



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
DECEMBER 5, 2022**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 5, 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, Lauren Wolf, Bonnie Limbird, Dave Robinson, Piper Reimer, 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; Nickie Lee, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Meghan Boom, Assistant City Administrator; Jason Hannaman, Finance Director; Deana Scott, Court Administrator; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Wolf made a motion to approve the agenda for December 5, 2022 as presented. Mr. Dave Robinson seconded the motion, which passed 10-0.

INTRODUCTION OF STUDENTS AND SCOUTS

There were no students or scouts present at the meeting.

PRESENTATIONS

City Clerk Adam Geffert swore in Mayor Mikkelson for a second term as Mayor of Prairie Village.

PUBLIC PARTICIPATION

- Lloyd Koelker, 4901 W. 67th Street, requested additional traffic calming measures on 67th Street between Nall Avenue and Roe Avenue
- Tom Clough, 8510 Delmar Lane, shared thoughts on leadership
- Jim McGrath, 7178 Buena Vista, stated his opposition to the Ad Hoc Housing Committee's recommendations



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 21, 2022
2. Consider approval of Resolution 2022-17 approving the Prairie Village Arts Council artist receptions in 2023 as special events promoting the arts to allow the serving of free alcohol
3. Consider approval of the agreement with BT&Co., P.A., to audit the City 2022 financial statements
4. Consider approval of property tax rebate program changes for 2023
5. Approve the issuance of cereal malt beverage licenses for 2023
6. Consider renewal of public defender agreements with Robin A. Lewis and back-up Public Defender Adam Peer
7. Consider bid award for plumbing services
8. Consider bid award for pavement marking services
9. Consider bid award for tree removal and emergency services
10. Consider bid award for weather services
11. Consider custodial services agreement
12. Consider interlocal agreement with the City of Overland Park for 2023 CARS program
13. Consider interlocal agreement with Johnson County and the City of Overland Park for the 2023 CARS project - Nall Avenue from 67th Street to 75th Street (NAAV0005)
14. Consider appointment to the Environmental Committee
15. Consider 2023 fee schedule

Ms. Limbird 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, Wolf, Limbird, D. Robinson, Reimer, McFadden, Graves, Gallagher. The motion passed 10-0.

COMMITTEE REPORTS

- Ms. Reimer noted that Teen Council members assisted at both the Mayor's Christmas tree lighting and gingerbread house building events for the Prairie Village Foundation.

MAYOR'S REPORT

- The Mayor stated he had attended the following events since the prior Council meeting:
 - The Mayor's Christmas tree lighting event on December 1
 - United Community Services' annual meeting on December 2
 - The gingerbread house building event on December 4
 - A Mid-America Regional Council Board meeting
 - A quarterly meeting with First Washington Realty



PRAIRIE VILLAGE KANSAS

- The Mayor said he had met with residents of the Pine Creek Homes Association along with Ms. Reimer and Mr. Dave Robinson to discuss housing recommendations
- The Mayor noted that 3rd quarter financial information had been made available, and that the City had maintained its 'Aaa' bond rating
- The Mayor shared the following upcoming events:
 - A Planning Commission meeting on December 6, at which housing recommendations would be discussed
 - A Wyandotte County/Johnson County Mayors annual holiday dinner on December 7
 - D.A.R.E graduations at multiple elementary schools
 - The City's volunteer appreciation dinner on December 10
 - A ribbon-cutting event for the new CareNow facility in the Village shopping center on December 12
 - The City's annual staff appreciation lunch on December 16

STAFF REPORTS

- Chief Roberson reported the following upcoming events:
 - The annual "Shop with a Cop" event on December 7
 - The annual "Tip a Cop" event at Johnny's on December 8

OLD BUSINESS

There was no old business to come before the Council.

Mayor Mikkelson, a board member of United Community Services, recused himself during consideration of the following two items. Council President Herring led the meeting during this time.

