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**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
Monday, February 5, 2024  
6:00 PM**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF THE AGENDA**

**V. INTRODUCTION OF STUDENTS AND SCOUTS**

**VI. PRESENTATIONS**

Recognition of Council service

Black History Month proclamation

**VII. PUBLIC PARTICIPATION**

Participants may speak for up to three minutes. To submit written comment to the Council regarding current agenda items, please email [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com) prior to 3 p.m. on February 5. Comments will be shared with Councilmembers prior to the meeting.

**VIII. 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. Consider approval of regular City Council meeting minutes – January 16, 2024
2. Consider approval of expenditure ordinance #3034
3. Consider amendment #2 renewing the agreement with Witt O'Brien's, LLC to provide consulting services to the City regarding use of American Rescue Plan Act funds

**IX. COMMITTEE REPORTS**

X. **MAYOR'S REPORT**

XI. **STAFF REPORTS**

CFD#2 update – Chief Steve Chick

XII. **OLD BUSINESS**

XIII. **NEW BUSINESS**

COU2024-08 Consider approval of the appointment of the city attorney  
Mayor Mikkelson / Wes Jordan

COU2024-09 Consider agreement with Philip Stein for backup public defender  
services  
Deana Scott

COU2024-10 Consider approval of additional funding for property tax rebate  
program  
Adam Geffert

COU2024-11 Consider change order for construction contract of Harmon Park  
restroom and pavilion (BG30005)  
Melissa Prenger

XIV. **COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)**

COU2024-06 Consideration of updated Code of Ethics  
David Waters

XV. **EXECUTIVE SESSION**

XVI. **ANNOUNCEMENTS**

XVII. **ADJOURNMENT**

**If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, 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](mailto:cityclerk@pvkansas.com).**

# CITY OF PRAIRIE VILLAGE

## Proclamation

### Black History Month – February 2024

**WHEREAS**, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

**WHEREAS**, Black History Month evolved out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

**WHEREAS**, the 2024 national theme for the observance is “African Americans and the Arts”, which explores the key influence African Americans have had in the fields of visual and performing arts, literature, fashion, folklore, language, film, music, architecture, culinary and other forms of cultural expression; and

**WHEREAS**, the observance of Black History Month calls our attention to the continued need to battle racism and build a society that lives up to its democratic ideals; and

**WHEREAS**, the City of Prairie Village continues to work toward becoming an inclusive community in which all citizens—past, present, and future—are respected and recognized for their contributions and potential contributions to our community, the state, the country, and the world; and,

**WHEREAS**, the City of Prairie Village will join with the nation in celebrating National Black History Month by honoring the essential contributions, sacrifices, and accomplishments of African Americans in our community, throughout our State, and our nation as part of American history.

**Now, therefore**, in recognition of African Americans – past and present – in our community, I, Eric Mikkelson, Mayor of the City of Prairie Village, Kansas do hereby proclaim February 2024 as Black History Month in the City of Prairie Village, Kansas, and call this observance to the attention of all our residents.

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Mayor Eric Mikkelson

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Adam Geffert, City Clerk



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
JANUARY 16, 2024**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 16, at 6:00 p.m. Mayor Mikkelson presided.

**ROLL CALL**

Roll was called by the City Clerk with the following Councilmembers in attendance: Cole Robinson, Terry O'Toole, Inga Selders, Ron Nelson, Lori Sharp, Lauren Wolf, Dave Robinson, Tyler Agniel, Nick Reddell, Ian Graves, and Terrence Gallagher. Staff present: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Public Works; Cliff Speegle, Public Works; City Attorney David Waters, 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; Adam Geffert, City Clerk.

Youth Council members present: Brynn Bettenhausen, John Gagen, Isabelle Zschoche.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Nelson made a motion to approve the agenda as presented. Mr. Dave Robinson seconded the motion, which passed 11-0.

**INTRODUCTION OF STUDENTS AND SCOUTS**

Three Boy Scouts were present to earn their citizenship and communications badges.

**PRESENTATIONS**

- Chief Roberson presented Corporal Patrick Mahoney with a Lifesaving Award for his efforts to help a resident who was unable to breathe until paramedics arrived. He also gave a Distinguished Service Award to Detective Jeremy Shull and Meritorious Service Awards to Detective Steven Whitham and Officer Mark Brown for their work in apprehending a suspect involved in an armed robbery at Great Southern Bank.
- County Commissioner Becky Fast gave a presentation on several topics, including capital projects for wastewater treatment, the construction of a new household hazardous waste facility, road improvements partially funded by the County's CARS program, stormwater management and sustainability efforts.



### PUBLIC PARTICIPATION

- Pam Justus, Ward 6, shared her thoughts on the hiring of a new city attorney.
- Julianne Lagerstrom, Ward 1, spoke in opposition to the proposed community center project.

### 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 - December 18, 2023
2. Consider agreement with the Kansas City Crime Commission for the 2024 TIPS Hotline Crime Stoppers Program
3. Consider approval of 2024 agreements with Johnson County Park and Recreation District

**Mr. Gallagher made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Nelson, Sharp, Wolf, D. Robinson, Agniel, Reddell, Graves, Gallagher. The motion passed 11-0.**

### COMMITTEE REPORTS

#### Planning Commission

- **PC2023-114 Consider Ordinance #2492 to approve an amendment to the special use permit for Kansas City Christian School at 4801 W. 79<sup>th</sup> Street**

Mr. Brewster stated that Kansas City Christian School was requesting to convert the current grass field on the west side of its property to a turf field, with accessory structures including a 6’ perimeter black chain link fence, ball nets behind soccer goals, bleachers, a press box, and a scoreboard at the northeast corner by 79<sup>th</sup> Street. He stated that the proposal was considered an expansion or amendment of previously approved site plans, and based on prior permit conditions required an amendment to the special use permit.

Mr. Brewster noted that the permit was initially approved by the City Council in January 1999 for the reuse of an elementary school building built in 1954, and had been amended several times to support expansion of the school and construction of new classrooms and facilities. The original special use permit did not have an expiration date but was subject to four conditions relative to the design, construction, and operation of the school, as presented in an approved site plan. One of the conditions stated that expansion of the school or changes to the approved site plan would require an amendment to the special use permit.



Mr. Brewster said the Planning Commission initially held a public hearing on November 14 and continued the hearing to December 5. Comments were submitted from residents sharing concerns about water runoff and environmental impact from the proposed synthetic turf, as well as fencing and a potential new playground. Several residents also shared support for the investment into the neighborhood.

The Planning Commission voted 6-1 to recommend approval of the amended special use permit to the City Council, subject to the conditions outlined in the staff report.

Mr. Brewster stated that a special use permit application required the City Council to act in its quasi-judicial role. When acting in this capacity, rather than a legislative capacity, the governing body must set aside personal opinions and, like a judge, apply the law to facts presented in the public record, taking into consideration the following criteria, commonly referred to as the “Golden” factors:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety, and welfare by destruction of value of the applicant’s property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the comprehensive plan

He added that according to Section 19.52.040 of the zoning regulations, the Governing Body could take the following actions on a special use permit recommendation from the Planning Commission:

1. Adopt the Planning Commission’s recommendation by a simple majority of members present.
2. Override the Planning Commission’s recommendation by a 2/3 majority vote of the entire Governing Body (9 votes including the Mayor)
3. Return the recommendation to the Planning Commission with a statement specifying the basis for the Governing Body’s failure to approve or disapprove by a simple majority. The Planning Commission could then resubmit the original recommendation or submit a new and amended recommendation. The Governing Body then can adopt or amend the recommendation by a simple majority (7 votes) or take no further action.

Mr. Gallagher asked whether the scoreboard would include a sound system. Mr. Brewster stated that the scoreboard would feature game-related sounds, such as a



horn to signify the beginning and end of a game but would not include a public address system. He added that the school had a portable sound system that it used for public address functions.

**Mr. Cole Robinson made a motion to approve the amendment to the existing special use permit as presented. Mr. Reddell seconded the motion.**

Mr. Dave Robinson asked why the scoreboard would be located on the 79<sup>th</sup> Street side of the property. Mr. Brewster said that the location was selected because access to power was already available there. He added that trees would be planted to help screen the scoreboard, and that its construction met all zoning regulations for accessory structures.

**After further discussion, A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Nelson, Sharp, Wolf, D. Robinson, Agniel, Reddell, Graves, Gallagher, Mikkelson. The motion passed 12-0.**

- Ms. Wolf stated that the Parks and Recreation Committee had met the prior week, and that the pool was seeking lifeguards for the 2024 season. She also noted that an Arts Council reception was held on January 10.

## **MAYOR’S REPORT**

- The Mayor shared information about events that had taken place since the prior Council meeting:
  - Two Public Works retirement lunches for Dan Inffen and Steve Mills
  - A retirement celebration for Sgt. Luke Roth of the Police Department
  - Meetings with area legislators
  - The Northeast Johnson County Chamber of Commerce’s annual State of the Cities meeting
  - MARC and UCS Board meetings
  - A Johnson County / Wyandotte County Mayors dinner
  - The Diversity Committee’s third-annual Martin Luther King, Jr. celebration at Village Church
  - A meeting with the Youth Council to discuss the Mayor’s role with the City
- The Mayor noted the following upcoming events:
  - The appointment of volunteers to City committees
  - A Northeast Johnson County Chamber Leadership Academy bus tour on January 24
  - A public meeting for the proposed community center on January 25
  - A Prairie Village Foundation meeting on January 29
- The Mayor also shared the following:
  - Mr. Graves’s appointment as co-chair of the First Suburbs Coalition in the Kansas City region



- WaterOne receiving an award for having the “Best Tasting Water in Kansas” for the sixth time

### **STAFF REPORTS**

- Chief Roberson said that new enhancements to the Police Department website would go live on Monday, January 22.
- Mr. Bredehoeft shared information about the upcoming public meeting for the proposed community center project on January 25 at the Meadowbrook Park clubhouse. He noted that additional meetings would be held in April and June.
- Mr. Schwartzkopf provided an update on FEMA reimbursement funds for the powerful storms that affected the City in July 2023 and caused significant damage. He noted that work was continuing to collect partial reimbursement for the over \$600,000 spent by the City on storm cleanup and storm channel repair.

Mr. Schwartzkopf also noted that he and James Carney would be attending an integrated emergency management course in Maryland later in the year.

- Mr. Jordan provided information on the process of appointing a new city attorney, noting that a recommendation would be brought to the Council at its February 5 meeting.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**COU2024-01**

**Consider construction administration agreement amendment #1 with Trekk Design Group for MIRD0007: Mission Road near 68<sup>th</sup> Street flood control project construction**

Mr. Speegle said that the City supplemented its own construction inspection staff with consultant inspectors each year. The proposed contract included construction administration services in 2024 specifically for the Mission Road flood control project, allowing City staff to continue inspections for other projects during the construction season. He noted that TREKK Design Group had been inspecting the project since construction began in the summer of 2023. The amendment would be a continuation of those inspection services based on remaining project work.

Mr. Speegle said that inspection costs were budgeted as part of the MIRD0007 project, and that construction inspection was a reimbursable expense funded at 50% with county SMAC project funding.





Mr. Nelson made a motion to approve amendment #1 for the construction administration agreement with Trekk Design Group for MIRD0007: Mission Road near 68<sup>th</sup> Street flood control project for \$46,843.20. The motion was seconded by Mr. O'Toole and passed 11-0.

**COU2024-02          Consider pickleball noise mitigation options**

Ms. Prenger stated that after the completion of the six pickleball courts at Windsor Park in 2023, Council and staff received comments from some surrounding residents indicating that the noise from pickleball play was bothersome. Staff engaged a company known as Pickleball Sound Mitigation to complete a report and make recommendations for solutions to bring the pickleball sound levels within ANSI guidelines for residential areas of 55 dBA. The recommendation was to install some form of acoustic fencing around the courts to reduce noise.

Staff received quotes from four manufacturers:

- Acoustiblok - \$23,760
- eNoise Control - \$27,684
- Insul-Quilts - \$39,862
- SLN/CR - \$23,331

Ms. Prenger noted that performance ratings indicated that the SLN/CR product provided the best noise reduction for the price of the four options. She added that the material would not only function as a barrier, but also provide sound absorption of approximately 70%. She added that another option was to repaint the courts to allow for two pickleball courts and one tennis court, rather than six pickleball courts.

Mr. Dave Robinson asked why there had not been complaints from neighbors near the pickleball courts at Harmon Park. Ms. Prenger said that the courts there were striped over the existing tennis courts, and as a result, pickleball play on those courts was of a more recreational nature and less intense than at Windsor Park. Mr. Robinson suggested an additional option would be to removal pickleball courts from Windsor Park completely and repaint them for tennis only.

Ms. Sharp said that she had received comments from Ward 3 residents both in favor and in opposition to the courts at Windsor Park. Many were concerned with a significant increase in parked cars along both sides of Windsor Street near the park. She suggested making the courts more accessible to Prairie Village residents by charging non-residents fees to use them.



Mayor Mikkelson stated that he had heard concerns from residents about blind spots that would be created by putting the acoustical fencing up, which would make it difficult for parents to keep track of children in the park.

**Mr. Gallagher made a motion to send the issue back to the Parks and Recreation Committee to evaluate reducing the number of pickleball courts at Windsor Park and return to Council with a recommendation. The motion was seconded by Mr. Reddell.**

Mr. O'Toole asked what the cost would be to repaint the courts to include one tennis court and two pickleball courts. Ms. Prenger said the cost would be similar to installing noise-reduction materials.

Mr. Dave Robinson asked whether the noise-reduction materials would be placed on all four sides of the courts. Ms. Prenger said that based on the recommendation from the sound study, it would only be placed on the north and east sides, which faced surrounding homes.

**Ms. Selders made a motion to amend the motion and order the SLN/CR noise-reduction product right away, but also ask the Parks and Recreation Committee to consider changing the number of courts. Ms. Sharp seconded the motion. After further discussion, a roll call vote was taken with the following votes cast: "aye": C. Robinson, Selders, Sharp, Graves; "nay": O'Toole, Nelson, Wolf, D. Robinson, Agniel, Reddell, Gallagher. The motion failed 7-4.**

A roll call vote on the original motion was taken with the following votes cast: "aye": O'Toole, Selders, Nelson, Sharp, Wolf, D. Robinson, Agniel, Reddell, Gallagher; "nay": C. Robinson, Graves. The motion passed 9-2.

**COU2024-03          Consider approval of the 2024 SuperPass interlocal agreement and swim meet letter of understanding**

Ms. Buum said that the SuperPass program allowed residents of partner cities to pay a fee in addition to their regular pool membership to gain access to the other cities' pools during the summer season. She noted that the program was in its eleventh year and considered a success by all participating municipalities.

Ms. Buum stated that the proposed program for 2024 included a change in the pricing structure to an individual pass system to mirror the pool pass structure of the other participating cities. She added that the City of Leawood voluntarily opted not to participate in the program, and the City of Roeland Park would not participate in the program in 2024 but could be invited to return in future years should its aquatics facility be open seven days per week.



In addition to the SuperPass agreement, the partnering cities also annually approved a letter of understanding to allow all residents with a regular pool membership to attend each other's pools on dates the host pools are closed for swim/dive meets. Ms. Buum said that occurred approximately four days per summer and provided resident pool members with an alternative option when the pool is closed for meets at no additional cost.

**Ms. Wolf made a motion to approve the agreements by and among the City of Prairie Village, the City of Mission, and the City of Fairway for use of swimming pool facilities. The motion was seconded by Mr. Agniel and passed 11-0.**

**COU2024-04            Consider changes to CP527 - Tennis Court Rental / Reservation Policy**

Ms. Buum shared that at the January 10, 2024, Parks and Recreation Committee meeting, the committee recommended amending Council Policy 527 as it related to private (non-school) tennis tournaments. She noted that there had been a growing interest in reserving the Harmon Park tennis complex for private events that utilize the entire complex and impede citizen use of the facilities. The proposed changes to the policy would allow for only two tournaments per month, available on a first come, first served basis after the school-related tournaments have been scheduled.

**Mr. Agniel made a motion to approve changes to Council Policy 527 - Tennis Court Rental / Reservation Policy as presented. Ms. Wolf seconded the motion, which passed 11-0.**

**COU2024-07            Consider 2024 recreation fee schedule**

Ms. Buum stated that per Council direction, staff reviewed recreation fees annually to ensure they are reasonable and keep pace with any operational increases with a goal of evaluating every five years. Fees were increased broadly in 2023, with only one change recommended for 2024.

At the January 10, 2024, Parks and Recreation Committee meeting, the committee recommended increasing the fees for private (non-school) tennis tournaments. Ms. Buum noted that the City had seen a growing interest in utilizing the Harmon Park tennis complex for private events that utilized the entire complex, which impeded citizen use of the facilities.

The committee approved a new rate of \$60 per court per day for non-school tournament use. While a substantial increase from the previous tournament fee, it still represented a discounted price from the hourly rental rate when rented for the entire weekend.

**Mr. Reddell made a motion to approve the 2024 recreation fee schedule as presented. Ms. Wolf seconded the motion, which passed 11-0.**



**COU2024-05      Consider changes to CP001 - City Committees**

Ms. Lee said on January 10, 2024, the Arts Council recommended a change to its leadership structure by selecting a member of the Arts Council to serve as an additional Vice-Chair. The following changes are recommended in bold:

Council Policy 001 - City Committees (Section VII "Policy", Subsection 9 "Prairie Village Arts Council"):

- a. The Prairie Village Arts Council will consist of a voting Chair and Vice-Chair, each a City Council Member appointed by the Mayor without the consent of the City Council. Twelve additional voting members appointed by the Mayor, with consent of the City Council, will also serve on the Committee. **In addition, the Chair may select a second Vice-Chair. The second Vice-Chair will be confirmed by the Committee and will serve a one-year term.** There may be two non-voting youth representatives.

Additionally, the Parks and Recreation Committee proposed a meeting time change, moving the start time from 5:30 p.m. to 4:00 p.m. The change is recommended in bold:

Council Policy 001 - City Committees (Section VII "Policy", Subsection 5 "Parks and Recreation Committee"):

- b. The Parks & Recreation Committee will normally meet at **4:00 p.m.** six times per year.

**Ms. Wolf made a motion to approve revisions to Council Policy 001 - City Committees. Mr. Nelson seconded the motion, which passed 11-0.**

**Mr. Reddell 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. O'Toole and passed 11-0.**

**COUNCIL COMMITTEE OF THE WHOLE**  
**Discuss requested City Hall improvement options**

Ms. Prenger said that at its November 6, 2023, meeting, the Council selected a concept for the City Hall improvement project and requested that the design team review two requests:

- 1) Maintaining the existing council chambers space to use for municipal court



2) Inclusion of underground parking in the new facility

Ms. Prenger noted the following negative aspects of maintaining the existing council chambers:

- Requires larger footprint
- Sightlines from lobby to courtroom entry are not desirable
- Significant envelope improvements would be required
- Reduces level of LEED certification that is achievable
- Higher cost, by approximately \$1M (\$29.5 million vs. \$28.6 million)

She also stated that adding a parking garage was not desirable, for the following reasons:

- Garage replaces a gated employee surface parking
- Only 20 parking stalls total
- Existing site elevations dictate that access is off of the driveway to the south which is not on City property
- LEED implications include potential energy credit penalties for use of forced air exhaust and heating of the garage and underside of the floor above (though there would be a potential benefit for credit due to heat island reduction)
- Higher cost, by approximately \$6M (\$34.5 million vs. \$28.6 million)

Ms. Prenger stated that staff did not recommend inclusion of either proposal due to the cost/benefit of each item.

**Mr. Graves made a motion to proceed with the option approved at the November 6, 2023, City Council meeting without inclusion of the two proposals considered. Mr. Cole Robinson seconded the motion, which passed 11-0.**

**COU2024-06          Consider updated Code of Ethics**

Mr. Waters stated that the City's Code of Ethics, codified in Section 1-212 of the City Code, had not been updated since 2008. Based on recent issues involving allegations raised under the Code of Ethics, City staff undertook a review of the Code as well as those of neighboring municipalities in an effort to both clarify and strengthen the Code.

Mr. Waters said that the Code consisted of two themes: general expectations of behavior and conduct from public officials (which are not necessarily "law" or legally-binding but are intended to recognize goals which officials should strive to achieve), and enforceable provisions on conflicts of interest and self-dealing, particularly for financial or business gain. The following is a summary of the proposed changes in the draft revised Code of Ethics:

- Following the approach utilized by most municipalities reviewed by staff, the Code of Ethics itself would not apply to employees, as the roles of elected and



appointed officials differ from those of employees. However, staff intends to incorporate similar provisions on conflicts and financial self-dealing in appropriate personnel manuals. Members of boards, committees, or commissions are governed by a separate code of conduct included among the City Council policies.

- Clearer distinctions have been drawn between expectations of conduct and guidelines for behavior and enforceable violations of the Code of Ethics. As an example, new language has been added regarding expectations of civility. Given that “violations” of certain behaviors may be subjective, these standards are not intended to be legally enforceable, but instead serve as a reminder that members of the governing body are expected to comport themselves in appropriate ways.
- New language has been added prohibiting discrimination on the basis of various protected classes of persons.
- The conflict-of-interest sections have been revised to be consistent with Kansas state statutes on the issue. New language has also been added regarding acquisition of financial interests and the representation of private interests before the body.
- Additional language has been added regarding the disclosure of confidential information.
- In recognition that officials are often invited to represent the City at official functions or events, at which meals may be served, the “gifts and favors” portion of the Code has been revised to allow officials to attend such engagements so long as there is no substantial risk of undermining official impartiality.
- The “Misuse of City Property” subsection has been expanded to apply to the misuse of City personnel and staff.
- Clearer provisions allowing for advisory opinions have been added.
- Currently, the Code provides that allegations against individuals are brought to the Council Committee of the Whole which will (perhaps on an ad hoc basis) “adopt its own rules for studying and investigating complaints”. The draft revised Code establishes the following specific procedures so that allegations can be considered appropriately and uniformly:
  - An opportunity for officials to raise concerns informally with each other, acknowledging that certain ethical concerns may not constitute any legal violation, and allowing for a measure of self-enforcement. This is important so that City staff is not regularly in the position of mediating or judging mere political or personality disputes;
  - Review by the city administrator and/or the city attorney, with the ability to engage outside independent counsel where appropriate;
  - The ability for certain complaints to be dismissed without full investigations or hearings where it is clear that an allegation, even if true, would not constitute a violation of the Code or other law, or where the complaint is frivolous or made for campaign or political purposes;



- Investigative findings will otherwise be provided to the Council Committee of the Whole. Impacted persons will be expected to recuse themselves from discussion, deliberation, and debate on the matter, except to provide their own evidence in their defense.
- Currently, the Code of Ethics only provides for “censor” (which should be “censure”) or ouster as possible punishments. The range of options has been expanded to include no action, required ethics training, censure, removal from boards, or other lawful action (which could include ouster). The ability to refer violations of state or other local law to other enforcing officials has also been added.

