, and asked whether there were any conversion therapy practitioners in the City. Mr. Shapley stated that Equality Kansas was not aware of any practitioners in Prairie Village, but noted that there were many therapy survivors that lived in the area. He also added that unpaid, unlicensed individuals, such as those within religious institutions, would be exempted from the ordinance.

The motion passed 10-2, with Mrs. Myers and Mr. Runion in opposition.

COU2021-69 Consider location for city owned electric vehicle charging station

Mr. Bredehoeft said that the 2020 CIP included a project to install an electrical vehicle charging station for use by the general public on City property. The station would be similar to the Evergy charging stations installed over the last several years in other areas of the City. The station will operate on the "Charge Point" network, similar to others in Prairie



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KANSAS

Village, including the public charging station located at the new Public Works building. Mr. Bredehoeft noted funding in the amount of \$20,000 was available in 2020 CIP for the project.

Mr. Nelson made a motion to approve the installation of a public electric vehicle charging station adjacent to the Harmon Park skate park. Mr. Poling seconded the motion, which passed unanimously.

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

ANNOUNCEMENTS

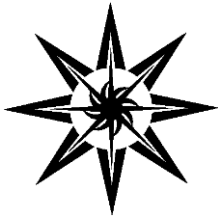
Announcements were included in the Council meeting packet.

ADJOURNMENT

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

Mayor Mikkelson declared the meeting adjourned at 8:43 p.m.

Adam Geffert
City Clerk



ADMINISTRATION

Council Meeting Date: October 4, 2021
Consent Agenda

Consider the Renewal of Information Technology Services between
Johnson County DTI and the City of Prairie Village

RECOMMENDATION

Staff recommends approval of the 2022 DTI contract for \$46,125.00.

COUNCIL ACTION REQUESTED ON: October 4, 2021

BACKGROUND

Johnson County DTI has provided network services and support for the past seven years. In early 2017, the City of Prairie Village was able to reduce required services, but still relies on DTI to provide network and security services. DTI provides connectivity on a county-wide basis and allows for operations in each department at a reduced cost.

The included renewal contract is the standard agreement between Johnson County DTI and other municipalities. The only change in the contract is the fee increase from \$44,991.00 in 2021 to \$46,125.00 in 2022. There is one portion addressing increased bandwidth parameters and that language has been reviewed and approved by Staff. The portions of the contract that pertain to description of managed services, network coverage, and security services have not changed. The City Attorney has previously reviewed and approved the contract.

The total cost of DTI contracted services is within the 2022 Information Service budget and will not require additional funding.

ATTACHMENTS

2022 Information Technology Services Agreement with DTI

PREPARED BY

Tim Schwartzkopf
Assistant City Administrator
September 20, 2021

RENEWAL OF INFORMATION TECHNOLOGY SERVICES
AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS AND THE CITY OF PRAIRIE VILLAGE, KANSAS

THIS RENEWAL OF INFORMATION TECHNOLOGY SERVICES AGREEMENT (“Renewal”) is made and entered into this __ day of _____, 2021 by and between the City of Prairie Village, Kansas (“City”) and the Board of County Commissioners of Johnson County, Kansas (“County”).

WITNESSETH:

WHEREAS, the City and the County entered in that certain Information Technology Services Agreement dated August 21, 2014, and subsequent Renewal thereof dated January 1, 2017, regarding the provision of information technology services (together hereinafter the “Agreement”); and

WHEREAS, the City and the County desire to renew and amend the Agreement.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and pursuant to and in accordance with the statutory authority vested in the City and the County, the parties hereto agree as follows:

1. Renewal. The City and the County hereby agree that the Agreement shall be, and hereby is, renewed and extended, but with amendment, for an additional term from January 1, 2022 through December 31, 2022 (the “Renewal Term”), subject to the terms and conditions set forth hereinbelow.

2. Services. During the Renewal Term, the County agrees to provide the services set forth in Exhibit A and the City agrees to share in the costs of those services by paying the amounts set forth in Exhibit A, which are the annual costs of the services. These rates are valid for the Renewal Term and are valid only if the City obtains and maintains a high speed data connection of at least 10mb between the City’s facility and any County facility on its high speed network. The County reserves the right to raise these rates if the City fails to obtain and maintain high speed connectivity. The City agrees to pay the costs set forth in Exhibit A on a quarterly basis commencing upon execution of this Renewal. The City agrees to adhere to the County security policies, procedures, and processes, including to allow scanning of any devices attached to the Johnson County network. The City must notify the County of increased need for bandwidth. The County reserves the right to limit bandwidth as necessary to support priority business needs.