NEW BUSINESS

COU2022-76 Consider 2023 contribution allocation recommended by United Community Services for human services fund grants

Christina Ashie Guidry, Director of Resource Allocation for United Community Services of Johnson County (UCS), gave a presentation describing the core functions of the organization and its focus on education and advocacy, mobilization and planning, and targeted resource allocation. She noted that the allocations, collected from cities within Johnson County, were used to provide services to residents and improve the well-being of the community. Prairie Village had contributed to the fund each year since 1990.

Mr. Hannaman said that \$10,000 had been designated in the 2023 budget for the contribution, the same amount as 2022. If approved by Council, the City's contribution to



UCS would be pooled with funds from other cities in Johnson County and distributed to the agencies listed in the 2023 Human Service Fund Recommendation Report.

Ms. Limbird made a motion to approve the recommendation of the UCS Grant Review Committee contained in the 2023 Human Service Fund Recommendation Report and a contribution to UCS of \$10,000. Mr. Cole Robinson seconded the motion, which passed 10-0.

COU2022-77 Consider 2023 contribution allocation recommended by the Drug and Alcoholism Council of Johnson County for the 2023 alcohol tax funds

Ms. Ashie Guidry said that state statutes required that one-third of the revenue derived from a state excise tax on liquor sold by the drink be used for alcohol and drug prevention or rehabilitation programs. The Drug and Alcoholism Council of Johnson County formed a grant review process providing a structured and accountable system that allowed organizations, through one application, access to funds from multiple jurisdictions.

Each year, the council makes recommendations to cities for the expenditure of their funds. Cities have ultimate authority and responsibility for determining the allocation of their portion of the Alcohol Tax Fund. The 2023 budget included an allocation of \$44,000 from the Special Alcohol Fund, the same amount as 2022.

Ms. Reimer made a motion to approve the recommendation of the Drug and Alcoholism Council of Johnson County contained in the UCS Fund Recommendations Report and approve a contribution to UCS of \$44,000 from the 2023 Community Programs budget. Mrs. McFadden seconded the motion, which passed 10-0.

COU2022-78 Consider adoption of the 2022 Standard Traffic Ordinance for Kansas cities and the 2022 Uniform Public Offense Code for Kansas cities

Ms. Scott stated that on an annual basis, the City received the latest edition of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC) from the League of Kansas Municipalities. Prior to the request for incorporation, the offense codes and traffic ordinances are compared to current City ordinances for discrepancies. Any deletions or additions are reviewed and approved by the City Prosecutor and City Attorney.

Changes for 2022 included the following:

STO Ordinance:

- Overall changes: Change STO edition year to 2022.
- Section five: Article 6 of Chapter XI, Section 11-605 - amendments in accordance with the Legislative changes to penalties for driving under the influence.



- Section six: Article 6 of Chapter XI, Section 11-606 - amendments in accordance with the Legislative changes to penalties for driving a commercial motor vehicle under the influence.

UPOC Ordinance:

- Overall changes: Change UPOC edition year to 2022.
- Section seven: Article 1 of Chapter XI, Section 11-108, Section 10.37 - Operating an Aircraft Under the Influence, Section 10.37.1 - Same; Preliminary Breath Test, and Section 10.37.2 Same; Definitions.

Mrs. McFadden made a motion to approve the changes to the Standard Traffic Ordinance as presented. Ms. Limbird seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, C. Robinson, Selders, Wolf, Limbird, D. Robinson, Reimer, McFadden, Graves, Gallagher. The motion passed 10-0.

Mrs. McFadden made a motion to approve the changes to the Uniform Public Offense Code as presented. Ms. Limbird seconded the motion. A roll call vote was taken with the following votes cast: “aye”: Herring, C. Robinson, Selders, Wolf, Limbird, D. Robinson, Reimer, McFadden, Graves, Gallagher. The motion passed 10-0.

