

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

**February 13, 2023**

The City Council of the City of Mission Hills, Kansas held a meeting on February 13, 2023, at 5:30 p.m.

**PRESIDING:** Mayor David W. Dickey

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

**ABSENT:** None

**ALSO PRESENT:** Jennifer Lee, City Administrator; Justin Carroll, Assistant City Administrator; Anna Krstulic, City Attorney; Jesse Kirk, City Arborist; Police Chief Byron Roberson, Prairie Village Police Department (“PVPD”); Police Captain Eric McCullough, PVPD; Fire Chief Steve Chick, Johnson County Consolidated Fire District 2 (CFD2)

**VISITORS:** Brady Battmer, Mission Hills; Sharon and John Snavelly, Mission Hills; Andy Sauer, Burns and McDonnell; Cindy Warlick, Overland Park; Tim McQuaid, Mission Hills; Tom McGuire and Anna Rivas, CBIZ; Tim and Tristan Duncan, Mission Hills; Terry Garberg, Mission Hills; Paul Hoffmann, Mission Hills; Rik Siro, Kansas City, MO; Andy Wolff, Mission Hills; Sharon Lockhart, Leawood; Carol Huhs, Kansas City, MO; Kim Klein, Mission Hills; Juliana Garcia, Shawnee Mission Post; Patricia Schere, Mission Hills; Mike McQuaid, Fairway; R. Balt, Mission Hills; Eric Smetana, Gallagher (via web)

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

**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. Mayor Dickey noted that the meeting would be recorded for the purpose of meeting minutes.

**APPROVAL OF MINUTES OF COUNCIL MEETING**

Councilperson Perry moved to approve the minutes of the January 9, 2023 meeting. Councilperson Nelson seconded. All proposed edits were approved and accepted by Councilperson Nelson and Councilperson Perry. **Approved 5-0.**

## **PUBLIC SAFETY**

### **A. Police Report**

Chief Roberson referred to the January 2023 police report and stated that last month there were a few thefts from the front porch, two on 63<sup>rd</sup> street and one on 61<sup>st</sup> terrace. He said some of the thefts were seen on doorbell cameras, so residents are taking the advice of the Mayor and the police department on the use of those cameras. There was also a theft of services and several thefts from vehicles. Chief Roberson noted that most of the vehicles were unlocked. He added a catalytic converter was also taken, and tools were stolen from trucks outside on Mission Drive and Tomahawk Road. Chief Roberson said that residential burglaries involved houses that are under construction and believes the burglars are related to someone working on the house because the crimes involved entry via a keypad that someone had the code to. He said there was another forced entry into a home for construction tools, but the alarm system stopped those individuals from making off with the tools.

### **B. Fire District Report**

Chief Chick commented that since the end of 2022 the CFD2 really started crunching numbers and wanted to evaluate any significant change in the calls made and services provided. He noted call volumes have increased and distribution of calls among different types remained similar to the past few years. The biggest increase was in rescue and emergency medical service calls but everything else has stayed in line. Chief Chick addressed the previous concern from the Council about power line calls and trees, noting that there were no drastic numbers for those. He said that the CFD2 started a new program for interns. He noted they had the opportunity to hire their first intern over the winter and helped them finish their education and certifications. Chief Chick said the intern is leaving the academy and will be on shift starting Saturday.

Mayor Dickey said that he would like to hear what people have to say about the trapping incident and requested comments be kept to two to three minutes. He noted that Council meetings always begin with public safety, which means safety in every sense of the term. He said the City takes safety very seriously for all residents and non-residents and wants the City to be a safe community for everyone and their pets. Mayor Dickey said that he follows all medical, animal control, fire and police calls and was very sorry to the resident of Prairie Village whose pets were injured. He noted that this is a hard topic that the City has been discussing for a year and a half. Mayor Dickey commented that any incident where a pet is injured or killed makes him equally sad, noting that a resident's dog was attacked over a year ago in their fenced back yard and killed, which should make everyone in the room sad. Mayor Dickey stated that other residents have also reported coyote attacks on their pets and of being followed on walks with pets or no pets. He said he has also taken calls from parents who are worried about their young children, and referred to incidents in Huntington Beach, California, Dallas, Texas and Cincinnati, Ohio where kids were attacked by a coyote. Mayor Dickey noted that Leawood had the same debate on this issue fifteen years ago and made some changes to their ordinance, allowing residents to trap on private land. In the fall, the Fairway animal hospital reported that two of their client's dogs were killed in yards by coyotes. Mayor Dickey stated the City spent hundreds of hours of staff time and police time talking with experts including the Kansas Department of Wildlife and