3. Additional Services. The parties agree that during the Renewal Term, if the City requests additional professional services that are not included in the services set forth in Exhibit A, then the County’s hourly rates for such services shall be as follows:

Tier 1 Support per hour	\$55.00	Support Center
Tier 2 Support per hour	\$75.00	Systems, Phone, Network, Applications
Consulting per hour	\$90.00	Security, Project Management
DBA Support per hour	\$90.00	Data Administration

4. Agreement Effective. Except as expressly modified by this Renewal, the terms and provisions of the Agreement shall remain unchanged and in full force and effect.

5. The City shall protect, defend, indemnify, and hold harmless the County, its officers, employees and agents free from any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising from or in any way related to the negligent or intentional act, error or omission of the City, its officers, employees or agents, in performing under, arising from, or related to this Agreement.

6. The County is not responsible for providing insurance or self-insurance for the benefit of the City. For this reason, it is recommended that the City shall, at all time during the term of this Agreement and for not less than three (3) years after the expiration or termination thereof, maintain Data Privacy & Security (Cyber) insurance, with limits not less than \$1,000,000 per claim and aggregate, underwritten by an insurance company authorized to write insurance in the state of Kansas. City shall furnish a Certificate of Insurance to the County at the time of execution of this Agreement and within five (5) days of the date of renewal of this insurance. Certificate Holder shall be, Board of County Commissioners, Johnson County, Kansas, c/o Risk Manager, 111 S. Cherry Street, Suite 2400, Olathe, KS 66061. If City does not carry the above referenced Cyber insurance, City shall be responsible for the cost of and hold County harmless for any resulting damages and costs arising from any data breach incident or claim that would otherwise be covered by Cyber insurance.

7. The County expressly disclaims any express or implied warranties, representations or endorsements regarding any data, information, services or products provided in connection with, included in, or regarding this Agreement. No advice or information given by County officers, employees, agents or contractors shall create a warranty.

8. All County employees providing services on behalf of the County under this Agreement shall remain employees of the County for all purposes and shall not be deemed employees of the City of Prairie Village under any circumstances. Similarly, all employees of the City coordinating with or providing any assistance to the County in the performance of services under this Agreement shall remain employees of the City for all purposes and shall not be deemed employees of the County under any circumstances.

IN WITNESS WHEREOF, the parties hereto have caused this Renewal to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

CITY OF PRAIRIE VILLAGE, KANSAS

BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS

By _____
Eric Mikkelson, Mayor

By _____
William P. Nixon, Jr., Chief Information Officer

Date _____

Date _____

APPROVED AS TO FORM:

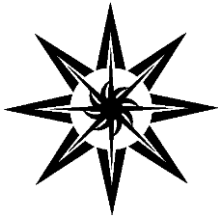
Ryan Haga, Assistant County Counselor

Date _____

EXHIBIT A—SERVICES

	City of Prairie Village	City	Police
	Description of Managed Services	47	61
# Full Time Users		0	0
# Part Time Users (<4 hrs)		90	73
# of Devices (PC's & Servers)			
Network	DTI will be responsible for network monitoring - Includes all network systems, core appliances and switches Network administration and support - Review of event logs and implementation of manufacturer-recommended firmware updates for routers and switches. Network hardware replacement - Identify and recommend network hardware replacements, assisting with the installation as required and needed. Internet Connection including Guest WiFi	\$9,641.00	\$11,124.00
Security	Firewall and VPN Management - Monitor, maintain and support the clients firewall and current VPN system. Provide firewall security reviews upon request, limit 1 annually, to address best practices in controls. Network Security Monitoring and Intrusion-Prevention Services – Monitor internal and external network traffic to identify malicious activity and block and/or report on activity dynamically based upon County security best practices. Anti-Virus and Threat Management - Monitor, maintain and support the client's anti-virus to ensure AV signatures are current and active across all devices. Internet filtering per Count best practices	\$9,641.00	\$11,124.00
Sub Totals		\$19,282.00	\$22,248.00
Support Services		\$41,530.00	
Software	Check Point - 127 licenses @ \$30.00 ea. & 17 @ \$5.00 ea	\$1,760.00	\$2,135.00
Other Billable Items	Domain Renewals @ \$50/ea (pvkansas.com; pvkansas.org; pvkansas.us; prairievillagefoundation.com)	\$200.00	\$0.00
	Contract Administration Fee	\$250.00	\$250.00
Total - Managed Services		\$46,125.00	

