



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
SEPTEMBER 3, 2024**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 3, 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, Chi Nguyen, Dave Robinson, Greg Shelton, Nick Reddell, Ian Graves and Terrence Gallagher. Staff present: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Public Works; City Attorney Alex Aggen, Hunter Law Group; Nickie Lee, Deputy City Administrator; Meghan Boom, Assistant City Administrator; Jason Hannaman, Finance Director; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Dave Robinson made a motion to approve the agenda as presented. The motion was seconded by Mr. Gallagher and passed 10-0 [Mr. Reddell had not yet arrived].

**INTRODUCTION OF STUDENTS AND SCOUTS**

There were no students or scouts present at the meeting.

**PRESENTATIONS**

Mayor Mikkelson read proclamations recognizing Constitution Week and National Co-Responder and Crisis Responder Week. Chief Roberson acknowledged co-responders Erin Barger and Amy Hennes, and co-responder team leader Jen Melby provided statistical information about their work.

**PUBLIC PARTICIPATION**

- Anna Gepson, 5313 W. 70<sup>th</sup> Street, and Marjorie Benson, no address given, expressed their opposition to short-term rentals in the City.
- Barbara Cantrell, 8236 Nall Avenue, shared frustration about signage in her yard being vandalized.



### **CONSENT AGENDA**

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

1. Consider approval of regular City Council meeting minutes - August 19, 2024
2. Consider approval of expenditure ordinance #3041

**Mr. Nelson 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, Nguyen, D. Robinson, Shelton, Reddell, Graves, Gallagher. The motion passed 11-0.**

### **COMMITTEE REPORTS**

- Mr. Gallagher thanked pool staff for a successful season.
- Mr. Dave Robinson stated that the City’s annual JazzFest event would be held on September 7.
- Mr. Shelton noted that the Environmental Committee’s fall tree seminar would be held on September 25 at Meadowbrook Park.

### **MAYOR’S REPORT**

- The Mayor noted that he had attended the following events since the August 19 Council meeting:
  - A meeting of metro-wide elected officials and staff to discuss preparations for the 2026 World Cup event in Kansas City, Mo.
- The Mayor shared the following upcoming events:
  - A Johnson County / Wyandotte County Mayors meeting on September 11
  - The annual Shawnee Mission East Lancer Day parade on September 13
  - An event recognizing the police department at Mission Hills City Hall on September 9
- The Mayor also noted that planning would soon be underway for the City’s 75<sup>th</sup> anniversary in 2026

### **STAFF REPORTS**

- Ms. Prenger noted that the feasibility and condition assessment project for the church property located at 7820 Mission Road was underway.
- Ms. Buom provided a summary of the pool season, and recognized staff for their contributions.



- Chief Roberson shared details from the first-half crime report, and thanked Consolidated Fire District #2 for their efforts rescuing residents from a house fire the prior weekend.
- Mr. Jordan stated that Evergy would give a report at the October 7 Council meeting.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**COU2024-46**

**Public hearing to receive comments regarding the City exceeding the revenue neutral rate**

**Consider Resolution 2024-04 approving a tax rate of mill levy rate in excess of the revenue neutral rate for the 2025 budget year**

Mr. Hannaman said that Council had approved the preliminary budget at its June 17, 2024, meeting and approved the notice to exceed the revenue neutral rate on July 15, 2024. The proposed 2025 budget would maintain the same level of services as the 2024 budget and would transfer an additional \$1,150,000 to the Bond and Interest Fund in preparation for potential city hall improvements. Mr. Hannaman noted that the revenue neutral rate was defined as 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. The 2025 recommended budget was based on a total mill rate of 18.325, the same amount as 2024.

Mr. Hannaman added that per Senate Bill 13, the recommended budget required a public hearing to exceed the revenue neutral rate provided by the county clerk, which in Prairie Village would be 17.365 mills in 2025. Notice of intent to exceed the revenue neutral rate was provided to the county clerk prior to July 20 and the public hearing notice was published on July 22, 2024.

Mayor Mikkelson opened the public hearing to receive comments regarding the City exceeding the revenue neutral rate at 6:55 p.m.

- Resident Kirk Carpenter asked how much property taxes would increase based on the proposed budget. Mayor Mikkelson stated that for a home at the City's median value of \$404,000, City taxes would increase \$3 per month, or \$36 per year.
- Resident Paul Gorelick shared his support for the proposed budget and the budget process.

With no one else present to speak, Mayor Mikkelson closed the public hearing at 6:59.



