



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
FEBRUARY 20, 2024**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 20, 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, Greg Shelton, Ian Graves, and Terrence Gallagher. Staff present: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney Alex Aggen, Hunter Law Group; Wes Jordan, City Administrator; Nickie Lee, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Jason Hannaman, Finance Director; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Gallagher made a motion to approve the agenda as presented. Mr. Graves seconded the motion, which passed 11-0.

INTRODUCTION OF STUDENTS AND SCOUTS

No students or scouts were present.

PRESENTATIONS

None.

PUBLIC PARTICIPATION

- Connie Carlyle, 7200 Canterbury Street, thanked the council for its consideration of reducing pickleball noise at Windsor Park.
- Leon Patton, Ward 5, shared his thoughts on various housing proposals.

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 - February 5, 2024



2. Consider appointment of committee members
3. Consider purchase request for police vehicles

Ms. Selders requested that item #2 be removed for further discussion.

Mr. Gallagher made a motion to approve items #1 and #3 of the consent agenda. A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Nelson, Sharp, Wolf, D. Robinson, Agniel, Shelton, Graves, Gallagher. The motion passed 11-0.

Ms. Selders asked why new Planning Commission appointee Melissa Temple was selected when she did not appear to have a background in architecture, design, or land use. Mayor Mikkelson stated that not all members of the commission had experience in those fields, and added that Ms. Temple’s project management experience in the technology sector would be valuable on the Planning Commission.

After further discussion, Mr. Graves made a motion to approve consent agenda #2. The motion was seconded by Mr. O’Toole and passed 11-0.

COMMITTEE REPORTS

Parks and Recreation Committee

- Consider temporary changes to the pickleball court configuration in Windsor Park

Ms. Wolf stated that at its January 16, 2024, meeting, the City Council considered the purchase of sound dampening materials for the pickleball courts located in Windsor Park. At that time, the matter was referred back to the Parks and Recreation Committee for further discussion of possible solutions to mitigate sound and traffic impacts on the neighborhood. The committee recommended the temporary removal of three nets from the courts to observe and study the impact of a court reduction prior to making a final recommendation on permanent mitigation efforts. Ms. Wolf stated that temporarily leaving nets on only two courts was also an option.

Mr. Bredehoeft provided background on how the court design was originally determined, and shared slides showing which courts would be temporarily closed. He noted that with six courts, it was possible for 24 people to be playing pickleball at the same time, and suggested that a potential remedy was to leave two pickleball courts and replace the other four with a tennis court. He added that if approved, the evaluation period would run through June.

Ms. Wolf said that the Parks and Recreation Committee was in favor of keeping pickleball in some capacity at Windsor Park permanently, either through a reduced number of courts, sound mitigation, or a combination of the two.



Mr. O'Toole stated that he favored temporarily leaving nets on two pickleball courts to effectively simulate what could be put in place as a permanent solution.

Ms. Sharp stated that it would be important to survey surrounding residents during the evaluation period to determine how effective the temporary solution had been.

Mr. Gallagher made a motion to temporarily remove nets from three pickleball courts at Windsor Park per the Parks and Recreation Committee's recommendation. Mr. Dave Robinson seconded the motion.

After further discussion, Mr. Gallagher withdrew his motion. Mr. Dave Robinson made a motion to temporarily remove nets from four pickleball courts at Windsor Park, leaving two open courts. Mr. Nelson seconded the motion, which passed 11-0.

Environmental Committee

- Consider mattress removal and reuse agreement with Sleepyhead Beds

Mr. Shelton said that in 2022, the Environmental Committee piloted a mattress pickup and recycling program with Sleepyhead Beds. The collection took place in conjunction with the annual large item trash pickup with mattresses collected on the Friday before each Saturday pickup date. In the first year, 460 mattresses were diverted from the Johnson County landfill. In 2023, 279 mattresses were collected.

Mr. Shelton noted that Sleepyhead Beds was a charitable organization founded in 2010 that took gently used, donated beds and bedding and distributed them to Kansas City area children and families in need, free of charge. He added that in 2022 and 2023, mattresses that were not in reusable condition were broken down so their components could be recycled by Avenue of Life. Unfortunately, Avenue of Life was no longer offering the service, and as a result, Sleepyhead Beds would only collect mattresses in good, reusable condition moving forward. Unusable mattresses would be left for the trash hauler to collect.

