

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

**March 7, 2022**

The City Council of the City of Mission Hills, Kansas held a regular meeting on March 7, 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

**ABSENT:** None

**ALSO PRESENT:** Jennifer Lee, City Administrator; Justin Carroll, Assistant City Administrator; Jennifer Winfrey, Deputy City Clerk; Spencer Jones, City Treasurer; Anna Krstulic, City Attorney; Police Chief Byron Roberson, Prairie Village Police Department (“PVPD”); Captain Ivan Washington, PVPD

**VISITORS:** Curtis Krizek, 3515 W. 64<sup>th</sup> Street; Tim McQuaid, 6436 Norwood Road; and Mike McQuaid, 5630 Belinder Avenue, Fairway, Kansas

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 Bruning moved to approve the minutes of the February 14, 2022 and February 17, 2022 meetings. Councilperson Nelson seconded. Councilperson Bruning requested in the February 14, 2022 minutes on the bottom of page 4 to add “once,” to specify that he previously lived next to an abandoned property. Councilperson Nelson requested to strike the last sentence on page 12, last paragraph in the February 14, 2022 minutes. Councilperson Perry referred to the February 14, 2022 minutes and requested to edit “shocked” to “surprised.” All edits were accepted by Councilperson Bruning and Councilperson Nelson. **Approved 5-0.**

**CONSENT AGENDA**

Councilperson Nelson moved to approve the Consent Agenda as presented. Councilperson Thorne seconded. **Approved 5-0.**

## **OLD BUSINESS**

### **A. Coyote Discussion**

Ms. Lee noted that staff had consulted with various wildlife companies, the Kansas Department of Wildlife and Parks, and Kansas State University regarding coyote control methods. She stated that staff was unable to secure a proposal from a wildlife control company for coyote removal, so the staff is suggesting the City purchase a box trap and set it during the week so that it could be checked each day. Ms. Lee noted the trap would not be set on the weekends because there would not be staff available to observe the trap. She added that there could be an arrangement with a wildlife control company to remove any trapped animals. Ms. Lee noted that staff has placed trail cameras on the creek to identify where coyotes might be overnighing or have a den. Staff has also received reports from residents who live along the creek. Councilperson Nelson asked if there have been coyote sightings the entire length of the creek or specific locations. Ms. Lee stated a trail camera at Peetwook Park captured a few images of coyotes and a resident north of 63<sup>rd</sup> Street and reported that they observe coyotes along Indian Lane almost daily. Councilperson Nelson noted that foxes used to be frequently observed at this location along Indian Lane. Ms. Lee noted that the creek and natural brush provides an environment for coyotes. Councilperson Weed asked if a box trap is lethal. Ms. Lee replied no, a box trap is not lethal. It is a wire cage baited with food and any animal could be released. Councilperson Weed asked why wildlife control companies did not submit a proposal for box trapping. Ms. Lee stated that all the companies the City solicited stated that box traps would not be very effective, and a more effective option would be a live snare that traps an animal by the paw. She noted that staff would not have control over what is trapped and although the snare trap is designed to not harm animals, there is the potential that someone's dog off leash along the creek could be inadvertently trapped. She added that coyotes typically travel in pairs and if one were to be caught in the box trap it could cause the other coyote to be displaced.

Councilperson Thorne asked if the company would remove any animal from the box trap. Ms. Lee replied yes and depending on the animal City staff could release them. Councilperson Bruning asked how animals are removed from the box trap. Ms. Lee stated it would depend on the situation and the animal would either be removed from the box trap on site or the trap would be removed from the site and returned empty. Councilperson Bruning noted there is frequently a coyote on Belinder Avenue that he assumes travels the Indian Hills Country Club from the creek and the City has vast wildlife populations, including otters, hawks, and historically foxes. He noted the terrible incident of a dog being killed by a coyote and asked if there had been any other experiences reported by residents. Ms. Lee stated the only other incident reported to Animal Control occurred on Ensley Lane in the last six weeks and a small dog was injured by an unknown animal. The animal control officer stated the dog could have been an injured by an owl or coyote. Councilperson Bruning stated residents need to be advised on the issue with coyotes and to watch their pets. He noted concern about the staff time required to maintain a trapping system and the potentially negative consequences to animal life in the City. Mayor Dickey noted that staff could provide guidance to the wildlife control company on what trapped animals should remain in the environment, for example a fox could be released on site. He added that although there are unknown variables, it is known there are coyotes along the creek and the State of Kansas has classified coyotes as a nuisance animal. Councilperson Throne asked if there was an estimate of the coyote population. Ms. Lee replied no. Councilperson Nelson asked if the

