

**MINUTES OF THE CITY COUNCIL MEETING  
CITY OF MISSION HILLS, KANSAS**

**January 10, 2022**

The City Council of the City of Mission Hills, Kansas held a regular meeting on January 10, 2022 at 5:30 p.m.

**PRESIDING:** Mayor David W. Dickey

**PRESENT:** Councilpersons Bill Bruning, Barbara Nelson, Braden Perry (via phone), Eden Thorne and Andy Weed (via phone)

**ABSENT:** None

**ALSO PRESENT:** Jennifer Lee, City Administrator; Justin Carroll, Assistant City Administrator; Meghan Woolbright, City Clerk; Spencer Jones, City Treasurer; Anna Krstulic, City Attorney; Anna Italiano, Recording Secretary; Police Chief Byron Roberson, Prairie Village Police Department (“PVPD”), Fire Chief Steve Chick, Consolidated Fire District 2 (CFD2)

**VISITORS:** Duane Lee, 6535 Overbrook Road; Leslie Mark, 2900 W. 68<sup>th</sup> Street; Mike McQuaid, 5630 Belinder Avenue, Fairway, Kansas Tim McQuaid, 6436 Norwood Road

Mayor Dickey called the meeting to order at 5:30 p.m.

**MAYOR GREETINGS AND INTRODUCTIONS**

Following the pledge of allegiance, Mayor Dickey greeted visitors and noted that the order of the agenda could be adjusted to accommodate the interests of the visitors. He noted that the meeting is being recorded for the purpose of taking the minutes. After the minutes are submitted, the recording will be destroyed.

**APPROVAL OF COUNCIL MINUTES – December 13, 2021**

Councilperson Nelson moved to approve the minutes of the December 13, 2021 meeting. Councilperson Bruning seconded. Councilperson Weed commented that in the bottom line of page 6 and on page 8, line 7, he would like to change his phrasing from “behavior” to “achieve a more positive outcome.” Councilperson Thorne noted that on the bottom of page 2, “is” should be “in.” On the second line of page 5, it should say “artificial turf.” On page 7 under Section E and in the first complete paragraph, second line it should say “ordinance.” Councilperson Nelson noted that on page 3, “tax session” should be “tax season” and on page 11, “drive” should be “driven”. In the middle of the paragraph on page 2, the sentence should read “may not do

otherwise.” Councilperson Nelson and Councilperson Bruning accepted the changes. **Approved 5-0.**

## **OATHS OF OFFICE**

Council President Bruning administered the Oath of Office to Mayor-Elect David W. Dickey. Mayor Dickey then administered the Oaths of Office to Councilperson Barbara Nelson and Councilperson Bill Bruning.

## **PUBLIC SAFETY**

### **A. Police Report**

Chief Roberson stated that December 2021 was busy as far as theft from vehicles are concerned. He said that there was one break-in through a car window of a locked vehicle with something valuable inside. On Mission Drive, a passenger window was broken into in a driveway but nothing of value was stolen. Instances where someone breaks through a car window are rare. On Tomahawk Road, something was stolen from an Amazon delivery vehicle parked in a driveway. The PVPD spoke with Amazon, and they have some ways to mitigate thefts, such as drivers keeping personal belongings in unseen places and locking the vehicle. The video from the theft showed a suspect vehicle that has been used in several crimes around the metro and the vehicle was found abandoned. Chief Roberson stated that stolen vehicles are often used to commit crimes and USPS and UPS are not immune to them. There were a few thefts from unlocked vehicles but nothing of high value was taken other than a passport. Personal documents should be safe guarded and not left inside vehicles. Another catalytic converter was stolen, which is common around the metro and hard to safeguard against. The best way to protect your vehicle is to park it in well-lit areas and try to use the best surveillance available. There was one aggravated burglary. A burglary is considered aggravated if someone enters a garage attached to a house. In this instance, the suspect entered an open garage and stole a few items but did not enter the residence. There was an attempted burglary on Belinder Avenue which included a couple of vehicles working together. One of the vehicles was familiar to the PVPD because it was a Maserati Sports Coupe. The vehicle caught an officer’s eye at 67<sup>th</sup> Street and Belinder after recognizing it from bulletins around the metro. The vehicle was parked near a residence and people were running back and forth to the vehicle. When the officer tried to stop the vehicle, it took off, leading to a lengthy pursuit into Kansas City, Missouri. The vehicle was lost around 67<sup>th</sup> Street and Holmes Road. The vehicle was chased by a few other agencies and was recovered a few days later. Chief Roberson stated that auto thefts are one of the reasons the PVPD continuously asks everyone to lock their vehicles and not leave keys inside. He said that stolen vehicles are used to commit other crimes. Sometimes the police will give chase, but that is very dangerous for unknowing citizens and the officers. Chief Roberson stated that there were quite a few property crimes but noted that serious crimes are still very low. He said that he was going to use a graph at the Homes Association meeting to show the amount of crime in the City compared to surrounding areas like the State Line corridor and Overland Park. He said that a lot of violent