Parks. He commented that if there were easy answer, the City would have implemented it, now, the City will step back and evaluate to understand what happened. Mayor Dickey stated that the Council will ask the Crime and Safety Committee (“CSC”) to look at the issue again. He opened the floor for comments.

Mr. Battmer said that he grew up in the City and is representing his parents. He asked about the types of traps used. Mayor Dickey replied that he does not want to get into a back and forth discussion. Mr. Battmer said that his biggest concern is children, noting that he used to play in the creeks when he was a kid and now his nieces and nephews do the same thing. He stated the City is irresponsible for okaying these traps and the damage could have been much worse. He commented that the community is entitled to answers about the types of traps and signage, noting that none of his friends or parents got any mailers.

Ms. Klein asked if there are more humane traps, noting that her dog gets out of the yard, and she does not want him caught in a steal trap biting his leg off. She said that steel traps are barbaric and inhumane, and requested that the City think out of the box for a better way to handle this. She noted that she did not get a letter and does not know anyone who knew about the traps. Ms. Klein said that she has been fuming since she heard about this incident. Mayor Dickey stated the City will put together an FAQ after the Council meeting to answer all questions asked. He commented that he does not want to get into a back and forth discussion because it will not be productive.

Ms. Snavely said that the traps are barbaric, and the City needs to educate people. She suggested that vets give out information, so homeowners know not to leave a dog unattended. She added there should also be a recommendation on the City website, along with a warning on the coyote problem that warns people to bring their dogs inside. Ms. Snavely said traps are unbelievably cruel, and she cannot believe that anyone thinks it okay to leave an animal to die. She added that any child could get caught in the trap.

Ms. Garberg said that the Humane Society’s coyote management plan is very detailed and includes step by step methods that have worked around the United States. She said removing one coyote can destabilize the population. She noted that the program is all about public education and noted that she emailed a copy of it to the Council.

Mr. Wolff said he is not an expert on coyotes or wild life, but the City needs to communicate better with the public about what is going on. He said he does not know how many traps there are, and he is receiving his news through NextDoor and Facebook instead of the City. He reiterated that the City needs to have better communication with residents.

Mr. Moore agreed with every comment that was made and noted that his comments are meant to be constructive. He said the approach to the coyote problem was inhumane, and the City needs to find a more humane approach. He noted that the last Council minutes were posted in November 2022, and requested more recent months be added for transparency. Mr. Moore said there is conflicting information on coyotes, but he is sure that there are some good people who can give sound advice on the best management approach. He commented no one wants to see an animal suffer, the traps are hidden and there is poor signage. Mr. Moore said that the current signage

mentions trapping a nuisance animal and directs people to call City Hall, but that would not be possible on a weekend or an evening after hours. He referred to an incident in Loose Park in 2022 where the park staff set up a perimeter around a hive of African Bees. The perimeter had yellow tape and clear signage that warned of danger to safety. It was made unequivocally clear that no one should enter the area. Mr. Moore suggested that the City be direct and clear with the public. He noted he walks his dog on a 20-foot leash and dogs wander. He added that kids explore as well, and there will be people, including himself, that will go to the creek. He said Councilmember made a comment in a previous meeting that the traps would not be in a high traffic area. Mr. Moore asked if a medium or low-traffic area was considered. He stated that the traps are a big menace, and he thinks there is a better way to do this.

Ms. Warlick stated that it would be good to have a public forum so they can all be educated about the coyote problem. She said that if the coyotes cannot be removed they need to learn to live with them.

Ms. Lockhart said she went through something similar with Leawood. She said that Operation Wildlife is working on a Facebook page to try and educate people on getting along with nature. She commented that she grew up in the country and there is a whole lot of misinformation and hysteria around this problem.