wildlife control company had identified a threshold for removal success. Ms. Lee replied no. Councilperson Nelson noted a concern for the potential staff time required to maintain a trapping effort, especially when the number of coyotes is unknown. She noted the City successfully managed the Canadian geese population because it could be addressed with a specific solution to a known population. Councilperson Nelson asked in addition to staff time what a trapping effort would cost. Ms. Lee stated that the trap is \$500 and the animal control company fee to set the trap is \$300. The City Arborist would then be responsible to check the trap daily and contact the control company if an animal were trapped. The release fee is \$75 per animal trapped. Councilperson Nelson asked if each time the trap was set there would be a \$300 fee. Ms. Lee stated yes.

Councilperson Weed asked how success would be defined and noted there is not a method to completely remove coyotes from the environment. Councilperson Nelson suggested setting a time limit and suggested a year. Councilperson Thorne agreed with a time limit. Mayor Dickey agreed with a time limit and added that the known is there are at least two coyotes because people have reported seeing a pair. He added that if one coyote is trapped and there continues to be reports of a singular or paired coyotes then there will be a better estimation of the population. Mayor Dickey suggested a six months or less trapping time limit to start. Councilperson Nelson agreed and suggested consulting with the wildlife control company. Mayor Dickey agreed and noted that if every day a cat, the neighbor's dog, or other wildlife is trapped then there could be additional evaluation. Councilperson Bruning noted it is known that there are feral cats throughout the community that could be caught and added from his research that coyotes are territorial and if a pair is removed there is the potential that another mating pair will fill the void. He stated there was one tragic incident. He asked if there were any alternatives for a better assessment of the scope of the problem and added for instance, that there are cougars in Olathe and otters in Brush Creek, which is part of the rewilding of America.

Mr. T. McQuaid stated he does not believe there is an expansive coyote issue or else there would be more extensive reporting, but the box trap proposal is a logical solution and great first step. Mr. Krizek stated he has lived in Mission Hills for 34 years and over the last several years he has observed six or eight coyotes. He added he lives on Indian Lane and his dog was killed by a coyote. Mr. Krizek stated that about three years ago a large male coyote jumped his fence and entered his yard and a year and a half ago another coyote chased a squirrel into his yard. He then opined he should have acted at that time and stated the animal control officer said he could defend himself if he was threatened. Mr. Krizek stated that he and his neighbors can hear the coyotes at night. He added that he grew up on a farm in a small community and has been around them his entire life and generally they fear humans and are nocturnal. He opined that the coyotes in the City have lost their fear of humans, are active early in the morning, and recounted sightings of a male and female on Indian Lane. Mr. Krizek requested an expert on this topic be engaged and opined these coyotes are too smart to be caught in a box trap and most likely other wildlife would be trapped at great cost. He opined that wildlife control companies were probably hesitant to provide bids because they anticipate the trapping would not work. Mr. Krizek stated that Johnson County Parks Department has controlled deer populations in the western part of the county by hiring experienced hunters and suggested the City place live bait on the golf course and lure the coyotes to be hunted with either guns or bows and arrows. He opined that the City has regulations for dangerous dogs that are known threats and coyotes are now a known threat.

Additionally, coyotes are an apex predator who have pushed out other wildlife, such as foxes. Councilperson Bruning noted he has not seen foxes on the golf courses in several years. Mr. Krizek stated that the animal control officers are not formally trained in wildlife management. He implored the Council to take immediate and aggressive action to remove the coyote population in the City.

