



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
AUGUST 19, 2019**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 19, 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, 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

Mr. Poling made a motion to approve the agenda for August 19, 2019. Mrs. Myers seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PRESENTATIONS

Jeff Stewart from the Johnson County Parks and Recreation District (JCPRD) provided updates on the state of Meadowbrook Park and future plans as part of the Meadowbrook Park Master Plan.

Mayor Mikkelson recognized outgoing Executive Director Jill Geller, who will be leaving JCPRD in September to take a position in California.

PUBLIC PARTICIPATION

- Pat McAnulty, 7405 Belinder, shared his objection to the proposed sidewalk on Belinder Road between 73rd Street and 75th Street.
- Laura Speicher, 7323 Belinder, stated that she supported the construction of the sidewalk.



CONSENT AGENDA

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

1. Approval of regular City Council meeting minutes - August 5, 2019
2. Appointment of Shannon Marcano as Assistant City Attorney

Mr. Runion asked to removed item #2 for discussion.

Mr. Herring moved to approve item #1. 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.

Mr. Runion stated that he supported the reappointment of Ms. Marcano but was concerned that the agreement terms specifically mentioned providing services for a potential civic center. He noted that media might make the assumption that the City had committed to proceeding with the project even though that decision has not yet been made. Ms. Nelson shared Mr. Runion's concerns, and asked why the City would work with an attorney even though there had not yet been discussions with residents.

Mayor Mikkelson said that Ms. Marcano had been made aware that the civic center project might not happen at all, adding that the City needed legal representation because both the Johnson County Library and YMCA had hired attorneys. He reminded Councilmembers that the City's attorney, David Waters, would not be able to represent the City because the firm for which he works, Lathrop and Gage, had been retained by the YMCA.

Mr. Odell made a motion to approve item #2 from the consent agenda, approving the appointment. The motion was seconded by Mr. Poling and passed 10-2, with Ms. Nelson and Mr. Runion in opposition.

COMMITTEE REPORTS

- Mrs. Myers stated that an RFP was published on August 9th to consider firms to help develop questions for the civic center survey. Three responses had been received, with approximately one week left before the deadline. A selection will be made in September.

Mrs. Myers added that the annual Fall Tree Seminar would be held on October 2nd at 7:00 p.m. in the Council chambers. Discussion will focus on native plantings.

- Mr. Odell noted that the Arts Council discussed installing a storage unit behind City Hall because it had run out of space inside the building.
- Mr. Gallagher said that he had attended the Governors Summit on Regional Collaboration on Tuesday, August 13th. The Governors of both Kansas and Missouri



agreed to end the economic “border war” in the Kansas City region, and a speaker from the Brookings Institute discussed the value of economic competitiveness.

- Ms. Nelson stated that the Teen Council application form had been placed on the City’s website, and that the deadline to apply was September 13th.

MAYOR’S REPORT

Mayor Mikkelson reported the following:

- The Mayor, Chief Schwartzkopf and Major Roberson attended the NAACP of Johnson County monthly meeting on August 10th. Discussion focused on diversity and racial justice.
- The Mayor, Mr. Jordan and other staff met with the Northeast Johnson County Chamber of Commerce and Kelsey Potts with the Prairie Village Merchants Association to identify strategies to support local businesses in the City.
- The Mayor attended a meeting with the Greater Kansas City Chamber of Commerce and Metropolitan Climate Action Coalition.
- The City participated in National Night Out for the first time on August 6th. Turnout was good, and it is anticipated that the event will be held annually going forward.
- The Mayor and staff met with private entities interested in partnering with the City on the proposed civic center.
- City staff met with the Kansas City Area Transportation Authority (KCATA) to discuss micro transit options on August 14th. A pilot project has begun in a limited area of Johnson County, offering services similar to Uber or Lyft for \$1.50 per ride within a specified area.
- The Shawnee Mission School District annual luncheon was hosted by the Northeast Johnson County Chamber of Commerce on August 15th. A presentation describing the district’s long-term strategic plan and mission statement was given by Superintendent Mike Fulton.
- The Mayor recognized four Prairie Village-area schools that earned the National PTA School of Excellence designation for 2019-2021: Belinder Elementary, Tomahawk Elementary, Indian Hills Middle School, and Shawnee Mission East High School. A total of five Shawnee Mission schools were among only seven in the state to earn this national recognition.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf reiterated that the National Night Out event was successful.

Public Works

- Keith Bredehoeft stated that the road reconstruction project on Roe Avenue between 63rd Street and 67th Street was on-going. The poor condition of the roadway necessitated the installation of a cement treated base, adding approximately two weeks to the project.



Mr. Bredehoeft noted that the stormwater project at 68th and Mission Road had not been awarded funding by the County for 2020. The project will be resubmitted for consideration in January for the 2021 year. He added that flood warning lights will be installed at the location to help drivers recognize when water is present on the street. The lights will also be installed at other low-water crossing areas in the City.

A public meeting about skate park improvements will be held on September 19th at Meadowbrook clubhouse.

Administration

- Lisa Santa Maria provided information on the financial impact of the “dark store theory”. In a worst-case scenario, the City would potentially need to pay back \$90,000 to retailers.
- Jamie Robichaud stated that the annual Johnson County Municipal Court amnesty event would take place between September 10th and 25th. During this time, defendants can come to court to have their warrants cancelled and warrant fees waived and will be granted a new court date to resolve their case.

