

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 6, 2016**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 6, 2016 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Serena Schermoly, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Staff present was: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; David Waters representing the City Attorney; Shannon Marcano, Assistant City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

INTRODUCTION OF STUDENTS & SCOUTS

No scouts or students were present.

PUBLIC PARTICIPATION

Jamie Dial, from Raymore, Missouri, shared that six years ago she watched two pit bulls that she owned kill another dog she owned in her presence and she was unable to stop them. She does not feel lifting the existing ban is in the best interest of public safety.

Kim Goings, 7118 Village Drive, is a SPCA volunteer with experience with pit bulls. She noted that when walking she has been charged by a golden retriever and told of an animal bite that occurred at Indian Hills Middle School by a German shepherd. Her primary concern with the breed specific legislation is how vague it is. The ban makes her feel oppressed. Visual identification is flawed and inaccurate. If this ignorance and intolerance continues, she will move from the city.

Dan Sullivan, noted the power and anger of a pit bull is oppressive and shared an experience he had with a chained pit bull. He noted the fences in Prairie Village are designed to keep children and small pets in. Pit bulls can easily jump these fences. Mr. Sullivan noted the reference to State Farm Insurance and noted the premium for that coverage is expensive and the coverage is quickly cancelled with any kind of an incident. He enjoys the freedom he feels in Prairie Village. He views owning a pit bull is like having a loaded gun with a safety turned off. He views such ownership as a selfish action toward your neighbors as it changes the dynamics of a neighborhood. He stated that everyone he spoke with was surprised that this was even being considered in Prairie Village and strongly oppose the proposed repeal.

Ann Thomas, 2304 West 73rd Street, works in animal welfare and was never more proud of Prairie Village than at the public hearing where removing this ban was strongly supported.

Monica Matthews, a veterinarian and resident of Kansas City, Missouri and owner of a pit bull asked that her dog not be stereotyped as one that needs to be chained.

Shannon Gott, 3607 West 74th Terrace, walks her dog everyday and noted that the dogs she is afraid of are not pit bulls. She would like to see the ban address all dangerous animals.

David Schwartz, 7831 Nall, spoke in support of the repeal and noted that he has the support of the largest animal welfare organizations.

John Coleman, on West 72nd Terrace, stated that he had a mixed chocolate lab that was threatened to be taken by animal control because of its appearance. He does not feel this ban should have ever been put in place.

Steve McClain, 7705 Reeds, shared a story of his successful rehabilitation of an abused border collie with a history of biting people that he adopted. He feels that all animals can be turned around with love and patience. He supports the repeal of the ban.

Caitlin O'Toole, 7746 Chadwick, urged the city council to listen to credible facts, to evaluate resources noting that what she has heard from the opposition and has been said is not accurate or believable. She stated that she would be devastated if the ban was not repealed.

Allen Gregory, 4608 West 72nd Street, applauded the council on the amount of research that has been done on this issue. However, he does not feel the city council does the same due diligence on other topics and situations. He feels that there should be more transparency and that the minutes of the meetings do not reflect everything that has occurred. He suggested a court reporter or other recording of meetings to capture all conversation. He questioned the expenditure of \$4M for flooding issues rather than \$50,000 for appropriate signage at a low water crossing as responsible fiscal government.

With no further public comment, public participation was closed at 8:05 p.m.

CONSENT AGENDA

Serena Schermoly noted corrections to the minutes of August 15th in reference to comments made by the Mayor under Old Business correcting the reference of “copyright” to “trademark”.

Ted Odell moved the approval of the Consent Agenda items for September 6, 2016 with the noted correction to the minutes:

1. Approve the regular City Council meeting minutes of August 15, 2016
2. Approve Claims Ordinance #2945
3. Approve Resolution 2016-04 approving the Prairie Village Arts Council Monthly Artist Receptions as special events and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of designated public areas of the event.
4. Approve a production services agreement with S.E.C.T. Theatre Supplies, Inc. to provide, set-up and take down of stage, sound, lighting and roof necessary for the Prairie Village Jazz Festival.
5. Approve the 2017 Mission Hills contract for law enforcement and court services for 2017 and the 2017 Mission Hills budget.