* Standard Support Monday-Friday 7:30am-5pm. Emergency on-call phone support as needed



STAFF REPORT

Council Meeting Date: October 4, 2021

Update from Columbia Capital regarding the Meadowbrook bonds refinancing.

BACKGROUND

On September 7, 2021, the City Council approved a Resolution authorizing the offering for sale of special obligation tax increment revenue refunding bonds for the Meadowbrook TIF project. Columbia Capital will present a status update of the process in preparation for action which will be needed on October 18, 2021.

ATTACHMENTS

- Columbia Capital Memo
 - Columbia Capital Transaction Calendar
-

PREPARED BY:

Nickie Lee, Finance Director

Date: September 28, 2021

M E M O R A N D U M

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Wes Jordan
City of Prairie Village

The purpose of this communication is to provide an update on the status of the transaction to refinance the City's tax increment financing (TIF) revenue bonds issued in 2016 in support of the Meadowbrook project.

Following the City Council's approval of the "go-to-market" resolution at its first meeting in September, we have engaged with bond counsel (Gilmore & Bell), the bond underwriter (Stifel), underwriter's counsel (Thompson Coburn), the revenue study provider (GAI) and the Van Trust team to move the transaction to the point where it can be considered formally by the City Council at its October 18, 2021, regular meeting. At that meeting, we anticipate seeking City Council adoption of a bond ordinance and approval of related documents, along with a revised development agreement, all of which will permit the City to take the financing to market in November, locking in the economic savings and other anticipated benefits of the transaction.

On September 20, the entire working group participated in a Zoom project overview by Van Trust. This allowed us to provide context to the parties who are not based in Kansas City and to give the revenue study team a head start on understanding the status of the portions of the project (single family homes, townhomes and senior living) that are in construction or yet to be constructed.

Following that meeting and using Johnson County's assessed valuations within the TIF district for tax year 2021, Stifel has confirmed, based upon current markets, Columbia Capital's earlier estimates of both the ability to successfully execute the transaction and to produce material economic savings and other benefits.

The group is scheduled to review the first round of bond and offering documents the week of September 27 and will have regular interaction to finalize those documents ahead of the agenda deadline for the October 18 meeting.

Market conditions continue to be favorable, with a bit of volatility related to the Federal Reserve Chair's more hawkish comments yesterday regarding the Fed's timeline to slowly tighten monetary policy. Despite this, municipal market fundamentals remain favorable and we continue to expect a strong outcome.

Transaction Calendar

As of September 20, 2021

City of Prairie Village, Kansas

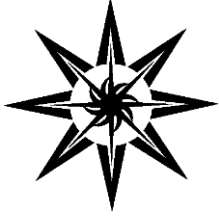
TIF Revenue Refunding Bonds, Series 2021

September							October							November							December						
S	M	T	W	TR	F	S	S	M	T	W	TR	F	S	S	M	T	W	TR	F	S	S	M	T	W	TR	F	S
			1	2	3	4						1	2		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
							31																				

Date	Activity	Party
September		
20	Project Overview with Developer	ALL
29	Circulate First Draft of Bond Documents	BC, UC
October		
1	Comments Due on First Draft of Documents	All
4	Prairie Village City Council (Status Update)	City, FA
5	Circulate Second Draft of Bond Documents	BC, UC
7	Comments Due on Second Draft of Documents	All
8	Document Review Session (If Needed)	All
10	Final Draft of Documents to City for Council Agenda	BC, UC
13	Council Agenda Deadline	City, FA
15	Draft Revenue Study Due	RS
18	Prairie Village City Council (Approve Ordinance, Trust Indenture, and related documents)	City, FA
21	Finalize Revenue Study	RS
22	Finalize Size and Structure	FA
22	Post POS	Printer, FA
Week of 25th	Bond Marketing	UW
November		
Week of 25th	Bond Marketing	UW
8/9	Pricing of Bonds	All
11	<i>Veteran's Day</i>	<i>Holiday</i>
15	Circulate Draft OS	BC, UC
18	Comments due on Final OS	All
22	Final OS Posted	Printer, FA
24	Circulate Closing Memo	FA
25	<i>Thanksgiving Day</i>	<i>Holiday</i>
December		
2	Closing and Redemption of 2016 Bonds	All

