CITY COUNCIL
CITY OF PRAIRIE VILLAGE
NOVEMBER 18, 2024

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 18, at 6:00 p.m. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following councilmembers in attendance: Terry O'Toole, Inga Selders, Ron Nelson, Chi Nguyen, Dave Robinson, Tyler Agniel, Greg Shelton, Nick Reddell, and Ian Graves. Staff present: Byron Roberson, Chief of Police; Major Eric McCullough, Deputy Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, City Engineer; City Attorney Alex Aggen, Hunter Law Group; Wes Jordan, City Administrator; Nickie Lee, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Meghan Buum, Assistant City Administrator; Jason Hannaman, Finance Director; Deana Scott, Court Administrator; Adam Geffert, City Clerk.

*Councilmember Cole Robinson arrived after the roll was taken.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Reddell made a motion to approve the agenda as presented. The motion was seconded by Mr. Agniel and passed 10-0.

INTRODUCTION OF STUDENTS AND SCOUTS

Four students from Shawnee Mission East High School were present as a requirement for their U.S. Government AP class.

PRESENTATIONS

- Gregg Zike and Michelle Pitsenberger with First Washington Realty provided an update on the Prairie Village, Corinth Square, and Corinth Quarter shopping centers.

- Senator Ethan Corson and Representatives Stephanie Clayton, Jerry Stogsdill, and Rui Xu provided legislative updates to the Council.

PUBLIC PARTICIPATION

- Pam Justus, Ward 6, shared her thoughts on fiscal responsibility.

- Rob Kohl, Ward 2, expressed his opinion on LEED certification for the proposed municipal complex updates.
- Amy Bagnall, Ward 6, stated her support for a new municipal building.
- Nick Alphs, Matt Jones, and Cooper Weeks, Ward 1, requested consideration of traffic calming measures on 66th Street west of Mission Road.

CONSENT AGENDA

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

1. Consider approval of regular City Council meeting minutes – November 4, 2024
2. Consider approval of expenditure ordinance #3044
3. Consider contract with Axon for police in-car and body-worn cameras, tasers, VR training system, and associated software
4. Consider renewal of public defender agreements with Frank Gilman and Philip Stein
5. Consider appointments to the Tree Board

Mr. Reddell made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": C. Robinson, O'Toole, Selders, Nelson, Nguyen, D. Robinson, Agniel, Shelton, Reddell, Graves. The motion passed 10-0.

COMMITTEE REPORTS

- Ms. Selders provided a summary of the National League of Cities (NLC) conference she had recently attended in Tampa, FL.
- Mr. Nelson noted that an arts council meeting and art exhibit reception had been held on November 6.
- Mr. Cole Robinson said that he and Mr. O'Toole would be hosting a Ward 1 meeting on December 9th.
- Mr. Graves also provided a recap of his experience at the NLC conference.
- Mr. Agniel noted that the Parks and Recreation Committee had met November 13, and congratulated staff for a successful pool season.
- Mr. Shelton acknowledged the two incoming tree board members, and recognized outgoing member Kevin Dunn.

MAYOR'S REPORT

- The Mayor noted that he had attended the following events since the prior Council meeting on October 21:
  - A Johnson County Community College fundraiser
  - A meeting with a cub scout troop to discuss local government
- The Mayor shared the following upcoming events:

PRAIRIE VILLAGE
KANSAS

  - The Northeast Johnson County Chamber of Commerce's annual gala on November 23
  - The annual holiday tree lighting ceremony at the Corinth Shops on December 5
- The Mayor added that the third quarter financial report had been released, and that the City was on track to finish the year under budget.
- The Mayor congratulated Chief Roberson on his election as the next Johnson County Sheriff and for his 30 years of service to the City.

STAFF REPORTS

- Mr. Jordan said that the next agenda packet would be published early due to the Thanksgiving holiday.

OLD BUSINESS

None.

NEW BUSINESS

At this time, Mayor Mikkelson asked Council President Dave Robinson to lead the meeting.

COU2024-58 Consider 2024 contribution allocation recommended by United Community Services for Human Service Fund grants

Christina Ashie Guidry, Director of Policy and Planning for United Community Services of Johnson County (UCS) gave a presentation describing the core functions of the organization and its focus on education and advocacy, mobilization and planning, and targeted resource allocation. She noted that the allocations, collected from cities within Johnson County, were used to provide services to residents and improve the well-being of the community. Prairie Village had contributed to the fund each year since 1990.