crime happens in cities surrounding Mission Hills. He added that it is well known that Mission Hills has an active police force who pays attention to people just driving around with no purpose. The bottom of the chart shows a good correlation with failure to yields, which mean that an officer will try to stop a vehicle and it takes off. Failure to yields are not usually traffic violations, but likely people in the City casing homes during the overnight hours. In Prairie Village, 82 people have taken off from the PVPD.

Councilperson Nelson commented that burglaries are up 550% year-to-date over the last year. She asked if the rise in burglaries can be attributed to the lockdown and the increase in the flow of residents moving around. Chief Roberson replied that the numbers can be a little deceiving, but there has been a big jump. He said that the numbers can be attributed to pre-COVID, COVID and post-COVID, noting that when people are working from home, it is more difficult for people to commit crimes, so a better comparison is 2019. Councilperson Nelson asked if the PVPD called for backup during the Maserati chase on Belinder Avenue. Chief Roberson replied that there were two City officers involved in the pursuit which is broadcast automatically to all units in the area. He said that KCMO was somewhat involved but due to the number of streets the car took, it was difficult for them to catch up. He stated that all agencies are ready and know what is going on. He noted that the City is in a unique location because of State Line Road which covers the entire jurisdiction. Sometimes that makes things difficult because the PVPD has to find a crime in progress to cross the state line. In this case, the pursuit started in Kansas, so the PVPD was able to cross State Line for a felony case. The Maserati was also involved in many robberies in KCMO. Councilperson Nelson asked if the chances of catching someone are slim. Chief Roberson replied that getting someone outside the car is key, because it becomes more difficult once they get inside. He said that the PVPD has caught plenty of burglars on foot, but once they get inside a vehicle it adds a different element so they would much rather catch them before. For burglaries, criminals are usually out of the car for only 20-30 seconds, which is all it takes for them to check a car door and hop in to grab something. Chief Roberson stated that street cameras and License Plate Readers (“LPRs”) will help. He said that at the end of February 2022, they will begin to set up the first set of 10 cameras at 2.5 intersections. He said that he hopes to have another set installed in March 2022, and then the PVPD will begin to put some eyes on these intersections which will make a difference.

Mayor Dickey stated that he is working on a public safety letter to send to the City’s residents that includes crime statistics. He noted that there were 13 burglaries in 2021, 2 burglaries in 2020, and 8 burglaries in 2019, additionally there were 55 thefts in 2021, 44 thefts in 2020, and 49 thefts in 2019. Mayor Dickey noted there is a significant annual percent change in burglaries between 2020 to 2021, which could be due in part to the increased number of residents staying home in 2020. He noted comparing the burglary rates in 2021 and 2019 might be more appropriate. He stated that safety is the greatest task of the City. He added that Mission Hills has one of the lowest crime rates in the state of Kansas, but one crime is one crime too many.