Mr. O’Toole asked for more information about the proposed “Late Case Interest” section, and whether it would prevent former Councilmembers from speaking in front of the Council. Mr. Waters noted that the section was not a new revision to the Code and added that it was primarily referring to former Councilmembers speaking to the Council about a case, proceeding or application on which they might have worked as a member of the governing body. He added that other area cities had similar provisions, but how they were enforced was unclear.

Mr. O’Toole also asked whether the ouster of a Councilmember could be done with a simple majority of the Council. Mr. Waters said that ouster proceedings were ultimately handled by the attorney general or district attorney, so a vote by the Council on an ouster would simply result in a complaint being filed. He added that the Code language could be changed so that a supermajority was required to file a complaint.

**Mr. Reddell made a motion to have staff review the sections that Mr. O’Toole referenced, specifically striking the section on late case interest and requiring more than a simple majority to institute ouster proceedings. Mr. O’Toole seconded the motion.**

Mr. Waters stated that it would be helpful if all suggestions or recommended changes to the Code were included in one motion.

**Mr. Reddell rescinded the motion.**

Mayor Mikkelson suggested a time limit be added to the late case interest section, and to specify that ouster proceedings were simply a referral to the attorney general or district attorney.

Ms. Sharp noted that a new city attorney would be appointed in February, and that it would be appropriate to have that person review the proposed changes before any decisions were made. She added that she felt the late case interest section limited the first amendment right to free speech.

**After further discussion, Mr. O’Toole made a motion to allow Council to place a time limit of 12 months for the late case interest section and that bringing ouster proceedings against**



**PRAIRIE VILLAGE**  
KANSAS

a Councilmember require a 2/3 majority vote of the Council. Mr. O'Toole added that after making the changes, the draft should be brought back to the next Council Committee of the Whole meeting for review. The motion was seconded by Mr. Reddell, and passed 9-2, with Mr. Nelson and Ms. Sharp in opposition.

Mr. Dave Robinson moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Agniel and passed 11-0.

### **ANNOUNCEMENTS**

Announcements were included in the Council meeting packet.

### **ADJOURNMENT**

Mayor Mikkelson declared the meeting adjourned at 9:45 p.m.

Adam Geffert  
City Clerk



## CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

February 5, 2023

**Copy of Ordinance**  
3034

Ordinance Page No. \_\_\_\_\_

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.


Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	DATE	AMOUNT	TOTAL
<b>EXPENDITURES:</b>			
Accounts Payable			
29644-29665	12/1/2023	23,911.32	
29666-29750	12/12/2023	663,993.45	
29751-29763	12/15/2023	214,901.81	
29764-29835	12/22/2023	2,658,324.05	
29836-29844	12/29/2023	7,716.03	
Payroll Expenditures			
12/1/2023		434,658.27	
12/15/2023		419,030.56	
12/29/2023		438,856.49	
Electronic Payments			
Electronic Pmnts	12/1/2023	61.90	
	12/8/2023	12,129.29	
	12/12/2023	11,090.16	
	12/13/2023	8,089.22	
	12/19/2023	50.40	
	12/21/2023	2,443.01	
	12/27/2023	27,673.06	
<b>TOTAL EXPENDITURES:</b>			<b>4,922,929.02</b>
Voided Checks	Check #	( Amount )	
<b>TOTAL VOIDED CHECKS:</b>			-
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>4,922,929.02</b>

Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 5th day of February 2024.

Signed or Approved this 5th day of February 2024.

ATTEST:   
City Treasurer

ATTEST:   
Finance Director

# Accounts Payable

## Checks by Date - Summary by Check Date



# PRAIRIE VILLAGE

THE STAR OF KANSAS

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
ACH	1248	Bluefin Payment Systems	12/01/2023	0.00	61.90
29644	3380	All Copy Products Inc	12/01/2023	0.00	379.58
29645	3089	Bob Allen Ford Inc	12/01/2023	0.00	676.36
29646	355	BP	12/01/2023	0.00	16.66
29647	790	Cellco Partnership	12/01/2023	0.00	288.77
29648	443	CMI Inc	12/01/2023	0.00	58.46
29649	282	CMRS-FP	12/01/2023	0.00	2,000.00
29650	3690	EE Reimbursement	12/01/2023	0.00	135.00
29651	1381	Great Plains Soc Prevention of Cruelty Anir	12/01/2023	0.00	630.00
29652	2290	Mark R Greathouse	12/01/2023	0.00	3,145.00
29653	384	GT Distributors	12/01/2023	0.00	266.46
29654	690	Kansas Secretary of State	12/01/2023	0.00	25.00
29655	147	Kansas State Treasurer	12/01/2023	0.00	3,924.77
29656	3419	Jamie Ledbetter	12/01/2023	0.00	69.75
29657	213	Legal Record	12/01/2023	0.00	71.21
29658	166	Lindan Auto Mechanical and Body	12/01/2023	0.00	5,872.31
29659	2039	MJV-A LLC	12/01/2023	0.00	77.00
29660	281	Motorola Inc	12/01/2023	0.00	1,000.00
29661	1007	Rejis Commission	12/01/2023	0.00	1,398.07
29662	503	Schwaab Inc	12/01/2023	0.00	68.47
29663	72	Staples Business Advantage	12/01/2023	0.00	87.00
29664	172	Sumner One	12/01/2023	0.00	1,482.53
29665	111	WaterOne	12/01/2023	0.00	2,238.92
Total for 12/1/2023:				0.00	23,973.22
ACH	311	ADP Electronic Debit	12/08/2023	0.00	7,490.25
ACH	9	Evergy - KCPL - ACH	12/08/2023	0.00	4,639.04
Total for 12/8/2023:				0.00	12,129.29
ACH	9	Evergy - KCPL - ACH	12/12/2023	0.00	11,090.16
29666	2542	ABC Tire LLC	12/12/2023	0.00	267.00
29667	78	Affinis Corp	12/12/2023	0.00	30,051.38
29668	534	Arbor Masters Tree & Landscape	12/12/2023	0.00	39,654.00
29669	3003	AT&T 5019	12/12/2023	0.00	2,894.64
29670	3711	John Bartak	12/12/2023	0.00	135.06
29671	2326	Paul L Benson	12/12/2023	0.00	2,156.25
29672	2834	Bledsoe's Equipment Inc	12/12/2023	0.00	424.85
29673	3089	Bob Allen Ford Inc	12/12/2023	0.00	3,391.54
29674	54	Central Salt, LLC	12/12/2023	0.00	5,356.43
29675	2208	Kirk Chonis	12/12/2023	0.00	693.48
29676	3296	CIGNA Health and Life Insurance Compan	12/12/2023	0.00	127,669.40
29677	3110	City Wide Maintenance Company Inc	12/12/2023	0.00	9,985.00
29678	3568	Consolidated Fire District 2	12/12/2023	0.00	400.00
29679	3511	Nora Cooper	12/12/2023	0.00	901.90
29680	367	Croft Trailer Supply Inc	12/12/2023	0.00	78.80

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
29681	2007	Michelle DeCicco	12/12/2023	0.00	1,922.00
29682	158	Delta Dental of Kansas	12/12/2023	0.00	5,955.79
29683	245	Easy Ice LLC	12/12/2023	0.00	320.46
29684	286	EE Reimbursement	12/12/2023	0.00	92.75
29685	256	Electronic Technology Inc	12/12/2023	0.00	2,006.00
29686	1195	Elsag North America LLC	12/12/2023	0.00	995.00
29687	2898	Evergy - KCPL	12/12/2023	0.00	236.83
29688	3453	Fast N Friendly LLC	12/12/2023	0.00	21,458.04
29689	2666	Fiber Platform LLC	12/12/2023	0.00	700.00
29690	88	First Call	12/12/2023	0.00	256.69
29691	3696	Fisher, Patterson, Saylor, & Smith, L.L.P.	12/12/2023	0.00	45.00
29692	1253	Foley Industries Inc	12/12/2023	0.00	559.60
29693	404	Foster Bros Wood Products Inc	12/12/2023	0.00	1,885.50
29694	3195	Gerken Rent-All Inc	12/12/2023	0.00	400.00
29695	3695	GHA Technologies Inc	12/12/2023	0.00	400.00
29696	86	Goodyear Auto Service Center	12/12/2023	0.00	1,548.08
29697	3356	Gregory Shelton, Councilmember Ward 5	12/12/2023	0.00	49.40
29698	384	GT Distributors	12/12/2023	0.00	127.96
29699	2832	H&H Roofing and Restoration LLC	12/12/2023	0.00	1,488.87
29700	2129	Imaging Office Systems Inc	12/12/2023	0.00	128.75
29701	2723	Insight Public Sector Inc	12/12/2023	0.00	115.30
29702	2316	Integrity Locating Services LLC	12/12/2023	0.00	7,012.00
29703	3472	J Webb Inc	12/12/2023	0.00	47.50
29704	23	Johnson County Sherriff's Office Fiscal Uni	12/12/2023	0.00	400.00
29705	372	Johnson County Top Soil & Landscape mat	12/12/2023	0.00	380.00
29706	61	Johnson County Treasurer	12/12/2023	0.00	40,170.01
29707	66	KA-Comm Inc	12/12/2023	0.00	253.00
29708	3570	Kansas CareNow Urgent care	12/12/2023	0.00	675.00
29709	41	Kansas Gas Service	12/12/2023	0.00	79.15
29710	1634	Kansas Heavy Const LLC	12/12/2023	0.00	210,764.25
29711	2335	Kansas One-Call System Inc	12/12/2023	0.00	735.60
29712	147	Kansas State Treasurer	12/12/2023	0.00	10,504.50
29713	1168	Kaw Valley Engineering Inc	12/12/2023	0.00	4,202.50
29714	21	KU Midwest Occupational Health	12/12/2023	0.00	419.00
29715	145	Robin A. Lewis	12/12/2023	0.00	1,366.00
29716	1608	Lightning Grand Services Inc	12/12/2023	0.00	67.00
29717	3302	Linde Gas & Equipment inc	12/12/2023	0.00	75.71
29718	1710	McConnell & Associates	12/12/2023	0.00	4,352.35
29719	2958	Midwest Shredding Service LLC	12/12/2023	0.00	80.00
29720	275	Missouri Door Co. Inc.	12/12/2023	0.00	245.00
29721	2125	Modern Business Interiors LLC	12/12/2023	0.00	1,050.54
29722	281	Motorola Inc	12/12/2023	0.00	1,011.80
29723	814	NGLIC National Guardian Life Insurance C	12/12/2023	0.00	1,027.68
29724	100	O'Dell Service Company Inc	12/12/2023	0.00	13,344.61
29725	277	PB Hoidale Co Inc	12/12/2023	0.00	1,644.78
29726	3714	Pfefferkorn Engineering & Environment	12/12/2023	0.00	46,800.00
29727	2141	Pre-Paid Legal Services Inc	12/12/2023	0.00	341.85
29728	2744	Pro Circuit Inc	12/12/2023	0.00	4,544.76
29729	3545	Quality Plumbing Inc	12/12/2023	0.00	1,689.88
29730	1562	Rosehill Gardens	12/12/2023	0.00	625.00
29731	3327	Rush Truck Centers of Missouri Inc	12/12/2023	0.00	245.64
29732	937	Safelite Fulfillment Inc	12/12/2023	0.00	1,043.04
29733	777	Rodney Sanders	12/12/2023	0.00	324.83
29734	246	Santa Fe Tow	12/12/2023	0.00	480.00
29735	680	Shawnee City Of	12/12/2023	0.00	531.00
29736	3713	Eric Sill	12/12/2023	0.00	40.00
29737	2667	SiteOne Landscape Supply Holding LLC	12/12/2023	0.00	24.99

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
29738	2565	Snap-On Inc	12/12/2023	0.00	1,074.27
29739	160	Standard Insurance Company	12/12/2023	0.00	4,914.31
29740	3712	StormWind LLC	12/12/2023	0.00	1,290.00
29741	172	Sumner One	12/12/2023	0.00	1,463.17
29742	279	Sunflower Equipment LLC	12/12/2023	0.00	207.03
29743	3715	Bridget Thom	12/12/2023	0.00	684.11
29744	1740	Time Warner Cable	12/12/2023	0.00	8.00
29745	2240	Karen L Torline	12/12/2023	0.00	922.00
29746	2568	TREKK Design Group LLC	12/12/2023	0.00	28,591.27
29747	2047	United Rentals (North America) Inc	12/12/2023	0.00	854.00
29748	1042	Verizon Wireless	12/12/2023	0.00	2,030.95
29749	111	WaterOne	12/12/2023	0.00	531.23
29750	269	WW Grainger Inc	12/12/2023	0.00	72.39
Total for 12/12/2023:				0.00	675,083.61
ACH	945	UMB Bank ACH	12/13/2023	0.00	662.11
ACH	311	ADP Electronic Debit	12/13/2023	0.00	7,427.11
Total for 12/13/2023:				0.00	8,089.22
29751	2330	Allied Services LLC	12/15/2023	0.00	164,155.32
29752	3205	American Messaging Services LLC	12/15/2023	0.00	18.83
29753	3695	GHA Technologies Inc	12/15/2023	0.00	700.00
29754	1988	Global Montessori	12/15/2023	0.00	300.00
29755	2723	Insight Public Sector Inc	12/15/2023	0.00	2,387.54
29756	84	Johnson County Wastewater	12/15/2023	0.00	556.34
29757	1571	Kansas City Community Gardens	12/15/2023	0.00	813.96
29758	41	Kansas Gas Service	12/15/2023	0.00	844.36
29759	375	League of Kansas Municipalities	12/15/2023	0.00	20,107.27
29760	3626	Jo Moore	12/15/2023	0.00	24.00
29761	3435	Spencer Fane LLP	12/15/2023	0.00	23,791.38
29762	1740	Time Warner Cable	12/15/2023	0.00	122.54
29763	1042	Verizon Wireless	12/15/2023	0.00	1,080.27
Total for 12/15/2023:				0.00	214,901.81
ACH	945	UMB Bank ACH	12/19/2023	0.00	50.40
Total for 12/19/2023:				0.00	50.40
ACH	1153	Merchant Services/Elavon/ETS Corp-Court	12/21/2023	0.00	1,756.63
ACH	841	Elavon	12/21/2023	0.00	63.10
ACH	841	Elavon	12/21/2023	0.00	623.28
Total for 12/21/2023:				0.00	2,443.01
29764	78	Affinis Corp	12/22/2023	0.00	43,028.38
29765	2265	All City Management Services Inc	12/22/2023	0.00	4,578.84
29766	3380	All Copy Products Inc	12/22/2023	0.00	151.95
29767	534	Arbor Masters Tree & Landscape	12/22/2023	0.00	2,564.30
29768	963	Battery Source Inc	12/22/2023	0.00	47.54
29769	2390	BBN Architects Inc	12/22/2023	0.00	4,789.50
29770	3645	Benson Method	12/22/2023	0.00	6,325.00
29771	3706	Berkebile Nelson Immenschuh McDowell i	12/22/2023	0.00	3,219.33
29772	156	Blue Cross Blue Shield of Kansas City	12/22/2023	0.00	127,823.00

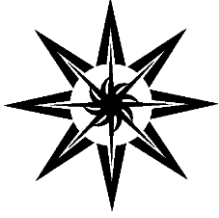
Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
29773	3089	Bob Allen Ford Inc	12/22/2023	0.00	376.98
29774	2520	Yolanda A Bustamante	12/22/2023	0.00	1,800.00
29775	101	C&R Johnson County Key Service	12/22/2023	0.00	10.00
29776	2545	Carlsen Contracting Inc	12/22/2023	0.00	125.00
29777	54	Central Salt, LLC	12/22/2023	0.00	7,966.86
29778	2512	Clark Enersen Partners Inc	12/22/2023	0.00	60,000.00
29779	282	CMRS-FP	12/22/2023	0.00	5,000.00
29780	3370	Combes Construction LLC	12/22/2023	0.00	132,266.45
29781	1950	Contract Furnishings Rents LLC	12/22/2023	0.00	661.00
29782	2024	Custom Lighting Services LLC	12/22/2023	0.00	11,658.82
29783	2342	EE Reimbursement	12/22/2023	0.00	16.00
29784	2367	EE Reimbursement	12/22/2023	0.00	2,011.00
29785	3721	EE Reimbursement	12/22/2023	0.00	162.25
29786	3722	EE Reimbursement	12/22/2023	0.00	162.25
29787	622	EE Reimbursement	12/22/2023	0.00	951.48
29788	256	Electronic Technology Inc	12/22/2023	0.00	618.75
29789	2980	Enterprise FM Trust	12/22/2023	0.00	7,398.19
29790	88	First Call	12/22/2023	0.00	489.22
29791	1110	Foley Equipment Company	12/22/2023	0.00	1,119.15
29792	2112	Forensic Psychology Associates Inc	12/22/2023	0.00	2,000.00
29793	268	George Butler Associates Inc	12/22/2023	0.00	14,092.93
29794	86	Goodyear Auto Service Center	12/22/2023	0.00	811.50
29795	1886	GPS Insight LLC	12/22/2023	0.00	3,811.89
29796	1381	Great Plains Soc Prevention of Cruelty Anni	12/22/2023	0.00	975.00
29797	384	GT Distributors	12/22/2023	0.00	290.80
29798	2359	Heartland Results	12/22/2023	0.00	4,546.00
29799	3569	Heartland Traffic Services Inc	12/22/2023	0.00	14,457.81
29800	2899	HUB International Midwest Limited	12/22/2023	0.00	720.00
29801	150	Hy-Vee	12/22/2023	0.00	14.93
29802	2129	Imaging Office Systems Inc	12/22/2023	0.00	2,441.20
29803	2726	Infrastructure Solutions LLC	12/22/2023	0.00	31,915.61
29804	1230	J&J Printing Inc	12/22/2023	0.00	471.00
29805	352	Johnson County Environmental Departmen	12/22/2023	0.00	57.36
29806	984	Johnson County NAACP #4038	12/22/2023	0.00	30.00
29807	84	Johnson County Wastewater	12/22/2023	0.00	416.57
29808	66	KA-Comm Inc	12/22/2023	0.00	235.32
29809	1168	Kaw Valley Engineering Inc	12/22/2023	0.00	13,195.00
29810	1688	KC Custom Signs	12/22/2023	0.00	702.50
29811	21	KU Midwest Occupational Health	12/22/2023	0.00	1,514.00
29812	97	Lawrence Pest Control Company Inc	12/22/2023	0.00	30.00
29813	2853	MC Power Companies Inc	12/22/2023	0.00	636.48
29814	2196	Alan B Mestdagh	12/22/2023	0.00	1,069.00
29815	1054	Multistudio, Inc.	12/22/2023	0.00	60,949.00
29816	100	O'Dell Service Company Inc	12/22/2023	0.00	3,617.71
29817	277	PB Hoidale Co Inc	12/22/2023	0.00	283.30
29818	3714	Pfefferkorn Engineering & Environment	12/22/2023	0.00	93,375.00
29819	222	Prairie Village Municipal Court Bond Acco	12/22/2023	0.00	250.00
29820	2141	Pre-Paid Legal Services Inc	12/22/2023	0.00	341.85
29821	2744	Pro Circuit Inc	12/22/2023	0.00	1,708.23
29822	3545	Quality Plumbing Inc	12/22/2023	0.00	385.92
29823	3327	Rush Truck Centers of Missouri Inc	12/22/2023	0.00	1,661.10
29824	2945	Smith Brothers Tree Service LLC	12/22/2023	0.00	125.00
29825	2565	Snap-On Inc	12/22/2023	0.00	18.98
29826	3723	Sound Thinking Inc.	12/22/2023	0.00	2,500.00
29827	72	Staples Business Advantage	12/22/2023	0.00	478.62
29828	2246	Superior Bowen Asphalt Company LLC	12/22/2023	0.00	1,175,239.11
29829	3138	Traffic Control Services Inc	12/22/2023	0.00	4,610.96

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
29830	2568	TREKK Design Group LLC	12/22/2023	0.00	31,361.38
29831	2820	V F Anderson Builders LLC	12/22/2023	0.00	691,764.53
29832	304	Vance Brothers	12/22/2023	0.00	62,703.37
29833	20	Tara Wakefield	12/22/2023	0.00	5,979.90
29834	1921	Wanco Inc	12/22/2023	0.00	632.00
29835	99	Work Zone Inc	12/22/2023	0.00	581.95
Total for 12/22/2023:				0.00	2,658,324.05
ACH	945	UMB Bank ACH	12/27/2023	0.00	27,673.06
Total for 12/27/2023:				0.00	27,673.06
29836	3380	All Copy Products Inc	12/29/2023	0.00	230.05
29837	3003	AT&T 5019	12/29/2023	0.00	2,894.64
29838	2311	Boelte-Hall LLC	12/29/2023	0.00	128.00
29839	256	Electronic Technology Inc	12/29/2023	0.00	518.84
29840	3696	Fisher, Patterson, Saylor, & Smith, L.L.P.	12/29/2023	0.00	2,812.50
29841	3695	GHA Technologies Inc	12/29/2023	0.00	650.00
29842	2899	HUB International Midwest Limited	12/29/2023	0.00	50.00
29843	1230	J&J Printing Inc	12/29/2023	0.00	240.00
29844	2850	Queen of Paws Boutique & Spa	12/29/2023	0.00	192.00
Total for 12/29/2023:				0.00	7,716.03
Report Total (212 checks):				0.00	3,630,383.70

Payroll Date:	12/1/2023
Total Amount ADP Debited From PV Accounts	\$ 353,754.72
M,N-(K) KPERs Employer	\$ 20,466.55
(K) KPERs Employee	\$ 13,022.18
(G) KPERs Employee Buy Back	
(34) KPERSL Employee Life Insurance	\$ 161.68
M,N-(L) 457ER Employer	\$ 20,058.03
(L) DC457 Employee Contribution	\$ 14,113.56
(LI) CITYPD Employer Contribution	\$ 1,358.41
(457) Roth Employee Contribution	\$ 6,374.28
(P) POLPEN Police Pension Employee	\$ 5,348.86
	<u>\$ 434,658.27</u>

Payroll Date:	12/15/2023
Total Amount ADP Debited From PV Accounts	\$ 340,546.82
M,N-(K) KPERs Employer	\$ 19,878.69
(K) KPERs Employee	\$ 12,648.16
(G) KPERs Employee Buy Back	
(34) KPERSL Employee Life Insurance	\$ 155.28
M,N-(L) 457ER Employer	\$ 19,225.52
(L) DC457 Employee Contribution	\$ 13,616.43
(LI) CITYPD Employer Contribution	\$ 1,358.41
(457) Roth Employee Contribution	\$ 6,205.73
(P) POLPEN Police Pension Employee	\$ 5,395.52
	<u>\$ 419,030.56</u>

Payroll Date:	12/29/2023
Total Amount ADP Debited From PV Accounts	\$ 358,619.73
M,N-(K) KPERs Employer	\$ 21,458.00
(K) KPERs Employee	\$ 13,653.05
(G) KPERs Employee Buy Back	
(34) KPERSL Employee Life Insurance	
N-(L) 457ER Employer	\$ 19,667.92
(L) DC457 Employee Contribution	\$ 12,891.89
(I) (LI) CITYPD Employer Contribution	\$ 1,358.41
(457) Roth Employee Contribution	\$ 5,878.83
(P) POLPEN Police Pension Employee	\$ 5,328.66
	<u>\$ 438,856.49</u>



## ADMINISTRATION

City Council Meeting Date: February 5, 2024  
CONSENT AGENDA

**Consider Amendment No. 2 Renewing the Agreement with Witt O'Brien's, LLC to provide consulting services to the City regarding use of American Rescue Plan Act Funds.**

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### SUGGESTED MOTION

Approve Amendment No. 2, renewing the agreement with Witt O'Brien's, LLC to provide consulting services regarding use of the American Rescue Plan Act funds through February 2025.