KEY:

- City: City of Prairie Village, KS
- FA: Columbia Capital Management, LLC
- BC: Gilmore & Bell
- UW: Stifel
- UC: Thompson Coburn
- RS: GAI Consultants
- Printer: TBD



ADMINISTRATION

City Council Date: October 4, 2021

COU2021-70 Consider an ordinance banning conversion therapy of minors

BACKGROUND:

At the August 18, 2021 Diversity Committee meeting, a formal motion was made to move this topic to the Council for consideration of an ordinance banning conversion therapy. At the September 20, 2021 Council Committee of the Whole meeting, Taryn Jones and Brian Shapley, representatives from Equality Kansas gave a presentation on conversion therapy and the negative effects conversion therapy has on minors in the LGBTQ community. After some discussion, a motion was passed to direct staff to bring back to the Council Committee a conversion therapy ordinance modeled after a similar ordinance from Roeland Park, Kansas.

SUMMARY:

The attached draft Ordinance generally follows that of the City of Roeland Park, Kansas, with a few differences:

- The definitions of the terms "gender identity" and "sexual orientation" have been revised so as to be consistent with the definitions contained in the City's "Nondiscrimination Ordinance", at Section 5-801 of the City Code.
- Roeland Park's ordinance provided for a "civil" penalty, as "prescribed in Section 11-101 of [Roeland Park's] municipal code ...". However, such Section 11-101 does not itself provide for any "civil" penalty, as such section instead incorporates by reference the Uniform Public Offense Code for Kansas Cities (which establishes criminal penalties). Therefore, it is unclear what penalties attach in Roeland Park. The draft Ordinance presented provides three possible options:
 - (1) Incorporate by reference the general penalty section of the Prairie Village City Code at Section 1-116 (a fine of not more than \$1,000.00, or imprisonment in jail for not more than 170 days, or both). This is the equivalent of a Class B misdemeanor (though it would not have that classification).
 - (2) Incorporate by reference the general penalty section of the Prairie Village City Code at Section 1-116 (a fine of not more than \$1,000.00), but similar to Roeland Park's ordinance, eliminate the possibility of jail time.
 - (3) Establish a \$500.00 criminal fine (no provision for jail time). This is penalty established by the City of Lawrence, Kansas, under its conversion therapy ban ordinance.

Staff would point out that, under the draft Ordinance (modeled after Roeland Park), conversion therapy would be prohibited "if the provider receives compensation in exchange for such

services." The City of Lawrence does not have such a compensation requirement (but does apply similarly to "providers", those being licensed or certified professionals).

The City Attorney notes that there is currently a "circuit split" among Federal Courts of Appeals circuits as to the constitutionality of conversion therapy bans. The 10th Circuit Court of Appeals (which includes Kansas) has not yet considered the question. The 3rd Circuit (PA, NJ, DE, and the Virgin Islands) and the 9th Circuit (CA, OR, WA, AZ, NV, ID, MT, AK, HI) have both upheld such bans, while the 11th Circuit (GA, FL, and AL) has found them to be unconstitutional. The 11th Circuit opinion is the most recent.

In *Otto v. City of Boca Raton, Florida*, 981 F.3d 854 (2020), the 11th Circuit considered both a county and a city ordinance that, respectively, and in language similar to the draft Prairie Village Ordinance, barred "providers" from treating "minors" with:

City: "... any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex."

County: "... the practice of seeking to change an individual's sexual orientation or gender identity, including but not limited to efforts to change behaviors, gender identity, or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex."

The 11th Circuit held that the two ordinances violated First Amendment free speech rights in that they were content-based speech restrictions (subject to "strict scrutiny" review) and that, although the municipalities had a "compelling interest" in protecting the psychological and physical well-being of minors, the ordinances were not "narrowly-tailored" to further that interest.

