



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
NOVEMBER 21, 2022**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 21, 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, Dave Robinson, Piper Reimer, Greg Shelton, Courtney McFadden 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; Nickie Lee, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Jason Hannaman, Finance Director; Adam Geffert, City Clerk.

Teen Council members Ainsley Pyle, David Allegri, Sneha Thomas, and Ava Van Alstyne were also present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. McFadden made a motion to approve the agenda for November 21, 2022 as presented. Mr. Shelton seconded the motion, which passed 9-0.

INTRODUCTION OF STUDENTS AND SCOUTS

There were no students or scouts present at the meeting.

PRESENTATIONS

- Mayor Mikkelson read a proclamation recognizing November 26 as Small Business Saturday.
- Chief Roberson and Sgt. Joel Porter recognized graduates of the Citizens Police Academy.
- Senator Ethan Corson and Representatives Jerry Stogsdill, Rui Xu and Stephanie Clayton provided legislative updates to the Council.



PUBLIC PARTICIPATION

The following residents spoke in favor of the Ad Hoc Housing Committee's recommendations:

- Lauren Martin, 8411 Somerset Drive
- Madelyn Samuel, 7325 Canterbury Street
- Clayton Harper, 7325 Canterbury Street

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion:

1. Consider approval of regular City Council meeting minutes - November 7, 2022
2. Consider approval of expenditure ordinance #3020
3. Consider appointment of City Engineer

Mrs. Reimer 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, D. Robinson, Reimer, Shelton, McFadden, Gallagher. The motion passed 9-0.

After approval, Mayor Mikkelson swore-in Melissa Prenger as City Engineer.

COMMITTEE REPORTS

- Mr. Shelton said that the Environmental Committee joined with the City of Overland Park for a recycling event on November 19.
- Ms. Selders shared that the Diversity Committee met the prior week to finalize plans for a Martin Luther King, Jr. celebration on January 14, and to discuss committee priorities for 2023.
- Ms. Reimer noted that three Teen Council members had attended the National League of Cities conference in Kansas City, MO, the prior week. Members David Allegri, Sneha Thomas, and Ava Van Alstyne shared summaries of their experiences at the conference.
- Mr. Nelson stated that he attended sessions on community engagement and mental health at the National League of Cities conference which he found valuable.

MAYOR'S REPORT

- Mayor Mikkelson reported that he continued to meet with individuals and small groups to discuss the Ad Hoc Housing Committee's housing recommendations.



PRAIRIE VILLAGE
KANSAS

- The Mayor reported he had attended the following events since the prior Council meeting:
 - A U.S. Green Building Council reception
 - A League of Kansas and Missouri Municipalities reception
 - Coffee with a Cop on November 16
 - The Northeast Johnson County Chamber of Commerce gala on November 19

- The Mayor noted that the Prairie Village Foundation would be hosting two fundraising events in December:
 - The Mayor's Christmas Tree Lighting on December 1 at the Corinth Shops
 - The Gingerbread House Making Party on December 4 at Briarwood Elementary School

- The Mayor said he would attend the following events in the upcoming weeks:
 - A meeting with First Washington Realty on December 1
 - The United Community Services annual meeting on December 2 at Johnson County Community College

- The Mayor stated that the City committee volunteer application period had begun, and urged residents to consider applying to join a committee.

STAFF REPORTS

- Mr. Jordan noted that the City was considering new methods to recruit employees for some positions that were challenging to fill.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2022-72

Consider approval of the agreement with Swartz Consulting, LLC for telecommunications systems consulting and project management for the new telecommunications project

Mr. Schwartzkopf stated that the current phone system, which had been installed over ten years ago, was at the end of its life and was no longer supported by the manufacturer. Due to the complexity of telecommunications systems, the City submitted an RFP for consulting and project management services. City staff and Councilmember Dave Robinson evaluated five responses to the RFP. Swartz Consulting finished with the highest scores and offered the most competitive pricing for the requested services.