**Mr. Nelson made a motion to approve Resolution 2024-04 approving a mill levy rate in excess of the revenue neutral rate for the 2025 budget year. The motion was seconded by Mr. Shelton.**

Ms. Sharp asked how much the budget would need to be reduced to maintain the existing revenue neutral rate. Mr. Hannaman stated the amount would be \$610,000. Ms. Sharp said that she felt Council should find a way to reduce the budget by that amount.

Mr. Gallagher noted that he had attended all staff budget meetings earlier in the year, and that cuts were made in nearly every department to reduce the amount of increase.

Mr. Shelton asked what portion of the budget's growth was due to the increased pay scale for the police department. Mr. Hannaman said that it totaled approximately \$425,000 for 2025, roughly two-thirds of the total increase.

Mr. Reddell stated that he didn't believe the City should be contributing money to charitable causes, such as United Community Services.

Ms. Sharp asked how much money in the budget was being set aside for the proposed municipal complex project. Mr. Hannaman stated the total was \$1.15 million.

**After further discussion, a roll call vote was taken with the following votes cast: "aye": C. Robinson, O'Toole, Selders, Nelson, Nguyen, D. Robinson, Shelton, Graves, Gallagher; "nay": Sharp, Reddell. The motion passed 9-2.**

**COU2024-47          Public hearing for the 2025 budget**

**Consider 2025 budget adoption**

Mr. Hannaman stated that the "all in number" for general fund expenditures in the 2025 budget represented a 1.3% increase over 2024, totaling \$32,005,383. Proposed increases included 6.4% for personnel, 2.8% for contract services, 3.4% for commodities, and a 7.4% decrease for capital outlay. The majority of the increase to the personnel budget would be applied to the police department, whereas the merit pool for other City employees was set at 4%. Mr. Hannaman added that the mill levy would remain flat at 18.325, and the fund balance would be slightly over its 25% target, at 25.1%.

At 7:25 p.m., Mayor Mikkelson opened the public hearing to receive comments regarding the proposed 2025 budget.

With no one present to speak, Mayor Mikkelson closed the public hearing at 7:26.

**Mr. Nelson made a motion to approve the 2025 budget as certified in the amount of \$49,118,422 with ad valorem tax in the amount of \$12,372,289. The motion was seconded**



by Mr. Shelton. A roll call vote was taken with the following votes cast: “aye”: C. Robinson, O’Toole, Selders, Nelson, Nguyen, D. Robinson, Shelton, Graves, Gallagher; “nay”: Sharp, Reddell. The motion passed 9-2.

**COU2024-48          Consider approval of Superior Bowen contract for the 2024 UBAS program (UBAS2024)**

Ms. Prenger stated that ultra-thin bonded asphalt surface (UBAS) was a treatment used to help extend the life of a road by placing a thin overlay onto a prepared asphalt surface. The overlay was capable of dispersing water quickly off the surface, reducing roadway spray from vehicles and providing greater visibility in wet weather. She noted that the treatment would be used on arterial and collector streets in the City.

On August 14, 2024, two bids were opened for the 2023 UBAS program:

- McAnany Construction          \$349,999.99
- Superior Bowen                    \$297,671.80
- Engineer’s estimate            \$381,202.97

Ms. Prenger said that staff had reviewed the bids for accuracy and recommended awarding the project to Superior Bowen. She added that \$395,000 had been budgeted for the project and the contract would be awarded in that amount. The number of street locations would be increased to utilize the full funding.

Mr. Shelton made a motion to approve the contract with Superior Bowen in the amount of \$395,000.00. Mr. Nelson seconded the motion, which passed 11-0.

**EXECUTIVE SESSION**

At 7:34 p.m., Mr. Dave Robinson made the following motion:

**“I move that the Governing Body recess into Executive Session for a period of 30 minutes for the purpose of discussing, with legal counsel representing the City, legal claims related to land use, storm drainage, and property damage pursuant to the exception for consultation with an attorney which would be deemed privileged in the attorney-client relationship pursuant to KSA 75-4319(b)(2). The Governing Body, the City Administrator, Deputy City Administrator, Public Works Director, outside legal counsel, and City Attorney will be present. The open meeting will resume at 8:10 p.m.”**

The regular meeting reconvened at 8:10 p.m.

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. Nelson and passed 11-0.



