The City Of
Prairie Village, Kansas

CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JANUARY 19, 2021

The City Council of Prairie Village, Kansas, met in regular session on Monday, January 19, 2021, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Councilmembers in attendance remotely via Zoom: Chad Herring, Jori Nelson, Inga Selders, Ron Nelson, Tucker Poling, Bonnie Limbird, Sheila Myers, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Graham Smith, Gould Evans; Abby Kinney, Gould Evans; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Meghan Buum, Assistant City Administrator; Tim Schwartzkopf, Assistant City Administrator; Lisa Santa Maria, retiring Finance Director; Nickie Lee, Finance Director; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. McFadden made a motion to approve the agenda for January 19, 2021. Ms. Nelson seconded the motion, which passed unanimously.

PRESENTATIONS

Presentation of Council checks

Mayor Mikkelson presented ceremonial $1.00 checks given to Councilmembers annually for their service. The voided checks were mailed to Councilmembers later in the week.

Recognition of Lisa Santa Maria

The Mayor recognized Mrs. Santa Maria in advance of her retirement at the end of January 2021. He noted her many achievements and presented her with an award.

PUBLIC PARTICIPATION

Prairie Village resident Dr. Jameelah Lang spoke about issues of diversity in the City.

The following individuals provided comments related to the proposed “Village Vision 2.0” comprehensive plan:

- Bill Barr, 8600 Delmar Lane

- Whitney Kerr, 4020 W. 86th Street
- Todd Bleakley, 8621 Delmar Lane
- Sarah Blick, 4844 Somerset Drive
- Dan Schoepf, 8941 Linden Lane
- Brenda Satterlee, 8600 Mission Road
- George Williams, 7801 Colonial Drive
- Marc Vianello, 5209 W. 83rd Terrace
- Dennis Solis, 7339 Mission Road

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 – January 4, 2021
2. Approval of interlocal agreement with Johnson County for REIST0001: Reinhardt and 84th Terrace drainage improvement project
3. Approval of resolutions designating City officials and staff authorized to act on behalf of the City for investments and financial transactions
4. Approval of short-term special use permit for farm produce sales
5. Consider changes to annual bulk item pickup for 2021
6. Consider approval of 2021 exterior grant program
7. Approval of agreement with the Kansas City Crime Commission for the 2021 TIPS Hotline Crime Stoppers program

Mr. Runion asked for additional information about item #3. Mr. Jordan stated that the banking resolutions were necessary for new Finance Director Nickie Lee to act on behalf of the City.

Mrs. McFadden made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed unanimously.

COMMITTEE REPORTS

- **Planning Commission**

  PC2020-101 Consider Ordinance 2433 to adopt Village Vision 2.0, a revised comprehensive plan for the City of Prairie Village

  Ms. Robichaud stated that in the fall of 2018, the City Council authorized staff and the Planning Commission to begin working to update "Village Vision", the City's Comprehensive Plan. The original Village Vision was adopted in 2007, and many of the goals and implementation strategies outlined in that version had since been accomplished.

Mr. Smith and Ms. Kinney presented information about the new plan. They stated that after numerous work sessions with the Planning Commission and three public input meetings throughout 2019 and 2020, the draft of Village Vision 2.0 was presented to the City Council. Council then held three work sessions in the fall of 2020 to continue to work through Village Vision 2.0, and made the following changes to the document:

- Added definitions of housing affordability on pages 64-65 in Chapter 3: Implementation.
- Numbered definitions regarding allowable height and scale in village centers on page 52-59 were removed from the Comprehensive Plan, replaced instead by mentioning "multistory structures." Text was updated regarding the height in village centers, calling for new development to reinforce existing development patterns (in both scale and height) with the exception that expanded height and scale might be considered if the developer was contributing to the plan's stated policies in an exceptional way, particularly when providing lower cost housing units.
- The Neighborhood Patterns section on page 68 generally discouraged lot splits, but stated that they could be considered when serving a higher public purpose and the policies outlined within the Comprehensive Plan.
- The Civic Campus section on page 62 was revised to remove specific mention of the YMCA in relation to the civic center project and general wording was revised to reflect that the "city remained committed to considering a community center at the appropriate time."
- The 75th Street section on page 61 had been clarified to recommend consideration of a future street redesign for 75th Street when the time was appropriate, advancing a more specific process with robust public input.