Mr. Schwartzkopf added that Swartz Consulting was a local company that had completed many similar projects in the region. A check of local government references was conducted and each highly recommended the company.

Mrs. McFadden made a motion to approve the agreement with Swartz Consulting as presented. Mr. Nelson seconded the motion, which passed unanimously.

COU2022-73 Consider construction manager contract for pool repairs to the adult and lap pools (Project ARPABG85)

Mr. Bredehoeft stated that the adult and lap pools effectively functioned as a single pool and were both over 60 years old, though significant upgrades were completed approximately 30 years ago. Over the previous two years, temporary repairs were made when it was determined that the iron piping that was installed 30 years ago was rusting from the outside. As a result, all supply and return water pipes needed to be completely replaced with new lines to and from the filter house.

Mr. Bredehoeft noted that several repair options were considered, and a decision was made to change how water was supplied to the pools by abandoning the underground piping. Two options were looked at: wall inlets and stainless-steel gutters. The wall inlet option was selected, and the project was designed and advertised, but no bids were received. Since that time, staff discussed the project with two contractors, one of which bid it as designed and a second that bid a stainless-steel gutter option with a scaled down scope.

Mr. Bredehoeft said that Public Works staff proposed working with the second contractor, KC Gunite, and using a construction manager contract like the one utilized for the new Public Works building, which would allow for the execution of a contract immediately while design for the stainless-steel gutter continued. The initial contract would contain an amendment that included the purchase of the gutter as well as a second amendment allowing demolition to begin as soon as possible. A third amendment for the remainder of the project costs would be completed and executed if costs remained consistent with the project budget.

Preconstruction services fees of \$2,000 would allow KC Gunite to serve as a design assistant in the development of the final design and cost estimating of the repairs. Mr. Bredehoeft said that the budget for the project was \$1,200,000, which included design and construction costs. With the approximate cost of the construction being \$1,600,000, staff proposed adding \$650,000 in additional APRA funds for a total project budget of \$1,850,000, allowing approximately \$150,000 for design and contingencies.

Mrs. McFadden asked if there was any additional piping at the pool complex that might fail soon. Mr. Bredehoeft stated that all other iron pipes had been replaced with PVC piping in previous projects, which should continue to function well for the foreseeable future.



Mr. Gallagher made a motion to approve the agreement with KC Gunita as presented. Mrs. McFadden seconded the motion, which passed unanimously.

COU2022-74 Consider small cell facility deployment and master right-of-way license agreement (ExteNet)

Mr. Waters noted that in 2016, the Kansas Legislature passed the Kansas New Wireless Deployment Act (K.S.A. 66-2019). The act gave both "wireless service providers" (such as Verizon, AT&T, and T-Mobile) and "wireless infrastructure providers" (companies that build out networks and then lease the facilities to wireless service providers) expanded rights to use the City's public rights-of-way for the installation of wireless and "small cell" facilities, including poles and antenna.

Additionally, the Kansas Legislature passed legislation prohibiting cities from requiring franchise agreements or collecting franchise fees from wireless infrastructure providers in 2019. As a result, cities must use small-cell facility deployment agreements. Other factors of the agreements, such as payment terms, application processes and insurance requirements remained the same.

In 2021, the City entered into its first deployment agreement under the new law with AT&T. ExteNet Systems, LLC, a wireless infrastructure provider, applied for a similar deployment agreement for its operations. Mr. Waters noted that the proposed agreement was substantially the same as the one Council previously approved for AT&T, granting ExteNet the right to construct and maintain its facilities in the public right-of-way, subject to the terms of the agreement and other requirements of applicable law. As required by law, the authority to occupy the public right-of-way must be granted in a competitively neutral and nondiscriminatory basis. ExteNet must pay all applicable fees in accordance with the City's updated fee resolution (approved in November 2020) for wireless services.