Mr. Hoffman noted he previously served on the Homeowners Association for the Winterset Community in Lee's Summit, Missouri so he can appreciate the challenges that the Council is facing. He suggested the City follow its own municipal code about the use of traps on private property.

## **CONSENT AGENDA**

### **A. Claims Ordinance No. 1629**

Councilperson Perry moved to approve Claims Ordinance No. 1629. Councilperson Bruning seconded. **Approved 5-0.**

## **FINANCIAL REPORT**

### **A. January Financial Report**

No additional information was presented.

### **B. 2022 Year End Report & Encumbrances**

Ms. Lee stated that the City ended the year with a \$3.1 million surplus. She said the City's revenues exceeded expectations and the City realized some cost savings by delaying a few projects and the purchase of police cars to 2023. Ms. Lee said the second page of the report talks about encumbrances. She said that there is a pressing erosion need at the Indian Lane low water crossing. There are two public safety items: covering the increase in the public safety contract due to the compensation decisions by Prairie Village and the purchase of three police cars. Ms.

Lee stated that everything else on the list has been discussed and shared at various Council meetings. She noted the second ARPA payment was set aside and not yet programmed. Ms. Lee said the City always leaves some room for adjustments by the auditors. She noted the potential addition list includes things that the Council briefly discussed, such as connecting sidewalks. Ms. Lee stated that there are existing sidewalks in several areas of the City and there have been suggestions to connect some, noting one of the areas mentioned is in the Tomahawk Road Homes Association along State Line Road. There has not yet been a full evaluation, but the first area listed for consideration is 69<sup>th</sup> Street to Arno, which would be easy to do because there are no impediments in the right of way. Ms. Lee said the City can always try one area and see how it goes.

Ms. Lee stated that \$100,000 will be used for the stone wall in Brush Creek at the Tomahawk Road Bridge, if needed, due to the Johnson County Wastewater main replacement in that area. Ms. Lee said Prairie Village is including that line item in their bid process for the City's review and consideration. She said that the police currently have four Mission Hills vehicles, and only one with a License Plate Reader ("LPR"). The encumbrance would add LPRs to the other three vehicles. Ms. Lee added that there are some smaller improvements or enhancements in parks, such as adding a swing and resurfacing the playground at City Hall. There is also a proposal to remove the two somewhat unreliable drinking fountains at Sunken Garden and 64<sup>th</sup> and Belinder. Ms. Lee said that getting the City's statutory reappraised for insurance purposes is also on the list. She noted the City always budgets a \$100,000 transfer into the Capital Improvement Reserve fund. The reserve fund is nearing \$1,000,000. Ms. Lee noted last time the City utilized the fund was in 2012 for the bridge on 63<sup>rd</sup> Street. She said there was also a transfer scheduled from the Special Highway Fund, which comes from the gas tax and has to be used on roads and streets. She added that the City had budgeted a transfer of almost \$300,00 from the Special Highway Fund to the General Fund to help pay for 70<sup>th</sup> Terrace, but that did not happen because the City pushed the project to 2023. Ms. Lee stated the City will use the extra money from the over performing revenues to fund that project fully.

Councilperson Bruning asked about adding \$18,000 to the encumbrance list for the results of the compensation study. Ms. Lee replied the City could add that to the encumbrance list, but she thinks they would be comfortable using this year's budget as is. Councilperson Bruning asked if a postcard will be sent to the residents on 70<sup>th</sup> Terrace. Ms. Lee answered yes, after the contracts are approved, they will begin communication. Councilperson Thorne asked for clarification on the LPRs. Ms. Lee replied that the PVPD gets all the information from the LPRs currently installed in the City through dispatch. She added that the LPRs in the vehicle would be used for encounters that occur outside of an intersection with a LPR already installed. Councilperson Thorne asked if the LPRs move with the car. Ms. Lee answered yes, the one they purchased five to six years ago is perfectly fine and there is about a \$1000 cost savings if they install an LPR when the vehicle is first purchased. Ms. Lee stated that she will move forward with the list unless there are any concerns. She noted the City hopes to have the final numbers on the 65<sup>th</sup> Street undergrounding piece in March 2023.