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Schermoly, Noll, Mikkelson, Wang Myers, Morehead, Runion, McFadden, Odell and Gallagher.

COMMITTEE REPORTS

Council Committee of the Whole

COU2016-44 Consider approval for the purchase of the streetlight system from KCPL with LED lighting upgrades

COU2016-45 Consider approval of the agreement with KCPL for the purchase of the streetlight system for \$2,282,945.00

Ted Odell recused himself from the discussion and vote on COU2016-44 and COU2016-45. Keith Bredehoeft responded to the questions regarding the impact of the recent policy statement by AMA on the warmth and brightness of LED streetlights and

the cost implications. Mr. Bredehoeft noted there are no additional costs and noted the actual selection of the lights would be done at a later date.

Ashley Weaver moved the City Council approve the purchase of the streetlight system from KCPL and LED lighting upgrades at a cost of \$2,282,945. The motion was seconded by Brooke Morehead.

Dan Runion asked if the cost figure included the cost of the LED upgrades. Mr. Bredehoeft replied the cost was the purchase price. Mr. Runion asked if there was a contract for the upgrade. Mr. Bredehoeft responded that bond sale would cover the cost of the LED upgrade.

The motion was voted on and passed by a vote of 11 to 0 with Mr. Odell abstaining.

MAYOR'S REPORT

Mayor Wassmer and City Administrator Quinn Bennion made a tour of the Meadowbrook Development with their project manager. The roads for the project will be completed by Christmas. Four builders have been selected for the single family homes and over 30 of the townhomes have been spoken for. They have a letter of intent for the proposed senior living facility, but have not yet finalized the agreements. Mayor Wassmer stated she made a presentation to over 100 ReeceNichols realtors regarding what was happening in the City regarding upcoming construction and developments. She participated in the annual Lancer Day Parade and is looking forward to participating in the Prairie Village Jazz Festival on Saturday and hopes that many of the council can also attend.

STAFF REPORTS

Public Safety - None

Public Works

- Keith Bredehoeft reported on the construction of the new city courtyard and reviewed the traffic flow, entrance and parking changes.
- Public Works crews will be setting up for JazzFest this week.

Administration

- Wes Jordan reported that the City is aware of issues related to the Barracuda spam filter blocking the receipt of emails. Barracuda will be disabled for most of Council.
- Demolition has begun on 7501 Mission Road.

OLD BUSINESS

Consider Approval of the Residential Solid Waste and Recycling Services Agreement with Republic Services for collection operations beginning January 1, 2017

Wes Jordan stated he and the Assistant City Attorney, Shannon Marcano, have worked with Republic Services to finalize the Solid Waste and Recycling Services Agreement. Mr. Jordan reviewed the key points in the scope of services as written in the agreement. The remaining item for action by the City Council is whether the contract is written for five years or for ten years and reviewed the proposed rates at both levels.

Eric Mikkelson shared his support for a lower rate with a ten year contract, especially due to the termination clause that favors the City. The longer contract will save the City a significant amount of money each year.

Dan Runion asked for clarification on the Consumer Price Index. Wes Jordan stated that a worst case scenario would be a 3.25% increase in 2019.

Sheila Myers expressed her support of the five year contract due to the changes in the industry. She pointed out that the five year contract included a satisfaction survey and she would like to see that continued if the longer contract is pursued.

Wes Jordan informed the Council that the contract needs to be determined today in order to set the 2017 Solid Waste Assessment Rate.

Terrence Gallagher expressed his support for the 10 year plan to allow residents to have a smaller, more incremental increase to their taxes.

Steve Noll supported the 10 year plan as we embark on a new relationship with a new vendor. This is something that requires longevity.

Dan Runion expressed his concern that Republic could be bought by another company and we wouldn't want to be locked into a 10 year contract. He suggested a five year contract with an option to extend at the end of the five year term.

Courtney McFadden supported the five year contract due to the uncertainty of a new relationship with Republic.

Ashley Weaver moved the City Council approve the Solid Waste and Recycling Services Agreement with Republic Services for collection operations beginning January 1, 2017 for a period of ten years. The motion was seconded by Eric Mikkelson and passed 7-6, with Mayor Wassmer breaking the tie.