Councilperson Bruning asked if seasoned officers know how to spot potential bad actors. Chief

Roberson answered yes, noting that a lot of their officers are young, but learn very quickly while on the job. He stated that officers train for four months at the police academy and another four months in field training, which is where they learn what to look out for certain human behaviors and driving behaviors, especially in the middle of the night. Councilperson Bruning asked if the PVPD checks license plates on cars driving around in the middle of the night. Chief Roberson answered no, there has to be a reason for them to check. He noted, for example, that a vehicle passing by Verona a few times at 2:00 a.m. is a good reason to stop. There are also a lot of impaired drivers in this area, so a certain number of people may get stopped for driving behavior. There are other drivers that are not going anywhere in particular, so they are stopped to see if there is a problem. Chief Roberson reiterated that there are many reasons a vehicle is stopped but it is never random. Councilperson Thorne asked if cars that get pulled over will return the next night. Chief Roberson replied that happens occasionally, but once a vehicle flees, they will generally dump the car and find another one. He said that when he was a young officer, spotting a stolen car was easier because it was usually in bad shape. Now, stolen vehicles look like every other car driving around. Councilperson Thorne suggested that information be put into the newsletter, so residents understand what is going on.

Councilperson Nelson noted that her friends with electric vehicles have had problems with it going out of control and asked if that was the case with the incident at the fountain. Chief Roberson replied that the person that hit the fountain was an impaired driver. Councilperson Nelson asked if someone having a heart attack while driving counts as impaired. Chief Roberson answered no, that would be a medical condition. The person in this instance was impaired with drugs or alcohol. Councilperson Nelson asked if the PVPD can track runaway electric vehicles. Chief Roberson replied that he has heard about that happening nationally but does not think that has happened in this area recently. Mr. McQuaid stated that he is the chairman of the Crime Prevention and Safety Committee (“CPSC”) and they had some concerned citizens at their last meeting that were pretty upset about the uptick of crime in the City. He said that the CPSC was accused of turning a blind eye to it, but he tried to reassure them that the Council, City staff and PVPD are aware and actively working towards trying to catch the people committing crimes. He suggested that something be added into the next newsletter or communications with citizens that lets them know what the City and PVPD is doing to bring the crime numbers down. Councilperson Perry stated that he has reached out to the individual who expressed their frustrations, and they are planning to meet to discuss what the City is doing. He said that he thinks it would behoove the City to let residents know what they are doing, and that crime is being taken seriously.

Chief Roberson stated that he discussed the PVPD adding additional officers with the City Administrator and Mayor Dickey. He said that they want to make sure they are not adding officers just to be adding people and the PVPD wanted to look at the crime numbers. Right now, five officers are assigned to the City. Those officers are on duty 7 days a week, 24 hours a day but not all at the same time. Chief Roberson stated that by analyzing data over the last several

years, you start to see trends in crime. He said that in this case, sometimes crime can be generated by an economic aspect of the surrounding areas and the proximity of the City to them. He stated that poverty and crime often go hand in hand and the City's proximity to a higher crime area adds to that mix. Chief Roberson said that crime will happen in this area, but how much that happens depends on various things such as the judicial system's stance on crime. He said that he has seen the judicial system in Jackson County come full circle, noting that there was a time they were very hard on criminals. In Johnson County, the District Attorney is hard on criminals and tries to make sure they are held accountable. There are a lot of criminals on the other side of the state line that are not going to jail and are released due to overcrowding. Burglars are the first to be released which adds to problems down the road. Chief Roberson stated that the PVPD believes adding an officer in the overnight hours could impact crime in a positive way, even though it will not solve everything. The addition of camera and LPR infrastructure will also help tremendously, and they are using their crime analyst to help determine better placement of officers. The PVPD used their drone with infrared capabilities for a burglary at the Meadowbrook Apartments and were able to catch one suspect. The PVPD also added a K-9 unit. All of those new additions plus an additional two officers during the overnight hours could help reduce crime in the City.

Chief Roberson stated that adding police officers is expensive and the cost includes more than an additional salary, but he thinks it could impact crime in a positive way. Councilperson Nelson asked if the officers will be new or repositioned from another area. Chief Roberson replied that the officers would be new. He noted that the PVPD is short staffed and are in the process of trying to hire. He said that they are also trying to attract officers from other agencies, which is sometimes better because there is no lag time in training but in order to do that they need more attractive benefits. Councilperson Nelson asked if there needs to be a new vehicle. Chief Roberson answered yes, one more. Councilperson Nelson asked about the cost. Mayor Dickey answered two additional officers and one car would cost approximately \$248,000. He noted that there is no silver bullet to solving this problem. He added that if the City is going to discuss reinstating the City's sales tax, it would be also an opportunity to discuss potential public safety improvements and those costs. He noted that residents have expressed a desire to increase public safety efforts.

