



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

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, March 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

Terrence Gallagher made a motion to approve the agenda for March 4, 2019 as presented, and Courtney McFadden seconded. The motion passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PUBLIC PARTICIPATION

With no one present to address the Council, public participation was closed at 6:02 p.m.

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 March 4, 2019 as presented. The motion passed unanimously.

1. Approve the regular City Council meeting minutes - February 19, 2019
2. Ratify committee reappointments
3. Approve CVS cereal malt beverage application



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

- Jori Nelson reported that the Environmental Committee met on February 27th with Prairie Elementary School 6th graders. The students created public service announcements (PSAs) about recycling, identifying what items can and cannot be placed in recycle bins. The students will be present at the next Council meeting, and their PSAs will be shared on social media. Tucker Poling added that the City has challenges with recycling “rejection rates”, noting that Republic Services has reported that they often find many items that do not belong in recycle bins.

MAYOR’S REPORT

- Mayor Mikkelson shared that he had attended the Mayor’s Prayer Breakfast in downtown Kansas City, MO, on February 26th. Several staff members attended as well, along with Mr. Herring and Mrs. McFadden.
- The Mayor also attended a preliminary Capital Improvement Plan (CIP) discussion at Public Works on Thursday, February 28th, the results of which are included in the meeting packet.
- The Mayor and staff met with Paul Welcome from the Johnson County Appraiser’s Office on Friday, March 1st, to provide information on the yearly appraisal report.
- The Planning Commission meets next on Tuesday, March 5th.
- The next City Council meeting will be held on Monday, March 18th.
- Staff has asked the YMCA to generate a list of what it might need if a Community Center partnership is formed, as well as what it might be able to contribute. Staff and Councilmembers have also reached out to other potential partners, such as the school board.
- An update meeting with First Washington will take place on Wednesday, March 13th, regarding the Corinth and Prairie Village shopping centers.
- The Mayor attended D.A.R.E graduations at Briarwood and Belinder Elementary schools. Officer Brian Wolf, who has overseen the program for the past six years, will be shifting duties; Officer Seth Myers will lead the program beginning in the fall.
- The Coffee with a Cop event was held on February 22nd at Caffeteria, and was attended by U.S. Congressional Representative Sharice Davids.
- Staff and the Mayor continue to track legislation in Topeka, including one bill that gives cities more flexibility on the property tax-lid law. Testimony in favor of the bill will be given by Mr. Runion later in the week.
 - Mayor Mikkelson noted that Ms. Nelson had alerted Council and staff about a bill that would have prohibited wind turbines by utilizing an extremely large setback requirement. The bill was defeated.
- A recognition event was held for Public Works staff as an acknowledgment of their significant effort during the winter season.



- A second KCP&L meeting was cancelled due to weather, and has been rescheduled for March 18th.
- Mr. Poling and Mrs. Morehead will serve on the MARC Census Committee.
- The Mayor made appointments to the Prairie Village Foundation, a non-profit 501(c)(3) organization. Along with the Mayor, Mr. Herring (Parks and Recreation Chair), Mrs. Morehead (Arts Council Chair), Laura Wassmer (at-large) and Terrence Gallagher (Council at-large) will serve.
- New businesses that apply for licenses in the City will be invited to promote themselves at Council meetings going forward.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf stated that he received a number of questions about the shooting incident near Highlands Elementary School on March 1st. The school is in Mission, KS, and the shooting took place across the street in Fairway, KS. Prairie Village officers responded initially but were called off while en route. The Chief will contact the Police Chiefs of Fairway and Mission to offer further assistance.
 - Mr. Herring stated that many children in Prairie Village Ward 1 attend Highlands, and that he had received many questions from constituents.

Public Works

- Keith Bredehoeft reported that the Delmar-Fontana drainage project will be advertised on March 5th. Nearly all easements for the project have been obtained.
 - A contract with O'Donnell and Sons for street rehabilitation will be brought before the Council at the next meeting. This is the second year of the three-year agreement previously approved by Council.
 - Mr. Bredehoeft will present a discussion item at an upcoming Council meeting regarding a vehicle leasing program with Enterprise. Public Works is investigating leasing a handful of vehicles, particularly more fuel-efficient and alternative energy-based cars and trucks.

