



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
February 4, 2019**

The City Council of Prairie Village, Kansas, met in regular session on Monday, February 4, 2019, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Mikkelson presided.

**ROLL CALL**

Roll was called by the City Clerk with the following Council Members in attendance: Chad Herring, Jori Nelson, Serena Schermoly, Ron Nelson, Tucker Poling, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Alley Porter, Assistant City Administrator; Lisa Santa Maria, Finance Director; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Ron Nelson made a motion to approve the agenda for February 4, 2019 as presented. The motion passed unanimously.

**INTRODUCTION OF STUDENTS & SCOUTS**

Mayor Mikkelson welcomed Boy Scouts in attendance as a requirement to earn the Citizenship in Community badge.

**PRESENTATIONS**

Chief Schwartzkopf swore in three new Prairie Village police officers, Matt Huber, Cassandra Lee and Rolando Swaby, and administered the oath of office. Mayor Mikkelson welcomed the officers and thanked them for joining the department.

**PUBLIC PARTICIPATION**

Burton Carrier, 7935 Maple St., appeared before the Council to speak about noise pollution issues in his neighborhood, referencing city code 8-507. He asked the Council to ensure the current ordinance is being enforced, and to consider creating a new ordinance to address noise violations by decibel level.



### **CONSENT AGENDA**

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

Ron Nelson moved for the approval of the Consent Agenda of February 4, 2019 as presented.

1. Approve the regular City Council meeting minutes - January 22, 2019
2. Approval of expenditure ordinance #2974
3. Approve the memorandum of understanding between Johnson County and the cities of Leawood and Mission Hills for the Mental Health Co-Responder Program
4. Approve the use agreement with Water District No. 1 for the continued operation and maintenance of the parking lot on the Delmar water tower site
5. Approve the naming of the new public park at W. 67th and Roe Avenue as "Wassmer Park" in accordance with Council Policy 501
6. Approve the Learn to Swim and Day Camp agreements with Johnson County Park and Recreation District

A roll call vote was taken with the following votes cast: "aye" Herring, J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher.

### **COMMITTEE REPORTS**

Chad Herring stated that the Parks and Recreation Committee had called a meeting for Wednesday, February 6 at 6:00 p.m. to discuss possible recreational programming with the Johnson County Parks and Recreation District (JCPRD).

### **MAYOR'S REPORT**

- Mayor Mikkelson reported that the planned visit to Topeka for Local Government Day on January 23 had been canceled due to weather.
- The Mayor was invited, along with other Northeast Johnson County Mayors, to a roundtable meeting with newly-elected Congressional Representative Sharice Davids. Topics discussed included transportation, local control and sustainable infrastructure initiatives.
- A retirement reception for former City Clerk Joyce Hagen-Mundy took place on January 28.
- The Mayor and City Administrator Wes Jordan attended an event held by the City's financial advisor, Columbia Capital.
- The Northeast Johnson County (NEJC) Chamber of Commerce State of the Cities event was held on January 31. The Mayor spoke about the City's achievements, as did other mayors from the area.
- City offices will be closed for Presidents Day on Monday, February 18. The next City Council meeting will be Tuesday, February 19.



- A council work session will be held at Pinstripes on Saturday, February 9. A representative from the Mid-America Regional Council (MARC) will be present to share information about alternative transportation. Additionally, training on the Kansas Open Meetings Act (KOMA) will be provided by the League of Kansas Municipalities.
- The Planning Commission will review a report on the demographics of Prairie Village on February 5. The report is the first step in the process of updating the Comprehensive Plan.
- Several councilmembers and residents have expressed frustration at the number of power outages experienced in recent years. The Mayor and staff will be meeting with KCP&L soon. The company is currently researching outage history in the City and determining how the situation can be improved.

## **STAFF REPORTS**

### **Public Safety**

- Chief Schwartzkopf spoke about the Peer Support program, which consists of specially trained individuals that can help law enforcement staff after traumatic incidents. The Prairie Village Peer Support team has assisted after events in Clinton, Mo., and Wyandotte County.

### **Public Works**

- Keith Bredehoeft reported that bids for the development of Wassmer Park and the Porter Park restroom facility were opened the previous Friday.
- The Delmar-Fontana drainage project plans are nearly complete, and will go out for bid in the next few weeks. 75% of the project cost will be covered by the county.
- Debris pickup continues. Crews have completed approximately half of the city.

### **Administration**

- Jamie Robichaud stated that the new neighborhood design guidelines for home construction went into effect February 1. Staff received 23 plan submittals in January, which is significant for a single month and likely prompted due to the change in regulations.
- The Community Profile report will be presented to the Planning Commission on February 5, and then to the Council at the February 19 meeting.
- David Waters reported that legislation about the use of public right-of-way had recently been introduced. In 2016, the Kansas Legislature passed legislation that prohibited cities from making certain requirements of providers. These requirements are usually included in franchise agreements, which are used by cities to allow right-of-way access to utilities, telephone companies and wireless providers, among others. Companies are required to pay compensation to the city, which is typically 5% of gross receipts for utilities. For wireless providers, this is generally not applicable, so a “per-pole” fee is used instead.
- This proposed legislation exempts wireless providers from franchise agreements. The concern is that other companies, such as utilities, will also ask for exemptions,



which could significantly impact city budgets. The City will provide testimony in opposition of this legislation if needed.