On January 5, 2021, the Planning Commission held a public hearing at which one resident spoke. The Planning Commission voted unanimously to recommend adoption of Village Vision 2.0, with the stipulation that the Planning Commission, under the requirements of state statute and the City's municipal code, would commit to reviewing the plan annually and make necessary and relevant recommendations to the Governing Body for amendments. While the Planning Commission did vote unanimously to recommend approval, several members expressed concern that some of the changes made by Council introduced too much vagueness to the plan, and that amendments might be needed in the future to put together specific plans for certain areas, such as each of the village centers.

Mr. Waters stated that to adopt a new Comprehensive Plan, the Planning Commission must hold a public hearing and adopt a resolution recommending adoption to the Governing Body. The Governing Body would then have the following options:

1. Approve the recommendation of the Planning Commission by ordinance through a simple majority vote (including the Mayor) - 7 votes required

2. Override the Planning Commission's recommendation by a 2/3 majority vote (including the Mayor) – 9 votes required

3. Return the plan to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove

Mr. Waters said that if the Governing Body decided to return the Planning Commission's recommendations, the Planning Commission would have the option of resubmitting its original recommendations or submit new and amended recommendations. Upon receipt of the Planning Commission's recommendations, the Governing Body, by a simple majority of seven votes, could adopt, revise, or amend and adopt recommendations by ordinance, or take no further action.

Mr. Waters added that a motion to postpone a vote on the plan could also be made.

Ms. Selders made a motion to override the Planning Commission's recommendation and remove all language in Village Vision 2.0 referencing the building of residential structures within the "footprints" of established village centers. The footprints would include locations where structures currently stood as well as parking lots.

After some discussion, Ms. Selders clarified that she was specifically referring to the Village and Corinth shopping centers.

Ms. Nelson initially seconded the motion, then rescinded her second after determining she would prefer to amend the motion. Mr. Runion then seconded Ms. Selders' motion.

Ms. Nelson made a motion to amend the motion to pause the document from moving forward so that it could be taken up after the global pandemic had ended and residents had an opportunity to be meaningfully engaged. After further discussion, the motion was seconded by Mrs. Myers. A roll call vote was taken with the following votes cast: "aye": J. Nelson, Myers, Runion, McFadden, Gallagher; "nay": Herring, Selders, R. Nelson, Poling, Limbird, Reimer, Graves, Mikkelson. The motion failed 8-5.

A roll call vote was taken on Ms. Selders' original motion, with the following votes cast: "aye": J. Nelson, Selders, Runion; "nay": Herring, R. Nelson, Poling, Limbird, Myers, Reimer, McFadden, Graves, Gallagher, Mikkelson. The motion failed 10-3.

Mr. Poling moved to accept the Planning Commission's unanimous recommendation and approve Ordinance #2433 adopting Village Vision 2.0 as the comprehensive plan for the City of Prairie Village. The motion was seconded by Mr. Graves.

Mr. Runion moved to amend the motion to append all feedback received from residents to the final comprehensive plan publication. The motion was seconded by Mrs. McFadden.

Mr. Nelson made a motion to amend Mr. Runion's motion to include resident feedback in the meeting minutes rather than appending them to the comprehensive plan. Mr. Graves initially seconded the motion, but then rescinded his second. No other Councilmembers seconded the motion.

After further discussion, A roll call vote was taken on Mr. Runion's motion to amend with the following votes cast: "aye": J. Nelson, Myers, Runion, McFadden, Gallagher, Mikkelson; "nay": Herring, Selders, R. Nelson, Poling, Limbird, Reimer, Graves. The motion failed 7-6.

A roll call vote was taken on Mr. Poling's original motion. With the following votes cast: "aye": Herring, Selders, R. Nelson, Poling, Limbird, Reimer, Graves, Gallagher, Mikkelson; "nay": J. Nelson, Myers, Runion, McFadden. The motion passed 9-4.

- Mr. Poling stated that he had recently chaired his first Parks and Recreation Committee meeting, at which the group spoke about the proposed all-inclusive playground at Harmon Park, as well as an altered pool season in an effort to open the pool in 2021. The committee will also be reviewing its existing five-year plan and considering the development of a new plan.