Administration

- Lisa Santa Maria stated that the fourth quarter budget report was sent to Council for review the prior week. 2018 revenues were at 103.2% of the budget, and expenditures were at 93.6%.
- David Waters shared an update on Senate Bill 68. In 2016, the Kansas Legislature passed a Bill that provided wireless providers expanded access to rights-of-way. In Prairie Village and many other cities, use of the right-of-way is granted through a franchise ordinance. The wireless industry expressed concerns that franchise agreements were holding up their expansion, and proposed legislation stating that cities cannot impose franchises on wireless providers, nor impose franchise-related obligations.



- The League of Kansas Municipalities negotiated with the wireless industry, noting that exempting the wireless industry from franchises could open the door for other utilities to make the same requests. Additionally, there is concern that without an agreement in place, it would be difficult to penalize companies for damage done to the right-of-way.
 - The City provided written testimony to the Senate Utilities Committee. Efforts were made by the League to negotiate with wireless providers, and new legislation was written, stating that cities still cannot require a franchise, but may govern the use of right-of-way through a separate type of agreement known as a “small-cell facility deployment agreement”, or a “master license agreement”. This legislation also clarifies that “gross receipts” fees cannot be charged, but a fixed fee can. This is currently the model that Prairie Village uses with wireless providers.
 - These changes apply to poles, antennas, and accessories such as utility boxes. The League is now taking a neutral position on the Bill, which has passed out of Committee.
 - Mr. Herring stated that HB 2345, allowing cities more flexibility with the tax lid, passed 40-0 in the Senate, and will now go to the House.
- Wes Jordan stated that the March Plan of Action was included in the packet.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

There was no new business to come before the Council.

Sheila Myers moved the City Council move into the Council Committee of the Whole portion of the meeting. Ron Nelson seconded, and the motion passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

Discuss Findings of Public Works Facility Assessment and Options for Future Building Rehabilitation and Renovations

Melissa Prenger gave a presentation on the renovation work needed at the Public Works facility, and introduced Rick Wise with Clark Enersen, the consulting firm that performed the assessment, which was originally approved by Council in 2017.

There are a total of six structures at the facility, which are in varying states of functionality:

- The salt barn and fuel island are in good condition and do not require maintenance at this time.



- The G building is in generally good condition, but will need mechanical updates including a restroom with a shower due to chemical storage within the building.
- The A building houses the Public Works main office. The structure is nearly 60 years old and has some age-related deficiencies, such as ADA-compliance issues. Updates would be made to wash bays, meeting spaces and restrooms, and repairs to the floors and foundation.
- The dirt barn was built in 1955, and has significant structural failure. The assessment determined that the structure is not worth the investment to repair.
- The B building houses maintenance crews, and is also in poor condition. The assessment recommends it be torn down and replaced with a new shop.

The estimated total project cost, including the removal of the dirt barn, would total approximately \$5,000,000.

Ms. Prenger asked Council to authorize staff to enter into a professional services agreement for conceptual layout and construction costs with Clark Enersen, at a cost not to exceed \$18,000. The completed assessment provided a high-level budgetary look at project costs, but the conceptual study is necessary to determine detailed pricing. Ms. Prenger added that staff will incorporate sustainable options using either LEED or Green Globes, as well as solar panels. Installation of a solar energy system would likely increase the cost of the project by \$200,000 - \$300,000, but would pay for itself over time.

Ted Odell noted that LEED certifications are expensive, and that it would be valuable to see a cost delta showing the difference between including sustainability features and standard construction.

Public Works intends to use a “flat-budget” strategy for the project. Payments for existing bonds from a prior street project will end in 2021. This new project could begin in 2022, with either a 10-year or 20-year bond. Doing so would have little to no impact on the City budget.