The 11th Circuit opinion has not gone without legal criticism. See, e.g., *First Amendment—Professional Speech—Eleventh Circuit Invalidates Minor Conversion Therapy Bans*, 134 Harvard Law Review 2863 (2021) ("Because speech therapy is itself part of medical practice, the Eleventh Circuit should have concluded that the [conversion therapy] bans did not regulate constitutionally protected speech or trigger strict scrutiny"). In addition, and as noted above, other Courts of Appeals have upheld such bans. See *King v. Governor of N.J.*, 767 F.3d 216 (3d Cir. 2014); *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014), *cert. denied*, 573 U.S. 945 (2014).

It is not clear at this time how the 10th Circuit Court of Appeals would rule on the constitutionality of the Ordinance, if it were to be challenged. The existence of a "circuit split" may lead to the question having to be resolved by the United States Supreme Court (especially as the Supreme Court had denied review previously on the above-mentioned 2014 9th Circuit case).

ATTACHMENTS:

Draft Ordinance No. 2456

PREPARED BY:

Tim Schwartzkopf, Assistant City Administrator
David E. Waters, City Attorney

Date: September 22, 2021

ORDINANCE NO. 2456

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; AMENDING CHAPTER 11 (PUBLIC OFFENSES & TRAFFIC), ARTICLE 2 (LOCAL REGULATIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE TO BAN THE PRACTICE OF CONVERSION THERAPY OF MINORS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. A new Section 11-223 is hereby established in Chapter 11 (Public Offenses & Traffic), Article 2 (Local Regulations) in the Code of the City of Prairie Village, Kansas, as follows:

11-222 CONVERSION THERAPY OF MINORS PROHIBITED.

A. Policy and Findings by the Governing Body. The City of Prairie Village, Kansas, has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers. These provisions are exercises of the police power of the City for the public safety, health and welfare; and its provisions shall be liberally construed to accomplish that purpose.

B. Definitions. As used in this section, the following terms shall have the meaning indicated in this subsection.

(1) Conversion therapy or reparative therapy means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral treatment interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.

(2) Gender identity means an individual's actual or perceived (by the individual or another) gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics regardless of the individual's designated sex at birth.

(3) Minor means a person less than eighteen (18) years of age.

- (4) Provider means any licensed medical or mental health professional including, but not limited to, licensed professional counselors, licensed psychologists, licensed clinical social workers, provisionally licensed professional counselors, provisional and temporary licensed psychologists, licensed and provisionally licensed marital and family therapists, psychiatrists, certified substances abuse counselors, certified school counselors, behavior analysts and any professional licensed under Chapter 65 of the Kansas Statutes.
- (5) Sexual orientation means an individual's actual or perceived (by the individual or another) emotional, romantic, or sexual attraction to other people, such as heterosexual, homosexual, bisexual, pansexual or asexual.

C. Prohibited Practice. It shall be unlawful for any provider to provide conversion therapy or reparative therapy to a minor if the provider receives compensation in exchange for such services.

D. Penalty.

[Option] Any person that violates any provision of this Section shall, upon an adjudication of guilt or the entry of a plea of no contest be subject to the penalty prescribed in Section 1-116 of the Prairie Village Municipal Code (a fine of not more than \$1,000.00, or imprisonment in jail for not more than 179 days, or both such fine and imprisonment).

[Option] Any person that violates any provision of this Section shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to the penalty prescribed in Section 1-116 of the Prairie Village Municipal Code (a fine of not more than \$1,000.00), but in no instance shall a violation of this Section be punishable by imprisonment.

[Option] Any person that violates any provision of this Section shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a fine not to exceed \$500.00.

Section 2. That it is the Prairie Village City Council's intent that this Ordinance regulate professional conduct and the manner in which therapeutic treatment is delivered, but does not otherwise prohibit or limit proponents or opponents of conversion therapy to speak about gender identity or sexual orientation conversion publicly and privately, including to their minors in forms other than conversion therapy or reparative therapy.

Section 3. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas, on _____, 2021.

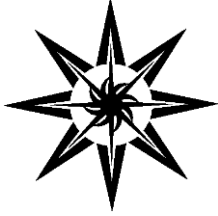
APPROVED by the Mayor on _____, 2021.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk



ADMINISTRATION

Council Committee of the Whole Meeting Date: October 4, 2021
Council Meeting Date: October 18, 2021

COU2021-71: Consider committing to the “Cities Race to Zero” climate initiative

RECCOMENDATION

Recommend Council approve commitment to the “Cities Race to Zero” climate initiative.