Mr. Waters added that the agreement operated as a "master" agreement, applicable to any attachments that ExteNet might make to City-owned poles (and to any replacement poles that ExteNet might install). Specific attachments would be documented by numbered "supplements" to the agreement. He said that there were no current applications from ExteNet for installation of any facilities. The agreement would be effective for an initial term of ten years, as required by the act, and automatically renew for two additional five-year terms.

Mr. Nelson made a motion to approve the agreement with ExteNet as presented. Mr. Dave Robinson seconded the motion, which passed 9-0.

Mr. Shelton 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. Nelson and passed 9-0.



COUNCIL COMMITTEE OF THE WHOLE

Discuss the 2023 legislative platform

Ms. Lee stated that each year, the City Council considers and adopts a legislative platform, establishing the City's legislative priorities for the upcoming legislative session. The document is shared and discussed with local, state, and federal elected officials who represent Prairie Village, and is used by staff and the City's lobbyist when determining whether the City should submit testimony on legislation.

In 2021, the Council changed the format of the platform, by endorsing the League of Kansas Municipalities' Statement of Municipal Policy and identifying the top priorities of the City in an additional document. Staff asked the City's lobbyists, Little Government Relations, to make recommendations for the changes for the 2023 platform. Staff also asked Councilmembers to individually send any requested changes to discuss at the meeting, which were included in the Council packet.

- Ms. Lee noted that the first amendment recommended by staff was to change the header of the topic "Tax Lid" to "Tax Law".
- Ms. Lee asked whether the language in the "Sales Tax on Food" section should be removed entirely, remain as written in the 2022 platform, or be modified to state that the Council "supports immediate elimination" of the tax.

Mr. Nelson made a motion to add the new language supporting immediate elimination. Mr. Shelton seconded the motion, which passed 9-0.

- Ms. Lee shared that the "Internet Sales Tax" section could be removed as the issue was resolved in the previous Legislative session.
- Ms. Lee said that Little Government Relations had proposed that the "Distribution of Federal Funds" section could be removed or revised to address the Bipartisan Infrastructure Law (BIL)/Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA). The following language was suggested: "*With historic investments in infrastructure, sustainability, and clean energy projects through the Bipartisan Infrastructure Law and Inflation Reduction Act, the City of Prairie Village encourages the Legislature and state agencies to provide support, coordination, and guidance to local governments in order to maximize opportunities through these federal investments.*" Similar language could be added to the "Addressing the Climate Crisis as a Public Policy Priority" section.

After discussion, Mr. Shelton made a motion to adopt the proposed language and leave the "Distribution of Federal Funds" topic as its own item in the platform. Mrs. McFadden seconded the motion, which passed 9-0.



- Ms. Lee said that Ms. Limbird had proposed adding the following language related to local control of firearms issues: *“We strongly believe the ability to govern how firearms are possessed and transported throughout our community is a matter of local control. Local government should have the ability to regulate and enforce the possession and use of weapons within City-owned facilities, public parks, municipal pools, and City-owned vehicles. We urge state legislators to amend K.S.A. 75-7c that restricts local government from enacting important gun safety measures in their communities.”*

Mrs. McFadden made a motion to add the proposed item and language to the legislative platform. The motion was seconded by Mr. Gallagher. After further discussion, the motion passed 9-0.

- Ms. Limbird also suggested adding language regarding arts funding, such as: *“The U.S. Bureau of Economic Analysis reports that the arts and culture sector contributed \$4.1 billion to Kansas' economy in 2020. We support restoration of Kansas State funding for the arts. The arts industry provides jobs, generates revenue and economic activity, and enhances quality of life. The City of Prairie Village recognizes the important role individual artists and creative organizations play in building and sustaining cultural and economic vibrancy in Kansas.”*

Mr. Gallagher asked if discussion of the item could be postponed due to Ms. Limbird's absence at the meeting.

Mr. Nelson made a motion to adopt the proposed language. Mr. Cole Robinson seconded the motion, which passed 8-1, with Mr. Gallagher in opposition.