Councilperson Weed asked how the police recommends this issue be addressed. Chief Roberson noted he is not an expert on managing coyotes and the animal control officers are more qualified. He requested an opportunity to examine the problem and consult with other entities, such as the Department of Conservation and Wildlife, to gather data and solutions before acting. Mayor Dickey noted that the Crime Prevention and Safety Committee (CPSC) is designed to address crime and safety issues and the CPSC would value the police department's input in addressing this matter since it has become a safety issue. He added there is a question as to whether the box traps would be effective, especially given that companies would not provide a proposal to do so. Mayor Dickey noted that the Council must be able to articulate to residents any action taken to manage the coyote. He added that Mission Hills is in intense suburban settings where coyotes do not belong, but the solution for managing coyotes cannot risk hurting people or pets. Mr. Krizek stated he is upset he did not share his previous experiences with the coyotes sooner. Mayor Dickey asked Mr. Krizek to share his expertise with the CPSC. Mr. T. McQuaid suggested that a tranquilizing and removal strategy would be more appropriate, and residents would be upset by hunting solutions. Mayor Dickey asked the CPSC to review this matter and engage the police department. Councilperson Weed stated that the Council is committed to addressing this issue. Mayor Dickey asked when the next CPSC meeting was scheduled. Mr. T. McQuaid stated a meeting could be scheduled to review this topic and provide a recommendation to the Council in April. Councilperson Nelson stated that this issue will be a process to manage correctly. Mr. Krizek thanked the Council for their action and reiterated that it is not acceptable for coyotes to be in the community. Mayor Dickey stated that the CPSC will engage with the appropriate entities to assess the breadth of the problem and then recommend possible solutions at the Council meeting in April.

Chief Roberson referred to the February crime report and the noticeable reduction in criminal activity. He stated this reduction was due in part to a concerted effort of the City's patrol officers. He noted that the September and October crime reports included a spike in residential burglaries and to address this increase, the department lowered the threshold for traffic stops, which resulted in 463 stops between December to February. Chief Roberson noted the presence of police lights can push the criminal element elsewhere. He referred to the crime report and noted the stolen van was unlocked with an accessible key and reiterated it is imperative for residents to lock vehicles and always take your keys out. Chief Roberson referenced a Jackson County crime bulletin where the van stolen from Mission Hills was involved in committing additional crimes including kidnaping and assault.

Councilperson Nelson thanked the Police Chief, the Mayor, and team at City Hall for the public safety letter to the residents. She stated that the City must continue to be vigilant at reducing opportunities for crime. Chief Roberson referred to the installation of license plate readers (LPR) and cameras in the community and noted the equipment has been installed at 63<sup>rd</sup> Street and State Line Road and the software is being updated. He stated the equipment is much smaller than

in the past and you may not notice their presence. Chief Roberson noted there were 10 locations in the City where LPRs were being installed over the next few weeks and the department would begin collecting data. Councilperson Weed referred to the equipment to be installed on State Line Road and asked if the location is compromised by the fact that drivers could cross state lines. Chief Roberson replied that the LPR is set up to capture data in Kansas. Mr. T. McQuaid asked if cameras on the State Line Road intersection would collect data in all directions. Chief Roberson replied that the cameras would view the entire intersection, including Kansas and Missouri. Captain Washington noted that if a driver from Kansas enters Missouri the police departments have a cross state data sharing partnership.

Councilperson Bruning thanked the police department and staff for quickly responding to a complaint about speeds on Belinder Ave. He asked if the Chief could speak to the results of the Reducing Criminal Activity (RCA) program that occurred north of 63<sup>rd</sup> Street. Chief Roberson replied there were two RCA missions with increased patrolling north of 63<sup>rd</sup> Street and referred to the report in the packet for before, during, and after the RCA. He noted that during the RCA and directly following there was a reduction of burglaries, which is in due in part to various factors, including increased police presence. During the times that we are doing intensive patrol in a certain area, it does reduce crime. Mayor Dickey noted that the data sample size is small so it is difficult to draw a definitive conclusion, yet the data shows there was a measurable reduction in burglaries and auto-related thefts during the RCA. Chief Roberson agreed and noted during the RCA there was a fifty percent decrease, while after the RCA there was a fifty percent increase, which suggests police presence reduces criminal activity but there also other factors at play. Mr. T. McQuaid asked if criminals communicate with each other and if crime will be reduced once the cameras and LPR become known. Chief Roberson opined criminals communicate with each other and stated his experience suggested that the criminal element is aware of locations with greater or less police presence. Mayor Dickey agreed and noted Chief Roberson had shared data on the police activity data extending in the adjacent neighborhoods in Kansas City, MO that have similar density as Mission Hills, with the exception of the Plaza. He noted the data shows a measurable difference in the frequency of criminal activity and the criminal element is choosing easier targets. Mayor Dickey stated that the goal for residents, staff, and PVPD is to continue to make the City a harder target for criminals.