Residents can let the City know if they will be putting out mattresses during the pickup and indicate how many and what condition they are in, which can be done online at <http://pvkansas.com/pickupmymattress> until three days before the pickup. City staff will then provide a list to Sleepyhead Beds, who will visit each of the City's four pickup areas the Friday before trash crews will be in the area on Saturdays between April 20 and May 11.

Mr. Shelton made a motion to approve the mattress removal and reuse agreement with Sleepyhead Beds in conjunction with the annual large item trash pickup. Ms. Wolf seconded the motion, which passed 11-0.



MAYOR'S REPORT

- The Mayor shared information about events that had taken place since the prior council meeting:
 - The annual Mayor's Prayer Breakfast in Kansas City, MO
 - A council work session on February 10
 - The Belinder Elementary School's "Leader in Me" program event
 - A Johnson County / Wyandotte County Mayors meeting in Lenexa
 - MARC and UCS Board meetings
- The Mayor noted the following upcoming events:
 - A public feedback session for the proposed updates to City Hall and the justice center on Tuesday, March 26.
- The Mayor also noted the following:
 - Staff continued to monitor bills in Topeka that could affect the City
 - The Chiefs' Super Bowl victory parade, and the shooting after the event that killed well-known Johnson County resident Lisa Lopez-Galvan. He noted that several Prairie Village police officers were present at the event and assisted with the evacuation of attendees within Union Station.

STAFF REPORTS

- Chief Roberson provided an overview of the asset forfeiture trust fund program and shared details of circumstances in which assets were seized by the police department.
- Mr. Jordan provided an update on the petition case, noting that briefs were due by the end of the following week, and that a resolution was unlikely for several months.

OLD BUSINESS

None.

NEW BUSINESS

COU2024-12 Consider approval of the appointment of the assistant city attorney

Mayor Mikkelson stated the city attorney request for qualifications closed on January 12, 2024, with eight responses. After applications were received, the Mayor appointed a committee to assist in the review and interview process. Committee members included councilmembers Ron Nelson and Lauren Wolf, as well as staff members Wes Jordan, Nickie Lee, Meghan Buum, Tim Schwartzkopf, and Capt. Ivan Washington.

The selection committee reviewed the applications and provided feedback to the Mayor, after which five finalists were interviewed. At the conclusion of the meeting, Lauber



Municipal Law was the committee’s selection for assistant city attorney with Jeffery Deane designated as the primary attorney and Madison Touchstone in an assisting role. Mayor Mikkelson noted that the assistant city attorney generally only served when the city attorney had a conflict.

Mr. Deane and Ms. Touchstone introduced themselves and stated that they looked forward to working with the City.

Mr. Nelson made a motion to approve the appointment of Jeffrey Deane of Lauber Municipal Law as the assistant city attorney. The motion was seconded by Ms. Wolf and passed 11-0.

After approval, Mayor Mikkelson swore in Mr. Deane.

COU2024-06 Consideration of updated code of ethics

Mr. Aggen stated that the code of ethics, codified in Section 1-212 of the municipal 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 it. He noted that the proposed updates aimed to provide clearer expectations and a broader variety of enforcement mechanisms for potential violations.

At its January 16, 2024, meeting, the Council Committee of the Whole (CCoW) requested further review of the “Late Case Interest” section. Mr. Aggen noted that the updates were meant to clarify that a former member of the governing body could always exercise their free speech and opinion, but, for one year after termination of service on the governing body, were not to act as a “principal or agent” for another person in a specific proceeding, contract, or claim which arose during the term of the former member or in which the former member personally participated.

The goal of the ethical restriction for a one-year period was to avoid an appearance of impropriety. While discussion was raised concerning longer-term restrictions, including potentially scaling based on duration of service, this change was not meant to unfairly restrict members who professionally may regularly serve as a principal or agent, but provide a minimum standard to demonstrate to citizens that members of the governing body make their decisions without thought of an immediate turnaround for potential gain.

The CCoW recommended that the proposed updates be evaluated by the newly sworn-in city attorney prior to final approval. Mr. Aggen said that he had reviewed the history of the updates and the specific language used, and felt they addressed meaningful changes resulting from concerns of the governing body and were consistent with what the law allowed. He noted that the updates also incorporated elements from other cities while still seeking to ensure a cohesive and understandable code of ethics.



Ms. Sharp asked how the late case interest provisions could be enforced once a council member no longer served. Mr. Aggen said the language was primarily meant to set an expectation of behavior that councilmembers were willing to abide by, rather than focus on enforcement or punishment. Ms. Sharp stated that she felt the section still limited the free speech of former councilmembers.