Councilperson Bruning asked how crime would be different with two more officers. Chief Roberson replied that additional officers increase the ability to detect crime. He said that an officer can be at each end of the City, and they will never see each other because there are a lot of places for someone to be involved in crime. More numbers, especially with the topography of the City, could hopefully help with crime prevention. Chief Roberson said that he believes it is a strategy that could improve the situation if the Council wants to move forward. Mayor Dickey noted that the City shares its longer border with KCMO and if they are going to be broken for a long time, they should take action. Councilperson Nelson said that the City needs to show residents historical figures and where they are currently, without making hysteria a part of the

reason. She said that they need to talk about what is going on in their area, what has changed and what they expect from two additional officers. She noted that she is not against the proposal, but the City needs to carefully make the case. Mayor Dickey agreed. He said that he does not want to minimize this year but comparatively, the City still has one of the best crime records of any city in the state or metro. He stated that crime is still more than they want, which is why they are taking steps like installing additional technology. He said that it is important to not present the idea like a silver bullet to ending crime. Mayor Dickey stated that he will acknowledge the steps the City is taking in the public safety letter. He noted that it is almost impossible to steal a modern vehicle without keys, so the City needs residents to help now.

## **B. Fire District Report**

Chief Chick stated that the CFD2 appreciates the relationship they have with the PVPD. He noted that he is wearing his mask tonight as an example for the fire department because they are in the midst of an uptick in COVID cases. He stated that there was a fire on Ensley Lane that was originally dispatched as a modified response. If the CFD2 knows something is on fire, they will dispatch five fire trucks, two battalion chiefs and a medic. Some areas will get six fire trucks because of the size of the homes. The fire on Ensley Lane was sent out as a modified response because they only reported smoke in the residence, so two engines and a battalion chief responded. Based off the amount of smoke, they knew they had a working fire, so they pulled the rest of the alarm. The fire ground operations went well. After questioning the homeowner, they determined that the gas apparatus in the fireplace had been running for 36 hours straight. The CFD2 had to tear out the wall to completely put out all of the char points and were on scene for just over three hours. They take extra caution to find clean wood and that all embers are put out, so they do not have to come back. They did reduce the potential of damage and are happy with how things went. Other than the damage of tearing out the wall, there was no significant damage from the fire. Councilperson Thorne asked if the homeowners had smoke detectors. Chief Chick answered yes.

Chief Chick said that the 2021 numbers are what was expected. There was a slight improvement in false alarms and a slight increase in the number of EMS calls which is not surprising with the concerns people have about health. They looked at the whole region covered by Station 22 at 63<sup>rd</sup> and Mission Road and they are currently running more unfounded false alarms than other areas. There are a lot of homes with alarm systems in Prairie Village and other areas. The CFD2 might be able to make some incremental moves in that area to try and control that because those false alarms take a unit out of position for the next emergency call. They are beginning to do some research now that they have the end-of-year numbers. The current focus is safety and navigating the COVID quarantines. Chief Chick stated that the CFD2 was very healthy for a long time but today there are 12 staff members in quarantine. He said that they are staffing everything at standard operating procedures and not having trouble covering overtime. He said that the CFD2 holds themselves to a pretty high standard and follow health protocols and do not shorten quarantines since they often go into homes of people who might be compromised. Chief Chick

stated that they are trying to make sure they maintain their staffing numbers.