Village Vision public participation sessions will be held on September 9th and 12th at the Meadowbrook clubhouse.

- Wes Jordan shared a flier providing more information about the micro transit pilot program, noting that Prairie Village would be included in the pilot project area on Saturdays. This information will be shared via City social media accounts. The program will run through December.
- Adam Geffert said that the annual animal enumeration project began on August 19th, and would continue through the month of September. Enumerators will be working in sections of Wards 2, 4 and 5.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2019-39 Consider Approval of DELN0001 - Delmar and Fontana low water crossing removal and drainage project - amendment to design engineering contract with Water Resources Solutions, LLC

Mr. Bredehoeft reported that Delmar-Fontana project was proceeding as planned, adding that easements had to be obtained from nearly all residents in the project area. Obtaining the easements was made easier by providing residents visual renderings of the channel and culvert improvements, and to assure them that landscaping would be fully restored.



Additional funding of up to \$21,622 is needed for the landscape architecture firm to complete the project.

Mr. Odell asked if any additional funding would be needed for landscaping if the amendment were approved, and Mr. Bredehoeft stated that he did not believe there would be a need.

Mr. Odell moved the City Council approve the amendment as presented. The motion was seconded by Mr. Poling, and passed unanimously.

Mrs. Morehead made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Nelson and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

Discuss terms of office for elected officials

David Waters provided background, noting that after the Kansas Legislature moved elections from the spring to the fall in 2015, it established that newly-elected officials would take office on the second Monday in January. That decision created problems for some cities, such as Prairie Village, that do not formally meet on that date. Senate Bill 105, passed in 2019, rectified the problem by allowing cities to establish a term of office on or after December 1st, following the certification of an election. Mr. Waters stated that Council had the option to move the date or to leave it at the second Monday in January.

Mr. Odell shared his concerns, stating that Councilmembers not running for re-election had already had their terms cut short when elections were moved. He recommended setting the term of office to begin at the first meeting in January. This sentiment was echoed by Mr. Wang and Mrs. Morehead. Mr. Poling stated that it would be best to get newly elected officials on to the Council as soon as possible.

Mr. Poling made a motion to direct staff to change the term of office to begin at the first Council meeting in December. Mr. Nelson seconded the motion.

Ms. Nelson asked how other cities were handling the issue, and Mr. Waters stated that many had chosen to move to December.

Mr. Herring made a motion to amend the motion to begin the 2020 term at the first meeting in January 2020, and the first meeting in December in subsequent years. The motion was seconded by Mrs. Schermoly. The motion to amend-passed 11-1, with Mr. Nelson in opposition.

The amended motion passed 11-1, with Mrs. Myers in opposition.



Consider approval of an Ordinance (Chapter 11, Article 16) regulating the use of Unmanned Aerial Vehicles (UAVs)

Mr. Waters stated that a second draft of the proposed Ordinance was presented to Councilmembers at the April 15th meeting. At that time, Council voted to move forward with the direction to bring a finalized draft back after consultation with the City Prosecutor. Minor language changes were made by the Prosecutor, and violations were determined to be class “C” misdemeanors.

Mr. Odell moved to approve the Ordinance as presented, and Mr. Poling seconded.

Mr. Nelson stated that he did not believe the Ordinance was necessary since there were already state statutes that address stalking, harassment and UAVs. He added that the Police Department had existing options and didn’t need anything additional. Mr. Herring said that the Ordinance would provide the Police Department additional tools to address inappropriate use of UAVs.

Mr. Odell called the question, and Mr. Poling seconded. All were in favor except Mrs. Schermoly and Mr. Nelson.

The original motion tied 6-6, with Mrs. Schermoly, Mr. Nelson, Mrs. Myers, Mr. Wang, Mrs. McFadden and Mrs. Morehead in opposition. Mayor Mikkelson provided a tie-breaking vote resulting in the motion passing 7-6.

Consider approval of sidewalk installation on Belinder Road from 73rd Street to 75th Street

Melissa Prenger noted that currently, a sidewalk existed on both sides of Belinder Road from the northern City boundary with Mission Hills to 79th Street, with the exception of the east side of the road from 73rd Street to 75th Street, and the west side from 75th Street to 75th Place. Although City policy only requires the street to have a sidewalk on one side, this area of Belinder Road has a high volume of daily traffic, and is located near Belinder elementary school, which draws students from south of 75th Street.

Mr. Gallagher opened public participation at 8:39 p.m. Tony Biagioli, 7329 Belinder, stated that he was in favor of the sidewalk, sharing safety concerns when children attempt to cross the street to reach the sidewalk on the west side. With no other individuals present to address the Council, public participation closed at 8:42 p.m.

Mr. Herring asked about the proposed retaining wall that would need to be installed at several properties along with the sidewalk. Mrs. Prenger stated it would be approximately two feet tall, and would be maintained by the City, not property owners. She added that Public Works would consult with homeowners to determine how best to handle trees in the path of the sidewalk.



Mr. Herring made a motion to approve the sidewalk installation on the east side of Belinder Avenue from 73rd Street to 75th Street. The motion was seconded by Mr. Poling, and passed unanimously.

New Business

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

Mr. Nelson moved that the City Council end the Council Committee of the Whole portion of the meeting. Mrs. Schermoly 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 8:55 p.m.

Adam Geffert
City Clerk