Mr. T. McQuaid referred to the earlier coyote discussion and Mr. Krizek alluded that the animal control officer advised he could discharge a gun against a coyote and asked for clarification on the law. Chief Roberson replied it is illegal to discharge a firearm in City limits. He noted the impacted resident's passion to address the coyote issue. Chief Roberson stated the PVPD would work with the CPSC and consult with Department of Conservation and Wildlife to identify a process for managing coyotes. He stated one cannot discharge weapons within the City. Chief Roberson stated that feral cats are considered wild animals, so animal control does not pick them up. He added that if a feral cat or any animal appears diseased then animal control should collect it.

Councilperson Weed referred to the data that the LPR will be collecting and asked if the data could lend itself to be an analytical tool for graphing trends in the community. Chief Roberson replied that the LPR will primarily be a tool for officers in the field and the data collected would be warrant related. He added that a newly installed LPR at 75<sup>th</sup> Street and Mission Road is

constantly going off with warrant notices. Chief Roberson stated they PVPD categorizes these warrants and responds to Johnson County warrants and felony warrants from all fifty states. Chief Roberson noted that the shift blotters submitted to the Mayor indicate whether an arrest was related to an LPR warrant notice. Councilperson Weed asked if there will be police academy class this fall. Chief Roberson replied there will be an academy class in April and there are three individuals who have been extended offers and two of these individuals will be required to attend the police academy to be certified.

Chief Roberson stated he attended a very productive town hall meeting with Senator Moran and FBI Director Ray in Topeka, KS. He noted that FBI Director Ray reiterated a continued commitment to local law enforcement and to initiatives to reduce crime. Chief Roberson stated Director Ray emphasized that the FBI's has many issues to address, but their primary goal is to help local law enforcement. He noted that local law enforcement appreciates this continued support and Senator Moran's organization of the event. Mayor Dickey noted the Council briefly discussed the possibility of adding another police officer and patrol car in Mission Hills and asked if Chief Roberson had any additional thoughts at this time. He opined that if Council wants to advance that thought then the time to fund it would be now as we discuss the extension of the current sales tax and perhaps dedicating the incremental quarter-cent sales to public safety. Councilperson Bruning agreed. Mayor Dickey asked the Council to reach out to residents suggested that the discussion be continued to the next agenda. Mr. T. McQuaid referred to the citywide public safety letter and complimented the clear, transparent communication with the residents.

## **FINANCIAL REPORT**

### **A. February Report**

Mr. Carroll referred to the report and noted that two months into the year that revenues are outpacing the budget. He added that the first quarter analysis will be included in the April packet.

## **NEW BUSINESS**

### **A. Resolution 2022 – I: Repurposing 2019 Bond Proceeds for Tomahawk Road Project**

Mr. Carroll stated that Resolution 2022-I would repurpose the 2019 bond proceeds for the Tomahawk Road project. He noted the City's bond counsel advised that the City could spend the funds on Tomahawk Road because it is a designated main trafficway. Councilperson Weed noted the bonds were originally being held for undergrounding 65<sup>th</sup> Street and asked what decision the Council had made on this matter. Mayor Dickey replied that a decision had not been reached. Councilperson Weed asked if expending the bond proceeds on Tomahawk Road would preclude the completion of the undergrounding on 65<sup>th</sup> Street. Ms. Lee stated the Council could decide to complete both capital projects, but there is a recommendation from the City's bond counsel to spend the bond proceeds sooner than later. Ms. Lee stated that shifting the bond proceeds to the Tomahawk Road project would allow the Council to shift funds earmarked for the Tomahawk Road project to other priorities, including undergrounding 65<sup>th</sup> Street or some other capital project. Mayor Dickey noted a similarity to the America Rescue Plan Act (ARPA) funds, which initially had narrow guidance on expenditures that was amended to allow more flexibility. Councilperson Weed asked if there are potential negatives to the City's finances if the bond