- Ms. Limbird said that the Arts Council livestreamed a performance by Jim "Mr. Stinky Feet" Cosgrove on January 18. Approximately 100 spectators logged in to watch the 35-minute program, which featured songs about Martin Luther King, Jr.

MAYOR'S REPORT

- Mayor Mikkelson reported that a record $22,915 was donated to the Prairie Village Foundation in December, 2020. He added that Steve and Marianne Noll were the anonymous donors that matched nearly $10,000 in donations that were received.
- The Mayor, Mr. Jordan, Mr. Schwartzkopf and Chief Roberson attended a virtual Martin Luther King, Jr. dinner hosted by the NAACP of Johnson County, at which the City was given a diversity award.
- The Mayor provided an update on the COVID-19 pandemic, noting that phase one vaccination rollouts continued, and phase two would begin in the near future. He stated that both new hospitalizations and deaths were down slightly.
- The Mayor shared the passing of the mayor of Dolyna, Ukraine, the sister city of Prairie Village, from the COVID-19 virus.
- The Mayor, Mr. Jordan, Ms. Robichaud and lobbyist Stuart Little met virtually with Kansas Representative Sharice Davids the prior week.

- The Mayor co-chaired a Mid-America Regional Council First Suburbs Collation meeting. Guest speakers from other cities discussed their experiences addressing affordable housing issues.
- The Mayor stated that the Kansas Legislature had recently begun its 2021 session, and was fast tracking a bill to eliminate the tax lid. The tax lid was expected to be replaced by a "tax transparency" bill.
- The Mayor said that the Northeast Johnson County Chamber of Commerce would host a virtual State of the Cities luncheon on January 21.

STAFF REPORTS

- Mr. Gallagher asked Mr. Jordan if City staff could work with the county to help expedite the vaccine rollout to Prairie Village residents. Mr. Jordan said that he had been in communication with the county health department and emergency management, and that a clearer picture of the process would be available soon.

- Mrs. Myers asked when the Santa Fe Trail signage would be installed around the City. Mr. Jordan stated that staff had been in contact with Mark Morgan, the leader of the project, and that he would present information at an upcoming Council meeting.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2021-13 Consider project DEN0001 – Delmar and Fontana low water crossing removal and drainage project – construction contact final change order with VF Anderson Builders, LLC

Mr. Bredehoeft stated that the project began in April 2019 and continued through the summer of 2020. Two dangerous low water street crossings were removed, and the 100-year flood risk for seven properties was mitigated. Changes in the project costs were driven mostly from site conditions encountered during construction, sanitary sewer relocation construction items, site grading and stone wall construction, and site restoration items. The large scale of the channel improvements and close proximity to existing residential properties led to more disturbance than anticipated for items such as roadway, driveways, yards, and landscape restoration.

The final contract amount with VF Anderson Builders LLC totaled $5,076,792.90. Johnson County agreed to include the additional costs in their Stormwater Management Advisory Council (SMAC) reimbursement funding, constituting 75% of the total construction costs. The county's reimbursement share for the change order totaled $180,709. The City's share of $60,236 would be funded out of the CIP under Project DELN0001.

Mrs. McFadden made a motion to approve the construction final contract change order with VF Anderson Builders, LLC in the amount of $240,945 for Project DELN0001 for the Delmar and Fontana low water crossing removal and drainage project. Mr. Poling seconded the motion, which passed unanimously.

COU2021-14 Updates to Alcohol and Cereal Malt Beverage Ordinances

Mr. Waters stated that Johnson County voters approved a measure to eliminate the requirement that drinking establishments make 30% of their earnings from food sales in November 2020. The proposed Ordinance would update City Code to reflect the change, and would also remove residency requirements for obtaining a liquor license based on a recent opinion of the Kansas Attorney General.

Mr. Poling made a motion to approve Ordinance #2432, amending the City Code regarding alcoholic liquor and cereal malt beverages. Ms. Limbird seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed unanimously.

Mr. Nelson made a motion that 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
COU2021-15 Discussion of Harmon Park playground

Ms. Prenger gave a presentation showing the proposed location of the new playground. She stated that the Governing Body initially approved the construction of the Harmon Park inclusive playground in the 2018 CIP in the amount of $575,000. The project cost included both design and construction. Since being approved, the location of the playground had been tied to two discussions involving Harmon Park: Village Square and the Civic Center. It was determined during each of those discussions to delay the building of the playground to avoid any construction conflicts.