## **CONSENT AGENDA**

- A. Claims Ordinance No. 1604**
- B. Resolution No. 2022 – A: Agreement with Johnson County for Stormwater Asset Management Program (SAMP) Funding from the Stormwater Management Advisory Council (SMAC) for 68<sup>th</sup> Street Stormwater Improvements**
- C. 2022 Time & Materials Contracts**
  - I. Consulting City Architect: Todd Ault**
  - II. Construction: LMCC**
  - III. Engineering: GBA, Water Resources Solutions**
  - IV. Snow & Ice Control on Belinder Sidewalk: Driscoll Turf Care**
  - V. Survey: BHC Rhodes**
  - VI. Tree Work: KC Arborist, Ofilio’s Tree Service, Van Booven**

Councilperson Bruning moved to approve the Consent Agenda. Councilperson Nelson seconded. **Approved 5-0.** Councilperson Nelson asked for exact totals of the yearly contracts. Ms. Lee stated this data could be provided. Councilperson Nelson asked why the City uses KC Arborist when other people are cheaper. Ms. Lee replied that they did receive the rates from the three tree companies, but the City only uses KC Arborist on an as-call basis. She noted that they have the lowest removal costs for certain diameter trees, so the City will only use them for removals on those specific ones. Councilperson Nelson asked if the largest provider is Ofilio. Ms. Lee answered yes. She said that the City went out for bid for the whole contract, but the time and material contracts are for issues that come up during the year. She noted that if any project is over her spending authority of \$15,000, it will come to the Council for approval.

Mayor Dickey stated that he forwarded the email from a resident about Waste Management to the Council and that resident is at the meeting. Mr. Lee stated that he appreciates the Council affording him the time to vent some of his frustrations about the situation with David Vogt and Waste Management. He said that Mr. Vogt is more than just a trashman, but an exceptional human being. He said that he has some misgivings about how the situation with him was handled, beginning with the postcard that the residents received. Mr. Lee stated that the postcard felt like a political move by Waste Management, and it reminded him of a candidate who gets elected and breaks their promises shortly after. He said that he has spoken with Waste Management and clarified that they gave the City three different options. Mayor Dickey replied that Waste Management provided four proposals and three involved Mr. Vogt. Mr. Lee said that Mr. Vogt is the ultimate in providing customer service, and he cannot speak highly enough of his moral character and commitment to the job. He said that he is not the only one who feels this way and he believes what Waste Management did is an immoral injustice. He stated that Mr. Vogt had a stellar record of his safety protocol and is unique, and he is saddened by the fact that the deal is done at this point in time. He asked if there is anything else that can be done, noting

that Mr. Blessing at Waste Management suggested doing a 6-month trial. Mayor Dickey replied that the entire Council agrees about Mr. Vogt as a person and Waste Management would not have the contract at all if it were not for Mr. Vogt. He said that the postcard that was sent out surprised everyone on the Council. He noted that Mr. Vogt is still the solid waste hauler and running the trash route throughout the City. The only change is that his colleagues are doing the other services. Waste Management proposed a 42% rate increase if the City wanted to keep Mr. Vogt's services as they were before. The Council had a good discussion about balancing the fiscal responsibility and everyone's love for Mr. Vogt and chose to keep him on with the changed days of service.

Mayor Dickey noted that Waste Management was 6% higher than the other bidder and the Council made a conscious decision to pay more in order to keep Mr. Vogt. Councilperson Thorne stated that it was important to the Council that Mr. Vogt go to every single resident's house. Councilperson Nelson agreed, noting that she informed Waste Management that Mr. Vogt needs to collect trash from every house. She said that they cannot be sure that he is the beneficiary salary wise of the new arrangement, but the City even considered trying to hire him at one point, but it was too complicated. She stated that the Council shares Mr. Lee's devotion to Mr. Vogt and they did what they thought was responsible. Councilperson Nelson said that they should wait and see how this pans out because the new schedule has only been enacted for a week. Mayor Dickey noted that Mr. Vogt was off for two weeks immediately after the Council agreed to the new plan, so that might have created some confusion. He suggested giving it 60 days then reaching out if he has further feedback. He stated that the Council will be watching too because Waste Management made a lot of promises and they want to hold them accountable. Mr. Lee stated that he is aware of the price increase in the contract and Waste Management's justification, but companies can adjust their figures to say anything they want to say. He said that it is hard for him to understand the increase when someone else is going to be doing the job that Mr. Vogt is doing. He stated that he values good, strong relationships and he is gratified to know that the Council is keeping a watchful eye on the situation. Mr. Lee stated he hopes there is some way to reward Mr. Vogt for his loyal service and to get him back on the route for the full week. Mayor Dickey thanked Mr. Lee for his feedback.