- Wes Jordan shared that the Council Chamber audio quality is poor, and needs to be addressed. Staff will work with a vendor to determine what can be done to improve the audio system. It is unclear what the cost will be to perform this work.
- Chad Herring inquired about the recent meeting the Mayor, Sheila Myers, Brooke Morehead and Wes Jordan had with YMCA leadership to discuss possibilities for future cooperation related to facilities and operations. No conclusions were reached, but another meeting will be held to discuss investments in pools and to determine if resources can be combined.

### **OLD BUSINESS**

There was no old business to come before the Council.

### **NEW BUSINESS**

#### **COU2019-11 Consider Appointment of David E. Waters with Lathrop Gage, LLP as City Attorney**

Mayor Mikkelson noted that Lathrop and Gage had been serving as the City's law firm for many years. After the previous contract expired, an RFP process was used and several bids were received. A committee was formed to review and assess the responses, and selected David Waters to continue serving as the City Attorney. Mayor Mikkelson recommended that Council approve the committee's decision.

Chad Herring asked about the length of the contract, and the Mayor indicated it could be terminated at any time. However, a special rate has been locked-in for two years. Tucker Poling asked that the agreement, including the fee schedule, be shared with the Council.

**Brooke Morehead made a motion to approve COU2019-11 as presented. The motion was seconded by Serena Schermoly, and passed unanimously.**

Mayor Mikkelson asked the Council if there was any additional new business, and Mrs. Morehead raised a question about abandoned and blighted housing. Specifically, she requested information about the length of time that must pass before the City can take action, and how long remodeling projects are allowed to continue. Jamie Robichaud said houses such as these fall under regular code enforcement protocols. If code enforcement officers see violations, they will issue a notice to the owner.

Mrs. Robichaud added that the first step is to try and gain compliance before resorting to punitive measures. After one or two warnings, owners can be taken to municipal court. Once this happens, it can take some time to reach resolution. If no resolution is reached, the City's ability to abate is very limited. David Waters added that the City has to establish that the property is a nuisance. Even after doing so, the City has to give notice as a part of due process rights, and give the owner a hearing, which takes time.



Mrs. Robichaud added that permits expire 180 days after issuance. If the applicant comes back in before the expiration date and inspections have been completed, they will be issued a new permit at no cost. If the permit has expired, a ticket will be issued. Codes must still be met on remodel sites.

**Terrance Gallagher moved the City Council go into the Council Committee of the Whole portion of the meeting. The motion passed unanimously.**

### **COUNCIL COMMITTEE OF THE WHOLE** **2018 Code Enforcement Annual Update**

Jamie Robichaud gave a presentation on the City's code enforcement program, and reminded the group that the primary goal is gain compliance with municipal code. Code enforcement guidelines were approved by the Council in 2015. She also went over the expectations that are provided to all contractors regarding construction site maintenance. These expectations included a reminder that the City's noise ordinance will be strictly enforced. Any contractors who violate the noise ordinance are issued a notice to appear in municipal court. This practice has reduced the number of complaints received from residents regarding the City's noise ordinance.

Mrs. Morehead asked about construction vehicle traffic. Mrs. Robichaud noted that it is legal for construction equipment to be parked on the street as long as other vehicles are able to pass through.

Courtney McFadden asked how code enforcement officers find violations proactively. Mrs. Robichaud stated that officers drive down every city street throughout the year. Violations are noted from their vehicles. She said the code enforcement officers attempt to monitor repeat offender properties on a weekly basis.

Terrence Gallagher stated that councilmembers should send any suggested ordinance changes directly to Mrs. Robichaud.

### **Overview of 2019 Exterior Grant Program**

Mrs. Robichaud noted that the Exterior Grant Program has a yearly budget of \$50,000, which is drawn from the Economic Development Fund, and managed by the Codes Department. The City reimburses 20% of project costs up to \$2,500 to improve the exterior of homes. Improvements must abide by municipal code and have a building permit if required. Eligible homes are those whose appraised value are \$200,000 or less. The total cost of repairs must be at least \$2,500, and residences must be owner-occupied, or have had a rental license for at least a year. 33 Applications were received in 2018. Initially, 12 were put on a waiting list, but all applications were eventually approved. Over \$47,000 in grants were provided during the year.



Councilmembers discussed increasing the maximum appraised value to qualify for the program, as well as changing to a percentile-based system to determine eligibility. Additionally, consideration was given to adding trash container screening to the program, and the percentage of assistance that would be offered for screening. Discussion was also held regarding the purpose of having a value threshold at all. Wes Jordan provided a brief history of the program and stated that a majority of the homes needing improvements were under the selected appraisal threshold, and that the program was more “need-based”. No applicants were turned down in 2018.

Courtney McFadden moved for staff to bring the 2019 program plan back to Council for approval with an increase of the maximum appraisal value to \$225,000, and to allow funding to be used for trash screening under that same threshold. The motion was seconded by Sheila Myers.

Ron Nelson made a motion to amend the motion to increase the maximum to \$225,000 this year, and then use the 36<sup>th</sup> percentile of appraised home values in the City going forward in future years. Tucker Poling seconded. The motion failed 4-8 with Mr. Herring, Mrs. Schermoly, Mr. Wang, Mrs. Myers, Mrs. Morehead, Mr. Runion, Mrs. McFadden and Mr. Gallagher voting in opposition.

The original motion passed by a vote of 10 to 2 with Mr. Wang and Mr. Runion voting in opposition.

### **ANNOUNCEMENTS**

Announcements were included in the Council packet.

### **ADJOURNMENT**

With no further business to come before the City Council, Mayor Eric Mikkelson declared the meeting adjourned at 8:00 p.m.

Adam Geffert  
City Clerk