Request Permission to set the 2017 Solid Waste Assessment Rate

Based on the new Solid Waste and Recycling Services agreement approved by the City Council, an increase in the amount assessed for solid waste services needs to be made. The previous year's assessment was \$174.00. The new assessment needs to be \$192.00.

Ashley Weaver moved the City Council increase the 2017 Solid Waste Assessment rate from \$174.00 annually to \$192.00 annually. The motion was seconded by Eric Mikkelson and passed 11-1 with Ted Odell voting nay.

Discussion regarding dog breed restrictions in city code

Eric Mikkelson moved to repeal Ordinance 2-106 related to the prohibition of pit bulls with an effective date of December 1, 2016. The motion was seconded by Serena Schermoly. Further discussion ensued.

Brooke Morehead has researched policies within apartments and management companies in cities without a pit bull ban. She made eight calls with all complexes reporting no pit bulls were allowed. She shared her own experience when a boxer-mix attacked her own dog in her front yard. This ordinance gives residents freedom and peace of mind to walk our streets. She stated Mikkelson's support for the reconfiguration of Mission Road was due to a safety concern, and she believes pit bulls are of equal concern.

Jori Nelson appreciated that Brooke Morehead reached out to apartment owners, but she prefers the testimony of Police Chiefs and Animal Control Officers. She wants to address all dangerous dogs, not specific breeds. If there is real concern about safety, the City should address issues such as playgrounds, pedestrians, public pool, skate parks, and bike accidents. Proper precautions, training, safe behaviors are the key.

Serena Schermoly recalled that eight veterinarians stated that pit bulls are no more dangerous than any other dog breed. She trusts professional veterinarians over apartment managers or home owners' association.

Eric Mikkelson stated that the Mission Road reconfiguration is both beautiful and safe, and was an evidence-based change. Given our City's limited resources, he thinks breed specific bans make our City less safe. If the Police Department isn't out chasing

down well-behaved dogs that may look like pit bulls, we can instead allocate those resources to reducing risk from dangerous dogs of any breed.

Terrence Gallagher asked that if a land lord could still restrict ownership of pit bulls if they were allowed in the City. David Waters stated that landlords could enforce their own rules on their private property.

Chief Schwartzkopf was called on to make comments. The Police Department does not use an abundance of resources dealing with pit bulls within the City. He stated that City Council makes the policies and the Police Department will carry those policies out.

Mayor Wassmer stated that she believes this is a lose-lose situation. She doesn't believe that all pit bulls are bad, but could not live with herself if the ban is overturned and a person is mauled. She can't ignore the reports of pit bull attacks across the country and the City can't legislate owners.

Jori Nelson stated that in many of the cases of reported pit bull attacks, there was a misidentification of the dog as a pit bull. There is media sensationalism around these stories. No one has DNA tested these animals.

Andrew Wang commented about faulty media reports on many newsworthy items, including those on pit bull attacks that minimize the responsibility of poorly trained dog owners. The City should focus on a more comprehensive dangerous animal ordinance. He recapped his Animal Control Board experience. In the last two dog bite cases that came before the City, neither were pit bulls and neither were determined dangerous. Council is not protecting the citizens with a breed ban.

Eric Mikkelson addressed the pit bull bite strength and locking jaw myth. Evidence is not there to support those myths, and that several other dog breeds have more

significant bite impacts. He stated that bans do not reduce dog bites or fatalities by dogs. The City should use the next couple of months to draft tougher penalties and proactive remedies.

Sheila Myers shared her personal experience with a pit bull as the daughter of a veterinarian and believes that not all animals can be rehabilitated.

Jori Nelson stated that criminal penalties could be enacted with fees and fines for bad dogs. There is no data to convince her that a breed ban is effective. She asked the Council to consider if a child bitten by a lab is less important than one bitten by a pit bull.

Serena Schermoly stated that City Council needs to trust our residents. She has run two Facebook campaigns with most residents have supported this with only a few against. She believes that if City Council doesn't lift the ban, then people will just hide their dogs. She stated that a Google search of Rottweiler attacks will also bring up horrific accounts of animal attacks, showing that the breed doesn't matter.