BACKGROUND

Councilmember Graves has opted to bring this issue directly to the Council Committee of the Whole due to its time sensitive nature. Commitment to the initiative is due by the end of the month of October. The Environmental Committee met to discuss and give recommendation on participation, but was unable to achieve a quorum at its most recent meeting. Given that this issue overlaps with existing climate initiatives of the City (Climate Mayors, Climate Action KC), Councilmember Graves determined it appropriate to come directly to Council as Council has already backed at least two very similar commitments. This commitment provides additional formalization, targeting, and reporting components to meet its existing commitments and the commitments outlined in the Race to Zero campaign.

The Race to Zero [1] is a UN-backed campaign targeting various non-state actors (including cities) to target a 50% reduction in carbon emissions by 2030. This campaign aligns efforts from various private and public sectors to move forward efforts to meet the necessary climate targets to hold the Earth at 1.5°C warming. The Cities Race to Zero [2] is the city-specific campaign in which municipalities can come together and commit to carbon targets that align with the specific aspects of their communities. The climate pledge is a non-binding commitment with the following components:

1. Publicly endorse the following principles:
 - a) We recognize the global climate emergency.
 - b) We are committed to keeping global heating below the 1.5°Celsius goal of the Paris Agreement.
 - c) We are committed to putting inclusive climate action at the center of all urban decision-making, to create thriving and equitable communities for everyone.
 - d) We invite our partners - political leaders, CEOs, trade unions, investors, and civil society - to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it.

2. Pledge to reach (net)-zero in the 2040s or sooner, or by mid-century at the latest, in line with global efforts to limit warming to 1.5°Celsius.
3. In advance of COP26, explain what steps will be taken toward achieving net zero, especially in the short- to medium-term. Set an interim target to achieve in the next decade, which reflects a fair share of the 50% global reduction in CO₂ by 2030 identified in the IPCC Special Report on Global Warming of 1.5°Celsius.
4. Immediately proceed to planning at least one inclusive and equitable climate action, as listed below, that will help to place your city on a resilient pathway consistent with the 1.5°Celsius objective of the Paris Agreement and begin implementation no later than 2022.
5. Report progress annually, beginning no later than 2022 to your usual or the recommended reporting platform. Your 1.5°Celsius target and action commitment(s) should be shared through your regular channels of reporting. If you have not reported before, you will be contacted by partners for support.

Additionally, the pledge requires an additional specific selection of at least one (1) initiative on the part of the city in the pledge [3]. Councilmember Graves proposes the following:

“Develop Zero-Carbon Buildings” Section, Box 3:

Develop a roadmap to achieve net zero carbon municipal buildings by 2030 and policy approval by 2025 to deliver a commitment to own, occupy and develop net zero carbon municipal assets by 2030.

“Move Towards Resilient & Sustainable Energy Systems” Section, Box 4:

Develop financial support programs to incentivize deployment of building-scale renewables and mandate the use of renewables through building codes, while engaging residents and other stakeholders in the process.

[1] <https://racetozero.unfccc.int/join-the-race/>

[2] <https://www.c40knowledgehub.org/s/cities-race-to-zero>

[3] https://www.c40knowledgehub.org/s/race-to-zero-pledge-form?language=en_US

PREPARED BY

Ian Graves

Date: September 30, 2021

Due to COVID-19 restrictions, some meetings will be held virtually. Please continue to check <http://pvkansas.com> for access details.

MAYOR'S ANNOUNCEMENTS
Monday, October 4, 2021

Planning Commission	10/05/2021	7:00 p.m.
Arts Council	10/06/2021	5:30 p.m.
Parks and Recreation	10/13/2021	5:30 p.m.
Tree Board Fall Seminar	10/13/2021	7:00 p.m.
Pension Board of Trustees	10/14/2021	2:00 p.m.
City Council	10/18/2021	6:00 p.m.
Diversity Committee	10/20/2021	5:30 p.m.
Environmental Committee	10/27/2021	5:30 p.m.
City Council	11/01/2021	6:00 p.m.

