



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
April 15, 2019**

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 15, 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 (via phone), Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. Staff present: Captain Byron Roberson, Prairie Village Police Department; 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**

Wes Jordan noted that two updated documents had been added to the agenda:

- A modified version of the Storage Area Network contract
- A modified version of the Unmanned Aerial Vehicles Ordinance

**Sheila Myers made a motion to approve the agenda for April 15, 2019 with the updates, and Serena Schermoly seconded. The motion passed unanimously.**

**INTRODUCTION OF STUDENTS & SCOUTS**

Students in attendance from Rockhurst High School introduced themselves.

**PRESENTATIONS**

**County Commissioner Becky Fast, District #1**, introduced herself and shared some of her priorities:

- Crisis support for mental health, including developing methods to supplement mental health programs.
- Johnson County is beginning a five-year solid waste management plan. Strategies to increase recycling and divert waste will be considered to extend the life of the existing County landfill.



- The Community and Housing Development Committee will be completing a housing study to better assess housing stock in the County.
- The Johnson County Library will partner with the City to consider the future of the Corinth Library, which is scheduled to be torn down in the next few years.
- Meadowbrook Park will open in May. A special tour of the facility for Councilmembers will be provided in April.

Mrs. Myers asked about the Household Hazardous Waste collection facility at Lamar and I-35. Commissioner Fast noted that the facility would be moved to a more accessible location in the near future.

### **Teen Council graduation**

Terrence Gallagher introduced four Teen Council graduates:

- Mary Katherine Gallagher, sophomore, St. Teresa's Academy
- Sophie Rice, sophomore, Shawnee Mission East
- Jackson Bibb, junior, Shawnee Mission East
- Wenhan Sun, junior, the Barstow School

Jackson Bibb spoke for the group and shared thoughts about the program.

### **PUBLIC PARTICIPATION**

Kate Farber, 4806 W. 68th Street, spoke about drone issues in her neighborhood and described an event where a drone hovered over her husband in their driveway. She asked whether the City would require individuals to get permits to fly drones to better regulate how they are used. The Mayor advised the Council would be discussing a draft ordinance later in the meeting.

### **CONSENT AGENDA**

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion. Jori Nelson asked that item #2, the approval of Ordinances for the Art Fair and Clock Tower Series events, be removed for further discussion.

1. Approval of the regular City Council meeting minutes - April 1, 2019
2. Approve Ordinances for Art Fair and Clock Tower Series
3. Approve Expenditure Ordinance #2977

**Ron Nelson moved for the approval of items #1 and #3, approving the regular City Council minutes from April 1<sup>st</sup> as presented and Expenditure Ordinance #2977. 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.**

Mrs. Nelson shared concern about the City's legal responsibility for special events in which alcohol consumption has been approved. David Waters stated that, in Kansas, the



individual consuming alcohol would be liable for any issues rather than the merchant serving alcohol or the City.

Mrs. Nelson made a motion to approve item #2. Tucker Poling seconded the motion, which passed unanimously.

### **COMMITTEE REPORTS**

- Mrs. Myers stated that Arbor Day planting and ceremony would take place on Saturday, April 27<sup>th</sup> at 10:00 a.m. at Weltner Park.
- Mr. Wang reported on his attendance at the Congressional Cities conference in Washington, D.C. He attended sessions that covered how cities use data to engage citizens and improve operations, as well as information about cities providing their own broadband services.
- Mr. Gallagher shared feedback from Teen Council members about the program. He asked whether Council would consider starting the program in the summer rather than in the fall due to student workload.
- Mr. Odell stated that the Arts Council discussed liability insurance as well as the consideration of adding art to any new structures built for City departments at its recent meeting.
- Mrs. Schermoly shared a recap of the art reception, stating that the event was well-attended and successful.

### **MAYOR'S REPORT**

Mayor Mikkelson reported the following:

- A delegation from the Ukraine met with staff through the Global Ties organization on April 4<sup>th</sup>. The group spoke about the City's Non-Discrimination Ordinance as well as confidence in local government and overall interaction between government and citizens.
- The Mayor attended a Johnson County and Wyandotte County Mayor's Dinner. Conversations included community centers and pending legislation.
- A Finance Committee meeting will take place on April 17<sup>th</sup>. Budget recommendations will be presented at a later Council meeting.
- The Council has been invited to tour the new fire station and the Meadowbrook Events Center on Apr 22<sup>nd</sup>.
- The Mayor attended the SevenDays event. The City was recognized and given a plaque for being a "SevenDays Supporting City".



## **STAFF REPORTS**

### **Public Safety**

Captain Roberson stated that National Public Safety Telecommunicators Week was underway. He also shared that he attended the Valor Awards in Topeka to honor Prairie Village Officers that provided life-saving efforts at a shooting incident in the City. A Cookie with a Cop event will take place on May 2<sup>nd</sup> at the Great Harvest Bread Company, and a departmental promotion ceremony will be held on Friday, April 19<sup>th</sup>.

### **Public Works**

Keith Bredehoeft shared that the Mission Road microsurfacing project had been completed. In the next several weeks, repaving will take place on several streets, including Roe Avenue. Landscaping work is also underway at 75<sup>th</sup> and Nall Avenue.

### **Administration**

Jamie Robichaud provided an update on the first weekend of the large-item trash pickup. Republic was unable to collect trash at all residences on the allotted day, but completed missed areas on Monday, April 15<sup>th</sup>.

Wes Jordan reported that he met with area City Administrators and the Johnson County Sheriff to review jail fees to house prisoners. The charge to cities has not changed since 1988, and the Sheriff has recommended raising fees to the County Commission. Additionally, the prospect of the library partnering with the City on a community center project has been proposed. A likely next step will be a feasibility study proposal to come back to City Council in the next 45 days.