Ms. Ashie Guidry stated that general tax dollars were awarded to non-profits which operated health and human services program meeting the needs of Johnson County residents at, below, or near the federal poverty level. The human services fund provided a direct benefit to local governments and taxpayers by reducing the need for more costly interventions at public expense, such as law enforcement, courts and code enforcement. If approved, the $10,500 budgeted for the program would be pooled with funds from other cities in Johnson County and distributed to the agencies listed in the 2025 Human Services Fund Recommendation Report.

Mr. Cole Robison made a motion to approve the recommendations of the UCS Grant Review Committee contained in the 2025 Human Service Fund Recommendation Report and a contribution to UCS of $10,500. Mr. Graves seconded the motion.

Mr. Reddell asked if UCS also accepted funds from individual donors. Ms. Ashie Guidry said funds were only accepted from the county and cities within it. She added that UCS's administration fee was extremely low, and if donations were to be accepted from individuals, it would cause the administration fee to increase.

After further discussion, the motion passed 8-2, with Mr. Agniel and Reddell in opposition.

COU2024-59 Consider 2025 contribution allocation recommended by the Drug and Alcoholism Council of Johnson County for the 2025 alcohol tax funds and 2025 opioid settlement funds

Ms. Ashie Guidry said that state statutes required that one-third of the revenue derived from a state excise tax on liquor sold by the drink be used for alcohol and drug prevention or rehabilitation programs. The Drug and Alcoholism Council of Johnson County formed a grant review process that provided a structured and accountable system that allowed organizations, through one application, access to funds from multiple jurisdictions.

Ms. Ashie Guidry added that UCS managed the allocation of statewide opioid settlement funds (OSF) for Prairie Village as well as five other cities and Johnson County. State statute mandated that 75% of the funds be retained by the state, and the remaining 25% be distributed to municipalities on a per capita basis. Cities must use the entirety of the funds received toward programs that prevent, reduce, treat or mitigate the effect of substance abuse and addiction. Beginning in 2024, UCS combined the management of alcohol funds (ATF) and opioid funds (OSF) into the substance use continuum of care fund (SUF).

She noted that the Drug and Alcoholism Council made recommendations to cities for the expenditure of their funds, but that cities had the ultimate authority and responsibility for determining the allocation of their portion of the alcohol tax fund. The 2025 budget included an allocation of $44,000 from the special alcohol fund, the same amount as in 2024. Based on actual 2024 receipts, the 2025 budget allocated $50,000 to UCS for the OSF program.

Mr. Nelson made a motion to approve the recommendation of the Drug and Alcoholism Council of Johnson County contained in the UCS Fund Recommendations Report and approve a contribution to UCS of $44,000 of alcohol tax funds and $50,000 of opioid settlement funds from the 2024 community programs budget in the special alcohol fund. Mr. Redell seconded the motion, which passed 10-0.

COU2024-60 Consider adoption of the 2024 Standard Traffic Ordinance for Kansas Cities and the 2024 Uniform Public Offense Code for Kansas Cities

Ms. Scott stated that on an annual basis, the City received the latest edition of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC) from the League of Kansas Municipalities. Prior to the request for incorporation, the offense codes and traffic ordinances are compared to current City ordinances for discrepancies. Any deletions or additions are reviewed and approved by the city prosecutor and city attorney.

Ms. Scott noted the following changes for 2024:

STO Ordinance 2502:

- Overall Changes: Change STO edition year to 2024 and general housekeeping items regarding the new edition.

UPOC Ordinance 2503:

- Overall Changes: Change UPOC edition year to 2024 and general housekeeping items regarding the new edition.

Mr. Graves made a motion to adopt Ordinance #2502 incorporating the Standard Traffic Ordinance, 2024 edition. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: "aye": C. Robinson, O'Toole, Selders, Nelson, Nguyen, D. Robinson, Agniel, Shelton, Reddell, Graves. The motion passed 10-0.

Mr. Reddell made a motion to adopt Ordinance #2503 incorporating the Uniform Public Offense Code, 2024 edition. Mr. Graves seconded the motion. A roll call vote was taken with the following votes cast: "aye": C. Robinson, O'Toole, Selders, Nelson, Nguyen, D. Robinson, Agniel, Shelton, Reddell, Graves. The motion passed 10-0.

