



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
AUGUST 7, 2023**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 7, 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 (via Zoom), 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; Melissa Prenger, 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.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Reimer made a motion to approve the agenda as presented. Mr. Shelton seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS AND SCOUTS

No students or scouts were present at the meeting.

PRESENTATIONS

- **Discussion of petitions - David Waters**

Prior to the beginning of the presentation, Mayor Mikkelson shared his thoughts on the petitions that had been submitted.

Mr. Waters stated that on August 1, the City had received an administrative petition with a proposed ordinance related to the City's existing zoning processes, including changing the definition of rezoning, with the goal of limiting the City's ability to add allowable housing types to existing residential zones. Two additional petitions were submitted to the Johnson County Election Office since they were considered legislative, as required by state statute. One petition called for an election of the City to vote on the abandonment of the mayor-council form of government, which had been Prairie Village's form of government since receiving its charter in 1951.



The third and final petition called for an election of the City to vote on the adoption of the mayor-council-manager form of government.

Mr. Waters summarized each petition individually:

- Rezoning petition: this petition would establish limitations to the City's ability to rezone or to adopt amendments to existing zoning regulations for R-1 and R-2 districts. It also would establish a new definition of the term "rezoning" and add new notice and protest requirements.
- Mayor-council abandonment petition: this petition would require the City to abandon its current form of government.
- Mayor-council-manager adoption petition: this petition would require the City to adopt the mayor-council-manager form of government and reduce the number of Councilmembers in each ward by half, from two to one. Additionally, only the six Councilmembers elected in the November 2023 election would continue to serve on the Council with the at-large Mayor, while the six Councilmembers elected in the 2021 election would be removed. Lastly, Councilmembers in wards 1, 2, and 3 elected in November 2023 would serve four-year terms, while those elected in wards 4, 5, and 6, as well as the Mayor, would serve two-year terms. Thereafter, all wards would elect just one Councilmember to serve four-year terms.

The three petitions were initially submitted to the county counselor on April 25, 2023, and the counselor responded on May 1, 2023. Mr. Waters noted that neither he nor staff had seen any subsequent drafts of the petitions between May 1 and August 1, but that the language of the petitions appeared to be the same as those submitted in April. All three petitions were currently under review by the Johnson County Election Office.

Mr. Waters next provided a summary of the letter he sent to the election commissioner the previous week. He said that he believed the rezoning petition had a significant flaw, in that Kansas law required each person that solicits petition signatures to sign a certification using language spelled out by statute, which was not done adequately. He added that for all three petitions, Kansas statute required a recital for each signer of the petition stating that they are registered voters and residents of the City. Many of the signature pages did not include the recital. Lastly, Kansas law did not allow administrative ordinances, such as the rezoning petition, to be adopted through the petition process.

Mr. Waters continued, stating that the rezoning petition as written would introduce several inconsistencies and ambiguities to the City's zoning code. He also said that because the two form-of-government petitions were separate, it could be possible for one to pass and one to fail, which would leave the City either without a functional



government or two forms of government at the same time. Mr. Waters noted that the county counselor had determined that the forms of the two form-of-government petitions did not comply with statutory requirements, but the petitions were still circulated for signature. Lastly, the petitions did not follow statutory requirements of waiting until the next general election (in this case 2025) after their passage before making the proposed membership changes.

Mr. Cole Robinson asked if the petitions would need to be approved by the county counselor for them to be valid. Mr. Waters said that it was unclear, but that statutes stated the election official would make the final determination. Mr. Shelton asked if it was possible to amend the petitions without having to restart the signature process, and Mr. Waters stated that he did not believe that could be done.

Mr. Dave Robinson asked what the Council's responsibility would be if the election office determined the petitions were valid. Mr. Waters said the Council could determine whether the rezoning petition would be placed on the ballot, or approve it unchanged within 20 days, unless it was determined to be administrative, in which case the time limit did not apply. He added that the language of the other two petitions were unclear, and that Council action would depend on how the election office defined them. Mr. Waters also stated that if an ordinance through petition is successfully passed on the ballot, it could not be changed or removed for a period of ten years per statute, assuming the petition was not determined to be administrative.

PUBLIC PARTICIPATION

- The following residents voiced concerns about certain proposals recommended by the Ad Hoc Housing Committee:
 - Leon Patton, Ward 5
 - Tom Clough, Ward 5
 - Chris Kaberline, 8152 Reeds Lane
 - Pam Justus, Ward 6
 - Karen Gibbons, 71st Street
 - Mary-Michael Sterchi, 8401 Linden Lane
 - Chet Hanson, 4620 W. 72nd Street
 - Anne Ireland, 4905 W. 70th Street
 - Scott McKenzie, 5009 W. 70th Street
 - Cooper Weeks, Ward 1

- The following resident indicated his support of the proposals recommended by the Ad Hoc Housing Committee:
 - Paul Gorelick, Ward 6



After public participation concluded, Ms. Selders, Mr. Shelton, Mr. Cole Robinson, Mr. Graves, Mr. Dave Robinson, Mr. Gallagher, Ms. Limbird, Mr. Nelson, and Mr. Herring shared comments on the submitted petitions and housing 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 - July 17, 2023
2. Consider approval of expenditure ordinance #3028
3. Consider approval of 2024 Mission Hills contract and 2024 Mission Hills budget
4. Consider agreement with Evergy Metro, Inc., for MIRD0008: Mission Road, 83rd Street to 95th Street mill and overlay project