Village Square discussions were completed in late 2018, with the Governing Body determining to move forward with the skate park, performance pad and inclusive playground. Additionally, the discussion of a partnership with other local entities for a Civic Center was paused due to the COVID-19 pandemic. Recognizing that the Civic Center discussion was not complete but also that the City wished to move forward with this project, staff reviewed potential locations for the playground and recommended a site in keeping with the 2009 Master Plan.

The project would also incorporate the relocation of the practice tennis courts, relocated parking, and new sidewalk connectivity when removing the old playground. The additional project scope would be funded in the CIP in 2022.

Mr. Poling made a motion to proceed with the Harmon Park Inclusive Playground at the recommended location with additional improvements to parking and internal connectivity. Mrs. Myers seconded the motion.

Mr. Gallagher shared concern that the proposed relocation of handicapped parking spaces would be too far from the pavilions. Ms. Prenger noted that handicapped spaces would be relocated closer to the new playground. Additionally, the playground would be much closer to the two park shelters than its previous location.

Ms. Reimer asked if the existing bathroom facilities attached to the pavilion would be replaced. Mrs. McFadden stated that the Parks and Recreation Committee was considering updates to the restroom facilities in the future as part of a separate project.

After further discussion, the motion passed unanimously.

Discussion on marijuana ordinance changes

Ms. Selders and Mr. Graves gave a presentation in an effort to generate discussion with the Governing Body about marijuana laws in Kansas and surrounding states. They noted that Douglas County, Kansas, Wichita, Kansas and Kansas City, Missouri had all amended their marijuana ordinances to reduce fines associated with possession.

They offered the following options for staff to investigate and share with the Council Committee of the Whole:

1. Striking marijuana-related language from municipal enforcement code and the City's use of the Uniform Public Offense Code

2. Reducing municipal penalties related to cannabis infractions, including transitioning to citations in lieu of municipal court.

3. Similar solutions that present themselves during investigation of (1) or (2).

Ms. Selders made a motion to direct staff to investigate the feasibility and legality of the options presented and return to the Council Committee of the Whole after such an appropriate investigation is complete. Mr. Graves seconded the motion.

Mr. Runion stated that City staff should have additional leeway to research both the positive and negative consequences that other cities who have legalized or decriminalized marijuana have experienced.

After further discussion, the motion passed unanimously

COU2021-16 Consider installation of stop signs at the intersection of 71st Terrace and Eaton Street

Mr. Bredehoeft stated that the intersection of 71st and Eaton Street had two stop signs located in the northbound and southbound approaches to the intersection. A request was received to consider making the intersection a four-way stop. TranSystems, the city's traffic engineering consultant, evaluated the area and intersection and determined it would be acceptable to install two additional stop signs. Mr. Bredehoeft added that the Police Department had reviewed the TranSystems study and agreed with the installation of the stop signs.

Ms. Limbird made a motion to approve the installation of stop signs at the intersection of 71st Terrace and Eaton Street. Mr. Herring seconded the motion, which passed unanimously.

COU2021-17 Consider approval to revision of Council Policy 001

Ms. Buum said that at the January 4 City Council meeting, the Council voted to establish the Diversity Task Force as a permanent committee. Council Policy 001 was revised to include the addition of the Diversity Committee. Also, several minor administrative changes were made to the policy, including adjustments to appointment practices, meeting times, and committee title names.

Further, the revised policy outlined a "Code of Conduct" for committee members. Previously, the policy referenced the code of ethics found in Chapter 1, Article 2 of the Municipal Code. However, that portion of the code specifically stated that the code of ethics "shall not apply to persons who serve only as members of boards, committees, or commissions", and many components did not specifically apply to volunteer committee members.

Mr. Herring made a motion to approve revisions to Council Policy 001 to include the establishment of the Diversity Task Force as a permanent committee, minor administrative changes, and the volunteer code of conduct. Mr. Graves seconded the motion, which passed unanimously.

Mr. Herring moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Nelson and passed unanimously.

ANNOUNCEMENTS
Announcements were included in the Council meeting packet.

ADJOURNMENT

Mr. Nelson made a motion to adjourn the meeting. The motion was seconded by Ms. Nelson, and passed unanimously.

Mayor Mikkelson declared the meeting adjourned at 10:46 p.m.

Adam Geffert
City Clerk