### BACKGROUND

The City Council approved the original agreement with Witt O'Brien's, LLC in February 2022, and anticipated the need for rolling renewals to the contract. Since that time, the City has utilized the services of Witt O'Brien's, LLC as needed. The City paid Witt O'Brien's \$438 through 12/31/2023, funded through ARPA funds. We anticipate expenses may increase in 2024 as more projects ramp up and utilize ARPA funds.

*Additional background from the original agreement:* As a result of the Covid-19 pandemic, congress passed the American Rescue Plan Act (ARPA) which provides for \$1.9 trillion in economic stimulus to assist in the long-term recovery from the economic and public health impacts related to the COVID-19 pandemic. ARPA established a Local Fiscal Recovery Fund (LFRF) to provide funds to local governments to assist in response to the pandemic.

According to the allocation formula, the City of Prairie Village received \$3,402,421.04 in funding. Cities will have until the end of 2024 to obligate the funds. In general, the legislation allows for the following uses: support for public health response, replacement of public sector revenue loss, water and sewer infrastructure, addressing negative economic impacts, premium pay for workers, and broadband infrastructure. The City Council discussed uses for the funds during the 2023 budget process and have spent/will spend the funds on qualifying public health expenditures, pool repairs, IT/Phone system updates, and the municipal complex renovations & new construction project.

The U.S. Department of the Treasury is responsible for oversight of how these funds are spent. While the recently released "Final Rule" provides flexibility especially under the category of "revenue replacement", the City must still comply with federal audit, procurement and reporting requirements. The City desires the services of Witt O'Brien's to provide professional consultation and advice regarding the use of the funds to assure



compliance with federal requirements. The menu of services could also include grant management, data management, financial and budget management, contract management and oversight, staff augmentation, and after-action performance reviews. Which services are needed will depend on the type of project the City pursues. Services will be charged on an as-needed basis at hourly rates ranging between \$95 and \$225/hour, in an amount not to exceed \$45,000 over the next 12 months.

## **FUNDING SOURCE**

These costs are allowable expenses out of the American Rescue Plan Act funds.

## **ATTACHMENTS:**

- Professional Services Amendment No. 2 to Agreement with Witt O'Brien's, LLC
- Professional Services Agreement with Witt O'Brien's, LLC

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Prepared By: Nickie Lee, Deputy City Administrator

Date: January 19, 2024

**Amendment No. 02  
To Professional Service Agreement**

This Amendment ("Amendment") is made by and between **Witt O'Brien's, LLC**, ("Consultant"), and **City of Prairie Village, KS** ("Client"), collectively "the parties," amend the Professional Service Agreement entered into by the parties on February 7<sup>th</sup>, 2022 ("Agreement"), and this amendment is effective as of February 6, 2024.

The parties hereby agree that the Agreement shall be amended as follows:

Section 3 Period of Performance. The initial period of this Agreement shall be for one (1) year from its Effective Date, unless earlier terminated in accordance with this Agreement.

Shall now be amended to read:

Section 3 Period of Performance. The initial period of this Agreement shall be for one (1) year from its Effective Date, unless earlier terminated in accordance with this Agreement. Thereafter, this Agreement may be renewed for one (1) year successive periods upon written agreement by both parties.

This Agreement shall be extended through February 7, 2025 and Appendix B shall be extended through February 6, 2025.

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms.

**IN WITNESS WHEREOF**, Consultant and Client have caused this Amendment to be executed by their duly authorized representatives.

**City of Prairie Village, KS**

**Witt O'Brien's, LLC**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

Cheryl Joiner, Director Contracts & Compliance  
Name and Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Amendment No. 01  
To Professional Service Agreement**

This Amendment ("Amendment") is made by and between **Witt O'Brien's, LLC**, ("Consultant"), and **City of Prairie Village, KS** ("Client"), collectively "the parties," amend the Professional Service Agreement entered into by the parties on February 7<sup>th</sup>, 2022 ("Agreement"), and this amendment is effective as of January 25, 2023.

The parties hereby agree that the Agreement shall be amended as follows:

Section 3 Period of Performance. The initial period of this Agreement shall be for one (1) year from its Effective Date, unless earlier terminated in accordance with this Agreement.

Shall now be amended to read:

Section 3 Period of Performance. The initial period of this Agreement shall be for one (1) year from its Effective Date, unless earlier terminated in accordance with this Agreement. Thereafter, this Agreement may be renewed for one (1) year successive periods upon written agreement by both parties.

This Agreement shall be extended through February 7, 2024 and Appendix B shall be extended through February 6, 2024.

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms.

**IN WITNESS WHEREOF**, Consultant and Client have caused this Amendment to be executed by their duly authorized representatives.

**City of Prairie Village, KS**



Signature

MAYOR ERIC MIKKELSON  
Name and Title

Date: 2/6/2023

**Witt O'Brien's, LLC**



Signature

Cheryl Joiner, Director Contracts & Compliance  
Name and Title

Date: 2/7/2023


**Certificate Of Completion**

Envelope Id: 7E3CEE1833A4058AB9525A6A69EAB42	Status: Completed
Subject: Complete with DocuSign: 20230125_Prairie Village KS City of_WOB_Amendment 1 PSA_PS.pdf	
Source Envelope:	
Document Pages: 1	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Contract Requests
Time Zone: (UTC-06:00) Central Time (US & Canada)	818 Town & Country Blvd., Suite 200
	Houston, TX 77024
	contractrequests@wittobriens.com
	IP Address: 108.71.189.2

**Record Tracking**

Status: Original	Holder: Contract Requests	Location: DocuSign
2/7/2023 12:34:07 PM	contractrequests@wittobriens.com	

**Signer Events**

Signer Events	Signature	Timestamp
Cheryl Joiner cjoiner@wittobriens.com Director of Contracts & Compliance Witt O'Brien's, LLC Security Level: Email, Account Authentication (None)	  Signature Adoption: Pre-selected Style Using IP Address: 73.6.234.161 Signed using mobile	Sent: 2/7/2023 12:35:34 PM Viewed: 2/7/2023 10:31:08 PM Signed: 2/7/2023 10:31:16 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 10/29/2019 3:30:32 PM  
ID: 530655eb-a07f-4120-a6d1-d14be258c3b3

**In Person Signer Events**

In Person Signer Events	Signature	Timestamp

**Editor Delivery Events**

Editor Delivery Events	Status	Timestamp

**Agent Delivery Events**

Agent Delivery Events	Status	Timestamp

**Intermediary Delivery Events**

Intermediary Delivery Events	Status	Timestamp

**Certified Delivery Events**

Certified Delivery Events	Status	Timestamp

**Carbon Copy Events**

Carbon Copy Events	Status	Timestamp
Kelly Stouffer kstouffer@wittobriens.com Government Contracts Manager Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;"><b>COPIED</b></div>	Sent: 2/7/2023 10:31:17 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 2/18/2020 8:33:14 AM  
ID: 3a60da48-c57d-444f-a49d-cab982b30abf

**Witness Events**

Witness Events	Signature	Timestamp

**Notary Events**

Notary Events	Signature	Timestamp

**Envelope Summary Events**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/7/2023 12:35:34 PM
Certified Delivered	Security Checked	2/7/2023 10:31:08 PM
Signing Complete	Security Checked	2/7/2023 10:31:16 PM
Completed	Security Checked	2/7/2023 10:31:17 PM

**Payment Events**

**Status**

**Timestamps**

**Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Witt O'Brien's (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact Witt O'Brien's:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com)

### **To advise Witt O'Brien's of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from Witt O'Brien's**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with Witt O'Brien's**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

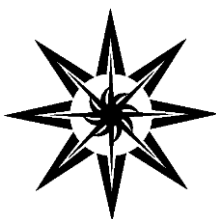
### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Witt O'Brien's as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Witt O'Brien's during the course of your relationship with Witt O'Brien's.





## ADMINISTRATION

Council Meeting Date: February 5, 2024

COU2024-08

Consider approval of the appointment of the City Attorney

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### SUGGESTED MOTION

Move to approve Mayor Mikkelson's appointment of Alex Aggen, Hunter Law Group, as the City Attorney.

### BACKGROUND

The City Attorney Request for Qualifications closed on January 12, 2024, with eight (8) responses. After the applications were received, the Mayor appointed a committee to assist in the review and interview process. Committee members were Councilmembers Ron Nelson and Lauren Wolf, as well as staff members Wes Jordan, Nickie Lee, Meghan Buom, Tim Schwartzkopf, and Capt. Washington.

The selection committee reviewed the applications and provided feedback to Mayor Mikkelson. The committee then interviewed the five finalists. At the conclusion of the meeting, Hunter Law Group was the committee's first selection with Alex Aggen designated as the primary attorney with Mandi Hunter and Stephanie Hammann in assisting roles. The following rates were agreed to as part of the Mayor's recommendation of appointment:

- All attorneys will bill their services at a rate of \$275.00 per hour. In addition, paralegal work will be at \$125.00 per hour and their legal assistant will bill time at \$95.00 per hour.
- There will be a billing time cap of 3 hours for any Council meeting

The City Attorney is an appointed position as outlined by City Ordinance 1-301 and 1-310.

It should also be noted that we learned the current Assistant City Attorney, Shannon Marcano, has changed employment which will preclude her from continuing in this role. During the City Attorney interviews we identified a firm to serve in this role and plan to bring that recommendation forward at the next Council meeting.

Attachment(s): Resumes/Letter of engagement

**PREPARED BY**

Wes Jordan  
City Administrator  
Date: January 31, 2024

January 11, 2024

Meghan Buum  
City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208  
Email: mbuum@pvkansas.com

RE: Request for Qualifications: City Attorney

Dear Ms. Buum:

Enclosed is Hunter Law Group, P.A.'s proposal to the City of Prairie Village, Kansas' (the "City") posting for City Attorney. Our firm is located within Prairie Village and consists of attorneys that are local to Johnson County and have the experience and knowledge to provide legal advice to the City for not only day-to-day matters but also the nuanced issues that are arising more frequently in today's more litigious society. We look forward to your consideration of our firm to serve your City.

**FIRM HISTORY**

Hunter Law Group, P.A. was formed by Mandi R. Hunter in June 2014 after spending the first part of her career handling litigation at local law firms, including a partnership at Martin, Leigh, Laws and Fritzlen. In 2014, Mandi started Hunter Law Group, P.A. and set out to provide legal services to local, regional and national clients with a real estate focused full-service law firm. As our relationships with clients grew and the needs of our clients expanded, we have been able to adapt our services to meet the needs of our clients and further those relationships.

Now, almost ten years since its inception, the firm finds itself representing both public and private sector clients who need specialized advice in the areas of land use, real estate development, eminent domain, real estate and business transactions, and litigation. As the firm's footprint expanded, Stephanie Hammann joined the firm in 2018. While Mandi and Stephanie's primary practice, whether it be for municipalities or private clients, has been focused on real estate and litigation, the addition of Alex Aggen to our team provides a broader base of experience in municipal law, again allowing us to adapt our services to meet the needs of our existing clients. We pride ourselves on being a partner to help clients get to "yes" rather than being an obstacle during the course of a project.

Our firm philosophy is based on responsiveness and relationships. Being a small firm, we have the ability for quick turnarounds and less conflicts. As you will find when we meet in person, we have a team of engaging attorneys that have a genuine interest in our client's needs with a goal of providing excellent legal services while still being mindful of the City's position as a financial steward of the public. In addition, we have two support staff that are able to assist the attorneys when needed to aid in controlling costs for our clients.

### **QUALIFICATIONS AND BACKGROUNDS OF ATTORNEYS**



**Mandi R. Hunter** represents clients in a wide variety of transactions and litigation. A native of the Kansas City area, Mandi Hunter has been in private practice for nearly 25 years and is admitted to practice law in both Kansas and Missouri. Mandi received her Bachelor of Arts in Political Science from the University of Kansas where she graduated with honors. She then went on to obtain her law degree from the University of Missouri-Columbia.

When Mandi is not practicing law, she enjoys being active and giving back to the Kansas City Community by serving as a member of several legal associations and as a director on a variety of boards and commissions, including her role as President-Elect of the Johnson County Bar Association Board of Directors and a five-year stint on the Leawood Planning Commission.

#### **Relevant Experience:**

- Represented municipalities in land acquisitions, due diligence process including review and negotiation of surveys, negotiations of easements, condemnation actions, land donations, review and revisions of City codes, defense of governing bodies, defense of challenges to special assessments, and defense of inverse condemnation claims.
- Represented developers, owners and contractors on construction contracts and review and negotiation of development agreements.
- Represented clients concerning general land use issues concerning zoning and easements.



**Stephanie L. Hammann** is a partner with Hunter Law Group, P.A. Ms. Hammann focuses her practice on property law, guiding private and public clients through real estate litigation, negotiating contracts, deeds and easements, and probate administration. Ms. Hammann was selected as a 2009 Sonnenschein Scholar, a scholarship program designed to fund, manage and direct national programs promoting public service. She received her Juris Doctor with an emphasis in Urban, Land Use and Environmental Law from the University of Missouri-Kansas City in 2011. Ms. Hammann is a member of the Earl E. O'Connor Inn of Court and volunteers her time with various community organizations, including Moms Demand Action and the Belinder Elementary PTA.

**Relevant Experience:**

- Research Editor for *The Urban Lawyer*, Journal on Local Government Law and Urban Legal Affairs
- Extensive experience representing both condemnors and condemnees in actions for eminent domain.
- Represented Kansas municipality in land acquisitions as well experience representing private landowners in sale of property to public sector entities.
- Assist clients with City Code compliance.
- Drafted numerous easements, contracts and agreements.



**Alex Aggen** in private practice has represented local government and has also assisted private clients to work with local government. His practice includes both transactional work and litigation. He aims to reduce risk for clients, and where disputes arise strives to reach an early resolution.

Previously, Alex was an assistant city attorney for the City of Lenexa, supporting the Community Development Department, the Parks and Recreation Department, and serving as the City's litigation counsel. Alex earned his undergraduate degree from Brigham Young University, and received his law degree from the University of Michigan Law School. Alex enjoys getting involved in his community, including serving as a soccer coach, youth leader, and currently, a Cubmaster to second-grade scouts.

## **Relevant Experience:**

- Represented the City of Lenexa in contract negotiations, disputes with private parties, and assisting with compliance and enforcement of city codes.
- Served as counsel to Lenexa's Planning Commission and Board of Zoning Appeals, working with landowners of all types concerning zoning, special use permits, and variances.
- Reviewed and advised on employment issues, including workers' compensation claims; HIPAA and dress codes.
- Supported the finance department on specific projects including both certain payroll issues and incentive programs.
- Provided training on open meetings, meeting procedures, and bylaws.
- Drafted resolutions and ordinances, and worked with staff on several significant code revisions.
- Worked on intragovernmental concerns, with state and local entities
- Alex is fluent in Spanish and assisted with various other unique issues while at Lenexa that required a point of contact fluent in Spanish.

## **REFERENCES**

Leslee Rivarola, City Administrator  
City of Basehor  
2620 N 155th Street  
PO BOX 406  
Basehor, KS 66007  
913-724-1370  
Email: [lrivarola@cityofbasehor.org](mailto:lrivarola@cityofbasehor.org)

Gina Riekhof  
(former bond counsel with Gilmore and Bell)  
Riega Foods, LLC  
General Counsel  
8700 Elmwood Avenue  
Suite 400  
Kansas City, Missouri 64132  
816-744-8260  
Email: [gina@riegafoods.com](mailto:gina@riegafoods.com)

Amy Allen  
Chief Administrative Office & General Counsel  
Emery Sapp & Sons  
140 Walnut Street  
Kansas City, Missouri 64106  
573-445-8331  
Email: amy.allen@emerysapp.com

Randy Spalding  
Spalding Excavating  
17231 Bel-Ray Place  
Belton, Missouri 64012  
816-318-9500  
Email: randy@spaldingexcavating.com

Reference for City of Lenexa\*:  
Scott McCullough, Community Development Director  
City of Lenexa  
17101 W. 87th Street Parkway  
Lenexa, Kansas 66219  
913-477-7532  
smccullough@lenexa.com  
\*not current client

**PROPOSED FEE STRUCTURE**

All attorneys will bill their services at a rate of \$275 an hour. If necessary to utilize support staff to keep costs down for the attorneys, our paralegal, Corie Black will bill her time at \$125.00 an hour and our legal assistant, Chelsea Schemmer, will bill her time at \$95.00 an hour.

Invoices will be sent on a monthly basis, describing the services in detail, showing hours and identifying the lawyer or support staff providing the services.

**RESUMES AND PROOF OF INSURANCE**

Resumes for all three attorneys are enclosed herein as well as proof of insurance for the firm.

**CLOSING**

We are excited for the opportunity to submit this proposal for the position of City Attorney for the City of Prairie Village and look forward to meeting with you in person. If you have any questions, or would like to discuss my proposal, please do not hesitate to contact me.

Sincerely,

HUNTER LAW GROUP, P.A.

A handwritten signature in blue ink, appearing to read "Mandi R. Hunter". The signature is fluid and cursive, with the first name being the most prominent.

Mandi R. Hunter

Enclosures



# MANDI R. HUNTER

mrh@hunterlawgroup.com

Home: 1900 W. 75<sup>th</sup> Street, Suite 120, Prairie Village, Kansas 66208

O: (913) 320-3830 C: (913) 908-7222

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## **PROFESSIONAL EMPLOYMENT:**

- Hunter Law Group, P.A. June 1, 2014 - Present  
Owner/President  
[www.hunterlawgroup.com](http://www.hunterlawgroup.com)  
WBE Certified

**Full service real estate law firm operating in both Kansas and Missouri.**

- Martin, Leigh, Laws, & Fritzlen, P.C. April 2005 – May 31, 2014  
Partner
- Max Gordon, P.C. February 2004 – April 2005  
Associate Attorney
- Kozeny & McCubbin, P.C. August 2001 – April 2005  
Associate Attorney

## **EDUCATIONAL BACKGROUND:**

- University of Missouri – Columbia  
Juris Doctorate – School of Law 2001
- University of Kansas  
Bachelor of Arts in Political Science  
with Honors – 1998  
Honors Thesis: *Hired Guns*

## **PROFESSIONAL AND COMMUNITY INVOLVEMENT**

- Johnson County Bar Association – Board of Directors, President-Elect
- Missouri and Kansas Super Lawyers – 2021, 2022, 2023; Top 50 Women 2019 and 2020
- Leawood Planning Commission – Commissioner 2019-2023
- Parkway Plaza Retail/Office Owners Association, Inc. – Advisory Board – current
- Mainstream Coalition – Board of Directors – 2018 to 2022
- Johnson County Library Foundation – Board of Directors – 2010 to 2019
- Kansas City Metropolitan Bar Association Leadership Academy – Class of 2006

## **RECENT PUBLICATION**

*Narrowing the Scope: Kansas Fraudulent Lien Statute*, Journal of the Kansas Bar Association, September/October 2021 Issue, Vol. 90, No. 5.

## **LECTURER**

- Update on Kansas Notary Laws – Johnson County Bench Bar CLE - 2022
- University of Missouri at Columbia – continuing education on recent developments in real estate law – November 2012
- National American University – Seminar on Legal Implications of Social Media – October 2012
- Shawnee Mission School District – presentation on Legal Implications of Social Media – November 2011

# Stephanie L. Hammann

Prairie Village, KS • [sh@hunterlawgroup.com](mailto:sh@hunterlawgroup.com) • 913-320-3830

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## **BAR MEMBERSHIPS**

**Kansas:** Admitted 2018

**Missouri:** Admitted 2011

**Colorado:** Admitted 2012

## **EXPERIENCE**

### **Hunter Law Group, P.A.**

*Partner*

*January 2023-Present*

*Associate Attorney*

*October 2018 - December 2022*

- Litigate real estate disputes, including breach of contract, seller non-disclosure, commercial landlord-tenant disputes, property damage, title curative cases, construction defects, boundary disputes, agent and broker liability, and mechanic's liens
- Advise clients with respect to real estate transactions, including due diligence, contract formation, title claims, easements, real estate closings, special assessments and leasing

### **Stephanie M. Smith, Chartered**

*June 2021 - June 2022*

*Part-Time Associate Attorney*

- Consulted with clients of the firm to identify estate planning needs
- Drafted wills, trusts, powers of attorney, and other estate planning documents
- Administered Kansas probate estates

### **Levin Jacobson Japha, P.C.**

*June 2012 – August 2018*

*Associate Attorney*

- Litigated personal injury, family law, and criminal cases, including plaintiff's side auto accidents, premises liability cases, divorces, adoptions, traffic accidents and DUI
- Advised clients on business formation and dissolution matters
- Provided will-based estate planning and probate administration services

## **EDUCATION**

### **University of Missouri-Kansas City School of Law**

*May 2011*

*Juris Doctor – Emphasis in Urban, Land Use and Environmental Law*

- The Urban Lawyer – Staff Member 2009, Research Editor 2010
- Phi Delta Phi Honors Legal Fraternity
- Sonnenschein Scholarship Recipient, 2009

### **Drake University**

*May 2007*

*Bachelor of Arts in English Writing, and Law, Politics & Society*

## **PUBLICATIONS**

*Narrowing the Scope: Kansas Fraudulent Lien Statute, Journal of the Kansas Bar Association, September/October 2021 Issue, Vol. 90, No. 5*

## **COMMUNITY SERVICE**

**Moms Demand Action, Johnson County, Kansas Chapter**

*2022-2023*

## Alex J. Aggen

12851 Bluejacket Street  
Overland Park, KS 66213  
(913) 832-2101  
aggen@umich.edu

## Education

**The University of Michigan Law School**, J.D., May 2016, Dean's Scholar

Honors: George Washington Nat'l Security Law Moot Court, Finalist; 3<sup>rd</sup> Place – Oralist  
*Michigan Journal of Law Reform* – Outstanding Service Award

Activities: Student Attorney: Michigan Innocence Clinic and Child Welfare Appellate Clinic  
*Michigan Journal of Law Reform*; Symposium Editor  
*Michigan Journal of Environmental and Administrative Law*, General Member  
Future Advocates in Training, Mock Trial Coach

**Brigham Young University**, B.S., *cum laude*, Psychology, December 2011

Honors: National Merit Scholar and Presidential Scholar

Activities: College Psychology Association, Vice-President  
Special Olympics – University Team, Administrator

## Experience

### Hunter Law Group, P.A.

Prairie Village, KS

Attorney

August 2023 – Present

- Advise public and private clients in administrative and commercial litigation matters
- Negotiate and draft services contracts, acquisition documents, and employment policies

### Rouse Frets White Goss Gentile Rhodes, P.C.

Leawood, KS

Associate

September 2022 – August 2023

- Serve as outside general counsel to development clients, with a primary focus on commercial-scale renewable energy generation across the country; counsel clients on permitting, land use, zoning, development agreements, and environmental compliance
- Appear at administrative hearings and negotiate ordinance text amendments

### City of Lenexa

Lenexa, KS

Assistant City Attorney II

June 2021 – September 2022

- Provide strategic advice to the City's Governing Body and Planning Commission
- Advise internal department leaders on legal risks, interpretations, and compliance
- Develop City code and internal organizational policies; provide training on the same
- Draft and negotiate service and infrastructure construction contracts

### Duggan Shadwick Doerr & Kurlbaum LLC

Overland Park, KS

Associate

August 2016 – June 2021

- Primary counsel throughout litigation, including depositions, hearings, and bench trials
- Supported lead counsel on various matters, including civil securities fraud suits
- Advise clients on administrative law compliance, and assist with agency communications
- Draft and negotiate contracts, organizational documents, and settlement agreements

### Duo Security, Inc.

Ann Arbor, MI

Legal Department Extern

January 2016 - May 2016

- Assist General Counsel with legal compliance, policy creation, and internal training
- Developed contract template and on-boarding processes for clients and vendors

### Gjerset & Lorenz, LLP

Austin, TX

Summer Associate

June 2015 - August 2015

- Evaluated client compliance with statutes, regulations, and agency guidance
- Analyzed county and municipal hospital districts' creation, financing, and responsibilities

## Community Service and Interests

Youth soccer coach. Former Asst. Scoutmaster; current Den Leader. Interests include roadside attractions, trail biking, tabletop games, Latin American cinema, and burnt ends.