Eric Mikkelson restated his motion to repeal the ordinance related to the prohibition of pit bulls with effective date of December 1, 2016. Serena Schermoly seconded the motion. The motion failed on a 5-7 vote.

Jori Nelson moved to have staff prepare an ordinance to repeal 2-106 and strengthen the current dangerous dog ordinance sections using the proposed ordinance that was sent to Council and offer input and suggestions. [The second was not recorded.] The motion failed on a 5-7 vote.

Jori Nelson moved to prepare an ordinance to repeal the ban and change the ordinance similar to what the residents submitted regarding handling of dangerous animals. [The second was not recorded.] The motion failed on a 5-7 vote.

Jori Nelson moved to consider mandatory restrictions on purebred American Staffordshire Terrier, Staffordshire Bull Terriers, and American Pit Bull Terriers that would include mandatory spay/neuter and include a \$500,000 liability insurance. [The second was not recorded.]

Discussion ensued. Mayor Wassmer mentioned that she visited with many of her neighbors and residents, and there is a silent majority that has not spoken at City Council meetings. Serena Schermoly stated that the residents in attendance at the meeting were her priority. A member of the audience approached the podium and questioned parliamentary procedure. Mayor Wassmer reminded everyone that this was time for the council to address the issue.

Jori Nelson restated the motion. The motion failed on a 5-7 vote.

Eric Mikkelson moved to ask staff to draft a breed neutral, strengthened dangerous dog ordinance while repealing the breed specific portions. Andrew Wang seconded the motion. The motion failed on a 5-7 vote.

NEW BUSINESS

Consider an alcohol permit for the sale of hard liquor at the 2016 State of the Arts

Daniel Andersen reported that the Arts Council would like to sell alcohol at the 2016 State of the Arts event. The event will be catered, and the bar will be staffed by the catering company. Wine would still be complimentary.

Dan Runion asked if the sale and presence of liquor would increase City liability. Daniel Andersen responded that the liability would fall to the caterer. Steve Noll reported that caterers are insured and hire professionals that will not over serve patrons. Laura

Wassmer stated that one of the reasons patrons enjoy the event because it is free. Dan Andersen responded that this would be a trial year.

Steve Noll made a motion to allow the sale of hard liquor at the 2016 State of the Arts event. The motion was seconded by Serena Schermoly and 11-1, with Dan Runion voting no.

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	09/07/2016	5:30 p.m.
Tree Board Meeting	09/07/2016	6:00 p.m.
JazzFest Committee Meeting	09/08/2016	5:30 p.m.
Planning Commission Meeting	09/13/2016	7:00 p.m.
Park & Recreation Committee Meeting	09/14/2016	6:30 p.m.
Council Committee of the Whole	09/19/2016	6:00 p.m.
City Council	09/19/2016	7:30 p.m.

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The Prairie Village Arts Council is pleased to present the works of Gary Cadwallader & Jodi Harsch in the R.G. Endres Gallery during the month of September. The artist reception will be at 6:30 p.m. on Friday, September 9th.

The 7th Annual Prairie Village Jazz Festival will be held on Saturday, September 10th beginning at 3 p.m. with the Shawnee Mission East Blue Knights and concluding with Marilyn Maye performing at 8:30 p.m.

The City has a table at the Shawnee Mission Education Foundation breakfast on Thursday, September 22nd at the Overland Park Convention Center beginning at 7:30 a.m. Please let Meghan Buom know by September 16th if you would like to attend.

The 2016 Citizens Police Academy will begin mid September, Classes are held on Wednesday evenings from 6 to 9 p.m. for 11 weeks. If you are interested in attending, contact Captain Myron Ward.

The League of Kansas Municipalities Conference will be held Saturday, October 8th through Monday, October 10th at the Overland Park Convention Center. If you are interested in attending, please contact Meghan Buom by September 23rd.

EXECUTIVE SESSION

Ted Odell moved pursuant to KSA 75-4319 (b) (6) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 10 minutes for the purpose of discussing the possible acquisition of property. Present will be the Mayor, City Council, City Administrator and City Attorney. The motion was seconded by Eric Mikkelson and passed unanimously.

Mayor Wassmer reconvened the meeting at 10:05 p.m.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 10:05 p.m.

Joyce Hagen Mundy
City Clerk