proceeds were repurposed. Ms. Lee replied no and the remaining bond proceeds from the 67<sup>th</sup> Street undergrounding are a result of cost savings on the project. She added the reprogramming in Resolution No. 2022-I meets the requirements for reprogramming the remaining funds. Mayor Dickey noted the City does not have a pattern of issuing bonds or repurposing those bond proceeds. Councilperson Nelson moved to approve Resolution No. 2022-I for repurposing 2019 bond proceeds for Tomahawk Road project. Councilperson Bruning seconded. **Approved 5-0.**

### **B. Ordinance No. 1609 – Codification of the Mission Hills Code of Ordinances**

Ms. Lee stated the Council last codified the City's Ordinances in July 2020 and Ordinance No. 1609 would officially incorporate all ordinances adopted since the last codification. She noted the codification process also allows staff to complete general cleanup that does not make any substantive changes. Ms. Lee noted that staff is looking at options for codifying the ordinances differently going forward, because the current format is not easily searchable. She indicated staff would bring software options to the Council for consideration with the goal being a more user-friendly code that is updated in real time. Councilperson Thorne asked if codification occurs annually. Ms. Lee replied the last codification was in 2020 and it generally occurs annually or biannually. Councilperson Nelson moved to approve Ordinance No. 1609 to codify the Mission Hills Code of Ordinance. Councilperson Weed seconded. **Approved 5-0.**

### **C. Discussion of 0.25% Sales Tax Dedication to Capital Improvement**

Ms. Lee stated that the dedicated 0.25% sales tax for capital improvements would sunset in 2023 and it currently generates \$225,000 a year. She noted to continue that dedicated 0.25% sales tax the Council would have to make a decision by July 1, 2023. Ms. Lee noted that since an election would be required for this sales tax to be renewed, the Council had previously discussed deciding in 2022, so that the results of an election could be incorporated into the 2023 budget development process. She referred to the renewal timeline in the report that staff produced with consultation from the Johnson County Elections Office. Ms. Lee clarified that a special election would occur by mail. Councilperson Nelson asked for cost details for the election options. Ms. Lee replied that if the Council proceeds with a vote for a sales tax renewal there would be no cost to the City during the Primary or General election. To proceed with a special election mail ballot election the cost is approximately \$4 per registered voter, or \$10,000 in total. Councilperson Bruning opined against a Primary election and noted based on the budget timing a special election might be favorable. Mayor Dickey noted a consideration for the Council is Primary and General elections typically have a broader focus and local items can be overshadowed. Councilperson Nelson stated if the Council proceeds with an election there would have to be a thoughtful and timely education campaign that took rising inflation into consideration. She noted that the City has received federal dollars through the ARPA program, which should be fully utilized. Councilperson Nelson opined that the Mission Hills electorate are well informed and knowledgeable of the City's receipt of federal dollars. She stated that public safety is the Council's primary concern, and she is supportive of continuing to fund this effort, but with the City's strong financial position and the many international political unknowns at this point that there should be thoughtful discussion on a renewed sales tax. Councilperson Bruning asked if Councilperson Nelson would not proceed with a special sales tax election at this time. Councilperson Nelson replied the sales tax renewal should be on a primary or general election

ballot. Ms. Lee noted that when the 0.25% sales tax was originally passed it was on the general election ballot. Councilperson Bruning opined that there is a strong case for continued capital improvements and public safety spending to be made to the electorate. Councilperson Nelson agreed and noted that residents can see the capital and safety improvements being done in the City and the financial record shows that Council is making informed decisions to spend tax dollars wisely. She stated support for the sales tax renewal being on the general election ballot.