INFORMATIONAL ITEMS
October 4, 2021

1. Home Rule Day proclamation
2. National Arts and Humanities Month proclamation
3. October plan of action

CITY OF PRAIRIE VILLAGE

Proclamation

Home Rule Day – October 11, 2021

WHEREAS, on November 8, 1960, the voters of Kansas approved a constitutional amendment granting cities home rule authority. The Home Rule Amendment took effect in Kansas on July 1, 1961. Home Rule gives local governments, specifically cities, the power to make decisions at the local level based on the unique needs and values of their residents; and

WHEREAS, cities across our great State manage differing opinions and views on issues ranging from zoning to funding for local services and programs. Home Rule keeps control of the community in the hands of local residents; and

WHEREAS, the Home Rule Amendment empowers cities to determine local affairs and government actions including the levying of taxes, fees, charges and other exaction; and

WHEREAS, the City of Prairie Village and the League of Kansas Municipalities continually work to educate and engage municipal officials, the legislature, and the general public about the importance of Home Rule and local decision making; and

WHEREAS, the 60th anniversary of the passage of constitutional Home Rule is a fitting time for all municipalities to engage residents on the Kansas Constitution and local laws, so that all Kansans may continue to receive the many benefits of Home Rule.

NOW THEREFORE, I, Eric Mikkelson, Mayor of the City of Prairie Village, formally designate October 11, 2021 as **Home Rule Day** in the City of Prairie Village, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 4th day of October 2021.

Mayor Eric Mikkelson

Adam Geffert, City Clerk

CITY OF PRAIRIE VILLAGE

Proclamation

National Arts and Humanities Month – October 2021

WHEREAS, the coronavirus has had a devastating impact on America's arts sector, with 99% of producing and presenting organizations having canceled events and artists being among the most severely affected segment of the nation's workforce; yet, notwithstanding this fact, the arts have helped collectively lead us throughout the darkest times of the pandemic – lifting our spirits, unifying communities, and jump-starting the economy; and

WHEREAS, the nation's 120,000 nonprofit arts organizations, the National Endowment for the Arts, the National Endowment for the Humanities, the nation's 4,500 local arts agencies, and the arts and humanities councils of the 50 states and the six U.S. jurisdictions and districts have regularly issued official proclamations on an annual basis designating October as National Arts and Humanities Month; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect and imagination of humankind; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities and our country; and

WHEREAS, cities and states, through their local and state arts agencies representing thousands of cultural organizations, have celebrated the value and importance of culture in the lives of American and the health of thriving communities during National Arts and Humanities Month for several years; and

WHEREAS, the humanities help diverse communities across the United States explore their history and culture with the support and partnership of the National Endowment for the Humanities, the 50 state and six territorial and district humanities council, and local education and cultural institutions; and

WHEREAS, the nation's arts and culture sector – nonprofit, commercial and education – is a \$919.7 billion industry that supports 5.2 million jobs, representing 4.3% of the nation's economy, and boasts a \$44 billion international trade surplus; and

WHEREAS, the nonprofit arts industry alone generates \$166.3 billion in economic activity annually, through spending by organizations and their audiences, which supports 4.6 million jobs and generates \$27.5 billion in government revenue; and

WHEREAS, nonprofit arts organizations are a \$4.2 billion economic driver for the state of Kansas and a \$22.7 million economic driver for Johnson County;

NOW THEREFORE, I, Eric Mikkelson, Mayor of the City of Prairie Village, do hereby proclaim October as National Arts and Humanities Month in the City of Prairie Village, Kansas, and call upon our community members to celebrate and promote the arts and culture in our nation and to specifically encourage greater participation by those said community members in taking action for the arts and humanities in their city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 4th day of October 2021.

Mayor Eric Mikkelson

Adam Geffert, City Clerk

THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: September 27, 2021

TO: Mayor Mikkelson
City Council

FROM: Wes Jordan *WM 9/27/21*

SUBJECT: OCTOBER PLAN OF ACTION

The following projects will be initiated during the month of October:

