



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
SEPTEMBER 19, 2022**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 19, at 6:00 p.m. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Councilmembers in attendance: Chad Herring, Cole Robinson, Inga Selders, Ron Nelson, Lauren Wolf, Bonnie Limbird, Dave Robinson, Piper Reimer, Greg Shelton, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Spencer Fane LLP; Wes Jordan, City Administrator; Tim Schwartzkopf, Assistant City Administrator; Jason Hannaman, Finance Director; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Gallagher made a motion to approve the agenda for September 19, 2022. Ms. Limbird seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS AND SCOUTS

There were no students or scouts present at the meeting.

PRESENTATIONS

The Mayor read a proclamation recognizing the week of September 17 through 23, 2022 as Constitution Week in the City of Prairie Village.

Chief Roberson swore in new Officer Marandah Scott and acknowledged the promotion of Officer Sarah Magin to Corporal.

PUBLIC PARTICIPATION

Prior to public participation, Mayor Mikkelson shared information about how the City's 2040 comprehensive plan known as Village Vision 2.0 was developed, and how recommendations from the Ad Hoc Housing Committee were derived from that process.



The following residents voiced concerns regarding certain proposals recommended by the Ad Hoc Housing Committee.

- Mark Johnson, 4905 Somerset Drive
- Sue Jasperse, 7906 Reinhardt Lane
- Barb Wheeler, 5204 W. 81st Street
- John Stacy, 8200 Briar Street
- Chet Hanson, 4620 W. 72nd Street
- Steve Snitz, 4310 W. 70th Terrace

The following individuals spoke in support of the Ad Hoc Housing Committee's recommendations:

- John Wilinski, 4520 W. 71st Terrace
- Dennis Solis, 7339 Mission Road

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 6, 2022
2. Approval of expenditure ordinances #3017 and #3018
3. Consider approval of Resolution #2022-15 declaring it to the intent of the Governing Body to vacate the right-of-way adjacent to 4401 Somerset Drive
4. Consider bid award for 2022 tree trimming program

Mr. Nelson made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": Herring, C. Robinson, Selders, Nelson, Wolf, Limbird, D. Robinson, Reimer, Shelton, McFadden, Graves, Gallagher. The motion passed unanimously.

COMMITTEE REPORTS

- Ms. Selders reported that Captain Ivan Washington from the Police Department had begun serving as a liaison for the Diversity Committee. She also shared information about upcoming planned events, and the decision to allow public participation at Diversity Committee meetings.
- Ms. Reimer stated that September 19 was the deadline for Teen Council applications for the 2022-23 session. She also noted that the Environmental Committee had a table at the "Go Green 2022" event held on September 17 in the City of Mission. Lastly, she shared that the UCS Drug and Alcoholism Council had



reviewed applications from 23 agencies seeking grant funding, and that selections would be made in October.

- Mr. Gallagher said that the Parks and Recreation Committee met with BBN Architects to kick off the universal branding and signage project at City parks. He added that QR codes that link to additional park information may be included on signs.
- Mr. Dave Robinson provided a recap of the JazzFest event held on September 10, noting that rain had dramatically reduced attendance, but that all artists still performed.
- Ms. Limbird shared that the Arts Council's State of the Arts event was held on September 9, and that works by artists over the age of 50 were currently on display at City Hall. She added that nine cash prizes had been awarded.
- Mr. Shelton said that the Tree Board's fall tree seminar would be held on October 5 at the Meadowbrook Clubhouse.

MAYOR'S REPORT

- Mayor Mikkelson said that he had attended the following events since the previous Council meeting:
 - The Johnson County Department of Health and Environment's health summit on September 9
 - The Lancer Day parade on September 9
 - The Public Works open house event on September 13
 - The Johnson County Library's "Library Lets Loose" fundraising event on September 17
- The Mayor reported that he would be attending the following events in the next week:
 - A Prairie Village Foundation meeting on September 20
 - The Shawnee Mission Education Foundation annual breakfast on September 22
 - A Northeast Johnson County Chamber of Commerce sponsored ribbon-cutting event for "Body20", a new business in Corinth Quarter on September 22
 - The Prairie Fields HOA annual block party on September 24
- The Mayor noted that he had met with several residents to talk about the Ad Hoc Housing Committee's recommendations.



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- The Mayor recognized Councilmember Lauren Wolf for being appointed to the MARC Active Transportation Programming Committee.
- The Mayor stated that he would be speaking to a UMKC honors class with other Mayors on the topic of political leadership and ethics on September 21.

STAFF REPORTS

- Chief Roberson provided a summary of the Doggie Dash event, noting that there were approximately 50 human participants along with 25 dogs.
- Mr. Bredehoeft shared information about the Public Works open house, noting that a representative from the U.S. Green Building Council presented the City with a certificate recognizing the building's LEED Platinum certification.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2022-66 Consider Google Fiber franchise ordinance and related agreements

Mr. Waters said that in 2016, the City and Google Fiber entered into a “video service provider agreement” pursuant to K.S.A. 12-2021 *et seq.*, which was passed by the Kansas Legislature to expedite and facilitate the delivery of video services in the state. Pursuant to that agreement, Google Fiber operated as a video service provider (VSP). Recently, the company decided to stop providing video television services and no longer operate as a video service provider but continue to provide broadband and internet services. As a result, Google’s ability to utilize the City right-of-way would be governed by K.S.A. 12-2001, the general “franchise” statute used to provide utilities with access.