Mayor Dickey noted that the Council has previously discussed that sales tax provides the City with a diversified revenue stream. He noted a point of discussion in 2018 when the additional 0.25% was adopted was the City's infrastructure is not only used by the residents of Mission Hills but also residents of neighboring communities. Mayor Dickey stated that effectively the sales tax exports some costs to non-residents. He agreed that transparency with residents is critical and during a typical year this type of issue is discussed at the January Homes Association meeting. Councilperson Bruning opined there is a case to make to the residents to continue this revenue stream and would continue to consider the special mail ballot option. Mayor Dickey referenced the timeline of ballot options in the report and opined that if the Council elects to submit ballot language to the public that it could be for both capital and public safety improvements. He suggested that Councilmembers reach out to constituents on this matter and continue discussion. Councilperson Weed asked if there is a significant difference in voter participation in special elections versus primary and general elections. Mayor Dickey noted that the percentage of registered voters that vote in any election in Mission Hills is extraordinarily high. He noted that his next newsletter article briefly touches on the potential renewal of the 0.25% sales tax. Mayor Dickey reiterated that the Council has time to thoughtfully reach a decision and the Council could pass a 2023 budget knowing there are two potential paths for sales tax. He requested that this item be returned to the April agenda for additional discussion and a decision. Councilperson Thorne asked if a sales tax renewal would be for five years. Mayor Dickey recommended a sunset and noted the City's success with incorporating sunsets or lookbacks when adopting taxation or ordinances. He noted that this review process allowed the City to be nimble and sunset items prior to the 2008 recession because the future was unknown. Councilperson Bruning opined that there have been many unanticipated changes, such as online purchasing, which could be an argument to make the additional 0.25% sales tax permanent. Councilperson Weed agreed. Mayor Dickey reiterated that the City is exporting some of the infrastructure usage costs to non-residents and added that working from home brought to everyone's attention the number of deliveries continually arriving at residences from online purchasing. He noted these vehicles impact the City's infrastructure. Councilperson Bruning agreed and added that when items, such as luxury vehicles, are delivered to the City the sales tax is remitted to the City. Mayor Dickey requested Councilmembers engage citizens for feedback on the potential sales tax renewal with or without a sunset and the percentage of the dedication to capital improvements, public safety, or both.

## **REPORTS OF CITY STAFF**

### **A. City Clerk**

Ms. Lee referred to the City calendar of events and added bulky item pickup would be Saturday, April 9<sup>th</sup>. She added that a new date would be selected for the Waffles & (Storm)water event. There were no additional comments or questions.

## **B. City Administrator**

Ms. Lee referred to her report and noted the date for Water & (Storm)water would be finalized tomorrow in advance of the newsletter publication. She added the goal is to repave and stripe City Hall parking lot before any community engagement events. Ms. Lee noted the Johnson County Election Office is requesting to use of City Hall as a polling place. Councilperson Bruning asked why the Elections Office is not using the church. Ms. Lee replied the Elections Offices said there are currently 150 polling locations in Johnson County and approximately 100 of those locations are in churches. The Elections Office would prefer there to move away from having churches serve as polling locations. Councilperson Weed asked if the request to have City Hall as a polling location is a one-time request. Ms. Lee stated they are requesting City Hall be a polling location for the primary on August 2<sup>nd</sup> and general on November 8<sup>th</sup>. Councilperson Weed asked if there would be a permanent shift to polling at City Hall. Ms. Lee stated future elections were not discussed. She added that the Elections Office initially had concerns about parking, but there could be overflow parking on the street and at the church if needed. She added the Elections Office is aware of the Tomahawk Road project.

Councilperson Nelson asked which polling location would be replaced if City Hall were a polling location. Ms. Lee stated the Elections Office had not identified which precincts would vote at City Hall. She noted there are four precincts in Mission Hills and the Elections Office is evaluating if one or two precincts could vote at City Hall. Councilperson Nelson noted concern about the size of City Hall and if there would be long voter lines. Ms. Lee stated the Elections Office staff evaluated the Council chambers and determined its capacity to be a minimum of six voting machines with an estimate of 125 voters per voting machine per day. Councilperson Nelson noted that City staff would have to park elsewhere during the election. Ms. Lee agreed. Councilperson Nelson noted she used to vote at the Kansas City Country Club and asked if the Elections Office had considered that location. Ms. Lee stated she could suggest the Clubs being a potential polling location to the Elections Office, but is not sure if the Clubs have availability on election days. Councilperson Thorne asked if the First Lutheran Church would be a polling location. Ms. Lee replied the Church is not a current polling location. Councilperson Bruning asked for polling logistics if City Hall were used. Ms. Lee stated voters would enter the front door, the chairs would be removed from the Council chambers, and two tables would be used for voter check in. She noted the room would be organized similarly to the Annual Tree Lighting event. She added the voting machines would also be placed in the chambers and those who were able would exit through the rear door would and those who cannot use the stairs would exit through the front door.