Policy Number: ALA-04-002338-02

**LAWYERS PROFESSIONAL LIABILITY POLICY  
DECLARATIONS**

NOTICE: THIS IS A CLAIMS MADE AND REPORTED POLICY. EXCEPT AS OTHERWISE PROVIDED HEREIN, THIS POLICY PROVIDES COVERAGE FOR **CLAIMS** FIRST MADE AGAINST THE **INSUREDS** AND REPORTED TO THE **INSURER** DURING THE **POLICY PERIOD** OR DURING ANY APPLICABLE EXTENDED REPORTING PERIOD. PLEASE READ THIS POLICY CAREFULLY. WORDS AND PHRASES WHICH ARE PRINTED IN **BOLD TYPEFACE** HAVE SPECIFIC MEANING AND ARE DEFINED IN SECTION IV. OF THE POLICY. UNLESS STATED OTHERWISE BY SPECIFIC ENDORSEMENT, **DEFENSE EXPENSES** ARE INCLUDED IN THE LIMIT OF LIABILITY AND REDUCE THE LIMIT OF LIABILITY AVAILABLE TO PAY **DAMAGES**.

Item 1.	<b>Named Insured &amp; Street Address:</b> Hunter Law Group, P.A. 1900 W 75th St, Prarie Village, Kansas, 66208-
Item 2.	<b>Policy Period:</b> From 06/01/2023 (Effective) To 06/01/2024 (Expiration) (12:01 a.m. local time at the address shown in Item 1.)
Item 3.	<b>Limit of Liability</b> \$1,000,000 each <b>Claim</b> \$2,000,000 <b>Policy Aggregate</b> These amounts include <b>Defense Expenses</b> unless this Section is amended by specific endorsement of this policy.
Item 4.	<b>Deductible:</b> \$5,000 each <b>Claim</b> This amount applies to <b>Defense Expenses</b> unless this Section is amended by specific endorsement of this policy. This amount applies to each <b>Claim</b> unless this Section is amended by specific endorsement of this policy.
Item 5.	<b>Premium: \$5,291.00 + \$0 (0 %, Municipal Tax) + \$0 (0 %, County Tax) + \$0 (0 %, State1 Tax) + \$0 (0 %, State2 Tax)</b>
Item 6.	<b>Prior Acts Date: Date :06/01/2014</b>
Item 7.	The following endorsements, if any, are made a part of this policy at issuance: <b>ALA - 04 - P002 (02/01/2022) , ALA - 04 - P001 (09/01/2021) , ALA - 04 - F004 (09/01/2021) , ALA - 04 - F034 (09/01/2021) , ALA - 04 - F024 (09/01/2021) , ALA - 04 - F040 (02/01/2022) , ALA - 04 - S004 (09/01/2021)</b>



These Declarations, the application, and the policy with endorsements attached thereto, constitute the entire agreement between the **Insurer** and the **Insured**.

Countersigned (if required by law): \_\_\_\_\_

Date: \_\_\_\_\_

**TO REPORT A LOSS - InsClaim Solutions, 300 S. Wacker Dr., 32nd FL Chicago, Illinois 60606**

**Claim Reporting Line: 312-559-4665 Email: [claims@ins-claim.com](mailto:claims@ins-claim.com)**

IN WITNESS WHEREOF, ISMIE MUTUAL INSURANCE COMPANY has caused this Policy to be signed by its President and Secretary at 20 North Michigan Avenue, Suite 700, Chicago, Illinois 60602	
 Paul H. DeHaan, M.D. Chairman	 Richard A. Geline, M.D. Secretary-Treasurer

January 31, 2024

City of Prairie Village, Kansas  
7700 Mission Road  
Prairie Village, Kansas 66208

VIA EMAIL: [wjordan@pvkansas.com](mailto:wjordan@pvkansas.com)

Re: Engagement Agreement for Legal Services

Dear Wes,

The City of Prairie Village, Kansas (collectively referred to herein as “Client” or “You”) hereby engages the Hunter Law Group, P.A. (“Attorney”), attorneys at law to provide Client with representation from time to time (the “legal services”) through January 31, 2026. In this Agreement, "we" or "us" refers to Hunter Law Group, P.A., and its attorneys and employees. We will engage in the duties of, and serve as the office of City Attorney as defined in Prairie Village Municipal Ordinance Section 1-310.

**FEES**

The amount of our fees is determined as the services are rendered and will be based primarily on the time and effort required and on the experience and skill of the person performing the services.

The hourly rates of attorneys in our office are as follows:

Attorneys:	\$275/hour
Paralegals:	\$125/hour
Legal Assistants:	\$95/hour

Our billing rates and fee structure are subject to revision from at the beginning of each calendar year, and will take effect prospectively. You will be advised prior to any such changes taking effect. All fees for our services will be based on billing rates and the fee structure in effect at the time the services are provided. Termination of our services will not affect your obligation to pay for all services rendered.

Attorney agrees to not bill Client more than three (3) hours for Client’s regularly scheduled City Council meetings (“Meeting Cap”). Client agrees to revisit the Meeting Cap and consider a broader base amount of hours to qualify for the cap if at any point either 1) three out of the six

most recent regularly scheduled meetings exceed three hours; or 2) two out of the most recent three regularly scheduled meetings exceed four and a half hours.

In addition, we often collaborate with other law firms, with your consent, to provide specialized counsel for matters pursuant to this Agreement and fees may be shared between firms for such purposes. You shall be asked to approve the inclusion of such counsel and the rate for such services, as required.

#### INVOICES AND TERMS OF PAYMENT

Our normal billing period is the calendar month. After each month we bill for our services and provide invoices setting forth a description of the work done, the associated charges, and the costs incurred. You agree to make timely payments on such basis, interim billings may be provided when considered appropriate.

#### USE OF E-MAIL, TEXT MESSAGING AND OTHER FORMS OF ELECTRONIC COMMUNICATION

At times we may communicate with you electronically, including by e-mail or text messaging, concerning our representation. You may also choose to communicate with us by e mail, text messaging, or other forms of electronic communication. Some e-mails or text messages may contain confidential and privileged documentation and information about you or our representation of the Client. There is risk that e-mail, text messaging and other forms of electronic communication just like other forms of communication, may not be kept confidential. Therefore, if you do not authorize us to use e-mail or text messaging to discuss our representation, including confidential matters relating to that representation, please advise us immediately in writing. If you do not so advise us, we will assume that you authorize us to use e-mail, text messaging and other forms of electronic communication, to communicate with you about all matters. We reserve the right to not respond to text messaging, as that is not our preferred method of communication with our clients.

#### TAX ADVICE DISCLAIMER

Your legal matters which are the subject of our engagement (whether they involve litigation or are transactional in nature) directly or indirectly may have federal, state or local income tax implications or consequences to you (including, but not limited to, the tax deductibility of our fees) even though the legal services you request us to provide do not expressly involve a request for tax advice. Due to the inherent complex nature of tax issues and how such issues may be related to individual circumstances, we do not undertake to provide or render tax advice on any matter.

TERMINATION OF OR WITHDRAWAL FROM REPRESENTATION

You may terminate this Agreement at any time, by informing us of your decision to do so. Should you terminate this Agreement, you still would be responsible for compensating us for services provided and paying the costs expended on your behalf up through the termination point, as provided in this Agreement.

Circumstances also may permit or require our terminating this Agreement and withdrawing from the representation. The reasons may include breach of your duties and obligations under this Agreement, events or circumstances which would make our continued representation improper, or other circumstances which, under rules governing the conduct of attorneys, would require or permit our withdrawal. If permission for our withdrawal is required by the rules of court, we will request the court's permission, you will be notified of the request and you will be allowed an opportunity to object. If representation is terminated, we are entitled to be compensated as provided in this Agreement.

DOCUMENT RETENTION POLICY

When a matter is closed, original client documents will be sent to you unless those documents are necessary for us to retain in the matter for which legal services are provided. If the documents are needed only as reference material, then copies will be made for the file and the originals will be sent to you. Unless otherwise agreed upon, your file regarding the representation may be destroyed by us six (6) years from the date of its closing.

By execution of this Agreement, the undersigned acknowledges and represents reading, understanding and agreeing to all provisions set forth in this agreement.

We ask that you return a signed copy of this Agreement pursuant to this Agreement for us to commence work hereunder. We sincerely appreciate the opportunity to work with you, and we look forward to working with you on this matter.

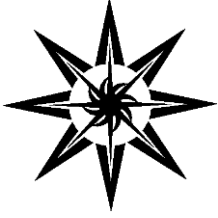
Best regards,  
HUNTER LAW GROUP, P.A.  
Mandi R. Hunter

CLIENT has read the above agreement and agrees to each of its terms and conditions.

City of Prairie Village, Kansas

By: \_\_\_\_\_  
Name: Wes Jordan  
Title: City Administrator

Dated \_\_\_\_\_



## MUNICIPAL COURT

City Council Meeting Date: February 5, 2024

### COU2024-09: Consider agreement with Philip Stein for backup public defender services

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#### BACKGROUND:

The public defender for our municipal court is responsible for representing defendants who have been found indigent by the court and have been charged with criminal actions where a jail sentence may be imposed. Philip Stein would represent individuals who have a legal conflict of interest with our contracted public defender, Robin Lewis.

In December, the current back-up public defender, Adam Peer, requested to step down due to his increasingly busy private practice. Staff reached out to defense attorneys in the area, solicited input from our current judges, and received interest from two attorneys. Staff interviewed Mr. Stein and felt he would be a good fit for the position. Mr. Stein's knowledge and experience with indigent individuals as well as his ability to respect those individuals that may struggle with mental illness made him a perfect choice. Mr. Stein is known to be appointed cases in Johnson County District Court that require special attention due to the mental struggles of the individual. Staff recommends a contract for the period of February 6, 2024, through December 31, 2024. This fulfills the remainder of the contract period the City held with Mr. Peer.

Staff recommends an increase in the hourly rate from \$93.00 to \$150.00 per hour. After doing research, our current rate was well below the market and had not increased from \$90-93 per hour in over thirteen years.

The contract has been previously approved by the City Attorney.

#### ATTACHMENTS

- 2024 contract
- Philip Stein's resume

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Prepared By:

Deana Scott

Court Administrator

Date: January 26, 2024



PUBLIC DEFENDER CONTRACT  
THE CITY OF PRAIRIE VILLAGE, KANSAS

COMES NOW, the City of Prairie Village, Kansas, a Municipal Corporation, and Philip Stein, hereinafter referred to as "ATTORNEY", to enter into this Contract based upon the following terms, conditions, and considerations.

WITNESSETH:

WHEREAS, the CITY desires to retain ATTORNEY for Municipal Court Public Defender Services and ATTORNEY desires to provide those services.

NOW, THEREFORE, it is agreed between the CITY and by ATTORNEY as follows:

1. ATTORNEY'S job responsibilities shall include the following, which ATTORNEY agrees to perform for the consideration herein set out:

a. Prepare, try and otherwise handle representation of indigent Defendants (who are hereinafter referred to as clients) in the Municipal Court at the regularly scheduled dockets as may be assigned by the Municipal Court Judge. In this regard it is understood ATTORNEY need not be present at each docket, but only those upon which his client's matter is scheduled. ATTORNEY will not be found in breach of this Agreement where circumstances such as illness, Court conflicts, etc., prohibit an appearance, provided ATTORNEY has made a good faith effort to do so and has notified the Court in advance.

b. ATTORNEY agrees to represent the referred defendants from referral to final disposition, even if such representation continues past the date of this Agreement. If final disposition includes an appeal, such representation shall include preparation and litigation of appeals de novo in Johnson County District Court, either to the Court or to a jury, as deemed necessary by the ATTORNEY in representation of his clients.

c. Represent, prepare and submit Diversions for clients at both the Municipal Court level and the Johnson County District Court, if applicable.

d. Represent assigned clients in termination actions on diversions and prepare for and handle hearings thereon.

e. Represent assigned clients in parole or probation revocation proceedings of the Municipal Court and the Johnson County District Court, and prepare for and handle hearings thereon as deemed necessary by the ATTORNEY.

f. Represent assigned clients in contempt and suspended sentence matters, and prepare for and handle hearings thereon as deemed necessary by the ATTORNEY.

g. Prepare all documents, motions, briefs, letters, etc., with his own staff support and materials. It is understood between the parties that the CITY will attempt to provide a place for ATTORNEY and assigned clients to meet at City Hall.

2. CITY agrees to compensate ATTORNEY for these services the hourly rate of \$150.00 for the calendar year commencing February 6, 2024 through December 31, 2024.

3. CITY agrees to provide ATTORNEY with copies of citations, police reports and in-car videos in regards to assigned clients at no charge.

4. ATTORNEY'S status shall at all times remain as a Contractee of the CITY. ATTORNEY is not an employee or agent of the CITY. This Contract shall terminate on December 31, 2024, subject to renewal. ATTORNEY represents that he is self-employed and that he individually has responsibilities to correctly report his income/expenses on his tax returns and that the Court has no obligation or right to withhold any FICA income or other taxes from the agreed hourly payment.

5. ATTORNEY represents that he is duly authorized to practice law in the State Courts of Kansas and that he will remain so qualified throughout the Agreement.

6. ATTORNEY shall hold harmless the City of Prairie Village, its employees, officers, and agents and defend and indemnify it against all claims and causes of action in which misconduct or negligence is alleged against ATTORNEY while performing services pursuant to this Contract. This provision shall not apply if the claim is based upon the misconduct or negligence of the City, its officers, employees, or agents.

7. During the performance of this contract, the ATTORNEY agrees to maintain for the duration of the contract coverage of the type and minimum liability as set forth below.

The ATTORNEY shall furnish to the CITY a Certificate of Insurance verifying such coverage. All general liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by the CITY.

Professional Liability \$500,000/ \$1,500,000 each clam/aggregate

8. As a contractor, ATTORNEY understands this is an Agreement to provide the services and perform the tasks herein before set forth, and not an agreement to provide services for a preset number of hours per week. ATTORNEY will remain under contract with the CITY for the period of the Contract, unless otherwise terminated by the CITY, and ATTORNEY understands that the CITY is not creating in him an expectation of continued contract with the CITY beyond the term of this Contract. This Contract may be terminated at any time by either party, with or without cause by providing thirty (30) days written notice and payment by CITY of the pro rata fees earned to the date of termination.

9. Philip Stein understands he is obligated by this agreement and further understands and authorizes the CITY to issue its check in payment for services to SRC Law Group, LLC whose tax identification number is 27-5561-690.

10. Termination – The CITY reserves the right, in its sole discretion and for its convenience and without cause or default on the part of the ATTORNEY, to terminate this

Agreement by providing thirty (30) days prior written notice of such termination to the ATTORNEY. Upon receipt of such notice from the City, the ATTORNEY shall:

- a. Immediately cease all work or
- b. Meet with the CITY and, subject to the CITY'S approval, determine what work shall be required of the ATTORNEY in order to bring the services described in this agreement to a reasonable termination.

If the CITY shall terminate for its convenience as herein provided, the CITY shall compensate the ATTORNEY for all work completed to date of termination.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed, the day and year first herein written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Eric Mikkelson, Mayor

Attest:

\_\_\_\_\_  
Adam Geffert, City Clerk

Approved as to form:

\_\_\_\_\_  
David E. Waters, City Attorney

ATTORNEY

\_\_\_\_\_  
Philip Stein

# Philip Stein

21636 Midland Drive  
Shawnee, KS 66218  
(913) 302-5091  
phil@srclawgroup.com

## **EXPERIENCE**

SRC Law Group, LLC  
21636 Midland Drive, Shawnee, KS 66218

### **Managing Partner, August 2021-Present**

Duties: I am an owner and managing partner of the firm. I handle criminal, traffic and civil cases such as protection orders in both Kansas and Missouri. My practice includes work in municipal, state and federal court. I prepare and handle primarily felony level cases from the inception of investigation through bench or jury trial, when necessary.

Rokusek Stein Law, LLC  
11620 W. 75<sup>th</sup> Street, Shawnee, Kansas 66056

### **Managing Partner, November 2016 – August 2021**

Duties: I was an owner and managing partner for the firm. I handled criminal, traffic and civil cases such as protection orders in both Kansas and Missouri municipal, state and federal court. I prepared and handled primarily felony level cases from the inception of investigation through bench or jury trial, when necessary.

Norton Hare, LLC  
**Associate, then Partner**

Supervisor: Jay Norton

Duties: I managed a criminal defense practice, handling a substantial case load in municipal, state and federal court. My practice also included limited civil work such as administrative actions, protection orders and domestic law. I built a client base and developed the Firm's criminal defense practice, focusing primarily on felony defense from the investigative stage through resolution, including motion work, plea or trial by judge or jury.

Johnson County District Attorney's Office

### **Assistant District Attorney, March 2005-January 2011**

Supervisors: Paul Morrison, Phill Kline and Steve Howe (913) 715-3063

Duties: I prosecuted all types of criminal case from traffic to homicides. I was responsible for case review, charging decisions, and prosecution of thousands of cases through completion. I was responsible for all types of court hearings including large dockets, motions, pleas and both bench and jury trials. I became proficient at reviewing, analyzing and presenting all types of evidence such as lay, law enforcement and expert witnesses, phone/computer forensic evidence, and physical evidence such as crime scene, biological, ballistic and DNA evidence.

## **EDUCATION**

May 2005

### **J.D., University of Kansas Law School, Lawrence, KS**

Activities- Defender Project, Law Library employment, Class Officers, Federalist Society, Student Bar Association, American Bar Association

May 2002

### **B.A., Kansas State University, Manhattan, KS**

Major: Political Science

Minor: Spanish, Leadership Studies

Activities: Kansas State Student Ambassador, Blue Key Honor Society, Lambda Chi Alpha Fraternity, Interfraternity Council President, Mid-America Greek Council Association President

May 1997

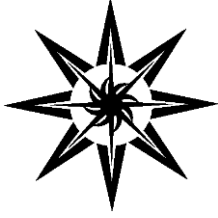
### **High School Diploma: Olathe East High School – Olathe, KS**

# **REFERENCES**

Mr. James Brun  
Linn County District Attorney  
7211 W. 98<sup>th</sup> Terrace  
Suite 140  
Overland Park, Kansas 66212  
[james@jamesbrunlaw.com](mailto:james@jamesbrunlaw.com)  
(913) 575-0634

Mr. Steve Howe  
Johnson County District Attorney  
JoCo DA's Office  
150 W. Santa Fe  
Olathe, KS 66061  
(913) 715-3063  
[Steve.howe@jocogov.org](mailto:Steve.howe@jocogov.org)

Mr. Steve Sakoulas  
Attorney and Municipal Judge  
1029 Pennsylvania Avenue  
Kansas City, Missouri 64105  
[steve@sakoulaslaw.com](mailto:steve@sakoulaslaw.com)  
(816) 616-3342



## ADMINISTRATION

Council Meeting Date: February 5, 2024

**COU2024-10: Consider additional funding for the 2024 property tax rebate program**

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### RECOMMENDATION

Approve an additional \$5,000.00 for the 2024 property tax rebate program.

### BACKGROUND

In November 2021, the City Council voted to allocate \$20,000 from the City's 2022 general fund to a property tax rebate program designed to alleviate some of the burden of home ownership due to rising property values. Only property owners that are Prairie Village residents living in owner-occupied homes, are current on payment of their property taxes and special assessments and meet income guidelines are eligible for the program. Applicants must also live in a home that is appraised by the county at or below the previous year's average property value in the City (in 2023, this amount is \$496,424).

Initially, income limits were based on data provided by the U.S. Department of Housing and Urban Development's (HUD) "very low income" guidelines, which represent 50% of the regional median family income for a household of four people. For 2023, income guidelines were increased to 65% of the median family income in an effort to assist a larger number of residents. In 2022, rebates were issued to 28 households totaling \$14,015.94. In 2023, the response from residents was significantly larger, and staff asked for an additional \$5,000 in funding to accommodate as many applicants as possible. In total, rebates were issued to 53 households, totaling \$29,201.53 (note that along with the \$25,000 allocated by Council, an additional \$6,000 in unused funds was rolled over from 2022).