**COUNCIL COMMITTEE OF THE WHOLE**  
**Short-term rental ban discussion**

Ms. Lee shared information about how a ban on short-term rentals (STRs) could be implemented. She noted that at its May 6, 2024, meeting, Council discussed potential options which ranged from adding new regulations and fees to a ban on rentals under 30 days, as the City of Leawood had enacted. Direction was given to staff to provide information about what a ban of rentals under 30 days would look like. She added that currently, STRs were required to obtain a rental license to operate in Prairie Village, utilizing the same process as long-term rental properties. Staff estimated that there were approximately 30 STRs in Prairie Village.

Mr. Aggen said that there were no statutory restrictions against a municipality enacting an STR ban. Although lawsuits had been filed in other jurisdictions against bans and stronger restrictions, courts had often sided with municipalities if a legitimate public purpose could be demonstrated. Code enforcement officers could provide notification that a property was out of compliance, and a violation would likely result in a mandatory court appearance with a fine to be assessed by the judge.

Mr. Aggen noted that if Council decided to move toward a complete ban, it would need to consider how to treat STRs that were already legally operating. One option would be that properties already licensed with the City as STRs could receive either the right to continue under the same ownership for the duration of their existing rental license or to have a distinct time period for enforcement to begin. He added that if the Council pursued an STR ban, it should do so with a start date in mind. Neighboring cities that had banned STRs, or had enacted more restrictions, recommended providing a public involvement process, education, and ramp-up time.

Mr. Gallagher asked how the City could determine which properties were being rented out on a short-term basis. Mr. Aggen stated that he had been in contact with both Airbnb and VRBO, and believed that information could be provided by the two companies.

Mr. Cole Robinson said he was interested in obtaining an estimate of the dollar amount that could be collected through the transient guest tax if it were collected from STRs. Mr. Graves agreed.

Ms. Selders and Ms. Sharp noted that one of the most consistent complaints they received from residents while campaigning was STRs, and favored a ban similar to Leawood's. Ms. Sharp added that she preferred giving existing STR owners a year or two to determine what to do with their properties before banning them immediately.

Mayor Mikkelson suggested sending a notice to property owners that operated STRs in the City to provide them the opportunity to share their perspective with the Council.



Mr. Gallagher asked if the transient guest tax could be collected on rental properties with a minimum of a 30 day stay. Mr. Hannaman said it could only be collected on properties with stays under 28 days.

**After further discussion, Mr. Cole Robinson made a motion for staff to research potential transient guest tax revenues before proceeding with a potential ban. Mr. Graves seconded the motion, which passed 9-2, with Ms. Selders and Ms. Sharp in opposition.**

### **Council work session topic review**

- Discuss council president appointment process

Mr. Dave Robinson said that a survey sent to councilmembers regarding items discussed at its last work session showed that the highest priority topics were the council president appointment process, and construction costs associated with the proposed updates to the municipal complex. He noted that historically, the councilmember with the most seniority that had not yet served as council president would be appointed to the position each year. However, the policy was not followed in 2023, as a vote was taken to elect Mr. Dave Robinson as president instead.

Mr. Shelton stated that he didn't think the role of president should be held by a councilmember from the same ward as the last president.

Mr. O'Toole said that he preferred having a vote annually for the role.

Mayor Mikkelson stated that he liked the current policy because it removed divisiveness from the process of selecting a council president. He added that choosing a president through an election had merits, but expressed concern over how it might impact councilmember relations.

Ms. Selders, Ms. Sharp and Mr. Reddell felt that the date of the election should change, so that new councilmembers were more familiar with those already on the Council before an appointment or election. Mayor Mikkelson stated that doing so would complicate assigning councilmembers to committees.

Mr. Dave Robinson stated that if the council president were merely a "ceremonial" role, the previous selection process was adequate. However, if it was considered more of a leadership role, an election to choose the president was preferable.

Mr. Cole Robinson suggested a ranked choice secret ballot could be used. Mayor Mikkelson stated that he didn't feel anonymous voting was appropriate for determining the council president.



**PRAIRIE VILLAGE**  
KANSAS

After further discussion, Mr. Dave Robinson suggested that councilmembers consider the options and discuss them further at an upcoming Council meeting.

- Discuss cost of a new city hall

Mr. Dave Robinson recommended postponing the discussion until the evaluation of the property at 7820 Mission Road had been completed.

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

**ANNOUNCEMENTS**

Announcements were included in the Council meeting packet.

**ADJOURNMENT**

Mayor Mikkelson declared the meeting adjourned at 9:53 p.m.

Adam Geffert  
City Clerk