### **C. Compensation Study Report**

Ms. Lee introduced Mr. Smetana to the Council and stated that he will go over the Compensation Study Report. She noted the study shows pay is competitive and there is a general need to increase salary ranges for all positions, with actual salary increases targeted to specific positions based on the market analysis. Benefits are also very competitive. Staff will return to the Council with some proposed personnel policy amendments, such as paternal leave.

Mr. Smetana reviewed the first few pages of the packet, indicating what the study covered. He said Gallagher was engaged by the City to look at the compensation structure over all, as well as other people-related items. He added the point of the study was to ensure competitiveness and fair and equal pay within a maintainable structure. Mr. Smetana said from a market perspective, the trend data suggests a few variation points of roughly a 3 to 5% adjustment to salary budgets. He noted the Department of Labor provides additional data, which also represents a 5% increase. He stated that the Compensation Study data collection process identified ten benchmark positions relative to pay grade, job function and what was hard to recruit or retain. The study was done across 15 municipalities in Kansas and Missouri, and Gallagher collected customer survey data on six job titles. Mr. Smetana noted all positions were represented. He said based on the survey itself, the City is competitive, meaning that it is within 10% of the market median. He noted that anything within 10% is competitive, and anything within 5% is considered highly competitive. Mr. Smetana said the public sector was looked at more broadly through organizations such as Mercer and Towers Watson. He stated that the City is highly competitive and within 1% of those databases. He noted that the City is competing with other municipal governmental bodies.

Mr. Smetana referred to a chart depicting base pay and the midpoint, noting the City ranks as highly competitive at 4%. For salary structures and implementation, the first proposed option is to leverage the structure at the 50<sup>th</sup> percentile in market data which brings employees to the minimum. Mr. Smetana said the total increase in wage cost is just over \$18,000 on an annual basis, which totals \$1500 per month. He said Option 2 anchors wages at the 75<sup>th</sup> percentile and the City is slightly ahead of the market overall. Mr. Smetana said the bell chart depicts why individuals are where they are. He commented individuals in the first quartile are learning or new to their roles, whereas individuals hovering around the midpoint have 5-10 years of experience. At the 10-year mark, individuals move towards the 75<sup>th</sup> percentile. Mr. Smetana recommended the City look at the trend factor every year to maintain competitiveness because it is easy to fall out of alignment with the market if ranges are not addressed on an annual basis. He noted the benefits programs are highly competitive and are general attractors of talent. He recommended the City consider a study of this nature every 2 to 3 years, or at least 3 to 5 years.

Ms. Lee said asked the Council to bless the 50<sup>th</sup> percentile recommendation and increase the salary ranges for the 9 staff positions. She noted that the last study was in 2018. Councilperson Perry confirmed that the current study is better than the previous one. Ms. Lee answered yes, and the City has not adjusted salary structures since then. She said she pays within the ranges set by the Council and can bring back more details, but she is leanings towards Option 1 recommended by Gallagher. Councilperson Thorne confirmed there are five employees that will have an

increase in their salary. Ms. Lee clarified yes, the other five are appropriately within the range. She noted Prairie Village is paying at the 75<sup>th</sup> percentile, but she is comfortable with where the City stands. She said that at the 50<sup>th</sup> percentile, the City is able to attract and retain people, and the benefit package is fairly robust.

Councilperson Nelson stated that she would like more information on individual job descriptions because she feels that the Council is lacking in a concrete discussion. She commented that compensation has always been extraordinarily good, but parental leave should be added. She said that she was always impressed by the number of people that apply to City jobs. Mayor Dickey stated that unless other Council members are interested in seeing specific details, he does not think it appropriate to have an open discussion about individual salaries and their ranges. He suggested any Councilperson who wants extra details sit down with the City Administrator and Assistant City Administrator privately. Councilperson Perry noted the Council gives the City Administrator the ability to set salaries within ranges as the City allows and moved to approve Option 1 as presented. Councilperson Thorne seconded. She asked about the status of parental leave. Ms. Lee replied that the City currently does not offer it. Councilperson Bruning asked if the City Administrator has the right to supersede the salary range limits if they are in danger of losing a key employee, noting that it is important to have good staff. Ms. Lee replied that she would not supersede the limits in a retention situation without informing the Council. Councilperson Bruning suggested aiming higher. Councilperson Perry agreed. He said that he does not know if the Council has the data to approve a higher percentile today, but he would like an ongoing understanding of how they can start moving the ball forward. Councilperson Bruning said he is comfortable with 15% and said that he would like Ms. Lee to have the freedom to retain the staff. **Approved 5-0.**