- Ms. Limbird recommended adding the following language regarding inspections of rental houses: *“Local authority to require rental housing inspections for the safety of residents and the surrounding community.”*

Mr. Nelson made a motion to adopt the proposed language. Ms. Reimer seconded the motion.

Mr. Waters noted that the Kansas Legislature had passed a bill in 2016 prohibiting cities from requiring periodic internal inspections of rental properties as part of a rental licensing program without the consent of person living in the home. Staff noted that an exterior inspection is performed on rental houses annually as part of the license renewal process.

After further discussion, the motion failed 8-1, with Mr. Nelson in support.

Mr. Shelton made a motion to add the ability for the City to control interior and exterior inspections at the local level as a line item in the “Local Control” section.



The motion was seconded by Mr. Gallagher and passed 8-1, with Mr. Dave Robinson in opposition.

- Ms. Limbird suggested adding a section on Medicaid expansion, with the following proposed language: *“The City of Prairie Village supports the expansion of Medicaid to extend healthcare coverage to low-income Kansans.”*

Ms. Reimer made a motion to include the language in the City’s platform. The motion was seconded by Mr. Nelson.

Mr. Shelton noted that the language could be added to the “Distribution of Federal Funds” rather than as a standalone item.

After further discussion, the motion passed 6-3, with Mr. Shelton, Mrs. McFadden and Mr. Gallagher in opposition.

- Mr. Dave Robinson asked whether the “Legalization of Marijuana” section needed to remain in the platform. He noted that the League’s platform already indicated support for the legalization of medical marijuana. Ms. Selders indicated that the topic had originated in the Diversity Committee and felt it needed to remain in the City’s platform since recreational marijuana would be legalized across the State Line in Missouri in 2023.

After further discussion, Mr. Gallagher made a motion to remove the “Legalization of Marijuana” section from the City’s legislative platform. Mr. Dave Robinson seconded the motion, which failed 2-7, with Mr. Gallagher and Mr. Dave Robinson in support.

- Mayor Mikkelson suggested adding a statement to the “Tax Policy” section noting support for the state funding the Local Ad Valorem Tax Reduction (LAVTR) program to help relieve the burden on taxpayers.

Mr. Shelton made a motion to include the recommended language in the City’s platform. The motion was seconded by Ms. Reimer and passed 9-0.

COU2022-75 Consider potential adjustments to property tax rebate program

Mr. Geffert said that in 2022, the Governing Body voted to allocate \$20,000 from the City’s general fund to a property tax rebate program designed to alleviate some of the burden of home ownership due to rising property values. The program offers financial assistance in the form of a property tax relief grant to low-income residents in need. Like similar programs in other Johnson County cities, staff used the U.S. Department of Housing and Urban Development’s “Very Low Income” guidelines to determine eligibility. Only property owners that are Prairie Village residents, are current on payment of their property taxes



and special assessments, live in their own home, and meet the income guidelines are eligible for the program.

The application period opened on January 10, 2022. Over the subsequent months, a total of 33 applications were received. Staff was able to refund \$14,015.94 of the allocated money to 28 homeowners. Five applicants did not qualify for refunds because their income did not meet the program's limits.

Since nearly \$6,000.00 of the budgeted funds remain unused, staff has considered modifying the program to increase eligibility among residents in 2023. One way to accomplish this would be to change the maximum income allowed to qualify for the program. Along with the "very low income" guidelines, which represent 50% of the area median family income (MFI), HUD also provides "low income" calculations, which represent 80% of the MFI. To serve more residents, the income limits of the program could be raised from "very low" to "low", or a different set of values could be used.

Staff recommends proceeding with 65% of the MFI for 2023, and reevaluating program performance at the end of the year. If the governing body decides to increase income limits, the planned \$20,000 budget for the program in 2023 could be increased to \$30,000 if a significant number of applications are received.

Mrs. McFadden made a motion to approve option #3 as recommended by staff. Mr. Cole Robinson seconded the motion.

After further discussion, the motion passed 9-0.

Mr. Shelton 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.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 9:10 p.m.

Adam Geffert
City Clerk