## **OLD BUSINESS**

There was no old business to come before the Council.

## **NEW BUSINESS**

**COU2019-24 Consider approval of proposed amendments to Chapter XI Ordinance governing Local Traffic Regulations**

Mr. Jordan shared that this was a “cleanup” item to amend code to reflect speed limit changes that were made on Tomahawk Road and the school zone on 95<sup>th</sup> Street.

Mr. Poling made a motion to approve COU2019-24 as presented. The motion was seconded by Mr. Gallagher. 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.

**COU2019-25 Consider approval of the construction contract with VF Anderson Builders, LLC in the amount of \$4,735,847 along with change order authority up to \$100,000 for Project DELN0001.**



Keith Bredehoeft reported that the project to reduce two low-water crossings and fix flood plain issues had been under consideration for many years. Cliff Speegle, Project Manager, provided background on the project, noting that Council had approved it in 2016. It was then submitted to the County for 75% funding, which was approved in 2017. Improvements were designed in 2018; work will begin in May 2019, and may not be completed until 2020. Three companies submitted bids, the lowest of which came from VF Anderson. The \$100,000 change order requested will be used for tree and shrub replacement.

Mr. Gallagher asked whether it would still be possible to stay under budget even with the change order and working through any other issues that arise. Mr. Bredehoeft stated that the project would remain under budget.

Mr. Odell shared concern about the large spread among the bids. Mr. Speegle stated that VF Anderson had a reputation for bidding low, but that other cities have said that they were happy with the company's quality of work. Mr. Speegle also explained that VF Anderson is able to bid at a lower price because they are able to minimize the use of sub-contractors.

**Mr. Odell made a motion to approve COU2019-25 as presented. The motion was seconded by Mr. Nelson and passed unanimously.**

#### **COU2019-26 Consider purchase of Storage Area Network (SAN)**

Jake Gunter, Senior Information Technology Specialist for the City, provided an overview of the request. Adding the SAN will ensure that the City's server infrastructure will be able to accommodate future storage needs, as well as provide more redundancy. The equipment was budgeted in the 2019 equipment reserve fund, and has a life span of approximately 10 years.

Mr. Runion asked what was included in the 36-month warranty. Mr. Gunter stated the warranty included both hardware and technical support. Mr. Gallagher asked whether Mission Hills would pay a portion of the cost; Mr. Jordan stated that he would follow up with Council after reviewing. Mrs. Myers asked why the purchase wasn't put to bid, and Mr. Gunter stated that the equipment would be purchased under the Kansas contract. He reached out to other companies as well, but received no response.

**Mrs. Nelson made a motion to approve COU2019-26 as presented. The motion was seconded by Mrs. Myers, and passed unanimously.**

After consideration of New Business items was complete, Mrs. Schermoly noted that the JazzFest Committee had booked a local artist as the event's headliner.

**Mr. Herring moved the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mrs. Myers, and passed unanimously.**



### **COUNCIL COMMITTEE OF THE WHOLE**

#### **Discuss draft ordinance (Chapter 11, Article 16) regulating the use of Unmanned Aerial Vehicles (UAVs)**

Mr. Waters stated that the draft ordinance was not yet ready for approval, but said he wanted to provide an updated version that incorporated suggestions made by Council previously. He noted that the definition of “recreational” drone usage is variable, but that the FAA had recently provided some guidance.

One issue of concern is strict liability, so language was added about “intentional” and “reckless” use. This language is still being reviewed by the City Prosecutor. Section 11-1602 regarding operating regulations defines a community-based standard to mirror federal law clarifying what recreational usage is. In Section 11-1603, the word “commercial” was added to explain that commercial drone usage is regulated by the FAA. Cities can regulate recreational usage to a limited degree, but the regulations are difficult to enforce. A city can’t mandate the registration of drones, which is preempted by federal law.

Mr. Gallagher asked what the goal of the Council was for this discussion. Mr. Waters stated that the objective was to determine whether the Council wanted to continue to pursue further action with the ordinance, to bring any additional questions to the Prosecutor, and then bring a finalized version back to Council. Mrs. McFadden asked if drones were allowed in county parks. Mr. Waters stated that if the park was within city limits, drone usage would be subject to city requirements. Commercial drones would be allowed as long as they have met FAA requirements. Captain Roberson noted that if a city ordinance is being violated at a county park within the city, the police department can enforce it. Additionally, police can enforce a county ordinance if a city ordinance does not exist.

**Mr. Poling made a motion to further review and consider the draft ordinance for consideration at a future Council meeting following consultation with the City Prosecutor at staff discretion. The motion was seconded by Mrs. Nelson.**

Mr. Gallagher noted that the draft ordinance would need to be brought back to the Council Committee of the Whole prior to being reviewed by the Council. He asked that the motion be amended to follow procedure.

**Mr. Poling amended his motion by deleting “at a future Council meeting”. Mrs. Nelson agreed to the amendment to the motion. The motion passed 7-5 with Mr. Wang, Mr. Runion, Mrs. McFadden, Mr. Odell and Mr. Gallagher in opposition.**

### **Council Priority List**

Mr. Jordan shared that a priority list is meant to be brought forward to Council once per quarter. However, staff work from the monthly plan of action now rather than the initiative list. Mr. Odell stated that the list was a good tool, but was no longer needed at this time.



Councilmembers commended Mr. Jordan on his leadership and management of City priorities in support of his request.

**Mr. Poling moved to eliminate the Council initiative list. Mrs. Schermoly seconded the motion, which passed unanimously.**

#### **New Business**

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

**Mr. Gallagher moved the City Council end the Council Committee of the Whole portion of the meeting. Mrs. Nelson seconded the motion, which 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 8:32 p.m.

Adam Geffert  
City Clerk