In December 2023, the Council voted to allocate \$25,000 to the program again in 2024, and keep income limits at 65% of the Kansas City metro area median family income. Along with \$1,798.47 in rollover funds from the 2023 budget allocation, the available funding for 2024 totaled \$26,798.47. As of January 31, rebates have been issued to 44 households for a total amount of \$26,788.82, leaving \$9.65 in available funds. Two applications are in "pending" status contingent on additional funding being approved.

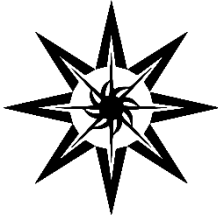
Staff recommends allocating an additional \$5,000.00 to the program for 2024 in order to assist the two pending applicants and any other applications that may be received throughout the remainder of the year.

### PREPARED BY

Adam Geffert

City Clerk

Date: January 31, 2024



## PUBLIC WORKS DEPARTMENT

Council Meeting: February 5, 2024

### COU2024-11 CONSIDER CHANGE ORDER FOR CONSTRUCTION CONTRACT OF HARMON PARK RESTROOM & PAVILION (BG30005)

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#### RECOMMENDATION

Authorize the Mayor to sign the change order for Project BG30005 Harmon Park Restroom and Pavilion in the amount of \$1,061,691.48.

#### BACKGROUND

At the November 6, 2023, Council Meeting, staff presented options for the construction of the Harmon Park Restroom and Pavilion. At this meeting staff indicated that the Contractor currently on site at Harmon Park for the construction of the all-inclusive play area is the low bidder on the previous two restroom projects. Staff anticipated getting a quote from this Contractor allowing work to seamlessly begin on the pavilion and restroom while finishing up the parking lot and inclusive play areas. Working with the same contractor, in this case a frequent low bidder, will reduce overall impacts to the park, the park patrons and reduce costs due to the Contractor already being on site.

In January Combes Construction was provided a set of plans and a bid sheet for Project BG30005 Harmon Park Pavilion and Restroom. The design consultant, BBN, evaluated the bid. BBN found it to be competitive and well below their anticipated construction costs.

Architect's Cost Estimate	\$1,345,344.00
Combes Construction	\$1,061,691.48.

The major project components are:

Utilities	\$111,000
Restroom	\$407,000
Pavilion	\$391,000

The contract will be awarded for \$1,061,691.48. Change order authorization up to \$100,000 additional dollars within the current CIP project budget is part of this approval and will allow for quick approval of possible changes required to complete the project. The Public Works Director will authorize all necessary change orders.

Pavilion amenities such as picnic tables and benches, will be purchased directly by the City. The cost is estimated at \$80,000 and the purchase of these tables will be brought to the Governing Body for approval.

#### FUNDING

Overall project costs, including this contract and other direct City expenses such as design, testing, permitting fees and pavilion amenities are anticipated to be within the CIP project funding of \$1,350,000.

#### ATTACHMENTS

1. Change Order with Combes Construction

#### PREPARED BY

Melissa Prenger, City Engineer

January 31, 2024

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER #1



City's Project: BG30 0003

Date Requested: February 5, 2024

Contract Date: May 17, 2023

Contractor's Name: Combes Construction

**REQUIRED CHANGES TO PRESENT CONTRACT**

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
0	\$0.00		Include Harmon Park Restroom and Pavilion (BG30 0003) in the construction contract for Harmon Park Inclusive Play (BG30 0005)	1	\$1,061,691.48	\$1,061,691.48

TOTAL \$0.00

TOTAL \$1,061,691.48

**EXPLANATION OF CHANGE - This change order is to cover the following items:**

BG30 0005 (Harmon Park Pavilion and Restroom) is adjacent to the current construction of BG30 0003 (Harmon Park Inclusive Play) To seamlessly begin construction on the pavilion and restroom and for substantial completion prior to the beginning of the JCPRD summer season, the current contract Combes Construction, was asked to provide a bid for the pavilion and restroom work. Combes' bid has been evaluated by the consultant and found to be competitive and well within the current budget for this project.

	Contract Value	Contract Days
Original Contract BG30 0003	\$859,708.86	
This Change Order BG30 0005	\$1,061,691.48	

Annie Wallace  
signature  
Annie Wallace  
print name  
Combes Construction  
Contractor

1/31/2024  
Date

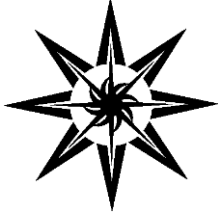
\_\_\_\_\_  
Keith Bredehoeft, Public Works Director  
City of Prairie Village, KS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eric Mikkelson, Mayor  
City of Prairie Village, KS

\_\_\_\_\_  
Date





## ADMINISTRATION/CITY ATTORNEY

Council Committee Meeting Date: February 5, 2024

COU2024-06

Consideration of Updated Code of Ethics

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### RECOMMENDATION:

RECOMMEND THE COUNCIL COMMITTEE OF THE WHOLE CONSIDER UPDATES TO THE CITY'S CODE OF ETHICS.

### BACKGROUND:

The City's Code of Ethics—codified in Section 1-212 of the City Code—has not been updated since 2008. Based on recent issues involving allegations raised under the Code of Ethics, City Staff undertook a review of the Code and those of neighboring municipalities in an effort to both clarify and, in certain cases, strengthen the Code. Staff asked the City Attorney to incorporate lessons from other cities and offer recommendations on how processes under the Code may be clarified and improved.

The Code of Ethics generally consists of two themes: (1) general expectations of behavior and conduct from public officials (which are not necessarily “law” or legally-binding, but are intended to recognize goals which officials should strive to achieve); and (2) enforceable provisions on conflicts of interest and self-dealing, particularly for financial or business gain. The following is a summary of the proposed changes in the draft revised Code of Ethics:

- Following the approach seemingly utilized by most municipalities reviewed by Staff, the Code of Ethics itself would not apply to employees, as the roles of elected and appointed officials differ from those of employees. However, Staff intends to incorporate similar provisions on conflicts and financial self-dealing in appropriate personnel manuals. Members of board, committees, or commissions are governed by a separate code of conduct included among the City Council policies.
- Clearer distinctions have been drawn between expectations of conduct and “guidelines” for behavior and enforceable violations of the Code of Ethics. As an example, new language has been added regarding expectations of civility. Given that “violations” of certain behaviors may be in the eye of the beholder, these standards are not intended to be legally enforceable, but instead serve as a reminder that members of the governing body are expected to comport themselves in appropriate ways.
- New language has been added prohibiting discrimination on the basis of various protected classes of persons.
- The conflict of interest sections have been revised to be consistent with Kansas state statutes on the issue. New language has also been added regarding acquisition of financial interests and the representation of private interests before the body.

- Additional language has been added regarding the disclosure of confidential information.
- In recognition that officials are often invited to represent the City at official functions or events, at which meals or the like may be served, the “gifts and favors” portion of the Code has been revised to allow officials to attend such engagements so long as there is no substantial risk of undermining official impartiality.
- The “misuse of city property” subsection has been expanded to apply to the misuse of City personnel and Staff.
- Clearer provisions allowing for advisory opinions have been added.
- Perhaps the greatest weakness in the current Code of Ethics is in the process by which allegations are raised and considered. Currently, the Code merely provides that allegations are brought to the Council Committee of the Whole which will—perhaps on an ad hoc basis—“adopt its own rules for studying and investigating complaints”. The draft revised Code establishes more specific procedures, so that allegations can be considered appropriately and uniformly, and not by whatever method the then-current Council Committee of the Whole may determine. Specifically, the new processes include the following:
  - An opportunity for officials to raise concerns informally with each other, acknowledging that certain ethical concerns may not constitute any legal violation, and allowing for a measure of self-enforcement. This is important so that City Staff is not regularly in the position of mediating or judging mere political or personality disputes;
  - Review by the City Administrator and/or the City Attorney, with the ability to engage outside independent counsel where appropriate;
  - The ability for certain complaints to be dismissed without full investigations or hearings where it is clear that an allegation, even if true, would not constitute a violation of the Code or other law, or where the complaint is frivolous or made for campaign or political purposes;
  - Investigative findings will otherwise be provided to the Council Committee of the Whole. Impacted persons will be expected to recuse themselves from discussion, deliberation, and debate on the matter, except as to provide their own evidence in their defense.
- Currently, the Code of Ethics only provides for “censor” (which should be “censure”) or ouster as possible punishments. The range of options has now been expanded to include no action, required ethics training, censure, removal from boards, or other lawful action (which could include ouster). The ability to refer violations of state or other local law to other enforcing officials has also been added.

## UPDATES SINCE JANUARY 16, 2024, COUNCIL COMMITTEE OF THE WHOLE MEETING:

On January 16, 2024, the Council Committee of the Whole raised certain concerns regarding subsection (d)(iv) (Late Case Interest) of the revised Code, which, in its original form, stated:

No public officer or employee shall, after the termination of service or employment with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration. This does not preclude ex-employees from testifying in court on city-related matters.

A recent media article on this topic, which the City Attorney understands was shared with the Council Committee of the Whole, stated that this was a “Code revision” and that the City Attorney was the person “who drafted the Code change on conflict of interest”. These statements are, at best, inaccurate. The Late Case Interest provision was already in the Code of Ethics and was presented by the City Attorney to the Council Committee of the Whole in January unchanged from its original form. The City Attorney advised the CCOW of this at the January 16 meeting.

The City Attorney offers no opinion on whether the CCOW should or should not continue to have a Late Case Interest provision in its Code of Ethics. Based on a cursory, and non-exhaustive, review of other municipalities, in addition to Prairie Village, the cities of Lenexa, Roeland Park, and Mission have similar provisions in their codes or policies:

**Lenexa:** Later Case Interest. After the termination of service with the City, no Public Official shall appear before the Governing Body or any City board, commission, municipal court or staff member, in relation to any case, proceeding or application in which the Public Official personally participated during the period of his service or which was under his active consideration.

**Roeland Park:** *Later case interest.* No public officer shall, after the termination of service with the City, appear for pay before any board, commission, committee or agency of the City in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service, or which was under his or her active consideration. No elected official shall apply for or be considered for any employment with the City following his or her departure from elected office for the length of his or her tenure or four years, whichever is the longest.

The **City of Mission** goes much further as to former elected officials, with the following in its city code:

**H. *Restriction On Former Public Officials Or Employees In Matters Connected With Their Former Duties.***

1. It shall be a breach of ethical standards for any former public official or employee knowingly to act as a principal or as an agent for anyone other

than the City in connection with any:

- a. Judicial or other proceeding, application request for a ruling or other determination;
- b. Contract;
- c. Claim; or
- d. Charge or controversy, in which the public official or employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation or otherwise while employed by the City and where the City is a party or has a direct and substantial interest.

2. It shall be a breach of ethical standards for any former public official or employee, within one (1) year after cessation of the former public official's or employee's official responsibility, knowingly to act as a principal or as an agent for anyone other than the City in connection with any:

- a. Judicial or other proceeding, application request for a ruling, or other determination;
- b. Contract;
- c. Claim; or
- d. Charge or controversy, which arose during the term or employment of the former public official or employee and which were within the official responsibility of the former public official or employee; provided that the City is a party or has a direct or substantial interest in the matter.

I. *Restriction On Former Public Officials Or Employees In Selling To The City.*

1. It shall be a breach of ethical standards for any former public official or employee to engage in selling or attempting to sell supplies, services or construction to the City for one (1) year following the date term or employment ceased.
2. The term "sell", as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any public official or employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided however, that this Section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City.
3. This Section shall not apply if the former public official or employee, before he/she engages in or attempts to sell, makes a full disclosure to the Governing Body of the former public official's date of service and position with the City or employee's date of employment and position with the City and the Governing Body determines that it is in the best interest of the City to permit the former public official or employee to sell or attempt to sell such supplies, services or construction.

Per the request of the Council Committee of the Whole, the Late Case Interest section has been revised such that it would only apply to former members of the governing body for a period of one (1) year after termination of service (consistent with the time period established in the City

of Mission). This has been further revised to clarify that it does not apply to mere “appearances” or the exercise of speech, but instead acting as a “principal or agent” for another person as to specific proceedings, contracts, or claims which arose during the term of the former member or in which such former member personally participated. This language is now more comparable to that of the City of Mission (but without expanding further, as Mission has).

On January 16, 2024, the City Attorney did raise questions as to practical enforceability of this section, especially given the remedies available under the Code of Ethics. As an example, it would be practically difficult to require that a former member of the governing body attend ethics training, and the City could not initiate ouster proceedings against someone who is no longer an elected official. The Council Committee of the Whole appeared to believe that it was still important to set expectations of former elected officials in this way.

Concerns were also raised regarding the First Amendment, and whether this provision could run afoul of First Amendment protections. Again, this subsection does not prohibit merely speaking on matters of City importance. Rather, it operates more as a conflict-of-interest rule, prohibiting former members of the governing body from acting as principals or agents for other parties in proceedings, applications, contracts, cases, or controversies in which such former members already participated on behalf of the City.

The built-in limitations on remedies or “punishment” would also cause this section to not be implicated by the First Amendment. That is to say, there is no “punishment” for speech itself that would violate First Amendment protections. For example:

- Subsection (b) provides that “Violations of this code of ethics policy, by themselves, are not offenses or violations of law for purposes of section 1-116 of the city code”.
- The institution of ouster proceedings would not be available against a former member of the governing body.
- As to censure or reprimand, those actions would be an exercise by the governing body of its own First Amendment rights. *See, e.g., Houston Community College System v. Wilson*, 595 U.S. 468, 478, 142 S.Ct. 1253 (2022) (in which the United States Supreme Court recently upheld a censure by a public board of trustees against a fellow trustee, holding that the censure action did not give rise to a First Amendment retaliation claim because (1) status as an elected official comes with an expectation that he or she will shoulder a degree of criticism about his or her public service, and (2) censure was itself a form of speech and that just as “[t]he First Amendment surely promises an elected representative ... the right to speak freely on questions of government policy, ... just as surely, it cannot be used as a weapon to silence other representatives seeking to do the same”); *Phelan v. Laramie County Community College Board of Trustees*, 235 F.3d 1243 (10th Cir. 2000).

Per the CCOW’s request, subsection (i) (Penalties) has also been revised to require that, for the governing body to itself—as a governing body—file a complaint or referral for ouster, it shall require a 2/3 vote of the governing body. The City Attorney notes, however, that under K.S.A. 60-1206, the attorney general or county attorney may investigate complaints brought by any person, and ouster proceedings may be initiated by the attorney general or the county attorney without complaint having been made.

The City Attorney further notes that ouster is available only in the following situations (per K.S.A. 60-1205):

- (1) Willful engagement in misconduct while in office;
- (2) Willful neglect to perform any duty enjoined upon a person by law;
- (3) The demonstration of mental impairment such that the person lacks the capacity to manage the office held; and
- (4) The commission of any act constituting a violation of any penal statute involving moral turpitude.

As to factors (1) and (2), the Kansas Supreme Court has also established the following tests:

- Judicial ouster of elected public officials is a drastic remedy and is available only on a showing of serious wrongdoing;
- Out of respect for the separation of powers and in the interest of appropriate judicial restraint in the face of political questions, only in exceptional circumstances should publicly elected officials be removed prior to the completion of their terms;
- A bad or corrupt purpose is not synonymous with illegal conduct or conduct that is not justified under the given circumstances; and
- In order to find willful misconduct justifying ouster from public office, a court must find both a bad or corrupt purpose and illegal action or inaction that was not justified under the given circumstances.

**ATTACHMENTS:**

Revised draft Code of Ethics Ordinance

**ORDINANCE NO. 2493**

**AN ORDINANCE REGARDING THE CITY CODE OF ETHICS, AMENDING SECTION 1-212 (CODE OF ETHICS) OF ARTICLE 2 (GOVERNING BODY), CHAPTER I (ADMINISTRATION), OF THE CODE OF THE CITY OF PRAIRIE VILLAGE.**

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

**Section 1.** Section 1-212 of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

**1-212. – CODE OF ETHICS.**

- (a) **Purposes, Policy, Goals, and Guidelines.**
- (i) The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels or governmental structures; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.
  - (ii) Among other things, the purpose of this code is to establish guidelines for ethical standards of conduct for all officials by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics are in the best interests of the city.
  - (iii) Elected and appointed members of the governing body of the city are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal consideration, recognizing that the public interest must be their primary concern. The conduct in both official and private affairs should be above reproach.
- (b) **Applicability.** This policy is intended to establish a code of ethics policy for all persons elected or appointed to the governing body. City employees are not covered by this policy, but the city administrator shall establish and maintain a comparable code of ethics policy for application to all city employees. Members of public committees shall be governed by the Code of Conduct set forth in City Council Policy CP001, as amended. The provisions of this code of ethics policy shall apply in addition to all applicable state and local laws. Violations of this code of ethics policy, by themselves, are not offenses or violations of law for purposes of section 1-116 of the city code.

- (c) **General Expectations of Conduct.** All members of the governing body should be loyal to the objectives expressed by the electorate, as understood by such members, and the programs developed to attain those objectives. Members of the governing body are expected to be civil and professional in the performance of their duties. Members are expected to not knowingly misrepresent information for the purpose of achieving a desired outcome. Members should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (d) **Requirements of and Actions Prohibited by the Code of Ethics.**
- (i) **Fair and Equal Treatment.** Members of the governing body shall not discriminate on the basis of sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression of employees in their employment with the city or individuals in their use and enjoyment of the services, privileges, and advantages of the city. This provision does not prohibit the governing body from making appointments, filling vacancies, or otherwise engaging the public in such way as to include community members with diverse backgrounds based on sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression.
- (ii) **Conflicts of Interest.** As used in this code, the terms “local governmental officer” and “substantial interest” shall have such meanings as are provided by K.S.A. 75-4301a(a), as amended.
- (A) As provided in K.S.A. 75-4304, as amended, no local governmental officer shall, in the capacity of such an officer, make or participate in the making of a contract with any person or business by which the officer is employed or in whose business the officer has a substantial interest. A local governmental officer does not make or participate in the making of a contract if the officer abstains from any vote in regard to the contract. This subsection shall not apply (1) if the contract is let after the competitive bidding has been advertised for by public notice, or (2) when a contract is for property or services for which the price or rate is fixed by law.
- (B) As provided in K.S.A. 75-4305, as amended, any local governmental officer who has not filed a disclosure of substantial interests as required by law shall, before acting upon any matter which will affect any business in which the officer has a substantial interest, file a written report of the nature of the interest with the Johnson County Election Office. A local governmental officer does not pass or act



upon any matter if the officer abstains from any vote in regard to the matter.

- (C) Unless otherwise permitted by law and proper disclosure is made, no member of the governing body shall engage in or accept private or public employment or render services for pay or monetary consideration for a private or public interest when such employment or service is legally or clearly incompatible with the proper discharge of such member's official duties or would clearly impair such member's independent judgment or action in the performance of such member's official duties.

(iii) Private Benefit and Interests.

- (A) Members of the governing body shall not use their public office or position for their own private financial or personal gain or advantage of a kind that is not or could not be generally available to other citizens; nor for the private financial or similar personal gain or advantage of friends, relatives, or persons with whom the member is affiliated with in a non-governmental capacity.
- (B) To avoid creating the appearance of impropriety, undue influence, and impartiality, members of the governing body shall not appear on behalf of the private interests of any person or business entity before the city council, council committee of the whole, or any other commission, committee, or agency of the city to which they have been appointed, unless they are representing themselves, their spouse, or their minor child(ren). This provision does not prohibit a member of the governing body from attending city council, council committee of the whole, or any other commission, committee, or agency meetings in the performance of public or civic obligations.

(iv) Late Case Interest. No member of the governing body shall, after the termination of service or expiration of their term as a member of the governing body with the city, ~~appear before any board, commission, committee, or agency of~~ and for a period of one (1) year thereafter, knowingly act as a principal or as an agent for anyone other than the city in ~~relation to any case,~~ connection with any:

- (A) Judicial, administrative, or other proceeding-~~or,~~ application, request for a ruling, or other determination;
- (B) contract; or
- (C) case, claim, charge, or controversy in which the city is party or threatened to be a party;

which arose during the term of the former member of the governing body, or in which he or she personally participated during the period of his or her service or tenure, or which was under his or her active consideration. This does not preclude former members from testifying in court on city-related matters.

- (v) Disclosure of Confidential Information. No member of the governing body, shall, without proper legal authorization, disclose confidential or privileged information provided to them in their official capacity concerning the property, government, or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself, or others. For the purposes of this subsection, “confidential or privileged information” includes any material information discussed in a closed or executive meeting that is specifically related to the basis for the closed or executive meeting and has not previously been made available to the public, and any record or information therein that has not previously been made available to the public and the member knows or should know is confidential or privileged.
  - (vi) Gifts and Favors. No member of the governing body shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official: (A) accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties or (B) grant in the discharge of their duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (A) an occasional nonpecuniary gift or token of appreciation of only nominal value; (B) an award publicly presented in recognition of public service; (C) gifts or hospitality conferred on account of kinship or other personal, professional, or business relationships independent of the official status of the receiver; (D) invited attendance at receptions, events, luncheons, dinners, sporting events, or the like involving no substantial risk of undermining official impartiality; or (E) other gifts or invitations involving no substantial risk of undermining official impartiality or not clearly targeted at obtaining contractual or other business or financial arrangements from the member on behalf of the city.
  - (vii) Misuse of City Property and Staff. Members of the governing body shall not use public resources that they may use in their official capacity (e.g., city-owned vehicles, city staff time, equipment, supplies, property, etc.) for private gain, personal purposes, or other activities not related to city business unless otherwise authorized by law or city policy. Prohibited activities that are not related to city business include using public resources to pursue personal commercial endeavors or conduct political activity, to include the activity prohibited by K.S.A. 25-4169a, and amendments thereto. Elected and appointed officials are expected to follow proper chains of command through the mayor, the city administrator, and department heads.
  - (viii) Political Activity. No member of the governing body shall promise an appointment to any municipal position as a reward for any political activity.
- (e) **Advisory Opinions.** Any member of the governing body may submit a written request to the city attorney for an advisory opinion regarding

whether their own proposed actions or conduct would violate a provision of this code. A copy of such request and any advisory opinion shall be provided to the mayor and the city administrator. The member shall have the opportunity to present the member's interpretation of the facts at issue and of the applicability of provisions of this code before such advisory opinion is made. When determining if there is clear and convincing evidence that a member who is the subject of the alleged violation violated a provision of this code, the city attorney and any independent counsel shall presume that the member did not violate a provision of this code if the member has received an advisory opinion and acted in accordance with its provisions. Any advisory opinion provided by the city attorney shall not create an attorney-client relationship and shall not be considered subject to the attorney-client privilege.

- (f) **Self-Responsibility.** This code of ethics policy is intended to be self-enforcing and is an expression of the standards of conduct expected by the city. Therefore, a copy of this policy shall be provided to all members of the governing body as part of their public office orientation. Each member of the governing body is responsible for upholding these standards. The responsibility of knowing whether or not a given set of circumstances creates an ethical conflict and for acting appropriately rests solely with the individual.