Mr. Waters added that Google had negotiated this form of franchise (similar to those in place for other franchisees of the City) with a group of local city attorneys, including Prairie Village. The main difference between operations under the video service provider model and the franchise model would be in the fees payable to the City. Under the previous VSP agreement, Google Fiber paid an annual fee of 5% of its gross revenues for video services. Under the new franchise, Google Fiber would pay the City a fee equal to 2% of its gross revenues for broadband internet services provided through network facilities located in the City right-of-way. Google Fiber and the City expect that this will increase the fees payable to the City.

Additionally, Mr. Waters recommended minor “clean-up” amendments to two other agreements the City had in place with Google Fiber: a network cooperation and services agreement, and a structure attachment and conduit occupancy agreement. The



amendments simply reference that Google Fiber’s authorizations would now fall under the franchise ordinance, and would make all agreements expire on December 31, 2033, subject to two five-year renewals.

Mr. Herring made a motion to approve Ordinance #2476, to Google Fiber Kansas, LLC, a contract franchise to construct, operate, and maintain communications service facilities with the City right-of-way. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, C. Robinson, Selders, Nelson, Wolf, Limbird, D. Robinson, Reimer, Shelton, McFadden, Graves, Gallagher. The motion passed unanimously.

Mr. Herring made a motion to approve the first amendment to the network cooperation and services agreement with Google Fiber Kansas, LLC. Ms. Reimer seconded the motion, which passed unanimously.

Mr. Herring made a motion to approve the first amendment to the structure attachment and conduit occupancy agreement with Google Fiber Kansas, LLC. Ms. Reimer seconded the motion, which passed unanimously.

COU2022-67 Consider approval of contract with McConnell and Associates for Windsor Park tennis court resurfacing

Mr. Bredehoeft said that two bid were received for the project, both of which were significantly higher than the engineer’s estimate:

- PrimeTime Contracting \$ 169,000.00
- McConnell and Associates \$ 156,482.40

He noted that the current bid environment continued to be challenging based on several factors. For this project, the specialty work not normally included with a tennis court resurfacing was nearly three times higher than expected. As a result, staff removed some items, such as concrete trail construction, from the contract. Those items would instead be constructed in conjunction with the roadway and parking lot work on Windsor Street from Cherokee Drive to 75th Street by a different contractor.

The agreement as presented would include the court overlay, resurfacing, and a fencing change to create an ADA accessible entrance at the court. The reduced bid from McConnell and Associates totaled \$104,739. Because the total remained higher than the budgeted total by \$15,000, park reserve funds would be transferred into the project.

Ms. Reimer asked whether any of the courts would be marked for pickleball. Mr. Bredehoeft said one of the existing tennis courts would be marked for four pickleball courts, while the other existing court would remain marked for tennis.



Mr. Gallagher made a motion to approve the agreement with McConnell and Associates in the amount of \$104,739.40 for Project BG930001, Windsor Park tennis court resurfacing. Ms. Limbird seconded the motion, which passed unanimously.

Mr. Nelson made a motion for the City Council to move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Shelton and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

COU2022-68 Consider updates to City Council Policy CP028 - remote participation for public meetings

Mr. Waters stated that the Kansas Attorney General had recently released new guidance regarding virtual public meetings. The guidance required cities to provide a physical place for the public to attend a meeting in-person, even if the meeting was held virtually.

As a result, Mr. Waters recommended revisions to the City’s remote meeting policy that specifically added language to provisions on predominantly remote meetings that “to the extent required by KOMA and any regulations, temporary or otherwise, issued in accordance with KOMA, the City shall provide an in-person alternative means to access and view the public meeting.” He asked if Councilmembers wished to consider other changes, such as modifying the two-meeting limit for individual remote attendance, and whether remote attendance was appropriate for executive sessions.

Mr. Waters added that as the policy was currently drafted, the only time a fully remote meeting would be permitted was in a situation in which the Mayor had declared a state of local emergency, or if a chairperson in coordination with the City Administrator felt there was an applicable rule or regulation permitting a meeting to be held remotely.

Several Councilmembers stated that, while they preferred attending in-person, having the flexibility to attend remotely in certain situations was valuable. Mrs. McFadden disagreed, noting that the ability to attend remotely could be abused. She also shared concerns about confidentiality issues during executive sessions. Ms. Wolf added that providing the discretion to limit remote attendance at executive sessions would be beneficial.

Mayor Mikkelson asked if a meeting could be held when a quorum wasn’t physically present but could be attained with remote participants. Mr. Waters stated it would be allowable so long as the date, time and location of the meeting had been shared with the public.

After further discussion, Mr. Waters said that he would incorporate the Committee’s suggestions into the draft policy and present the updates for further discussion at an upcoming meeting.



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Prior to leaving the Council Committee of the Whole, Mr. Dave Robinson shared concerns with the current process of limiting public participation to three minutes per person. He suggested finding a gentler method to inform speakers when their time is up. Mayor Mikkelson addressed Mr. Robinson's concerns, stating that he believed the current protocols gave speakers appropriate notice of remaining time.

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

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 8:16 p.m.

Adam Geffert
City Clerk