## **FINANCIAL REPORT**

### **A. December Financial Report**

Mr. Carroll stated that the year-end report will be at the February 2022 meeting. He said that things look good from a revenue perspective and the City has finished the 2021 budget. The City is up \$500,000 in revenue and there will be more details next month. Councilperson Weed stated that he is glad to see the City is up 6% and asked if there are any signs of inflation starting to creep into certain areas like the cost of services and materials. Mr. Carroll replied that the City will learn more when we receive the bids for the Tomahawk Road project., but there are still some pressure points in the supply chains and the City might feel some affects. Mr. Jones stated

that the City's real estate taxes are 50% of the total revenues. He said that any added sales tax will reflect any increase in inflationary pressures. He said that he thinks real estate values will go up and the types of purchases from residents could offset any type of cost-driven inflation.

## **OLD BUSINESS**

### **A. Repeat Nuisance Properties**

Mr. Carroll stated that he reached out to the prosecutor because City staff has been struggling to get appointments for onsite inspections at 3002 W. 66<sup>th</sup> Terrace. He said that the prosecutor will file a motion to bring the homeowner back into court for noncompliance of agreement. He stated that he can provide more information when that happens. Councilperson Weed noted that 2517 W. 68<sup>th</sup> Street has had a shutoff notice form Water One on their door for 5 to 6 weeks. He said that there is no one in the house and he does not think anyone has been there, so he suspects the water is still off. He asked if it is okay to have utilities turned off. Ms. Lee replied that functioning utilities is one of the minimum standards in the City's ordinance. She said that they have not approached it from a minimum standards viewpoint as they have focused all of the action to this point on nuisances ordinance offenses. She commented that she thinks the utility being turned off would be the only minimum standard that they would not meet. Ms. Lee stated that they can look at the home from that angle as well. Mayor Dickey agreed. Ms. Lee stated that they will explore that further and come back with more information.

### **B. Solicitation Discussion**

Ms. Krstulic stated that she is following up on the question about the solicitation ordinance. She said that she laid out the reasons why the City should stick with a standard no visit list, relying on a case from the 10<sup>th</sup> circuit. Mayor Dickey said that he will include it in the newsletter and said that the City can figure out a way to get people to sign up for the no solicitation list. Ms. Krstulic stated that the key is personal choice. Councilperson Bruning stated that they need a strong clause stating the crimes the City has had, and this is focused on protecting integrity. He said he had been advised by police in the past that "solicitation" provided a means for potential burglars to assess security measures of a prospective target (e.g., a barking dog). Ms. Krstulic noted that they strengthened the "whereas" clauses. Councilperson Nelson commented that there are so many long driveways in the City that solicitors really encroach on property and privacy.

## **NEW BUSINESS**

### **A. Ordinance No. 1605 – Tree Ordinance Revisions**

Mr. Carroll stated that these are the official recommendations after the preliminary review in November 2021. There are three main things, the first of which is to simplify lots. The proposed revision breaks down residential lots into four components and the City would implement a tree protection and removal plan that would be part of the permitting process. After what happened

last spring, the City started having the City Arborist be more involved in looking at sites during the permitting process. The revision puts teeth to it without ambiguity. There will be fencing requirements for substantial construction and excavating footings, not just new homes. There will also be a fine structure that uses an industry method from the Council of Tree and Landscape Appraisers. The City Arborist can come check trees on Council member's properties to give them an idea of how the formula works. The tree can be appraised at \$10,000 to \$40,000 depending on the size of the tree. Mayor Dickey suggested that the City Arborist do that on the next Arbor Day celebration. Mr. Carroll stated that they need to change the old reference to section 1-210 because that is the old penalty. The proposed changes strike that reference and have a more stringent fine structure. Councilperson Weed asked if the fines will accumulate. Mr. Carroll replied that there will be a fine for every tree that has no permission to be removed then the formula will be used to appraise removals.