Councilperson Weed stated that it is important that the City provide their employees with the necessary tools to be successful in the work they do because their work adds value to the City.

## **OLD BUSINESS**

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

Ms. Lee stated that the City did final inspections on the house on 63<sup>rd</sup> Street on January 31, 2023. She said the Chief Building Inspector wrote a memo on all the items that remain to be completed in order for the permit to be closed out. Councilperson Bruning asked if the homeowners will be returning for their money. Ms. Lee replied that she would not refund the money without direction from the Council. She noted they have not made a request, but she presumes they will. She said that Ms. Trost has traveled back to the Ukraine because of family issues. Councilperson Thorne asked if the inspection list is the usual list. Ms. Lee replied that there is usually a list of items that coming up during a final inspection as it is unusual to pass 100% the first time.

## **NEW BUSINESS**

### **A. Park Use Application – Wedding at Verona Columns**

Ms. Duncan stated that the wedding will be take place at the end of May 2023. Councilperson Perry moved to approve. Councilperson Thorne seconded. Councilperson Bruning asked what will occur at Verona Columns. Ms. Duncan replied just the ceremony, which will not take more than thirty minutes. She said parking will not be an issue because guests will park at Mission Hills Country Club and take a trolley to and from Verona Columns. Councilperson Bruning asked if the City has ever had this many people at Verona Columns. Mayor Dicky replied Dinner à Verona. He noted that the trolley will solve the problem of parking. **Approved 5-0.**

### **B. Burns and McDonnell – Review of Prairie Village’s Mission Road Project**

Mr. Sauer introduced himself to the Council and said that he is glad to support the City on this effort. He said he will present an overview of what is being done, describe the high-level approach and present the results of their review. He noted on the third slide, north is on the right side of the map and the yellow area depicts where Mission Road is being elevated out of the flood plain. The green shows what is being moved back and the blue area is the main channel. Mr. Sauer reviewed the fourth and fifth slide, which depict proposed flood control improvements and the existing floodplain and floodway. He said the purple area on the sixth slide shows the study review area of the 2D model and the flows used the FEMA model. He noted the amount of water and cubic feet per second were the same between the two models. Mr. Sauer indicated they only looked at hydraulic changes and did not collect any new data. He said all data was provided by the Prairie Village digital elevation model and they compared what was existing with what they are proposing. Mr. Sauer noted the areas in red on the next few slides depict higher elevations and they used elevation models to cut the cross section. The data shows how much of the channel is being widened and how much of Mission Road is being elevated. Mr. Sauer said the big line shows where the cross section is taken, and that is what was put into the models. He said instead of just one or two cross sections, the 2D models includes all of the digital elevations.

Councilperson Bruning asked if the dip indicates someone’s front yard being a moat. Mr. Sauer replied yes, they will have an additional pipe system that will drain the water back. Councilperson Bruning asked if this has been discussed. Ms. Lee replied that Prairie Village talked about how their existing system comes back into Brush Creek and that when it floods, it holds while the creek flows. Mr. Sauer said the water level in Brush Creek would be up and the water on Mission Road cannot evacuate until Brush Creek goes down. Councilperson Bruning asked if there is another infrastructure that will pump water behind the dike and facilitate the increase that has been accumulating in front yards and basements into Brush Creek. Mr. Sauer replied by referring to the slides that show the cross section from downstream to upstream. Mr. T. McQuaid commented that the design is like a sewer system. He said when the system is overwhelmed, it evacuates and goes downstream. Mr. Sauer said that it is all by gravity. Councilperson Bruning clarified that this will get all the rainfall into Brush Creek. Mr. Sauer answered yes. He added that one of the advantages of the 2D models is that once the channel is exceeded, the cross section of the models knows what is happening. He said with a full 2D analysis, it looks like water is coming out of Brush Creek before it gets to Tomahawk Road, so it