Councilperson Weed asked if there are any security concerns related to the voting process occurring at City Hall. Ms. Lee replied she is not aware of any security concerns and the Election Office would staff the poll workers and there are specific rules about how close campaigning can occur to a polling location. Councilperson Thorne asked if a police officer would provide security. Mayor Dickey replied that police officers are not allowed at polling locations.

Councilperson Bruning asked if City staff would be negatively impacted by polling. Ms. Lee noted they anticipate minimal impact to staff. Councilperson Nelson suggested reaching out the Clubs as polling locations because they are larger and provide more parking, but if there was not another location then City Hall could be a polling location.

Councilperson Weed noted neighbors have been reaching out with concerns about the new solid waste contract. He noted there have been complaints that recycling was not collected and the yard waste in other hard sided containers is not being collected. Councilperson Weed noted there is also confusion on if residents must use the 95-gallon yard waste containers offered by Waste Management or if they could continue using their own containers. Councilperson Bruning noted he had observed drivers manually dumping bins as opposed to using the automated lift. Councilperson Nelson noted on her solid waste collection day she observed that trash was left in the street and the cans were left cattywampus with their lids open and her bin was not taken back up her driveway. She opined that Mr. Vogt must not have been present for this to occur. Councilperson Bruning noted that the contract only specifies that Mr. Vogt collect trash and there would be other drivers for recycling and yard waste. Councilperson Nelson stated she understands why residents are upset because the contract change has resulted in service level changes.

Mayor Dickey stated that Mr. Vogt is not collecting yard waste or recycling and will not be taking bins back up the driveway. He asked if the Council believes Mr. Vogt is not collecting all the trash. The Council discussed their observations of solid waste collection. Mayor Dickey noted that the next collection date was Wednesday and asked if staff could observe mid-morning if Mr. Vogt is on the route. Ms. Lee stated she observed Mr. Vogt collecting trash last week. Mayor Dickey noted the importance of being transparent with residents and asked staff to confirm with Mr. Vogt that he is collecting all trash both days of collection. Councilperson Bruning stated that Waste Management cannot be faulted for the discontinuation of additional services, such as bringing the empty cans up the driveway, because this service is not delineated in the contract. Councilperson Nelson noted that many residents came to expect that additional service. Mayor Dickey noted that there would be an issue if Mr. Vogt is not collecting all the trash as stipulated in the new contract. Councilperson Bruning noted he would like more information as to why the yard waste hauler is emptying the cans manually as opposed to using the automatic lift. Councilperson Weed noted the two primary concerns are whether Mr. Vogt is collecting all the trash in the City and if yard waste in containers other than the offered 95-gallon yard waste bin will be collected. Mr. Carroll stated he would clarify with Waste Management about the existing yard waste containers and noted the promotion for a 95-gallon container was optional. He noted the deadline to request the yard waste container had lapsed, but Waste Management stated they would continue to accept requests. Mayor Dickey asked that Waste Management provide a response regarding the yard waste containers in writing. Mr. T. McQuaid stated he received communication from Mr. Vogt that he is the sole trash hauler in the City on both Monday and Wednesday.

Councilperson Weed referred to the 2021 Staff Accomplishments. He noted the number of accomplishments was awesome and referred to the \$500,000 worth of concrete patch work completed. Councilperson Weed noted he has previously voiced concern about the amount of sand and salt used to treat the street for snow and ice control and its impact to residential grass