Councilperson Thorne asked about the identity of the Park Administrator. Ms. Lee replied that she is the Park Administrator but has designated the role to Mr. Carroll. Councilperson Nelson asked why the Park Board is included in this section. Ms. Lee replied that the City's current tree ordinances were included in the same chapter as the Park Board, but staff are looking at moving the tree section to Chapter 5. Councilperson Nelson noted that one section mentions a member of the Westport Garden Club. Ms. Lee commented that the ordinance used to require every Park Board team have a member of the Westport Garden Club but that has evolved over time. Councilperson Nelson noted that the ordinance mentions telegraph wires so it might be good to clean up and give the Park Board their own standing. Ms. Lee said that they could technically move this section with the tree regulations to Chapter 5, which becomes relevant when there is a building permit or Architectural Review Board ("ARB") process. Councilpersons Nelson and Weed agreed. Councilperson Nelson said that it is important stuff is done in a calculated way. Mayor Dickey asked if the proposed changes can be approved with the amendment to move the section to Chapter 5. Ms. Krstulic replied that the ordinance should be rewritten with the separate changes for the Park Board. She noted that they did clean up the language and she can change the Park Administrator title to the City Administrator. Mayor Dickey suggested that the proposal be tabled until the suggested changes are made.

Councilperson Bruning stated that the Council needs to have a more robust discussion about the City's role with trees. He said that the City should consider mandating parkway trees throughout instead of people choosing to not have trees. He noted that the ordinance is only triggered by permits so the City's hands are tied to a certain extent. He suggested that an ordinance be considered that freezes all trees until a plan can be submitted because there have been several instances of developers clearcutting a property in advance of seeking a permit. Councilperson Bruning said that there needs to be a consistency with fines. He also noted that there are many instances where a tree will not survive construction and he thinks there are a lot of policy issues that ought to be looked at before the City adopts the tree ordinance. Mayor Dickey asked if he would like to take the step forward with this ordinance then discuss the suggestions laid out.

Councilperson Bruning answered yes. Mayor Dickey stated that they can give enough guidance to the Park Board to have a dialogue about it, then take the Council's general perspective to those boards and bring back proposals to the Council. Councilperson Bruning said that he would also like to discuss the fines and the real penalty, noting that the replacement value is not necessarily a penalty. He said that there are a lot of policy issues that he would like to understand better. Councilperson Nelson said that it would help to have the City Arborist present.

Mayor Dickey stated that the Council could review the reformatted proposal for Section 5, then an additional tree policy discussion will be had with the suggestions made by Councilperson Bruning. He stated that there has been a conversation about this topic for many years but no interest or will to move forward. Councilperson Nelson commented that 20 years ago, there was not as much rebuilding in the City, and no one was clear-cutting lots. She said that the City has to move with the times. Mr. McQuaid said that he thinks that the City should allow the ARB, or an arborist to determine that if a high caliper tree is healthy, a house should be redesigned to save the tree. He referenced the house on 69<sup>th</sup> Street and noted that a redesign could have kept the tree in place.

#### **B. 2021 Staff Accomplishments**

Councilperson Bruning stated that the one of the accomplishments of 2021 not referenced in the document in the packet was to proactively respond to the challenges of the pandemic in the middle of a significant staff change and he is very impressed with City staff.

### **REPORTS OF CITY STAFF**

#### **A. City Clerk**

Ms. Woolbright noted that the report includes the calendar with all meetings, the Council's calendar and new website information. Councilperson Thorne commented that the new website looks great. Councilperson Weed asked about the multiple invitations he received for 2022 meetings. Mayor Dickey replied that all invites were sent out so those who use Outlook can accept the ones they will attend. Councilperson Weed suggested that the invitations be labeled. Councilperson Bruning said that the website looks great and very usable. Mr. Carroll noted that the website will also contain a fillable form for the No Visit List for solicitation. Ms. Lee replied that staff will continue to work on the website and keep it up to date.