(g) **Complaints under the Code of Ethics; State or other Local Law.**

(i) **Generally.**

(A) If member of the governing body believes another member has violated any of the provisions of this code or other state or local law, the member with that belief should first advise the other member of their belief. If the member initiating the concern does not believe the matter has been satisfactorily resolved, such member may file a written complaint as provided below.

(B) Any allegation of a violation of any of the provisions of this code or other state or local law against a member of the governing body may be brought by any person and must be submitted in writing as a formal complaint to the attention of the city clerk. Such complaint must be signed and notarized. The city clerk shall forward the complaint to the mayor, the city administrator, the city attorney, and the member accused of the violation.

(ii) **Investigations.**

(A) Subject to subsections (j) and (k) below, the city attorney shall initially be responsible for investigating complaints and, if necessary, presenting investigative findings to the council committee of the whole. Alternatively, the city attorney may select, with the approval of the city administrator, independent counsel to conduct such investigations; provided, that nothing herein shall be deemed to require that the city attorney itself conduct any investigation if, in the reasonable opinion of the city

attorney, the conduct of such an investigation would create any conflict with the role of the city attorney or other regulations applicable to licensed attorneys. Any independent counsel should have experience conducting investigations or in the area of governmental ethics.

- (B) The city attorney or independent counsel, as the case may be, shall investigate the complaint if they determine that the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law. If the city attorney or independent counsel does not believe the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law, the city attorney or independent counsel shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.
- (C) If the city attorney or independent counsel proceeds with an investigation, they will also determine whether the alleged violation of the provisions of this code would also constitute a violation of state or other local law.

(iii) Investigative Findings.

- (A) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is clear and convincing evidence that the member of the governing body who is the subject of the complaint violated any of the provisions of this code, they shall notify the mayor and the city administrator, and the city administrator shall coordinate the holding of a meeting of the council committee of the whole for consideration of such investigation. Prior to the meeting of the council committee of the whole, the city attorney or the independent counsel shall present the investigative findings to the official accused of the violation.
- (B) The city attorney or independent counsel shall present their investigative findings at the meeting of the council committee of the whole where the matter is discussed, and the governing body member who is accused of the violation shall have the right to present evidence on their behalf at the meeting. It is the expectation that such person accused will otherwise recuse themselves from discussion, deliberation, and debate on the matter. Failure to so recuse oneself shall constitute a separate and additional violation of the provisions of this code. After reviewing the investigative findings and the presentation of any evidence, the council committee of the whole will determine whether or not the member accused of the violation committed a violation of any of the provisions of this code.
- (C) If the city attorney or independent counsel concludes that there is clear and convincing evidence that a governing

body member has violated any of the provisions of this code and that such violation also constitutes a violation of state or other local law, the city attorney or independent counsel shall include this information in the investigative findings they present to the mayor, city administrator, and council committee of the whole.

- (D) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is not clear and convincing evidence that the governing body member who is the subject of the complaint violated any of the provisions of this code or other state or local law, the city attorney or independent counsel shall not present the investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member accused of the violation.

- (i) ***Penalties.*** If the council committee of the whole determines a member of the governing body who is the subject of a complaint under this code committed a violation of any of the provisions of this code, the committee may recommend to the city council and the city council may approve one or more of the following actions:

- (i) No action be taken;
- (ii) Requiring that the governing body member participate in ethics training. Failure to complete such training after it has been ordered by the city council shall constitute a separate and additional violation of the provisions of this code;
- (iii) Issuing a written warning or an informal reprimand, or adopting a formal resolution of public censure; or
- (iv) The filing of a complaint or a referral for the institution of ouster proceedings as provided by and subject to the limitations established under applicable law; provided, and subject to the provisions of K.S.A. 60-1206, as amended, that any such complaint or referral recommended by the council committee of the whole and instituted by the governing body shall require a two-thirds (2/3) vote of the membership of the council committee of the whole and the governing body;
- (v) ~~(iv)~~ Other lawful action that the city council deems appropriate, ~~including but not limited to the institution of ouster proceedings~~ provided that such action is allowable under applicable law.

- (j) ***Violations of State and other Local Laws.*** Violations of state or other local laws by members of the governing body may involve independent proceedings and penalties. Notwithstanding the foregoing procedures, if a complaint alleges a violation of any state or other local law, or if the city attorney or independent counsel concludes that a governing body member has violated a provision of this code and/or any such violation constitutes a violation of state or other local law, the city administrator,

city attorney, council committee of the whole, or city council may submit to the chief of police, the Kansas Governmental Ethics Commission, the Kansas Attorney General, the Johnson County District Attorney, or other appropriate official a request for review, investigation, or other appropriate action pursuant to state or local law, including but not limited to initiation of criminal or civil proceedings, forfeiture of office, or ouster proceedings if appropriate.

(k) **Limitations on Investigations and Enforcement.**

(i) Generally.

(A) This code acknowledges that mere political, personal, or policy disagreements cannot generally support a claim for a violation of the code of ethics unless a specific prohibition or requirement of the code is claimed to have been violated. Public officials have a wide variety of backgrounds, personalities, values, opinions, and goals, but despite this diversity, have all chosen to serve the public and act in the best interest of the community. A mere showing that a member of the governing body has a particular political or policy view or general opinion about a given issue, or is a member or employee of an organization that holds a particular political or policy view or general opinion about a given issue, will generally not suffice to show any violation of this code.

(B) Accordingly, and unless directed otherwise by the mayor, the city administrator, or the city council, the city attorney or independent counsel shall not generally be called upon to investigate complaints related to political, personal, or policy disagreements, or complaints related to the general purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code.

(C) if the city attorney or independent counsel finds that a complaint primarily involves political, personal, or policy disagreements, or complaints related to the general purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code, the city attorney or independent counsel shall not present any investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.

(ii) Campaign or Non-City-Related Matters. Nothing herein shall be deemed to require that city staff, the city attorney, or any independent counsel review, consider, or investigate complaints or issue advisory opinions related to matters which do not involve

city business or operations or which, in the opinion of the city administrator, city attorney, or any independent counsel, constitute campaign or political questions or disputes, including but not limited to political remedies such as recall under K.S.A. 25-4301 *et seq.*

- (iii) Frivolous Complaints. Notwithstanding the foregoing procedures, the city administrator, city attorney, or independent counsel may also determine that a complaint is frivolous, or that repeated complaints are intended to disrupt essential functions of the city or harass a member of the governing body. If the city administrator, city attorney, or independent counsel makes such a determination, the city administrator, city attorney, or independent counsel shall present that finding to the mayor and (to the extent handled by the city attorney or independent counsel) the city administrator. If a determination has been made that a complaint is frivolous or is intended to disrupt essential functions of the city or harass an elected or appointed official, the mayor, city administrator, city attorney, or independent counsel may dismiss the complaint and the city may refuse to accept another complaint from the complainant for up to one (1) year following notice to the complainant. For the purposes of this provision, a frivolous complaint is a complaint that has no basis in law or fact, fails to state a legitimate claim, or is brought either in bad faith or for the purpose of harassment.

**Section 2.** Section 1-212 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, are hereby repealed. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

**PASSED** by the City Council of the City of Prairie Village, Kansas on \_\_\_\_\_, 2024.

**APPROVED:**

\_\_\_\_\_  
Eric Mikkelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Adam Geffert, City Clerk

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
David E. Waters, City Attorney

Document comparison by Workshare Compare on Wednesday, January 17, 2024 9:52:06 AM

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Document 1 ID	iManage://spencerfane-mobility.imanage.work/overlandpark/3668851/6
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Rendering set	Standard

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Total changes	23
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ORDINANCE NO. 2493

**AN ORDINANCE REGARDING THE CITY CODE OF ETHICS, AMENDING SECTION 1-212 (CODE OF ETHICS) OF ARTICLE 2 (GOVERNING BODY), CHAPTER I (ADMINISTRATION), OF THE CODE OF THE CITY OF PRAIRIE VILLAGE.**

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

**Section 1.** Section 1-212 of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

**1-212. – CODE OF ETHICS.**

(a) **Purposes, Policy, Goals, and Guidelines.**

- (i) The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels or governmental structures; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.
- (ii) Among other things, the purpose of this code is to establish guidelines for ethical standards of conduct for all officials by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics are in the best interests of the city.
- (iii) Elected and appointed members of the governing body of the city are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal consideration, recognizing that the public interest must be their primary concern. The conduct in both official and private affairs should be above reproach.

- (b) **Applicability.** This policy is intended to establish a code of ethics policy for all persons elected or appointed to the governing body. City employees are not covered by this policy, but the city administrator shall establish and maintain a comparable code of ethics policy for application to all city employees. Members of public committees shall be governed by the Code of Conduct set forth in City Council Policy CP001, as amended. The provisions of this code of ethics policy shall apply in addition to all applicable state and local laws. Violations of this code of ethics policy, by

themselves, are not offenses or violations of law for purposes of section 1-116 of the city code.

(c) **General Expectations of Conduct.** All members of the governing body should be loyal to the objectives expressed by the electorate, as understood by such members, and the programs developed to attain those objectives. Members of the governing body are expected to be civil and professional in the performance of their duties. Members are expected to not knowingly misrepresent information for the purpose of achieving a desired outcome. Members should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) **Requirements of and Actions Prohibited by the Code of Ethics.**

(i) **Fair and Equal Treatment.** Members of the governing body shall not discriminate on the basis of sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression of employees in their employment with the city or individuals in their use and enjoyment of the services, privileges, and advantages of the city. This provision does not prohibit the governing body from making appointments, filling vacancies, or otherwise engaging the public in such way as to include community members with diverse backgrounds based on sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression.

(ii) **Conflicts of Interest.** As used in this code, the terms "local governmental officer" and "substantial interest" shall have such meanings as are provided by K.S.A. 75-4301a(a), as amended.

(A) As provided in K.S.A. 75-4304, as amended, no local governmental officer shall, in the capacity of such an officer, make or participate in the making of a contract with any person or business by which the officer is employed or in whose business the officer has a substantial interest. A local governmental officer does not make or participate in the making of a contract if the officer abstains from any vote in regard to the contract. This subsection shall not apply (1) if the contract is let after the competitive bidding has been advertised for by public notice, or (2) when a contract is for property or services for which the price or rate is fixed by law.

(B) As provided in K.S.A. 75-4305, as amended, any local governmental officer who has not filed a disclosure of substantial interests as required by law shall, before acting upon any matter which will affect any business in which the officer has a substantial interest, file a written report of the

nature of the interest with the Johnson County Election Office. A local governmental officer does not pass or act upon any matter if the officer abstains from any vote in regard to the matter.

- (C) Unless otherwise permitted by law and proper disclosure is made, no member of the governing body shall engage in or accept private or public employment or render services for pay or monetary consideration for a private or public interest when such employment or service is legally or clearly incompatible with the proper discharge of such member's official duties or would clearly impair such member's independent judgment or action in the performance of such member's official duties.

(iii) Private Benefit and Interests.

- (A) Members of the governing body shall not use their public office or position for their own private financial or personal gain or advantage of a kind that is not or could not be generally available to other citizens; nor for the private financial or similar personal gain or advantage of friends, relatives, or persons with whom the member is affiliated with in a non-governmental capacity.
- (B) To avoid creating the appearance of impropriety, undue influence, and impartiality, members of the governing body shall not appear on behalf of the private interests of any person or business entity before the city council, council committee of the whole, or any other commission, committee, or agency of the city to which they have been appointed, unless they are representing themselves, their spouse, or their minor child(ren). This provision does not prohibit a member of the governing body from attending city council, council committee of the whole, or any other commission, committee, or agency meetings in the performance of public or civic obligations.

(iv) Late Case Interest. No member of the governing body shall, after the termination of service or expiration of their term as a member of the governing body with the city, and for a period of one (1) year thereafter, knowingly act as a principal or as an agent for anyone other than the city in connection with any:

- (A) Judicial, administrative, or other proceeding, application, request for a ruling, or other determination;
- (B) contract; or
- (C) case, claim, charge, or controversy in which the city is party or threatened to be a party;

which arose during the term of the former member of the governing body, or in which he or she personally participated during the period of his or her service or tenure, or which was under his or her active consideration. This does not preclude former members from testifying in court on city-related matters.

- (v) Disclosure of Confidential Information. No member of the governing body, shall, without proper legal authorization, disclose confidential or privileged information provided to them in their official capacity concerning the property, government, or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself, or others. For the purposes of this subsection, “confidential or privileged information” includes any material information discussed in a closed or executive meeting that is specifically related to the basis for the closed or executive meeting and has not previously been made available to the public, and any record or information therein that has not previously been made available to the public and the member knows or should know is confidential or privileged.
- (vi) Gifts and Favors. No member of the governing body shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official: (A) accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties or (B) grant in the discharge of their duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (A) an occasional nonpecuniary gift or token of appreciation of only nominal value; (B) an award publicly presented in recognition of public service; (C) gifts or hospitality conferred on account of kinship or other personal, professional, or business relationships independent of the official status of the receiver; (D) invited attendance at receptions, events, luncheons, dinners, sporting events, or the like involving no substantial risk of undermining official impartiality; or (E) other gifts or invitations involving no substantial risk of undermining official impartiality or not clearly targeted at obtaining contractual or other business or financial arrangements from the member on behalf of the city.
- (vii) Misuse of City Property and Staff. Members of the governing body shall not use public resources that they may use in their official capacity (e.g., city-owned vehicles, city staff time, equipment, supplies, property, etc.) for private gain, personal purposes, or other activities not related to city business unless otherwise authorized by law or city policy. Prohibited activities that are not related to city business include using public resources to pursue personal commercial endeavors or conduct political activity, to include the activity prohibited by K.S.A. 25-4169a, and amendments thereto. Elected and appointed officials are expected to follow proper chains

of command through the mayor, the city administrator, and department heads.

- (viii) **Political Activity.** No member of the governing body shall promise an appointment to any municipal position as a reward for any political activity.
  
- (e) **Advisory Opinions.** Any member of the governing body may submit a written request to the city attorney for an advisory opinion regarding whether their own proposed actions or conduct would violate a provision of this code. A copy of such request and any advisory opinion shall be provided to the mayor and the city administrator. The member shall have the opportunity to present the member's interpretation of the facts at issue and of the applicability of provisions of this code before such advisory opinion is made. When determining if there is clear and convincing evidence that a member who is the subject of the alleged violation violated a provision of this code, the city attorney and any independent counsel shall presume that the member did not violate a provision of this code if the member has received an advisory opinion and acted in accordance with its provisions. Any advisory opinion provided by the city attorney shall not create an attorney-client relationship and shall not be considered subject to the attorney-client privilege.
  
- (f) **Self-Responsibility.** This code of ethics policy is intended to be self-enforcing and is an expression of the standards of conduct expected by the city. Therefore, a copy of this policy shall be provided to all members of the governing body as part of their public office orientation. Each member of the governing body is responsible for upholding these standards. The responsibility of knowing whether or not a given set of circumstances creates an ethical conflict and for acting appropriately rests solely with the individual.
  
- (g) **Complaints under the Code of Ethics; State or other Local Law.**
  - (i) **Generally.**
    - (A) If member of the governing body believes another member has violated any of the provisions of this code or other state or local law, the member with that belief should first advise the other member of their belief. If the member initiating the concern does not believe the matter has been satisfactorily resolved, such member may file a written complaint as provided below.
  
    - (B) Any allegation of a violation of any of the provisions of this code or other state or local law against a member of the governing body may be brought by any person and must be submitted in writing as a formal complaint to the attention of the city clerk. Such complaint must be signed and notarized. The city clerk shall forward the complaint to the

mayor, the city administrator, the city attorney, and the member accused of the violation.

(ii) Investigations.

- (A) Subject to subsections (j) and (k) below, the city attorney shall initially be responsible for investigating complaints and, if necessary, presenting investigative findings to the council committee of the whole. Alternatively, the city attorney may select, with the approval of the city administrator, independent counsel to conduct such investigations; provided, that nothing herein shall be deemed to require that the city attorney itself conduct any investigation if, in the reasonable opinion of the city attorney, the conduct of such an investigation would create any conflict with the role of the city attorney or other regulations applicable to licensed attorneys. Any independent counsel should have experience conducting investigations or in the area of governmental ethics.
- (B) The city attorney or independent counsel, as the case may be, shall investigate the complaint if they determine that the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law. If the city attorney or independent counsel does not believe the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law, the city attorney or independent counsel shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.
- (C) If the city attorney or independent counsel proceeds with an investigation, they will also determine whether the alleged violation of the provisions of this code would also constitute a violation of state or other local law.

(iii) Investigative Findings.

- (A) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is clear and convincing evidence that the member of the governing body who is the subject of the complaint violated any of the provisions of this code, they shall notify the mayor and the city administrator, and the city administrator shall coordinate the holding of a meeting of the council committee of the whole for consideration of such investigation. Prior to the meeting of the council committee of the whole, the city attorney or the independent counsel shall present the investigative findings to the official accused of the violation.

- (B) The city attorney or independent counsel shall present their investigative findings at the meeting of the council committee of the whole where the matter is discussed, and the governing body member who is accused of the violation shall have the right to present evidence on their behalf at the meeting. It is the expectation that such person accused will otherwise recuse themselves from discussion, deliberation, and debate on the matter. Failure to so recuse oneself shall constitute a separate and additional violation of the provisions of this code. After reviewing the investigative findings and the presentation of any evidence, the council committee of the whole will determine whether or not the member accused of the violation committed a violation of any of the provisions of this code.
  - (C) If the city attorney or independent counsel concludes that there is clear and convincing evidence that a governing body member has violated any of the provisions of this code and that such violation also constitutes a violation of state or other local law, the city attorney or independent counsel shall include this information in the investigative findings they present to the mayor, city administrator, and council committee of the whole.
  - (D) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is not clear and convincing evidence that the governing body member who is the subject of the complaint violated any of the provisions of this code or other state or local law, the city attorney or independent counsel shall not present the investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member accused of the violation.
- (i) **Penalties.** If the council committee of the whole determines a member of the governing body who is the subject of a complaint under this code committed a violation of any of the provisions of this code, the committee may recommend to the city council and the city council may approve one or more of the following actions:
- (i) No action be taken;
  - (ii) Requiring that the governing body member participate in ethics training. Failure to complete such training after it has been ordered by the city council shall constitute a separate and additional violation of the provisions of this code;
  - (iii) Issuing a written warning or an informal reprimand, or adopting a formal resolution of public censure; or



- (iv) The filing of a complaint or a referral for the institution of ouster proceedings as provided by and subject to the limitations established under applicable law; provided, and subject to the provisions of K.S.A. 60-1206, as amended, that any such complaint or referral recommended by the council committee of the whole and instituted by the governing body shall require a two-thirds (2/3) vote of the membership of the council committee of the whole and the governing body;
  - (v) Other lawful action that the city council deems appropriate, provided that such action is allowable under applicable law.
- (j) **Violations of State and other Local Laws.** Violations of state or other local laws by members of the governing body may involve independent proceedings and penalties. Notwithstanding the foregoing procedures, if a complaint alleges a violation of any state or other local law, or if the city attorney or independent counsel concludes that a governing body member has violated a provision of this code and/or any such violation constitutes a violation of state or other local law, the city administrator, city attorney, council committee of the whole, or city council may submit to the chief of police, the Kansas Governmental Ethics Commission, the Kansas Attorney General, the Johnson County District Attorney, or other appropriate official a request for review, investigation, or other appropriate action pursuant to state or local law, including but not limited to initiation of criminal or civil proceedings, forfeiture of office, or ouster proceedings if appropriate.
- (k) **Limitations on Investigations and Enforcement.**
- (i) **Generally.**
    - (A) This code acknowledges that mere political, personal, or policy disagreements cannot generally support a claim for a violation of the code of ethics unless a specific prohibition or requirement of the code is claimed to have been violated. Public officials have a wide variety of backgrounds, personalities, values, opinions, and goals, but despite this diversity, have all chosen to serve the public and act in the best interest of the community. A mere showing that a member of the governing body has a particular political or policy view or general opinion about a given issue, or is a member or employee of an organization that holds a particular political or policy view or general opinion about a given issue, will generally not suffice to show any violation of this code.
    - (B) Accordingly, and unless directed otherwise by the mayor, the city administrator, or the city council, the city attorney or independent counsel shall not generally be called upon to investigate complaints related to political, personal, or policy disagreements, or complaints related to the general

purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code.

- (C) if the city attorney or independent counsel finds that a complaint primarily involves political, personal, or policy disagreements, or complaints related to the general purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code, the city attorney or independent counsel shall not present any investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.
- (ii) Campaign or Non-City-Related Matters. Nothing herein shall be deemed to require that city staff, the city attorney, or any independent counsel review, consider, or investigate complaints or issue advisory opinions related to matters which do not involve city business or operations or which, in the opinion of the city administrator, city attorney, or any independent counsel, constitute campaign or political questions or disputes, including but not limited to political remedies such as recall under K.S.A. 25-4301 *et seq.*
- (iii) Frivolous Complaints. Notwithstanding the foregoing procedures, the city administrator, city attorney, or independent counsel may also determine that a complaint is frivolous, or that repeated complaints are intended to disrupt essential functions of the city or harass a member of the governing body. If the city administrator, city attorney, or independent counsel makes such a determination, the city administrator, city attorney, or independent counsel shall present that finding to the mayor and (to the extent handled by the city attorney or independent counsel) the city administrator. If a determination has been made that a complaint is frivolous or is intended to disrupt essential functions of the city or harass an elected or appointed official, the mayor, city administrator, city attorney, or independent counsel may dismiss the complaint and the city may refuse to accept another complaint from the complainant for up to one (1) year following notice to the complainant. For the purposes of this provision, a frivolous complaint is a complaint that has no basis in law or fact, fails to state a legitimate claim, or is brought either in bad faith or for the purpose of harassment.

**Section 2.** Section 1-212 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, are hereby repealed. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

**PASSED** by the City Council of the City of Prairie Village, Kansas on \_\_\_\_\_, 2024.

**APPROVED:**

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Eric Mikkelson, Mayor

**ATTEST:**

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Adam Geffert, City Clerk

**APPROVED AS TO LEGAL FORM:**

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David E. Waters, City Attorney

**MAYOR'S ANNOUNCEMENTS**  
**Monday, February 5, 2024**

Planning Commission	02/06/2024	7:00 p.m.
Tree Board	02/07/2024	6:00 p.m.
Diversity Committee	02/13/2024	4:00 p.m.
Presidents Day (City offices closed)	02/19/2024	
City Council	02/20/2024	6:00 p.m.