appears the level of service for Tomahawk Road may not give a flood reduction. Mr. Sauer said the blue areas on the maps are the depths of water, which basically show that water will come out of Brush Creek upstream to Tomahawk Road, and then go across the intersection to Mission Road. He noted the 2D model shows less improvement. Councilperson Bruning asked if the water will back up and be channeled out eventually. Mr. Sauer answered yes, noting that there is more data in this model than Prairie Village's. He said that he hopes the 2D model for all of Brush Creek will be done next year.

Mayor Dickey stated that if the City was doing a project of this scope and they knew the county was doing a full 2D model, the City would wait and let them do the full model before making an assessment. Mr. T. McQuaid commented that in the new model, when water is over the top of Mission Road it goes west towards the houses. He said the proposed drainage system will take care of that water, but they are still dealing with water on the west side if it over tops. Mr. Sauer noted this is a very conservative rain event that they simulated data from. He said modeling an actual historical event may show better performance. Councilperson Bruning asked how that would be different, primarily with a flood of that intensity. Mr. Sauer replied that water is trained along Brush Creek, which is what caused a lot of the flooding on the plaza in 1998. He said rain and storms move along the stream to Brush Creek, and in 1998 the storm moved along the water shed. Mr. Sauer said that with the 2D model video, they are able to show the change in the velocities. He said that the final two slides look at the relocation of water downstream. He noted that A is downstream, 1800 feet from Indian Lane and B is upstream. C is right on the edge of the project area and D is the project location. Mr. Sauer said that they looked at the water surface elevation for 100 years and explained the charts on each slide. He noted that the elevations and velocities go up, and the project area rises from 9.1 to 10.3 in the 100-year area. He said in the left overbank, the proposed condition goes down significantly, noting that water slopes down because it has no place to go.

Mayor Dickey said the velocity goes up in the project location in the right overbank. He noted the velocity going up does not mean it is more destructive. Mr. Sauer said no matter what the proposed condition is, the velocities in that channel are hazardous. He added that anything over 10 feet per second is dangerous. He said the results show the proposed project will not impact downstream, and the channel itself is not being moved that much. Councilperson Bruning said that if he lived in one of the homes on Indian Lane he would have to worry about being in a flood plain. Mr. Sauer noted there is not change in flood elevation. Councilperson Bruning asked if waiting another year is an option on this project. Councilperson Perry asked if a strongly worded letter is the City's only option. Mayor Dickey answered yes. He added that they wanted to know that downstream of the project in Mission Hills is not going to be impacted. He stated they should send a letter to Prairie Village expressing their concerns. He commented that four million dollars to change the ponding ever so slightly does not make a lot of sense. Mayor Dickey said he knows Prairie Villages needs to protect the homes, but he does not understand the sense of urgency. Mr. T. McQuaid asked if Prairie Village has seen this information. Mr. Sauer answered yes. Councilperson Thorne asked if Prairie Village did 2D modeling. Mr. Sauer answered no. Councilperson Bruning asked if there were results on sedimentation. Ms. Lee replied they have that in the final plan that was sent. She said a sediment control plan typically addresses when they are actively constructing, and actions taken during the project to prevent sedimentation and erosion. She added that plan also includes post construction best management

practices, to include planting and hardscape. Mr. Sauer confirmed that during construction, they will prevent sediment from getting into the channel. He added that Johnson County thinks of rainfall as a waste/discharge that needs to be removed from properties as soon as possible, which impacts urban streams dramatically. Councilperson Bruning commented that is what happens when Prairie Village channelizes everything. Mr. Sauer noted that is a larger issue. He said the region will go through updates to the stormwater design standards, which will take a few years. Those standards need to be updated to be in line with what is more holistic and sustainable.