#### **B. City Administrator**

Ms. Lee stated that they will include bid results for Tomahawk Road at the February 2022 meeting. She said that the City is out for bid this week and it was an invite-only bid. Councilperson Nelson asked about the closure of Wenonga Road to Indian Lane. Ms. Lee replied that Kansas Gas Service needed a place to stage some stuff as they move east down Tomahawk Road, and she can get a time estimate from their project supervisor. She noted that Water One

did the same thing at a different location. Councilperson Nelson asked if the City is satisfied with the rate of installation. Ms. Lee replied that Water One is going fairly well but Kansas Gas is a little slower. She noted that Google started their installation this week.

### **C. Assistant City Administrator**

Mr. Carroll stated that the City is in the insurance renewal process and are in a favorable position with Travelers Insurance. There was a 3% increase in property values across the board. The City is proceeding with the Colonial Court damage claim to seek reimbursement from the driver. They pulled a bunch of historical data and the fountain cost \$100,000 to install last time. Councilperson Bruning asked if the driver that hit the fountain is insured. Mr. Carroll answered with minimum coverage. Councilperson Thorne asked if the driver is a resident. Mr. Carroll answered no. Councilperson Nelson asked about the City's options. Ms. Lee replied that they will file a claim with the driver's insurance. Mr. Carroll noted that the City has a fountain in storage that could be potentially be used as a replacement. Councilperson Weed stated that if the City is going to have insurance and value these sculptures, they need to be willing to do something about it when this happens. Mayor Dickey stated that they are going to the driver's insurance first then they will make a decision about the leftover gap. He said that they want to be able to take advantage of the insurance, but they need to understand what they can get from the driver and what the impact is. Ms. Lee stated that the City learned from the insurance broker that if they pursue a claim against the driver, the insurance companies will likely be unwilling to entertain a second claim. She said that they are being asked to file a claim against the driver or with the City's insurance company knowing that they would fully cover the cost. Mr. Carroll noted that the claim against the driver has already been filed. He said that our brokers suggested filing now because this is what insurance is for. Mayor Dickey asked what will happen to the rates and coverage. Mr. Carroll replied that the City is considered a small user and since they have never filed a claim the increase would likely be relatively small. Councilperson Weed asked if the City needs to look at insurance companies that specialize in fine arts and antiques. Ms. Lee replied that might be something worth exploring. She said that from a public liability and standard public sector coverage, Travelers is the place to be. She commented that the City has a unique exposure and have never explored a separate policy for fine arts. Mr. Carroll stated that he will have Travelers Insurance speak about cyber security as well at the February Council meeting.

### **D. City Planner**

### **E. City Arborist**

There was no discussion on the reports of the City Planner and City Arborist.

## **MAYOR'S COMMENTS**

### **A. Liaison Reports**

There were no liaison reports.

Mayor Dickey asked the Council to give him the names of anyone interested in service, noting that having those names identified in advance is always good. He said that he will forward the Council an email from a resident talking about Belinder. He said that conversation is key for the public safety letter and noted that the Homes Association meeting was cancelled. He stated that over the weekend, a resident made very nice comments about Sunken Garden and how they and several others love it as a space. Mayor Dickey said that the director for the Parade of Hearts wants to place metal geo-located hearts throughout the City, one in particular along State Line Road to represent the intersection of the two states. They will be 5.5 feet tall, 3 to 4 feet wide and weigh around 400 pounds. They are three dimensional and not permanent structures.

Councilperson Weed asked if this is the same thing as the large painted cows. Mayor Dickey answered yes, it ties into other things like the t-shirts with hearts and they will be located throughout the metropolitan area. Councilperson Thorne asked if this is a fundraiser. Mayor Dickey replied that it will be. Councilperson Nelson asked if the City will be responsible for decorating the hearts. Mayor Dickey answered no, the Parade of Hearts organization is pushing the campaign and will work with the artist to have it placed safely. After the parade is done, the pieces will be auctioned off. Councilperson Nelson said that she supports it, but the City should be careful about not opening up a floodgate. Mayor Dickey said that he will get more information and send the Council a link to the website. Councilperson Nelson asked when the sculpture will be put in. Mayor Dickey replied sometime in the next 60 days.

## **ADJOURNMENT**

Meeting adjourned at 7:45 p.m.

/s/Anna Italiano

Recording Secretary