COU2022-79 Consider approval of the 2023 legislative platform

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

The Council Committee of the Whole discussed the 2023 legislative platform at its November 21 meeting and directed staff to make the following changes to the platform for 2023:

- Amend “Tax Lid” header to “Tax Law”.
- Modify the Sales Tax on Food section to read: “We support immediate elimination of Governor Kelly’s proposal to eliminate the state portion of sales tax on food. We do not support eliminating the City’s portion of sales tax on food, as this is a major source of revenue for cities throughout Kansas, including Prairie Village, and would negatively impact the services provided by local governments throughout Kansas.”
- Remove the “Internet Sales Tax Collections” section.
- Replace existing “Distribution of Federal Funds” section with a new “Federal Funds” section that states: “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.”

- Add new section “Local Firearms Issues” with language as follows: “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.”
- Add a new section titled “Statewide Funding for the Arts” with the following language: “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 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.”
- Add language related to housing rental inspections in “Local Control” section to read: “Our local communities across the state are best served and residents’ values and standards are best reflected when local taxing and spending are determined by local voters and taxpayers. We support the retention and strengthening of local home rule authority to allow locally elected officials to conduct the business of their jurisdiction in a manner that best reflects the desires of their constituents and results in maximum benefit to that community. This includes matters dealing with public health and safety, such as local health orders and rental inspections, and the ability to govern possession of firearms in public spaces in the interest of public spaces.”
- Add language to the “Federal Funds” section stating: “The City of Prairie Village supports the expansion of Medicaid to extend healthcare coverage to low-income Kansans.”
- Add the following to the “Tax Law” section: “The State legislature, as required by Kansas statutes, should help relieve the burden on property taxpayers by funding the Local Ad Valorem Tax Reduction (LAVTR) program.”

Mr. Dave Robinson asked for clarification of the value of having a city-specific legislative platform. Mayor Mikkelson said sharing priorities with state legislators was important as they would make efforts to pursue legislation that supported the needs of the cities they represent. Stuart Little, the City’s lobbyist, added that having a list of priorities was beneficial when working directly with legislators in Topeka.

Mr. Herring made a motion to approve the adoption of the 2023 legislative platform as presented. Ms. Limbird seconded the motion. After further discussion, the motion passed 10-0.



COU2022-81 Consider design agreement with Affinis Corporation for design of the 2023 CARS project: Nall Avenue from 67th to 75th Street (NAAV0005)

Mr. Bredehoeft stated that the agreement was for the design of the 2023 CARS project on Nall Avenue From 67th Street To 75th Street, with construction anticipated to begin in the summer of 2023. The contract includes signal design for modification at 71st Street and 67th Street along with a new signal installation at 75th Street, and drainage modifications as needed in addition to the standard design requirements for a roadway improvement.

Mr. Bredehoeft noted that earlier in the year, the City of Overland Park had completed a traffic study for the corridor and determined that the reduction of lanes from four to three would be appropriate given the volume of traffic. The new layout would include five-foot wide dedicated bike lanes based on the bike/ped plans of both the City of Prairie Village and the City of Overland Park.

Ms. Selders asked if safety poles could be added to the bike lanes. Mr. Bredehoeft said there was likely not enough space to add poles due to the width of the lanes but that he would investigate other methods to increase safety for bike riders.

Mr. Cole Robinson asked if new sidewalks would sit directly at the curb or be placed further back from the road. Mr. Bredehoeft said that the goal would be to include green space between the sidewalk and curb, if space allowed.

Ms. Reimer made a motion to approve the design agreement as presented. Mr. Dave Robinson seconded the motion, which passed 10-0.

Ms. Reimer 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 Ms. Wolf and passed 10-0.