Mr. T. McQuaid asked if the information given by Prairie Village was accurate enough to formulate this hypothesis. Mr. Sauer replied they took the information directly from their model and it seems accurate. He said the proposed condition includes the information that they are basing their design on, and they typically do not get anything better than that. He noted there could be errors he does not know about, but the data looks spot on based at what they looked at. Ms. Lee stated that everything Mr. Sauer shared with the City tonight has been shared with Prairie Village. She added that the City asked if they thought about waiting until the 2D model is complete, and their original answer was no. She noted that she did receive a message saying they were going to check, but she has not heard back. Councilperson Bruning asked if there is a 2-year post construction recourse. Ms. Lee replied that is for maintenance of all the plantings. She said if the City could draw a straight line from effect to cause, that could happen at a later time, but it would be hard to control for other variables. Mayor Dickey commented that the City would wait for better data. Councilperson Nelson said that at the very least, the City ought to follow up with a letter stating their concerns on record.

Councilperson Bruning asked if there will be an enhanced danger to people downstream. Mr. Sauer replied there could be, noting that as 100-year events happen more frequently, small intense events have more energy. He said even 1-2 inches of rain will bring more energy to the stream. Councilperson Bruning asked if that is addressed in the Prairie Village model. Mr. Sauer replied they are strengthening the stream, but once you get into corridors, space is limited, and you will end up with a concrete trapezoid or triangle. Mr. Sauer said the reason for the 2D model is to look at the system wide watershed and what happens when you do things in certain locations. Councilperson Bruning asked if it's fair to look at Brush Creek and not Rock Creek. Mr. Sauer answered no, he thinks it should be looked at as a whole. He added that little projects in different areas can really add up and cause problems 10 to 15 years later. Mayor Dickey stated that they will send a letter to Prairie Village and make the suggestion to wait. He commented he is not trying to derail their project but thinks the county should also be copied on the letter since they are funding a big chunk of it. Councilperson Bruning asked if the City has exhausted all of their investigatory rights. Ms. Krstulic replied she is not aware of any other position the City could take and thinks the letter is the direction she would go. Mayor Dickey noted that if nothing else, the Council can feel good about doing their due diligence. He added that the City at least knows it will not be worse for people downstream. Councilperson Bruning reiterated that the City is trying to protect the interests of their residents downstream. Mr. Sauer said that it would be appropriate for Prairie Village to look at recent historical events when Mission Road flooded. He noted his company is doing this for Westport and are using new historical events, which makes a difference.

### **C. Resolution 2023 –A: Contracts for Property, Liability & Workers' Comp. Insurance**

Ms. Lee noted that there is a description of the proposal in the packet that discusses some of the increases. Councilperson Bruning asked about the 6.3%. Mr. McGuire replied that they are still seeing double digit rate increases on the property line but are able to keep the deductibles the same. Councilperson Perry moved to approve Resolution 2023 – A. Councilperson Bruning seconded. **Approved 5-0.**

**D. Resolution 2023 –B: Contract with LMCC for 2023 Street and Stormwater Projects**

Councilperson Perry moved to approve Resolution 2023 – B. Councilperson Thorne seconded. **Approved 5-0.**

**E. Resolution 2023 –C: Contract with Kimley-Horn to Conduct a Traffic Pattern Study of the Belinder Low Water Crossing**

Councilperson Bruning moved to approve Resolution 2023 – C. Councilperson Thorne seconded. Councilperson Perry asked for clarification on the study. Ms. Lee replied that it includes current traffic patterns and the impact of the closure of the Belinder low water crossing. She said that she was impressed with Kimley-Horn’s grasp of what the City is looking for. They will take a snapshot of current conditions and extrapolate data on what will happen if removed. Councilperson Nelson asked about the duration of the study. Ms. Lee replied that the results will be ready in May 2023. She said that the city wanted the real data piece to be done before school lets out. Kimley-Horn will return to the Council with a presentation on the data and analysis. Councilperson Nelson commented that it is important to incorporate the difference of traffic between seasons. Ms. Lee agreed and said that they want to be sure to include the school drive traffic as well. Councilperson Bruning asked if this will be for 2024 or 2025 budget. Ms. Lee replied that the Council will be asked to make a decision a year from now, on what project at Belinder low water crossing will be included in the CIP developed for 2025-2029. **Approved 5-0.**

**F. Community Engagement Committee – 2023 Calendar of Events**

Mr. Carroll stated said that the calendar is essentially the same as last year. Councilperson Nelson commented that she appreciates the efforts of the Community Engagement Committee, and they should be recognized for their hard work. Councilperson Weed asked about budget implications. Ms. Lee noted that the line item has marginally increased over the past few years and is currently at \$15,000. Mayor Dickey stated that they need a new date for the Strategic Planning meeting. Ms. Lee said the May 23 date will not work, and they will find a new one. Mr. T. McQuaid said that there needs to be a meeting scheduled for the Crime and Safety Committee as soon as possible.