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**INFORMATIONAL ITEMS**  
**February 5, 2024**

1. Arts Council meeting minutes – September 13, 2023
2. Prairie Village Foundation meeting minutes – September 26, 2023
3. Arts Council meeting minutes – November 11, 2023
4. Diversity Committee meeting minutes – December 12, 2023
5. Environmental Committee meeting minutes – December 13, 2023
6. JazzFest meeting minutes – January 23, 2024
7. VillageFest meeting minutes – January 25, 2024
8. 2023 year-end crime statistics
9. February plan of action

**PRAIRIE VILLAGE ARTS COUNCIL | MEETING MINUTES**  
**Council Chambers, City Hall**  
September 13th, 2022  
5:30 pm

**BUSINESS MEETING**

*These minutes were recorded by Abby.*

Bonnie Limbird called the meeting to order at 5:43 pm. Council members present were Renee Duvall, Nickie Lee (city staff), Bonnie Limbird, Reese Naftel, Abby Margariel, Laurel Thomas, and Trudy Williams.

The agenda was approved unanimously.

**Public Participation:** none

Reese moved to the consent agenda. Consent agenda approved unanimously.

Bonnie gave the **City Council Report**.

- The 2024 city budget was passed.
  - There is a 4.5% actual increase.
  - Bonnie reported on budget details
- Several council members are up for election.
- We will look at a City Parks tour/presentation with the P&R committee to kick off creation of our Public Arts Fund priority list

Nickie gave the **Current Year Financial Update**. Nickie updated on city initiatives (Shop With a Cop, Tree Lighting) including the possibility to make donations to the public art fund.

**Old Business:** Council approved the cost of PVAC nametags for committee members up to \$350 which includes 14 name tags plus the setup cost (Trudy made the motion, and Reese seconded the motion.). Nickie will place the order.

**New Business:** Council approved an Amazon purchase totaling \$39 for the Arts Council's tool box replenishment per July discussion (Abby made the motion, and Laurel seconded the motion.) Nickie will place the order.

**Announcements:**

- Laurel announced her purchase of a veterinary practice in Lenexa: Parkway Animal Hospital!
- Abby gave an update on the Klein Collection exhibit at the Johnson County Museum and invited council members to join for Sukkot.

The Business Meeting adjourned at 6:10 pm.

**PLANNING MEETING**  
**6:00 pm**

**Past Show/Events**

The **JazzFest** tent for Arts Council was canceled for lack of available volunteers to work it, but the JazzFest overall was a big success again. No rain this year and great attendance with pre-COVID numbers!

The **July/August** exhibit featuring Shannon Trevethan & Shannon Brouk has been de-installed at City Hall. There were no sales. The smaller exhibit at the Meadowbrook Clubhouse will continue through the end of the year.

### **Upcoming Event Updates**

The **State of the Arts** exhibit was installed Saturday. It looks great! We're ready for the reception this evening, and we expect a large crowd.

The committee discussed options for State of the Art pickup, and if we should add a Friday option. Renee and Bonnie volunteer to be at City Hall on Friday to give artists another option.

The **November/December** exhibit needs a leader. Laurel volunteered.

The **2024 Call for Artists** needs marketing/promotion to solicit entries for 2024 exhibit spots. We only have only 2 entries so far.

### **Marketing Update**

The marketing team met last night. First priorities are about State of the Arts and 2024 exhibition applications. Second is the Payne & Paul show.

### **Planning Ahead**

**Community band.** Renee will take the lead without Alex Toepfer since he appears to be too busy, and will bring ideas soon.

The committee decided to table the discussion about the **council's commissions on sales** until a future meeting.

### **Ongoing/Future Meeting/Other**

No updates.

**Prairie Village Foundation**  
**Tuesday, September 26, 2023**  
**Minutes**

Attendance: Terrence Gallagher, Marti Hatridge, Kim Huyett, Cindy Jenny, Wes Jordan, Eric Mikkelson, Brooke Morehead, Marianne Noll, Inga Selders, Bretta Watkins, Staff: Meghan Boom

1. Welcome – Marianne Noll welcomed the board to the meeting.
2. Approval of minutes of March Meeting – Mayor Mikkelson moved to approve the minutes. Ms. Jenny seconded the motion and it passed unanimously. Mr. Gallagher abstained as he did not attend the referenced meeting.
3. Approval of Financial Report – Ms. Noll reminded the committee that the board had combined the Undesignated Fund, the Gingerbread Fund, and the Tree Lighting Fund to be one general fund which is why that balance appears high. Ms. Selders moved to approve the financial report. Ms. Watkins seconded the motion and it passed unanimously.
4. Marketing and Development – Ms. Noll reported on behalf of Mr. McKay Stangler. The marketing sub committee met earlier this spring to discuss marketing efforts. The subcommittee considered advertising in the Shawnee Mission Post. Ms. Noll shared prices ranging from \$250 to \$2,100 and asked the committee for feedback. Mr. Gallagher suggested considering advertising in the spring since we may receive free publicity due to the frequency of our events during the winter season. Ms. Jenny suggested sending more upfront press to our local news organizations to share the good we're doing in the community, like the police department offering car seats to families in need instead of giving tickets. Ms. Huyett suggested a face-to-face conversation with the Shawnee Mission Post about the good works, in addition to paid advertisement. Ms. Hatridge expressed support for paying to boost posts on social media. Mayor Mikkelson expressed continued support for doing those items expressed, but also considering doing something new, such as paid advertising, in addition to our previous efforts. Ms. Hatridge suggested increasing communication around Giving Tuesday. Mr. Gallagher asked for committee members with a talent for writing to join the committee to help craft these messages. The marketing committee will reconvene to discuss expanded efforts and report back with an "off season" marketing plan in January.

In the interim, the marketing committee will continue to develop news stories and advertise via social media. Ms. Huyett moved to set aside \$500 for advertising in the Shawnee Mission Post this fall. Mr. Jordan seconded the motion and it passed unanimously.

Ms. Noll recapped the 2022 personal donation letters effort. Of approximately 100 personal letters sent, three donations were received. Additionally, we send letters more broadly to



previous donors. Ms. Noll will circulate a list of previous donors and asked the committee members to think of names of potential donors to add to the list. The marketing committee will review the letter.

5. Event Reports and Budget Approval

A. Tree Lighting – Ms. Noll reminded the committee that this event is now funded through the Transient Guest Tax. One item in the budget increased due to the potential for a full stage rental as the stage owned by First Washington is in poor shape. There is a possibility that First Washington will purchase a new stage and there will not need to be a rental. Mayor Mikkelson moved to approve the budget. Mr. Gallagher seconded the motion and it passed unanimously.

B. Gingerbread House Party – Mr. Gallagher shared this is the same budget asked for in previous years. Everything outside of Mely’s costs have gone up. The total requested budget is \$3,400. The cost per participant was \$45 last year, and the committee recommends raising the cost to \$50 this year. Mr. Gallagher moved to adopt the projected budget and cost per participant. Seconded by Mayor Mikkelson and passed 9-1 with Ms. Morehead voting no.

C. Shop with a Cop – Ms. Noll shared the budget total of \$5,000. The Police Department handles this event in its entirety. Mayor Mikkelson moved to approve the budget. Mr. Gallagher seconded the motion and it passed unanimously.

6. Volunteers needed for Tree Lighting and Gingerbread House Party – Ms. Noll passed a sign-up sheet for event volunteers.

7. Recommended distribution of funds – Ms. Noll shared expenditures by various community organizations that the Foundations supports and outlined requests for donations. Mayor Mikkelson recommended reaching back out to the other food pantries. Ms. Noll stated that we can allocate funds again in January or by evote.

A. Codes Enforcement Fund	\$ 1,000
B. Johnson County Utility Assistance	\$ 1,000
C. Shawnee Mission Cares	\$ 1,000
D. Johnson County Christmas Bureau	\$ 500
E. Asbury Food Pantry	\$ 500

Mr. Gallagher moved to adopt the recommendations as presented. Ms. Jenny seconded the motion and it passed unanimously.

8. Donations to Individuals – Ms. Noll stated that twice in the last several months, she has been approached about directly supporting individuals in need. The Foundation has previously not funded individual causes due to the lack of a vetting process. If the board does decide to take up these causes, a policy would need to be put in place.

Mayor Mikkelson expressed his support of supporting the fallen Fairway officer due to his unique service to our community. Mr. Jordan expressed that it could be considered through the Police Department’s regular budget. Ms. Noll suggested Shop with a Cop as a potential activity for the children of the officer.

Another circumstance that Mayor Mikkelson was aware of was a Ukrainian Family living as refugees in our community. Ms. Buum will reach out to vetted organizations prior to our January meeting.

At this time, the board expressed supporting families or individuals in need through established funds versus on an individual basis.

9. Recap of past events

- A. VillageFest – The Foundation passed out items and engaged with many residents. Around \$200 was raised through the Pie Contest donations. Ms. Noll suggested moving table location inside City Hall closer to the pie contest.

- B. JazzFest – The Foundation raised around \$450 dollars and engaged with many residents.

- C. Back to School with a Firefighter – Ms. Selders reported that 9 students were helped through this cause. Village Church allowed the Foundation to use their bus to drive the children. The event was very heartwarming and successful. Ms. Noll expressed a need for more funds allocated to the event in the future as the Firefighters were coming out of pocket at the end of the event. Mr. Jordan reiterated that Chief Chick has really stepped up to help fund this event.

Mark your calendars for a meeting January 29, 2024 at 5 p.m.

Meeting adjourned at 7:20 p.m.

# PRAIRIE VILLAGE ARTS COUNCIL | MEETING MINUTES

MPR, City Hall

November 10th, 2023

5:30 pm

## BUSINESS MEETING

Bonnie Limbird called the meeting to order at 5:36 pm. Council members present were:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Abby Margariel                 | <input type="checkbox"/> Kellen Jenkins                           |
| <input checked="" type="checkbox"/> Amy Bagnall                    | <input checked="" type="checkbox"/> Laurel Thomas                 |
| <input checked="" type="checkbox"/> Bob Bahr                       | <input checked="" type="checkbox"/> Maddie Samuel                 |
| <input checked="" type="checkbox"/> Bonnie Limbird, council member | <input checked="" type="checkbox"/> Nickie Lee, staff member      |
| <input type="checkbox"/> Chad Herring, council member              | <input checked="" type="checkbox"/> Reese Naftel                  |
| <input checked="" type="checkbox"/> Gina Ciampi                    | <input type="checkbox"/> Renee Duvall                             |
| <input checked="" type="checkbox"/> Jessica Gattorna               | <input type="checkbox"/> Trudy Williams                           |
| <input checked="" type="checkbox"/> Joanna Polley                  | <input checked="" type="checkbox"/> Trinity Ready, student member |

The agenda was approved unanimously.

**Public Participation:** none

Bonnie gave the **City Council Report**.

- Bonnie was not re-elected to a second term to city council, and Chad did not run for re-election, so the Mayor will be appointing new chairs for 2024. Bonnie will stay involved with the Arts Council as much as possible though.
- The proposed Community Center design has kicked off. The design team is meeting with staff and key partners to understand the basic programming requirements and then there will be public meetings starting in January with a planned completion of schematic design and a construction cost estimate by September, so the item (a “want”) can go on the November 2024 ballot for the residents to decide.
- The new City Hall site plan has been approved by council along with a rough idea for the footprint and separation of activities. This item is a “need” and has multiple funding mechanisms with time constraints including ARPA funds. This will not be going to a public ballot.
- The Harmon Park main pavilion and restroom will be getting an upgrade and addition. Council approved a full renovation of the existing large pavilion to maintain its capacity and grow its amenities. The existing restroom that is attached to the pavilion will be demolished, and a new freestanding restroom structure with standard multi-stall gender-specific restrooms, an accessible non-gender restroom with an adult-changing table, and storage space will be built adjacent to the existing pavilion.

Nickie gave the **Current Year Financial Update**. The City Council previously approved our proposed public art fund policy, so the Arts Council unanimously approved the allocation for \$20,000 from our budget account to the new public art fund at this meeting.

**Old Business:** Bonnie gave a brief overview of the **KS Arts Symposium** she and Renee attended in Salina, but they’ll review it again when Renee is able to attend and share her observations and recap.

Official **PVAC name tags** were passed around. Members can take them home after the event or they can store them in the PVAC drawer in the council kitchen for safekeeping.

**New Business:** Arts Council unanimously approved the **2024 Exhibit calendar** framework.

Council also unanimously approved a maximum cost of \$325 for interested Arts Council members to attend the **Creative Connections breakfast** with Arts Council of JoCo. Interested members should email Nickie for the final head count, and she will make the purchase.

The Business Meeting adjourned at 6:15 pm.

## **PLANNING MEETING**

### **6:00 pm**

#### **Past Show/Events**

The **State of the Arts** exhibit has closed and was taken down on Saturday, 11/4. The reception was well attended and 4 pieces were sold. Renee did an AMAZING job managing and setting up for the show. Renee also created an additional pickup window time for artists on the last Friday of the exhibit, and that two hour afternoon window was well-utilized.

#### **Upcoming Event Updates**

Laurel has also done a great job managing our current exhibit and upcoming reception: **Debra Payne & Donna Paul**. This show is a little “moodier” than some of our most recent shows, but also very beautiful to look at.

**2024 Exhibit Planning** is underway. The call for entries has closed, and everyone should have received the email from Renee with login information to score the entries. We will finalize the invited artists at our special Saturday meeting, 11/11 at 1:00.

#### **Marketing & Communications**

Amy updated us that they weren't able to meet Monday as planned because both Renee & Kellen are under the weather.

#### **Planning Ahead**

Arts Council discussed our **gallery percentage of sales** and tentatively decided to:

- maintain current cost levels of **entry fees** for calls to cover our award amounts and so that artists have “skin in the game”;
- allow direct sales by artists at arts council-“curated” monthly shows (4 per year) and remove percentage of sales completely when it is direct sell;
- and lower the percentage from 40% to 10% for juried exhibits and monthly artists who don't want/aren't able to do direct sales. The 10% is to cover staff time.

It will be discussed further and voted on at our January 2024 meeting.

Bonnie updated the Arts Council on the Art Therapy Workshops being offered by Emporia State Univ. via a grant. She will forward the proposal to the committee for review.

Bonnie gave a brief overview and update on the Community Band idea. More info to follow.

Bonnie updated new members on the history of the ArtWalk and where it stands now. We hope to resurrect it if there is enough interest from the committee.

**End.**

## Prairie Village Diversity Committee Agenda

December 12, 2023

4:00 p.m.

### Prairie Village City Hall – Multi-Purpose Room

- **Call to Order** – Cole
- **Attendance** – Chi, Dennis, Etienne, George, Hazel, Ian, Karen, Rachael, Tim, Captain Washington
- **Approval of Agenda**
  - Hazel and Karen with motion, all approved
- **Land Acknowledgment**
  - Chi provided presentation of acknowledgement/statement
- **Opening Remarks/Welcome** – Cole
- **Approval of Meeting Minutes (10/10/23)**
  - Hazel and Dennis with motion, all approved
- **Presentations** – None
- **Public Participation** – None
- **Committee Discussion**
  - Etienne resigned committee seat
    - Working on organizing DEI parent group for school district; potentially reengage that group with committee later?
- **Project/Event Updates**
  - **MLK Event** – Hazel
    - Eventbrite invite will go out tomorrow
    - Capacity/goal is 800
  - **Panel** – David
    - Discussion notes:
      - Lots of text/small – consider how long it will take to read - will people read in entirety; are the smaller parts legible
      - Create more real estate by shrinking main image and headline?
      - If anything needs to be cut – consider QR code to webpage where complete text could live? Webpage would also be a good place for the ads, one on the panel probably makes the point
      - For remaining text, highlight/bold key words/statements for people who aren't reading in entirety
- **Old Business**
- **New Business**
  - **Incident at SM East**
    - Board meeting – strong attendance, many not aware they needed to submit their names online by noon so public comment was limited (and potentially there were some students that *did* submit, but weren't permitted to speak?)
    - Staff training was discussed, but there was a gap in the connection/benefit to student; need for actions that are measurable
    - Potential committee engagement:

## Prairie Village Diversity Committee Agenda

December 12, 2023

4:00 p.m.

### Prairie Village City Hall – Multi-Purpose Room

- Request their plan of action, with metrics
  - Request/invite East rep attends a meeting to discuss
  - Committee members join Sat meeting at Hilcrest Church with George
  - Motion: 1) Committee to join discussion with Black Student Solidarity Network, 2) draft a formal Statement (timed with start of new school board), and 3) formally request a plan of action from the school (include in statement)
  - Cole with motion, Hazel second, all approved (Chi draft, Hazel/Cole support)
- **Looking Ahead 2024**
  - January
    - Committee Meeting (Jan. 9<sup>th</sup>)
  - February
    - Village Voice issue covering March/April – submission deadline 2/5
    - Committee Meeting (Feb 13<sup>th</sup>)
  - March
    - Committee Meeting (Mar 12<sup>th</sup>)
  - April
    - Village Voice issue covering May/June – submission deadline 4/5
    - Committee Meeting (Apr 9<sup>th</sup>)
  - May
    - Committee Meeting (May 14<sup>th</sup>)
  - June
    - Village Voice issue covering July/August – submission deadline 6/5
    - Committee Meeting (Jun 11<sup>th</sup>)
  - July
    - Committee Meeting (Jul 9<sup>th</sup>)
  - August
    - Village Voice issue covering September/October – submission deadline 8/5
    - Committee Meeting (Aug 13<sup>th</sup>)
  - September
    - Committee Meeting (Sep 10<sup>th</sup>)
  - October
    - Village Voice issue covering November/December – submission deadline 10/5
    - Committee Meeting (Oct 8<sup>th</sup>)
  - November
    - Committee Meeting (Nov 12<sup>th</sup>)
  - December
    - Committee Meeting (Dec 10<sup>th</sup>)
- **Adjournment**
  - David and Hazel with motion, all approved

**The Prairie Village Environmental Committee met at 5:30 p.m. Wednesday December 13, 2023, in the Prairie Village City Hall multipurpose room. Recording Secretary Nathan Kovac.**

The meeting was called to order at 5:30 p.m.

Members in attendance: Chair Greg Shelton, Magda Born, Travis Carson, Johanna Comes, Richard Dalton, DAve Huyett, Nathan Kovac, Penny Mahon, Rick Wohlfarth and staff liaison Ashley Freburg.

Nathan made a motion to amend the agenda to remove item 4. *Welcome new committee members*. New members will be at the February meeting. Magda seconded the motion. All in favor.

Rich moved to approve the amended agenda. Dave seconded. All in favor.

Rick moved to approve the minutes of the prior meeting. Magda seconded. All in favor.

Old Business:

Greg presented a summary of the Committee's key priorities and worked through the list to assign leaders for each initiative for the year. The priorities and leader assignments are:

- Website updates - Stephanie
- Mayors Monarch Pledge - Johanna
- Single-use Plastics Mitigation - Rick
- Composting - Penny
- Renewable Energy - Travis
- Google Environmental Insights Dashboard – Nathan
- Public Transportation – Nathan
- Plug-In KC – Rick, Nathan
- Petting Zoo alternative for Village Fest – Johanna, Stephanie
- Sustainable Lawn – Rich, Travis, and Penny
- Herbicide/Pesticide Reduction - Magda
- Recycle Right – Dave, Rich
- Fireworks pollution mitigation – Magda
- Village Fest Booth - TBD
- Go Green Environmental Fair - TBD
- Overland Park Recycling Extravaganza - TBD

New Business:

1. Greg reviewed the 2023 CDP scorecard for the City of Prairie Village. We improved from 2022 to 2023, but still lag our regional peer group. Adaptation is an aspect of the Cities Race to Zero initiative that requires some specific actions to improve our scoring in this area, and we'll need to work on defining when and how we can accomplish improvements in this area over the next couple of years to improve our overall score.

2. Rick presented policy options that other communities have pursued or adopted to support reduced use of single-use plastics. Next steps are to coordinate with staff on discussing the policy and plan recently adopted by the City of Lawrence, Kansas.

Announcements:

- 2024 meeting schedule and recording secretary assignments will be shared at the January 2024 meeting
- 2025 budget planning will begin at the January 2024 meeting.
- Committee applications and reappointments are due by the end of December. If you're up for reappointment please let Ashley and Greg know if you'd like to be reappointed.
- We currently have two open seats and those new members will be welcomed at the February 2024 meeting.

Adjourn

Nathan made a motion to adjourn the meeting. Rich seconded. All in favor. The meeting adjourned at 6:46 pm.



**Prairie Village Jazz Fest 2024**  
**Committee Meeting**  
Tuesday January 23, 2024, 5:30 p.m.  
Multipurpose Room

Attendees

Dave Hassett	Food and Beverage Chair
Amanda Hassett	VIP Chair
Dave Robinson	City Council Liaison
J.D. Kinney	Special Events Coordinator, Committee Chair
Joyce Hagen Mundy	Volunteer Chair
Elissa Andre	Marketing Chair
John Wilinski	Artist Relations and Backstage Chair
Mary Ann Watkins	Community Member

**Committee Chair's Report**

Prairie Village Jazz Fest will be held in Harmon Park on Saturday, September 7, 2024, from 3:00 pm until 10:00 pm

Dave Robinson will remain as Council Liaison to the Jazz Fest Committee for 2024.

**Talent**

John Wilinski recommended the return of a dedicated, staffed Artist Meet and Greet Tent. A 10x10 pop up on the hill west of the entrance gates was discussed. Final location to be determined.

More vegan/meatless options to be added to the backstage/crew food provisions.

Committee members agreed that the inclusion of Libby Morris (Miss Kansas Pre Teen) at 2023 enhanced the community feel of the event. As at the Mayor's Holiday Tree Lighting, where one or more noted community members are recognized and help to light the tree, the Committee would like to find Prairie Village community members who would be willing to be recognized from the stage during Jazz Fest and help introduce an act.

**F&B**

Construction of the new park in the area of the Harmon Park Pavilion, tennis courts, circle drive and existing playground may impact the layout and location of the food trucks and the main beverage tent.

We will require more credit/debit card terminals at the beverage tent and at the main entrances. In the beverage tent it was discussed that Kansas law no longer requires a physical separation between alcoholic and nonalcoholic beverages, and that a dedicated soda/water line was no longer needed. Adding an additional beverage line and allowing sales of any beverage at any line should aid in speed of service.

Additional rented chest coolers to be added to chill wine and keep beer varieties separate for quicker selection and service at the time of purchase

A price increase for premium/import beers to \$6 and keeping the price of domestic beers at \$5 was discussed. With the increased availability of credit/debit terminals in 2023, cash sales declined. In past years raising the beverage price to \$6 would create a need for a lot more dollar bills to make change. The mix of credit/debit vs cash may cause this to be less of a concern.