COUNCIL COMMITTEE OF THE WHOLE

COU2022-80 Review 2022 exterior grant and sustainability grant report and consider 2023 recommended program changes

Ms. Lee shared that in 2008, the exterior grant program was created to encourage homeowners to invest in their home's curb appeal. Each year, City staff prepared an annual report for the Governing Body outlining how program funds were utilized. In 2022, the City allocated \$74,000 from the Economic Development Fund to the program. Below is a brief overview of the 2022 program results:

- 34 exterior grants awarded totaling \$58,003 (as of 11/30/2022)
- 7 applicants left on the waitlist



- 9 applications abandoned due to various issues, including contractor and supply limitations
- Total homeowner investment: \$312,840
- Total money awarded: \$58,803
- Average grant award for exterior grant: \$1,706
- Average appraised value for homes receiving grants: \$293,866

Ms. Lee added that the residential sustainability grant was created to encourage residents to reduce their carbon footprint by improving the energy efficiency of their homes in 2021. Eligible improvements included new windows and doors, furnaces, solar panels and insulation. \$20,000 was set aside for the program in 2022, together with an \$11,215 roll over from the prior year. Below is a brief overview of the 2022 program results:

- 14 sustainability grants awarded totaling \$21,956
- 0 applicants left on the waitlist
- 1 application abandoned
- Total homeowner investment: \$118,314
- Average grant award: \$1,568
- Average appraised value for homes receiving grants: \$442,393

Ms. Lee noted that staff recommended the following changes to the program in 2023:

- Increase the appraised value maximum for the 2023 exterior grant program from \$350,000 to \$375,000 [this is a correction of what was stated at the meeting]
- Move the application process to the new OpenGov online cloud-based platform (in-person applicants will be assisted with submitting applications on a computer at the Codes Department)
- Increase the City's percentage match from 20% to 25%
- Decrease the minimum homeowner investment from \$2,500 to \$2,000
- Add an insulation-only project option to the sustainability grant program, allowing for smaller projects
- Open the program on February 1 and extend the number of days to complete the project from 120 to 180 days to allow additional time to complete projects
- Reallocate unused 2022 exterior grant funds (estimated at \$15,997) to the 2023 exterior grant program, increasing the 2023 budget to \$90,000

Mr. Cole Robinson said that he had concerns about the sustainability grant program due to its less targeted focus compared to the exterior grant program. He suggested adding a cap to the appraised value of homes for the sustainability grant program as well.

Ms. Selders stated that rental equipment, such as scaffolding, was often very expensive, and made a motion to accept staff recommendations for the 2023 exterior grant and sustainability grant program and include rental equipment as an allowed reimbursement. The motion was seconded by Ms. Limbird.



Mr. Dave Robinson proposed separating the programs so that they could each be considered individually. Mrs. McFadden and Mr. Gallagher suggested additional enhancements to the sustainability program should be considered by the Environmental Committee rather than the Council.

After further discussion, Mr. Dave Robinson made a motion to separate and consider the two programs individually. Mr. Gallagher seconded the motion. The motion tied 5-5, with Mr. Cole Robinson, Mr. Dave Robinson, Ms. Reimer, Mr. Graves and Mr. Gallagher in support. Mayor Mikkelson cast the tie-breaking vote in favor of the motion. The motion passed 6-5.

Ms. Reimer made a motion to amend Ms. Selders' motion to approve the recommended changes to the exterior grant program but remove rental equipment as an allowed reimbursement until staff has had an opportunity to research and provide additional cost information at the next meeting. Mrs. McFadden seconded the motion, which passed 8-2, with Mr. Cole Robinson and Ms. Selders in opposition.

The original motion for the exterior grant program as amended passed 10-0.

Ms. Reimer made a motion to amend the motion to approve the recommended changes to the sustainability grant program but remove rental equipment as an allowed reimbursement. The motion passed 7-3, with Mr. Cole Robinson, Ms. Selders and Ms. Limbird in opposition.

Mr. Dave Robinson made a motion to reduce the City's percentage match to 20% for the sustainability grant program. There was no second to the motion.

The original motion for the sustainability grant program as amended passed 10-0.

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

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 8:20 p.m.

Adam Geffert
City Clerk