Sheila Myers made a motion to enter a professional services agreement for conceptual layout and construction costs with Clark Enersen for an amount not to exceed \$18,000, which must also include a cost delta between sustainability features and standard construction. The motion was seconded by Ron Nelson and passed unanimously.

2020 Budget Goals and Objectives and Budget Decision Packages

Lisa Santa Maria stated that the presentation was the first step in the 2020 budget process. The goal of the process is to maintain the same level of city services while being mindful of the tax burden on citizens. Decision Packages were first employed last year, and will be used again in this year’s planning.

Ted Odell made a motion to approve the 2020 goals and objectives. The motion was seconded by Sheila Myers and passed unanimously.



Mill Levy Information

Mrs. Santa Maria provided information on property taxes, which make up one-third of the City's revenue stream. Prairie Village residents pay 16% of their total mill levy to the City. If the City captures the entirety of the increase in appraised value in 2020, residents would pay approximately \$743 per year based on a projected average home value of \$334,382. If the mill rate is left at its current level of 19.314, the City would collect approximately \$600,000 more in yearly revenue in 2020. Reducing the rate to 18.6 would provide roughly half that amount.

Mrs. Santa Maria asked that Council Decision Package ideas be submitted no later than March 13th so they can be presented at the March 18th Council Meeting for approval. The 2020 Budget and Funding Request for Committees will also be presented on March 18th. Mrs. Santa Maria will present the preliminary revenue estimate report which will provide revenue forecasts.

2020 Preliminary CIP Discussion

Keith Bredehoeft shared a snapshot of the proposed CIP, and asked for feedback from Councilmembers on the included projects.

- Parks CIP:
 - A park infrastructure reserve fund is primarily used to help pay for future pool improvements. \$120,000 per year is contributed to this fund.
 - \$100,000 has been added to the Skate Park and Performance Pad project for 2020.
 - Through 2020, approximately \$250,000 will be spent on park improvements, including tennis court resurfacing, shelter renovations, and restroom construction.
 - Mr. Poling asked that 2019 data be included for comparison purposes.
- Drainage CIP:
 - The City offers a water discharge program which allows residents with problematic sump pumps to connect to the storm drainage system if there is one nearby. The City pays a portion of the cost, and typically assists 5-6 residents each year. There is currently \$20,000 in this fund, and the addition of another \$20,000 is proposed for 2020.
 - The Drainage Repair Program maintains the existing drainage system and funds infrastructure replacement when needed. In 2020, the budget for this program will be \$800,000, which will also fund the 68th and Mission flood remediation project. 75% of the funding for the project is anticipated to come from the County.
- Street CIP:
 - An additional \$20,000 for the traffic calming program is proposed for 2020.
 - The Residential Street Rehabilitation Program is the largest Public Works project. In 2018, Council approved the commitment of \$3,000,000 per year to this program.



- The UBAS Overlay Program, which provides a $\frac{3}{4}$ " asphalt surface layer to streets, is implemented every other year. No additional funding is required for 2020.
- Mr. Odell asked that the dollar amount used to address potholes be included. Mr. Bredehoeft stated that the Public Works operating budget includes the Asphalt Repair Program, which patches areas of streets that are damaged.
- Mr. Herring expressed concern with the Residential Street Rehabilitation Program, stating that costs continue to rise while the budget line remains flat. The allotted value may need to increase in the future to keep up with inflation-based costs.
- Mrs. Schermoly stated that road repairs cost approximately \$1,000,000 per mile, and that the presented budget only allows three miles to be repaired each year. She added that she did not believe this meets the expectations of residents.
- Building CIP:
 - \$50,000 is budgeted annually. In recent years, some of this money has been used to complete park projects, such as the replacement of shelter roofs. In 2020, no building projects are planned.
- Miscellaneous CIP:
 - The Americans with Disabilities Act (ADA) Program is funded each year to address building, ramp and park compliance issues. This CIP is funded at \$25,000 per year.
 - The concrete repair program is funded at \$700,000 annually, which covers the repair of curbs and sidewalks.
 - Mr. Gallagher asked how the Bike/Ped program would be funded. Mr. Bredehoeft stated that \$75,000 is budgeted in 2019, \$15,000 of which will be paid to Affinis to help develop the plan.