Mr. Nelson made a motion for the City Council to move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Agniel and passed 10-0.

COUNCIL COMMITTEE OF THE WHOLE

Discuss purchase of 7820 Mission Road property and municipal complex improvement options

Ms. Prenger said that the discussion was the second of three to consider the purchase of the 7820 Mission Road property and municipal complex improvement project options. She provided a recap of the discussion that was held at the prior city council meeting on November 4, 2024, noting that the council had initially approved a contract to purchase the property at its August 19, 2024, meeting. Staff was directed to perform a feasibility study of the building to consider its condition, what updates or modifications would be required, and whether it could be used by the City. Staff presentations and council discussion would happen over three council meetings:

- November 4 - Council Committee of the Whole:
  - Facility assessment, asbestos report, and cost/options for uses at 7820 Mission Road

PRAIRIE VILLAGE
KANSAS

- November 18 - Council Committee of the Whole:
  - Questions about the November 4 presentation and any follow up needed
  - Direction regarding purchase and construction options

- December 2 - City Council:
  - Formalize decision made at November 18 Council Committee of the Whole meeting

Ms. Prenger next discussed options and associated costs:

<u>Option 1: No build at 7820 Mission Road site</u>
- 1A $0 Do not purchase property
- 1B $6M Purchase cost and turn site into green space
- $4M Police department
- $8M Court
- $19M City Hall

<u>Option 2: City Hall relocated to 7820 Mission Road site</u>
- 2A $31M-$35M New construction of city hall at 7820 Mission Road site
- 2B $32M-$38M Renovation to existing structure for city hall at 7820 site
- $4.5M Purchase of property
- $4M Renovation of the police department
- $4M-$8M Renovation and new construction for court

<u>Option 3: Police department relocated to 7820 Mission Road site</u>
- 3A $38M New construction of PD at 7820 site
- 3B $41M Renovation to existing structure for PD at 7820 site
- $4.5M Purchase of property
- $5M Renovation of 7710 Mission Road to relocate city hall
- $4M Renovation of chambers, relocate court to 7700 Mission Road

Ms. Prenger said staff recommended moving forward with Option 2A: purchase of the 7820 Mission Road property and relocating city hall to the site; renovations for the police department to expand its space within the MPR; renovations to police department's basement; and placing court in the existing city hall building utilizing the chambers for the courtroom. This option would have minimal to no impact to the budget set for the currently approved municipal improvement project which was within the City's borrowing capacity.

Mr. Dave Robinson stated that since the City was near the end of the agreed upon due diligence period with the church, the committee of the whole should make a decision on whether to purchase the property at 7820 Mission Road at this meeting.

Mr. Reddell asked for more information about the costs to remodel the existing church building. Ms. Prenger said that estimated costs were primarily used to set the budget. The estimates included the removal and replacement of all utilities, plus a complete renovation of the interior and recladding the exterior of the existing building.

Mr. O'Toole asked for additional information about LEED expectations for a renovation versus new construction. Ms. Prenger said council had directed staff to pursue the LEED Gold standard if the existing municipal building were to be renovated. She added that the City would also aim for LEED Gold for a church renovation, but LEED Platinum for new construction.

Ms. Selders stated that she was not in favor of changing the exterior of the church building.

Mr. Cole Robinson said it made more sense to construct a new building with a 75-year lifespan rather than renovating a 70 year-old building with a 40-year lifespan. He added that the cost of the new construction could be covered by the City's existing budget without increasing taxes or affecting its bond rating.

Mr. Shelton noted that the climate action plan that the city council previously approved could only be achieved with a new LEED Platinum rated building.

Mr. O'Toole shared concern that the City was not represented by a realtor in the proposed purchase of the church property. He added that it made sense to show residents that the City had secured the best price possible for the property.

Mr. O'Toole made a motion to authorize staff to seek and engage, without a formal RFP process, a licensed real estate agent or licensed broker for the purpose of attempting to renegotiate the current purchase value of the Mission Road Bible Church property, which agent must agree to engage in representation for a fee which would be contingent upon the actualized reduction in the purchase value. The motion was seconded by Mr. Agniel.

Mr. Cole Robinson noted that the City had previously walked away from a high offer from the church twice, but then agreed to the current sale price, which was similar to the county's assessed value. He said making a change now could jeopardize the sale, and that there were likely other entities interested in purchasing the property.