**REPORTS OF CITY STAFF**

**A. City Clerk**

**B. City Administrator**

Ms. Lee said the City is not a party to the suit in Franklin V. Mission Hills Country Club, but they are providing records and depositions as requested. Mayor Dickey stated that even though the City is not officially part of the lawsuit, they should not comment. Ms. Lee noted Burns and McDonnell is one of the nine firms Johnson Country Stormwater has on their time and materials contract list, and the City will continue to avail themselves of that list. Councilperson Bruning commented that there is value in the continuity of one person. Ms. Lee agreed. Councilperson Thorne asked if the City has ever worked with Burns and McDonnell. Ms. Lee replied not to her knowledge.

Ms. Lee said the Planning Commission (“the Commission”) would like to solicit feedback from the community about solar. She noted there are differing opinions within the Commission, and they recognize they do not have a consensus. She said the Commission is trying to balance the aesthetic issue with people wanting to be more environmentally conscious and would like some feedback. Mayor Dickey noted the City has not done a resident survey in a long time, and he thinks people would give good feedback when asked a reasonable number of questions. He said he would love a survey draft for the Council to review. Councilperson Nelson agreed, noting that topics like the sidewalk and low water crossing at Belinder are very important. Councilperson Bruning said that he is concerned about solar because they do not know the full impact and technology is changing fast. Ms. Lee said the Commission touched on that issue and wondered about the right time to make a change. Councilperson Perry noted there is a lot of fraud going on with solar. Mayor Dickey said they need to have a good understanding of where residents stand on this. Councilperson Thorne suggested that the City enlist the help of a professional in conducting a survey. Councilperson Nelson agreed.

Ms. Lee said the City has long sought permission from homeowners adjacent to projects like sidewalks, and asked if the Council wants to stick to that approach or have a more directive position. Mayor Dickey replied that they should reach out to the homes associations and ask for their help.

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

Mr. Carroll said they are looking at dredging the pond this year. He said bills were introduced about language in covenants. Mayor Dickey added that if there is more language to get rid of, the Council will get rid of it.

### **D. City Planner**

There were no questions or comments on the report of the City Planner.

## **MAYOR’S COMMENTS**

### **A. Liaison Reports**

Councilperson Weed stated that the Commission did not meet and are waiting on guidance from the Council on solar. He noted that they are planning to meet on March 8, 2023. Councilperson Nelson stated that the Board of Zoning Appeals will meet in March 2023. Councilperson Thorne

stated that the Architectural Review Board did meet, and the Professional Review Panel will be meeting on February 23, 2023 to discuss a new home project at 5939 Overhill Road. Councilperson Perry stated that the Crime and Safety Committee will meet soon. Councilperson Bruning stated that the Park Board did not meet.

Mayor Dickey stated that he is working on a robust working draft of a letter for residents, and he will make edits based off the conversation tonight. He noted that the newsletter will go out in March 2023 and told the Council to email him or City staff about any specific items.

Councilperson Bruning moved that the City Council recess into executive session to obtain legal advice regarding a trapping incident that occurred on February 6, 2023 in the City, pursuant to the attorney-client consultation exception in K.S.A. 75-4319(b)(2). The executive session will include the City Attorney, City Administrator, and Assistant City Administrator. The open meeting will resume in the Council chamber at 8:05 p.m. Councilperson Perry seconded. The open meeting resumed at 8:05 p.m. and Councilperson Bruning stated that no binding action was taken in the executive session.

Meeting adjourned at 8:08 p.m.

/s/Anna Italiano  
Recording Secretary