- Council of Mayors Meeting - Meghan (10/21)
- Meadowbrook Bond Documents: - Jeff White/Kevin Wempe/Staff (10/21)
 - Resolution & Ordinance
 - Advisor Agreement Amendment
 - Developer Agreement
 - Revenue Study w/GAI
- Pension Board Appointment - Mayor (10/21)
- 2022 Property Tax Rebate Program - Adam (10/21)
- Meadowbrook Sculpture Update - Ron Nelson/Staff (10/21)
- Extension of Facemask Ordinance - Staff (10/21)
- Receptionist Training - Staff (10/21)
- Flu Shot Coordination - Cindy (10/21)
- Leadership NE Coordination - Ashley (10/21)
- Legislative Updates to Council - Jamie (10/21)
- Court Clerk Hiring Process - Deana/Tim (10/21)
- Treasurer Application Process - Nickie (10/21)
- 2022 Salary Ranges - Cindy (10/21)
- 3rd Quarter Financial Report - Nickie (10/21)
- ISO Audit for Building Inspections - Jamie/Mitch (10/21)
- Macy's Redevelopment Site Plan Review - Jamie/Chris/Keith (10/21)
- Researching Department of Energy Solar App+ Program - Jamie (10/21)

In Progress

- Teen Council Selection/Orientation - Piper/Staff (09/21)
- Meadowbrook Bonds - Jeff White/Nickie (09/21)
- Holiday Event Planning - Meghan (09/21)
- PV Foundation Fall Meeting - Meghan (09/21)
- MARC Public Career Expo - Jamie/Cindy (08/21)

- Health-related Insurance Benefits Renewal/RFP - Jamie/Cindy (08/21)
- STO/UPOC Update - Deana (08/21)
- Park & Rec Fall Programming - Meghan (08/21)
- PW New Building Open House/Social Media - Keith/Melissa/Ashley (07/21)
- Building Permit Software Research & Evaluation - Jamie (07/21)
- Planning Codes Dept. Move to Public Works - Jamie/Mitch (07/21)
- Roberts Rules of Order Training/MARC - Adam/Meghan (07/21)
- UCS Racial Equities in Communities Program - Tim (06/21)
- Review/Revise Site Planning Criteria in Zoning Regulations - Jamie (06/21)
- Organize/Combine Property Maintenance Ordinances - Jamie/David (06/21)
- Investment Policy for Voya 457/401a Plans - Cindy/Jamie (05/21)
- Internal Accounting Policy/Vendor Process Changes - Nickie (04/21)
- Regional Benchmarking Initiative - Meghan (04/21)
- American Rescue Plan Act Fund Uses & Expiration - Staff (04/21)
- Pool Mural Project - Meghan (04/21)
- City Hall Conceptual Review - Staff (03/21)
- 2021 International Energy Conservation Code - Jamie/Mitch (03/21)
- Implementation of Smoking Ban in Parks - Meghan (03/21)
- E/V Charging Station Installation - PW (10/20)
- Dynamhex Implementation - Ashley (10/20)
- Historic Trail Signage - Keith (09/20)
- Bias Training - Tim/Byron (07/20)
- Memorial Plaques in Parks Criteria Review - Staff (08/19)
- Research Viability of Interior Rental Inspections - Jamie (06/19)

Completed

- Climate Action KC Presentation - Jamie (07/21)
- Ad Hoc Housing Committee Coordination - Jamie (09/21)
- Skate Park Open House - Staff (09/21)
- Receptionist Hiring Process - Adam/Meghan/Cindy (09/21)
- Meadowbrook Shopping Center Preliminary Development Plan - Jamie (08/21)
- Council of Mayors Meeting - Meghan (08/21)
- Bond Capacity Presentation - Jeff White/Nickie (09/21)
- 2022 Budget
 - Exceeding Revenue Neutral Rate Hearing - Nickie (09/21)
 - Public Hearing - Nickie (09/21)
- Plan for In Person Council/Committee Meetings - Tim (05/21)
- 2022 Budget Process - Staff (04/21)
- Personnel Policy Updates - Cindy/Jamie (07/18)

Tabled Initiatives

- 20/20 Fitness Business Introduction to Council - Wes (04/20) [delayed]

- Civic Center Action Plan - Staff (03/20) [\[on hold\]](#)
 - Bond Capacity Discussion w/Council - Jeff White [\[completed\]](#)
 - Framework of Partnership Agreements with YMCA & Library
 - MOU - Public Engagement & Site Design
- Review & update the City Code/Ordinances
- Review & Update City Policies
- Review of Smoking Ordinance/e-cigs
- Single Use Plastic Bag Discussion - Staff (02/20) [\[pending Council direction\]](#)