Mayor Mikkelson said that a realtor would not bring value to the transaction at its current state as the property had already been selected by the City and had an appraisal completed.

Mr. Schwartzkopf stated that he had recently met with representatives from the church, who indicated there was a competitive offer from another potential buyer, and that they would not be interested in renegotiating the sale price.

After further discussion, the motion failed 7-3, with Mr. O'Toole, Mr. Agniel and Mr. Reddell in support.

Mr. Cole Robinson made a motion for the city council to authorize staff, consistent with the August 20, 2024 real estate contract for the purchase of certain real property from the Mission Road Bible Church to deliver to the title company, Chicago Title Insurance Company, a $5,000.00 additional deposit in order to extend the due diligence period an additional 30 days. The motion was seconded by Ms. Selders.

Mr. Hannaman stated that the need for the extension was because the due diligence period stipulated in the contract was coming to an end. After discussion with Columbia Capital and the City's bond counsel, Gilmore and Bell, a 30-day extension would be needed to provide enough time to set up the notes and/or bonds that would be used to purchase the church property. A $5,000 earnest deposit was required for the extension.

The motion passed 8-2, with Mr. O'Toole and Mr. Reddell in opposition.

Mr. Cole Robinson made a motion for the city council to authorize staff to engage the City's municipal financial advisor and bond counsel to prepare for the sale of notes or bonds necessary in order to fund the transaction contemplated by the August 20, 2024 real estate contract for the purchase of certain real property from the Mission Road Bible Church. The motion was seconded by Mr. Shelton.

Mr. Hannaman noted that the two options the City had to acquire the property were either a public offering of temporary notes, or a direct purchase through an RFP, both of which would be handled by the bond counsel. If the public offering option was preferred, Gilmore and Bell would need to begin the process right away. The final selection would be presented to council for approval at a later date.

After further discussion, the motion passed 8-2, with Mr. O'Toole and Mr. Agniel in opposition.

Mr. Cole Robinson made a motion for staff to accept guidance from council to proceed with option 2A: new construction at 7820 Mission Road. The motion was seconded by Mr. Graves.

Ms. Selders stated that she felt more time was needed to consider all the options that had been presented.

After further discussion, the motion passed 6-5, with Ms. Selders, Ms. Nguyen, Mr. Dave Robinson, Mr. Agniel, and Mr. Reddell in opposition. Mayor Mikkelson served as the tiebreaking vote in favor of the motion.

COU2024-61 Discuss the 2025 legislative platform

Stuart Little from Little Government Relations provided an overview of items that would likely be considered by the state legislature in 2025.

Ms. Lee stated that each year, the council considered and adopted a legislative platform establishing the City's legislative priorities for the upcoming legislative session. The document was then shared and discussed with local, state, and federal elected officials who represent Prairie Village, and used by staff and the City's lobbyist when determining whether the City should submit testimony on legislation.

In 2021, council changed the format of the platform, by endorsing the League of Kansas Municipalities' Statement of Municipal Policy and identifying the top priorities of the City in an additional document. Ms. Lee said that staff asked Little Government Relations to make recommendations for changes to the 2025 platform, and councilmembers to individually send any requested changes to discuss at the meeting. The following suggestions were received:

A. Remove "Sales Tax on Food" section since the change had been implemented. *(Suggested by LGR)*
B. Revise the "Tax Law" section to remove sentences following "The legislature should address…" The revenue neutral rate process has been used for several years so it doesn't seem productive to request amendments to the now institutionalized process. Additionally, the LAVTR program has been removed. *(Suggested by LGR)*
C. "I want us to focus on local issues. I would remove the global climate topic." *(Suggested by Councilwoman Sharp)*
D. Discuss whether or not to endorse the League's platform. *(Suggested by Councilman Reddell)*
E. "Housing - The statement from the League is that cities need to continue to grow in housing stock. This shouldn't apply to PV." *(Suggested by Councilman Reddell)*
F. "Property Tax Exemptions - I don't like this as I would love to offer some relief to teachers and first responders." *(Suggested by Councilman Reddell)*
G. "Medical Marijuana - Only city's that allow for the sell should be able to collect the tax benefits of its sale." (*Suggested by Councilman Reddell)*
H. "I propose that the city council support the reinstitution of the Kansas Local Ad Valorem Tax Reduction Fund and to fully fund that Fund with sufficient funds appropriated for the following two Fiscal Years. The Local Ad Valorem Tax Reduction (LAVTR) Fund was a Kansas law that distributed a portion of sales tax revenue to cities and counties to reduce property taxes. The state treasurer apportioned the funds to each county based on population. The LAVTR Fund was established in 1937 and funding of the LAVTR continued until 2003, when the Kansas Legislature broke the law violating its trust with municipal governments and Kansas residents withholding LAVTR funding revenues for 20+ years. As a result, local governments have lost over $1.7 billion in LAVTR revenues since 2004.