The Funnel Cake Truck is interested in Jazz Fest. A link was sent to Dave Hassett

Dave Hassett reported that The Mad Greek, Polar Oasis, and Butterfluff Popcorn have all committed to Jazz Fest 2024

Quench Buggy has asked if they will be invited for Jazz Fest. Drainage from the Quench Buggy flowed into the beer tent in 2023. A different location for the Quench Buggy should be considered if the beverage sales tent remains in its usual location. Park construction may necessitate the relocation of the Quench Buggy due to access to potable water supply

#### **VIP Area**

VIP layout and location may be impacted by park construction. Larger tent space may be considered and a dedicated beverage station separate from the beverage tent may be necessary if the beverage tent moves.

#### **Infrastructure**

A fence perimeter surrounding the skate park should be planned for to keep attendees out of the skate park before and during the performances.

Temporary low level lighting along the hill sidewalk might improve safety.

Need more temporary trash and recycling receptacles.

Location of the portapotties in the circle drive may be impacted by park construction.

#### **Marketing**

Traditional marketing mix including Johnson County Post, The Bridge FM and KCUR to be pursued. 2024 pricing to be added to the budget as soon as it is available.

Continued transition to using the updated "10 Year" Jazz Fest logo.

Even with warm weather in 2023, we still disposed of unused fans. Could probably reduce quantity to 1,000 for 2024

New beverage koozies to be ordered (updated logo). All the previous ones have been sold.

#### **City Committees/Exhibitor Tents**

State Farm has requested a marketing spot for 2024

Johnson County Public Library to advise if they would like a tent again in 2024

Dave Robinson is no longer Council Liaison to the PV Foundation. He will speak with McKay Spangler about a Foundation booth in which they will sell past year JazzFest promotional items and t-shirts

The next JazzFEst Committee meeting will be held Tuesday, February 27, 2024, in the Multipurpose Room at PV City Hall at 5:30 pm

The meeting concluded at 6:45 p.m.

Respectfully submitted: JD Kinney

## VillageFest 2024

Meeting Information	
Location	Multipurpose Room - PV City Hall
Date & Time	Thursday January 25, 2024 5:30PM - 6:30PM
Attendees	<ul style="list-style-type: none"><li>● Amber Fletcher</li><li>● JD Kinney</li><li>● Steve Meyer</li><li>● Alaina Wilby</li></ul>

Discussion Notes	
Committee Chair's Report	<ul style="list-style-type: none"><li>● We will have a new liaison with PVPD with the retirement of Sgt. Luke Roth.</li><li>● We will make arrangements for the mayor to be heard better from the Fire Department's bucket.<ul style="list-style-type: none"><li>○ Check with DJ to see if he has ideas.</li></ul></li></ul>
Pancake Breakfast	<ul style="list-style-type: none"><li>● We will have 3 credit card terminals this year, this will require an additional table and person to man the terminal.</li><li>● \$6 price per plate again.</li><li>● Considering adding water up at pancake breakfast for those who can't/don't want to drink caffeine or sugar.</li></ul>
Patriotic Program	<ul style="list-style-type: none"><li>● Kristy Lambert is confirmed.</li></ul>
Spirit Awards	<ul style="list-style-type: none"><li>● Nominations are open.</li></ul>

KS National Guard History Museum and Display	<ul style="list-style-type: none"> <li>● SgtMaj Byers has been deployed but has forwarded our request to Captain Anthony Braun.</li> </ul>
History Display	<ul style="list-style-type: none"> <li>● Steve Noll has been emailed to see if we can have a similar display like last year.</li> </ul>
Vendors and Exhibitors	<ul style="list-style-type: none"> <li>● Polar Oasis is confirmed. They will be bringing 2 trucks to manage their lines better. One will be in their usual spot and the other by the entrance to the skate park and will use skate park electrical box.</li> <li>● Rex Nolen confirmed for popcorn, cotton candy, and lemonade.</li> <li>● Water One Quench Buggy is confirmed.</li> <li>● Morty's Hot Dog most likely unable to participate so we are looking for an additional vendor.</li> </ul>
Live Entertainment	<ul style="list-style-type: none"> <li>● Mr. Stinky Feet is confirmed.</li> <li>● Multiphonics is confirmed.</li> <li>● American Waste Systems (Stage) is confirmed.</li> <li>● Amazing Alex Balloon Twisting confirmed</li> <li>● Sterling Silver Sound confirmed.</li> <li>● Sister Act - confirmed and adding an additional face painter to reduce wait times. <ul style="list-style-type: none"> <li>○ 2 hair painters, 6 face painters, 1 bubble guy</li> </ul> </li> </ul>
Pie Contest	<ul style="list-style-type: none"> <li>● We want to randomize judge assignments.</li> <li>● Need to evaluate the need for supplies: film for camera, carry-out containers, pie plate to be engraved, winners ribbons.</li> </ul>
Activities	<ul style="list-style-type: none"> <li>● Reached out to Fun Services and will use "Tri Jump" in the back of the climbing wall to reduce lines.</li> </ul>

	<ul style="list-style-type: none"> <li>● Petting Zoo and Pony Rides: Expressed desire to have more supervision around animals and we will be adding 4 additional ponies pending pricing.</li> <li>● Military Vehicles: Huey helicopter confirmed, looking to add more jeeps.</li> <li>● Children’s Craft Area: Will see if the PV Environmental Committee is interested again.</li> <li>● The Little Village: Will expand the footprint of the play area within hay bales and add another junior bounce house.</li> <li>● Yard Games - TBD</li> </ul>
Giveaways	<ul style="list-style-type: none"> <li>● We have some bags left over from last year, will inventory and then purchase more based on need.</li> </ul>
Infrastructure	<ul style="list-style-type: none"> <li>● Considering not renting porta potties this year as bathrooms are available in the community center and city hall. We may need them if the Harmon Park rebuild is not complete.</li> </ul>
Marketing	<ul style="list-style-type: none"> <li>● Sign Gypsies will put up a yard sign on the hill (near the info booth) that says “Happy 4th of July - VillageFest 2024.”</li> <li>● Mission Road Banners - Light pole banners go up after Juneteenth.</li> <li>● Park Vinyls to be installed after Juneteenth.</li> <li>● 75th Street banner should be good for many years without revision.</li> </ul>
Next Meeting	<ul style="list-style-type: none"> <li>● February 22, 2024 at 5:30pm</li> </ul>

# PRAIRIE VILLAGE ANNUAL (Q1-Q4) CRIME REPORT - 2023

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Calls For Service</b>							
Calls By Officers	7,259	6,581	7,068	7,803	8,503	7,442.8	1060.2
Calls By CSOs	1,033	1,101	980	974	1,027	1023.0	4.0
<b>Calls For Service Total</b>	<b>8,292</b>	<b>7,682</b>	<b>8,048</b>	<b>8,777</b>	<b>9,530</b>	<b>8,465.8</b>	<b>1,064.2</b>
<b>Offenses</b>							
Burglary Residence	21	14	22	18	20	19.0	1.0
Aggravated Burglary	6	7	18	10	8	9.8	-1.8
Burglary Business / Church / Other	1	4	2	9	1	3.4	-2.4
Arson	0	0	0	1	0	0.2	-0.2
Assault / Battery	89	66	85	82	79	80.2	-1.2
Criminal Damage	79	84	85	108	107	92.6	14.4
Forgery	11	9	8	9	11	9.6	1.4
Fraud	48	72	65	78	73	67.2	5.8
Homicide	0	1	1	0	0	0.4	-0.4
Rape	3	2	5	4	3	3.4	-0.4
Robbery	4	4	3	3	2	3.2	-1.2
Sex Offenses	7	7	9	12	7	8.4	-1.4
Trespassing	7	12	10	0	3	6.4	-3.4
Weapons Violations	11	8	4	4	12	7.8	4.2
<b>Offenses Total</b>	<b>287</b>	<b>290</b>	<b>317</b>	<b>338</b>	<b>326</b>	<b>311.6</b>	<b>14.4</b>
<b>Thefts</b>							
All Other Theft	55	53	39	51	52	50.0	2.0
Auto Theft	36	42	56	63	50	49.4	0.6
Shoplifting	31	23	20	24	25	24.6	0.4
Theft from Building	42	34	31	24	43	34.8	8.2
Theft from Motor Vehicle	63	64	93	105	56	76.2	-20.2
Theft of Motor Vehicle Parts	9	10	18	17	17	14.2	2.8
<b>Thefts Total</b>	<b>236</b>	<b>226</b>	<b>257</b>	<b>284</b>	<b>243</b>	<b>249.2</b>	<b>-6.2</b>
<b>Arrests</b>							
Alcohol Related	28	42	24	16	11	24.2	-13.2
Drug Arrests	113	85	61	59	73	78.2	-5.2
DUI	105	113	113	91	105	105.4	-0.4
<b>Arrests Total</b>	<b>246</b>	<b>240</b>	<b>198</b>	<b>166</b>	<b>189</b>	<b>103.9</b>	<b>85.1</b>
<b>Accidents</b>							
No Injury	289	146	183	182	204	200.8	3.2
Injury	60	46	63	59	66	58.8	7.2
Hit and Run Accidents	48	26	33	31	34	34.4	-0.4
Private Property	36	6	3	1	0	9.2	-9.2
Fatal	0	0	0	0	0	0.0	0.0
<b>Accidents Total</b>	<b>433</b>	<b>224</b>	<b>282</b>	<b>273</b>	<b>304</b>	<b>303.2</b>	<b>0.8</b>

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Crime Prevention</b>							
Open Door (Garage / Car)	322	507	512	354	291	397.2	-106.2
Residence Checks	175	84	83	74	77	98.6	-21.6
House Checks	450	180	258	427	619	386.8	232.2
<b>Crime Prevention Total</b>	<b>947</b>	<b>771</b>	<b>853</b>	<b>855</b>	<b>987</b>	<b>882.6</b>	<b>104.4</b>
<b>Miscellaneous</b>							
Failure to Yield	0	0	82	79	131	58.4	72.6
Medical Calls	465	473	551	860	1,321	734.0	587.0
<b>Mental Health Total</b>	<b>176</b>	<b>300</b>	<b>271</b>	<b>238</b>	<b>281</b>	<b>253.2</b>	<b>27.8</b>
Traffic Stops	8,651	6,509	7,438	5,231	7,071	6980.0	91.0
<b>Miscellaneous Total</b>	<b>9,292</b>	<b>7,282</b>	<b>8,342</b>	<b>6,408</b>	<b>8,804</b>	<b>8,025.6</b>	<b>778.4</b>



# MISSION HILLS

## ANNUAL (Q1-Q4) CRIME REPORT - 2023

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Calls For Service</b>							
Calls By Officers	1,490	1,275	1,424	1,654	1,731	1,514.8	216.2
Calls By CSOs	70	78	70	105	98	84.2	13.8
<b>Calls For Service Total</b>	<b>1,560</b>	<b>1,353</b>	<b>1,494</b>	<b>1,759</b>	<b>1,829</b>	<b>1,599.0</b>	<b>230.0</b>
<b>Offenses</b>							
Burglary Residence	10	2	13	9	9	8.6	0.4
Aggravated Burglary	4	2	12	6	4	5.6	-1.6
Burglary Business / Church / Other	1	0	0	0	0	0.2	-0.2
Arson	0	0	0	0	0	0.0	0.0
Assault / Battery	2	12	6	7	5	6.4	-1.4
Criminal Damage	11	14	25	21	30	20.2	9.8
Forgery	1	0	1	0	1	0.6	0.4
Fraud	8	10	12	27	8	13.0	-5.0
Homicide	0	0	0	0	0	0.0	0.0
Rape	0	0	0	0	0	0.0	0.0
Robbery	0	0	0	0	0	0.0	0.0
Sex Offenses	0	0	0	1	0	0.2	-0.2
Trespassing	1	1	0	0	0	0.4	-0.4
Weapons Violations	0	0	0	0	3	0.6	2.4
<b>Offenses Total</b>	<b>38</b>	<b>41</b>	<b>69</b>	<b>71</b>	<b>60</b>	<b>55.8</b>	<b>4.2</b>
<b>Thefts</b>							
All Other Theft	10	5	6	9	4	6.8	-2.8
Auto Theft	10	10	15	21	7	12.6	-5.6
Shoplifting	0	0	0	0	1	0.2	0.8
Theft from Building	6	7	3	6	5	5.4	-0.4
Theft from Motor Vehicle	8	21	27	42	24	24.4	-0.4
Theft of Motor Vehicle Parts	0	1	4	3	2	2.0	0.0
<b>Thefts Total</b>	<b>34</b>	<b>44</b>	<b>55</b>	<b>81</b>	<b>43</b>	<b>51.4</b>	<b>-8.4</b>
<b>Arrests</b>							
Alcohol Related	8	7	3	0	2	4.0	-2.0
Drug Arrests	13	14	17	8	9	12.2	-3.2
DUI	22	22	14	13	17	17.6	-0.6
<b>Arrests Total</b>	<b>43</b>	<b>43</b>	<b>34</b>	<b>21</b>	<b>28</b>	<b>16.9</b>	<b>11.1</b>
<b>Accidents</b>							
No Injury	30	19	21	24	22	23.2	-1.2
Injury	2	6	8	4	4	4.8	-0.8
Hit and Run Accidents	6	6	3	10	5	6.0	-1.0
Private Property	1	0	0	1	0	0.4	-0.4
Fatal	0	1	0	0	0	0.2	-0.2
<b>Accidents Total</b>	<b>39</b>	<b>32</b>	<b>32</b>	<b>39</b>	<b>31</b>	<b>34.6</b>	<b>-3.6</b>

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Crime Prevention</b>							
Open Door (Garage / Car)	221	162	152	117	129	156.2	-27.2
Residence Checks	81	53	46	58	27	53.0	-26.0
House Checks	454	233	464	323	482	391.2	90.8
<b>Crime Prevention Total</b>	<b>756</b>	<b>448</b>	<b>662</b>	<b>498</b>	<b>638</b>	<b>600.4</b>	<b>37.6</b>
<b>Miscellaneous</b>							
Failure to Yield	0	0	21	12	30	12.6	17.4
Medical Calls	29	35	47	81	79	54.2	24.8
Mental Health Total	16	28	20	30	40	26.8	13.2
Traffic Stops	3,191	1,993	2,303	2,098	3,031	2523.2	507.8
<b>Miscellaneous Total</b>	<b>3,236</b>	<b>2,056</b>	<b>2,391</b>	<b>2,221</b>	<b>3,180</b>	<b>2,616.8</b>	<b>563.2</b>

## PRAIRIE VILLAGE / MISSION HILLS ANNUAL (Q1-Q4) CRIME REPORT - 2023

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Calls For Service</b>							
Calls By Officers	8,749	7,856	8,492	9,457	10,234	8,957.6	1276.4
Calls By CSOs	1,103	1,179	1,050	1,079	1,125	1107.2	17.8
<b>Calls For Service Total</b>	<b>9,852</b>	<b>9,035</b>	<b>9,542</b>	<b>10,536</b>	<b>11,359</b>	<b>10,064.8</b>	<b>1,294.2</b>
<b>Offenses</b>							
Burglary Residence	31	16	35	27	29	27.6	1.4
Aggravated Burglary	10	9	30	16	12	15.4	-3.4
Burglary Business / Church / Other	2	4	2	9	1	3.6	-2.6
Arson	0	0	0	1	0	0.2	-0.2
Assault / Battery	91	78	91	89	84	86.6	-2.6
Criminal Damage	90	98	110	129	137	112.8	24.2
Forgery	12	9	9	9	12	10.2	1.8
Fraud	56	82	77	105	81	80.2	0.8
Homicide	0	1	1	0	0	0.4	-0.4
Rape	3	2	5	4	3	3.4	-0.4
Robbery	4	4	3	3	2	3.2	-1.2
Sex Offenses	7	7	9	13	7	8.6	-1.6
Trespassing	8	13	10	0	3	6.8	-3.8
Weapons Violations	11	8	4	4	15	8.4	6.6
<b>Offenses Total</b>	<b>325</b>	<b>331</b>	<b>386</b>	<b>409</b>	<b>386</b>	<b>367.4</b>	<b>18.6</b>
<b>Thefts</b>							
All Other Theft	65	58	45	60	56	56.8	-0.8
Auto Theft	46	52	71	84	57	62.0	-5.0
Shoplifting	31	23	20	24	26	24.8	1.2
Theft from Building	48	41	34	30	48	40.2	7.8
Theft from Motor Vehicle	71	85	120	147	80	100.6	-20.6
Theft of Motor Vehicle Parts	9	11	22	20	19	16.2	2.8
<b>Thefts Total</b>	<b>270</b>	<b>270</b>	<b>312</b>	<b>365</b>	<b>286</b>	<b>300.6</b>	<b>-14.6</b>
<b>Arrests</b>							
Alcohol Related	36	49	27	16	13	28.2	-15.2
Drug Arrests	126	99	78	67	82	90.4	-8.4
DUI	127	135	127	104	122	123.0	-1.0
<b>Arrests Total</b>	<b>289</b>	<b>283</b>	<b>232</b>	<b>187</b>	<b>217</b>	<b>120.8</b>	<b>96.2</b>
<b>Accidents</b>							
No Injury	319	165	204	206	226	224.0	2.0
Injury	62	52	71	63	70	63.6	6.4
Hit and Run Accidents	54	32	36	41	39	40.4	-1.4
Private Property	37	6	3	2	0	9.6	-9.6
Fatal	0	1	0	0	0	0.2	-0.2
<b>Accidents Total</b>	<b>472</b>	<b>256</b>	<b>314</b>	<b>312</b>	<b>335</b>	<b>337.8</b>	<b>-2.8</b>

	2019	2020	2021	2022	2023	Average	2022+/-
<b>Crime Prevention</b>							
Open Door (Garage / Car)	543	669	664	471	420	553.4	-133.4
Residence Checks	256	137	129	132	104	151.6	-47.6
House Checks	904	413	722	750	1,101	778.0	323.0
<b>Crime Prevention Total</b>	<b>1,703</b>	<b>1,219</b>	<b>1,515</b>	<b>1,353</b>	<b>1,625</b>	<b>1,483.0</b>	<b>142.0</b>
<b>Miscellaneous</b>							
Failure to Yield	0	0	103	91	161	71.0	90.0
Medical Calls	494	508	598	941	1,400	788.2	611.8
Mental Health Total	192	328	291	268	321	280.0	41.0
Traffic Stops	11,842	8,502	9,741	7,329	10,102	9503.2	598.8
<b>Miscellaneous Total</b>	<b>12,528</b>	<b>9,338</b>	<b>10,733</b>	<b>8,629</b>	<b>11,984</b>	<b>10,642.4</b>	<b>1,341.6</b>



# THE CITY OF PRAIRIE VILLAGE

## STAR OF KANSAS

DATE: January 28, 2024

TO: Mayor Mikkelson  
City Council

FROM: Wes Jordan 

SUBJECT: FEBRUARY PLAN OF ACTION

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

- 4<sup>th</sup> Quarter Crime Stats - Chief (02/24)
- Volunteer Committee Appointments - Staff (02/24)
- Annual Committee Member Training - Adam/Meghan (02/24)
- 2025 Budget Calendar Review and Presentation - Jason/Nickie/Wes (02/24)
  - Budget Presentation Notification to Committees
- Village Voice Articles/Publication - Ashley (02/24)
- 2023 Audit Preparation - Jason (02/24)
- Teen Council Presentations - Staff (02/24)
- Preparing Annual Police Pension Statements - Cindy (02/24)
- Mayor's Prayer Breakfast - Ashley (02/24)
- 2024 Exterior and Sustainability Grant Applications - Nickie (02/24)
- Black History Month Proclamation - Adam/Tim (02/24)

### In Progress

- NLC Conference Planning - Meghan (01/24)
- Annual Health Risk Assessments - Cindy (01/24)
- Council Service Longevity - Adam (01/24)
- Pension Board Trustees Meeting - Cindy/Tim (01/24)
- Forfeiture Trust Fund Report/Presentation - Chief (01/24)
- Lifeguard and Pool Operational Staff Hiring - Meghan (01/24)
- Carbon Reduction/EV Charging Station - Wassmer Park - Keith (01/24)
- Safe Streets for All Grant/Citywide Traffic Study - Keith (01/24)
- City Attorney Appointment Process - Wes (01/24)
- 4<sup>th</sup> Quarter Financial Report - Jason (01/24)
- Council Work Session - Meghan (12/23)
- Update Code of Ethics Ordinance & Enforcement - David/Wes (11/23)
- Annual Volunteer Applications for Committees - Staff (11/23)
- 2023 Annual Report - Ashley (11/23)

- Annual Community Garden applications/renewals - Ashley (11/23)
- Project Updates and Cleanup to Website - Staff (08/23)
- Housing Forum follow Up discussion in R-2/R-3/R-4/Commercial - Nickie/Chris (08/23)
- Update Design Guidelines in R1-B - Nickie/Chris (05/23)
- Short Term Rental Update - Nickie/Chris (05/23)
- Research Federal Infrastructure/Job Act Grants - Jason/Nickie/Keith (12/22)
- Park Sign Replacement and Branding Process - Melissa (09/22)
- Recycle Right Initiative - Ashley/Adam (07/22)
- Subdivision Regulations Amendments/Easement Vacation - Nickie/Chris (04/22)
- Agenda Management Software Evaluation - Adam/Ashley (12/21)
- Phone System Replacement - IS (11/21)
- American Rescue Plan Act Fund Uses & Expiration - Staff (04/21)
- Research Viability of Interior Rental Inspections - Nickie (06/19)

### Completed

- JCPRD Programming - Meghan (01/24)
- Local Government Day in Topeka - Nickie (01/24)
- Superpass Agreement - Meghan (01/24)
- Master Personnel Spreadsheet Updates - Cindy/Tim/Jason (01/24)
- Updating 2024 Deductions and Compensation - Cindy/Tim (01/24)
- Finalizing W-2's and Year-end Payroll - Cindy/Tim (01/24)
- 2024 Property Tax Rebate Program - Adam (01/24)
- JOCO Commissioners Report - Commissioner Fast (01/24)
- 2024 NE Chamber State of the Cities Presentation - Mayor/Staff (12/23)
- Conducting "Sign Sweep" of temporary signs - Nickie (11/23)
- Annual Meetings with external Elected Officials - Nickie (11/23)
- Summer Recreation Program and Fee Review - Meghan (09/23)
- Community Input Session #1/Community Center - Staff (01/24)
- 2023 Non-Health Insurance Midyear Evaluation - Jason/Nickie (12/23)

### Ongoing

- KERMIDA Sustainability Program Implementation - Meghan/Ashley (03/23)
- City Hall/PD Project - Melissa/Staff (04/3/22)
- Disaster Recovery Plan - Dan/Tim (03/22)
- Community Center Project - Staff

### Tabled initiatives

- Pool Mural Project - Meghan (04/21) [placed on hold until the Community Center is decided upon]

- Review & Update the City Code/Ordinances
- Review & update City Policies
- Single Use Plastic Bag Discussion - Staff (02/20) [pending Council direction]