Mr. Shelton 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. Reimer shared the following:
 - The Environmental Committee voted to sponsor the Climate Action KC summit on September 9 at a \$500 level, which would allow two committee members to attend the meeting as representatives.
 - Applications for the Teen Council would begin being accepted soon, with a submission deadline of September 15.
 - The United Community Services’ Substance Continuum of Care Fund (formerly the Drug and Alcoholism Council) would begin reviewing grant applications in September.
 - The Shawnee Mission School District had started a podcast entitled “Mic’d Up”.
- Ms. Selders noted that the annual Back to School with a Firefighter event held in conjunction with Consolidated Fire District #2 took place on August 1.
- Mr. Gallagher said that the Parks and Recreation Committee had received a letter from two children asking when a swing set damaged by recent storms would be repaired, and that they loved the parks in the City.
- Mr. Graves stated that the Tree Board met on August 2 to discuss trees damaged by recent weather events. In total, an estimated 35,000 cubic yards of tree debris needed to be collected in the City. The board also discussed canopy revitalization



methods to address aging trees. Upcoming events included the annual Arbor Day poster contest and a native tree sale.

- Mr. Dave Robinson shared that the annual JazzFest event was only four weeks away and would be held September 9.

MAYOR'S REPORT

- The Mayor stated the following events had taken place since the prior Council meeting:
 - A ribbon-cutting event at the remodeled Meadowbrook shopping center on July 19
 - The Police Department's "National Night Out" on August 1
 - A ribbon-cutting for a new Johnson County Transit bus route through Prairie Village on August 4
- The Mayor shared that the City had received two national budget awards: the Distinguished Budget Presentation award and the Outstanding Achievement in Popular Annual Financial Reporting award
- The Mayor noted the following upcoming events:
 - A Mid-America Regional Council training session for government officials
 - A Kansas City Rotary Association meeting on August 17 at which he would give a presentation about the City
 - The Northeast Johnson County Chamber of Commerce's Shawnee Mission School District kickoff lunch on August 17
 - A ribbon-cutting event for the remodeled Kansas City Ballet facility at the Meadowbrook Shops on August 18

STAFF REPORTS

- Mr. Jordan stated that the August plan of action was included in the meeting packet. He also noted that staff would be meeting with Republic Services later in the week to discuss improvements to solid waste service.
- Mr. Bredehoeft provided an update on the tree debris pickup, noting that the first round would likely be completed later in the week, and that discussions were being held regarding the need for a second pass. He also said that the intersection of Tomahawk Road and Mission Road would be closed for three weeks beginning August 8 to allow Johnson County Wastewater to complete work prior to road reconstruction later in the fall.
- Chief Roberson shared information about the National Night Out event and said that the Police Department was seeking additional participants for the next citizens' academy.



OLD BUSINESS

None

NEW BUSINESS

COU2023-47

Consider approval of agreement with Pro Electric to perform electrical service repairs at Windsor Park

Ms. Prenger said that the Windsor Park pickleball courts and pavilion were currently without power because cables in the court’s electrical box had been damaged by small animals and were no longer functional. The cables running north from the courts, through the conduit under the creek and up to the box on the north side of the park were fused together, which prevented the electrical contractor from pulling new cables through the old conduit. Additionally, new electrical service needed to be added for the proposed restroom construction at Windsor Park.

Staff received the following three bids for the project:

- Pro Electric \$32,684.00
- Black and McDonald \$39,600.00
- Pro Circuit \$46,310.47

Ms. Prenger stated that the cost of the work would be shared between Public Works maintenance funds and the Windsor Park restroom CIP project BG900004.

Mrs. McFadden made a motion to approve the agreement with Pro Electric for electrical service repairs at Windsor Park. The motion was seconded by Mr. Graves and passed unanimously.

COU2023-48

Consider approval of construction contract for Windsor Park restroom improvements

Ms. Prenger said that proposed contract included the construction of a permanent restroom at Windsor Park, which would be in the same style as the restrooms at Porter Park and Wassmer Park. The restroom would also include a small shelter attached for drop off/pick up at the park and consolidate pedestrian entrances.

Two bids were received for the project:

- Combes \$416,127.01
- Infinity Group \$429,948.00
- Consultant's Estimate \$458,631.50



Ms. Prenger noted that the awarded amount of \$416,127.01 would push the cost approximately \$60,000 over budget. To control costs and overages, the design team and contractor were able to “value engineer” the project to a new award amount of \$401,047.60 with a fund deficit of roughly \$45,000. Costs would include design, construction, utility connections and electrical repair. Ms. Prenger stated that funding was available in CIP project BG90004 for the shelter and restroom improvements supplemented with a \$45,000 transfer from the park reserve fund.

Ms. Wolf made a motion to approve the agreement with Combes Construction, LLC, for Windsor Park restroom improvements. The motion was seconded by Mr. Gallagher and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

There were no items to come before the Council Committee of the Whole.

EXECUTIVE SESSION

At 9:15 p.m., Mr. Nelson made the following motion:

“I move that the Governing Body recess into Executive Session for 30 minutes for consultation with an attorney regarding petitions which would be deemed privileged in the attorney-client relationship pursuant to KSA 75-4319(b)(2). Present will be the members of the Governing Body, the City Administrator, Deputy City Administrator, Assistant City Administrator, City Attorney, and the City Attorney’s Co-Counsel. The regular meeting will resume at 9:45 p.m.”

The regular meeting reconvened at 9:45 p.m.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 9:46 p.m.

Adam Geffert
City Clerk