"In March 2024, the Kansas Legislature passed House Bill 2815 [and Senate Bill 1], which abolished the LAVTR Fund and the county and city revenue sharing fund. The Kansas Legislature should honor its residents and local governments by helping those governments help the State's residents. This lowers the effect of city property tax increases resulting from building high cost houses raising the value – and taxation upon – surrounding housing stock." (Suggested by Councilman Nelson)

Mr. Dave Robinson made a motion to remove the "Sales Tax of Food" section for the City's legislative platform. Mr. Graves seconded the motion, which passed 10-0.

Mr. Dave Robinson made a motion to remove the "Global Climate" topic from the platform. The motion was seconded by Mr. Reddell.

Mr. Shelton stated that he felt the global climate topic was a local issue, which could be seen in increasing intense weather events over the past several years and higher insurance premiums based on climate-related disasters.

After further discussion, the motion failed 10-0.

Mr. Reddell spoke about item D, regarding whether the City should endorse the League of Kansas Municipalities platform, and asked how the City's legislative platform had been developed prior to the endorsement. Mayor Mikkelson said that having municipalities endorse the platform gave it additional strength, whereas the City's individual platform allowed council to recommend specific items that were of more importance locally.

After further discussion, Mr. Reddell pulled the suggested item from the platform prior to a vote.

Mr. Reddell stated that he did not believe the "Housing" section of the League's platform, which stated that cities need to continue to grow housing stock, should apply to the City, and made a motion to make a statement opposing it in the City's platform. Mr. O'Toole seconded the motion.

Mayor Mikkelson noted that the League's policy actually stated that the lack of quality housing across the state created an impediment to growth and economic development.

After further discussion. The motion failed 9-1, with Mr. Reddell in support.

Mr. Reddell offered to remove item F, which referenced property tax exemptions.

In reference to item G, Mr. Reddell made a motion stating that he felt only cities that sold cannabis should be able to collect taxes from its sale. Mr. O'Toole seconded the motion.

Mayor Mikkelson stated that he could support the motion to ensure that cities that chose not to legalize marijuana also did not receive tax funds from its sale in other municipalities.

After further discussion, the motion failed 4-6, with Mr. Cole Robinson, Ms. Selders, Mr. Nelson, Ms. Nguyen, Mr. Dave Robinson, Mr. Shelton in opposition.

In reference to item H, Mr. Nelson stated that in March 2024, the state legislature eliminated the Kansas Local Ad Valorem Tax Reduction Fund (LAVTR) after withholding LAVTR funding revenues from cities and counties for over 20 years. As a result, local governments had lost over $1.7 billion in LAVTR revenues since 2001. Mr. Nelson suggested that the legislature should honor the LATVR funds that had not been distributed to cities, giving them the opportunity to reduce property tax increases resulting from building high cost houses, raising the value and taxation upon surrounding housing stock.

Mr. Nelson made a motion to keep language stating that the legislature reenact the LAVTR in the City's platform. Mr. Cole Robinson seconded the motion, which passed 8-2, with Mr. Agniel and Mr. Reddell in opposition.

In regard to item B, Mr. Nelson made a motion to revise the "Tax Law" section to remove the following text:

"The legislature should address the replacement for the tax lid that was passed in 2021 that intentionally confuses the electorate and causes additional intended problems with taxing policy. The law should return to what it was before the 2021 Legislative change and to the state it was before the tax lid was imposed in 2016 and 2014. If this cannot be accomplished…"

Mr. Shelton seconded the motion, which passed 10-0.

Mr. Shelton moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Agniel and passed 10-0.

ANNOUNCEMENTS
Announcements were included in the Council meeting packet.

ADJOURNMENT
Mayor Mikkelson declared the meeting adjourned at 10:41 p.m.

Adam Geffert
City Clerk