Discussion on Possible Revisions to Chapter 19.50 of Zoning Regulations - Alternative Energy Systems.

Jamie Robichaud presented the existing zoning regulations for solar energy and other alternative energy systems, noting that Mr. Poling had developed some proposed revisions. At its next meeting, the Planning Commission will review a version of the ordinance with updates made by staff, which differs somewhat from Mr. Poling's version. Mrs. Robichaud stated that she was looking for feedback from the Council on the proposed changes. Currently, the Planning Commission must hold a public hearing when any changes are made to the ordinance before it can be given final approval by the City Council.

Solar panels that are integrated into the form and main structure of a roof are allowed to go through the building permit review process without Planning Commission review. If they don't meet that criteria, site plan approval must be obtained from the Planning Commission. Rack-mounted solar panels that sit on mounting brackets are allowed as long as the brackets are not visible from the street and are parallel to the roof slope. Additional edits have been made to further clarify this ordinance.



Mr. Poling stated that his proposal eliminates language requiring solar panels to be integrated into the slope of the roof, as well as the requirement that mounting equipment be concealed. This would allow panels to be raised and tilted to be placed at a more efficient angle. The updates would still require “general integration” into the basic form and main structure of residential buildings. For non-residential structures, general conformance would still be necessary, but would not require the concealment of bracketing mechanisms. Mr. Poling agreed that the aesthetic character of a neighborhood is a legitimate concern, but should be balanced with sustainability efforts. He added that he also made revisions to the section of the ordinance regarding wind energy. This revision would allow residential wind turbines. Right now, these are only allowed on non-residential buildings.

Mayor Mikkelson stated that he supported clarification of the vague areas of the ordinance, as well as the potential reduction of application fees and/or incentivizing the usage of alternative energy systems. He also stated that the Planning Commission should continue to be responsible for the specific guidelines within the ordinance.

Mr. Gallagher made a motion to send suggested edits to the Planning Commission so that it can evaluate and address improving the current alternative energy systems ordinance. Ted Odell seconded the motion.

Mr. Poling moved to amend the motion to specifically include the allowance of raised solar panels, slope variance, visible mounting from the street, and residential wind turbines with design specifications it deems appropriate. The amendment was seconded by Mr. Herring.

After discussion of the amendment, Mr. Poling called the question to end debate. Chad Herring seconded, and the call passed 10-2, with Mr. Runion and Mrs. McFadden in opposition.

The amended motion made by Mr. Poling failed to pass by a vote of 6-6, with Mr. Wang, Mrs. Myers, Mrs. Morehead, Mr. Runion, Mr. Odell and Mr. Gallagher in opposition.

Mr. Nelson called the question to end additional debate and vote on the original motion. Mr. Poling seconded, and the call passed 10-2, with Mr. Runion and Mrs. McFadden in opposition.

The original motion made by Mr. Gallaher failed by a vote of 5-7, with Mr. Herring, Ms. Nelson, Mrs. Schermoly, Mr. Poling, Mrs. Myers, Mr. Runion and Mrs. McFadden in opposition.

Mrs. Robichaud stated she would take discussion points from the meeting to the Planning Commission on March 5th to get its recommendation, and bring that back to the Council for review before holding a public hearing for final approval. The document that the Planning Commission ultimately votes on will be approved by Council first in case additional changes need to be made.



Council Initiative List

The Council Initiative List will be discussed at a future meeting.

New Business

There was no new business to come before the Council Committee of the Whole.

Dan Runion moved the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Sheila Myers, and passed unanimously.

ANNOUNCEMENTS

Announcements were included in the Council packet.

ADJOURNMENT

With no further business to come before the City Council, Mayor Mikkelson declared the meeting adjourned at 9:55 p.m.

Adam Geffert
City Clerk