Mr. Dave Robinson asked what would happen if a complaint was received against the Mayor, city administrator or city attorney, who would typically be reviewing received complaints. Mr. Aggen said that independent counsel could be used in such situations.

Mr. Dave Robinson made a motion to approve the updates to the code of ethics as presented. The motion was seconded by Mr. Graves. A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Nelson, Wolf, D. Robinson, Agniel, Shelton, Graves, Gallagher; “nay”: Sharp. The motion passed 10-1.

COU2024-13 Consider resolution clarifying the council’s intent that the public have an opportunity to vote for a community center

Ms. Selders stated that she and Ms. Sharp sought to affirm that if the council were to move forward with the consideration of a community center, it would be the intent of the council for approval of the project and its funding to be decided by a public vote. She noted that City staff had developed a resolution stating this and that she and Ms. Sharp had made edits that they felt more clearly stated their objective, which was included in the meeting packet as a “red line” version.

Ms. Selders made a motion to approve the “red line” version of Resolution 2024-01, but to omit the phrase “preferably at a special election this calendar year” from the last sentence. The motion was seconded by Ms. Sharp.

Mayor Mikkelson noted that an additional edited version had been provided by Mr. Shelton to councilmembers prior to the meeting. Mr. Shelton said that he felt the version he developed was a more precise accounting of what the council was doing and what steps would come next.

Mr. Gallagher stated that the language in the proposed resolution implied that a public vote would be held even if council were to vote against pursuing the construction of a community center. Mr. Aggen noted that the sentence stating “the governing body agrees that a decision of the magnitude should be and will be decided by a public vote” suggested a vote would be held regardless of the council’s decision.

Ms. Selders withdrew her original motion, and made a new motion to approve the red line version of Resolution 2024-01 with the following changes:



- Omitting of the phrase “preferably at a special election this calendar year” from the last sentence of the final recital
- Changing the phrase “Whereas, the governing body agrees that decision of this magnitude should be and will be decided by a public vote” in the fourth recital to “Whereas, the governing body desires to affirm its intention concerning whether the matter would be decided by a public vote.”
- Changing the phrase “the addition of a community center shall only be decided by a public vote” in the first recital to “the addition of a community center would be intended to be decided by public vote”.
- Changing the phrase “the governing body of the City of Prairie Village will put the decision regarding the funding and approval of the currently considered new community center to a public vote” to “the governing body of the City of Prairie Village intends to put the decision regarding the funding and approval of the currently considered new community center to a public vote.”

The motion was seconded by Ms. Sharp. A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Sharp, D. Robinson, Agniel. “nay”: Nelson, Wolf, Shelton, Graves, Gallagher. The motion passed 6-5.

Mr. Nelson made a motion for the City Council to move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Shelton and passed 11-0.

COUNCIL COMMITTEE OF THE WHOLE
COU2024-16 2025 Budget calendar

Mr. Hannaman said that staff created a budget planning calendar each year to schedule activities that must be completed to create and develop the annual budget. He noted that the calendar contained some flexibility if needed, but that staff intended for the presented timeline to be followed. The 2025 budget calendar, similar to the 2024 calendar, would allow for the City to meet all statutory deadlines as well as submit the budget for the Government Finance Officers Association (GFOA) award program.

Mr. Hannaman noted that this would be the third year operating under the full requirements of Senate Bill 13, which included a notification to residents from the county clerk in August regarding the revenue neutral rate, if applicable. The calendar included two separate scenarios: one scenario that exceeded the revenue neutral rate and one which did not exceed the rate. Mr. Hannaman added that the revenue neutral rate was equivalent to the tax rate in mills that would generate the same property tax in dollars as the previous tax year using the current tax year’s total assessed valuation. He noted that Johnson County would provide the City with the revenue neutral rate in June 2024, and that the current 2024 budget did exceed the revenue neutral rate.



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Ms. Wolf made a motion to approve the 2025 budget calendar as presented. Mr. Graves seconded the motion, which passed 11-0.

Council work session discussion

Mr. Dave Robinson provided a summary of the work session that was held on February 10, and noted that discussion had been held about holding another session in the fall. Mayor Mikkelson asked councilmembers to consider whether they were interested in meeting again.

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

ANNOUNCEMENTS

Announcements were included in the council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 8:32 p.m.

Adam Geffert
City Clerk