and concrete curbs. He noted that he communicated with a resident who owns a concrete business who has recommendations for modifying the concrete specification and snow and ice control methods that could reduce concrete patch costs. He requested that City staff communicate with this resident and determine improved specifications. Mayor Dickey noted that at some point City staff had communicated with this resident on this matter. Ms. Lee replied that she and Mr. Carroll had previously spoken with the resident last summer and discussed the City's concrete specifications which are the same as most of the metro and take into consideration the region's weather conditions. She noted this could be an opportunity to revitalize that conversation. Mayor Dickey thanked Councilperson Weed for reaching out to the resident and noted if there is a way to improve operations then the City should investigate. Ms. Lee noted that the City's standard for concrete is to not allow degradation before it is replaced, and the \$500,000 expenditure includes the mill and pave of High Drive and Mission Drive, patching pothole locations and other miscellaneous capital maintenance items. Councilperson Nelson asked to clarify if the \$500,000 expenditure includes asphalt. Ms. Lee replied yes. Councilperson Nelson noted that the previous City Administrator had studied asphalt, but a better solution has yet to be found as there continues to be potholes. Mayor Dickey requested City staff work with this resident to review the City's specifications and if there are any opportunities for improvement. Ms. Lee noted that the City currently uses a detailed specification document so that all bidders are compared apples to apples.

Councilperson Bruning referred to the Tomahawk Road project and noted WaterOne's request for a 60-day extension due to weather conditions. He thanked staff for being assertive in protecting the right of way during the gas line improvements and encouraged this to continue throughout the project. Ms. Lee noted that WaterOne's extension request may be due in part to the fact that the same crew installing the new system addresses water line breaks, so this could impact work schedules. Councilperson Thorne asked for additional information on the traffic controls measures, especially at the Indian Hills Country Club, to avoid unintended consequences. Ms. Lee replied that when the construction plans went out for bid, they included a phased traffic control plan. She noted that staff will make these traffic control plans available on the Tomahawk Road project page on the website. Mayor Dickey encouraged the Council to become familiar with the traffic control plans and consider how residents can move through the City with minimal inconvenience and maximum safety. He stated that cut through traffic needs to find an alternative route. Councilperson Nelson noted the importance of big, clear, and informative signage because not everyone will be constantly checking the website for updates. Ms. Lee stated that electronic signs would be placed in advance of the project start date at State Line Road and Mission Road to inform all road users that the road will be improved from April to October and to seek an alternate route.

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

There were no comments on the Assistant City Administrator's report.

### **D. City Planner**

There were no comments on the City Planner's report.

## Liaison Reports

Councilperson Weed reported that the Planning Commission had not yet met. Councilperson Thorne reported that the Architectural Review Board had met and there were many items continued. Councilperson Bruning reported that he attended an ARB meeting and observed that there were two older houses with significant improvements, including investing \$180,000 in windows, which supports the ideal that the older housing stock is worth the investment. He added that the property scheduled for public hearing at 2517 W. 68<sup>th</sup> Street had submitted a very credible proposal for remodel and there was engagement with the property owner and neighbors. Councilperson Bruning said that the Park Board will meet and begin their annual planning process. Councilperson Nelson reported that the BZA had not met. Councilperson Weed reported the Crime Prevention Safety Committee had not met but would schedule a meeting to address the coyote discussion. Mayor Dickey thanked the Council for providing names for residents interested in service and asked that continue. He clarified that if any resident reaches out to the Council that there have been no decisions made regarding the Belinder low water crossing.

## EXECUTIVE SESSIONS

Councilperson Bruning moved "that the City Council recess into executive session to obtain legal advice about correspondence received from counsel for Mission Woods residents regarding pickleball noise and the decision of the Kansas Court of Appeals in the case filed by Gary Mathews against the City, pursuant to the attorney-client consultation exception in K.S.A. 75-4319(b)(2). The open meeting will resume in the Council chamber at 7:42 p.m." Councilperson Nelson seconded. **Approved 5-0.** Council reconvened at 7:42 p.m. Councilperson Bruning stated that no binding action was taken during the executive session.

Councilperson Bruning moved "that the City Council recess into executive session to discuss the City Administrator's annual review pursuant to the personnel matters of nonelected personnel exception in K.S.A. 75-4319(b)(1). The open meeting will resume in the Council chamber at 7:47 p.m." Councilperson Thorne seconded. **Approved 5-0.**

Council reconvened at 7:47 p.m. Councilperson Bruning stated that no binding action was taken during the executive session and moved "that the City Council recess into executive session to discuss the City Administrator's annual review pursuant to the personnel matters of nonelected personnel exception in K.S.A. 75-4319(b)(1). The open meeting will resume in the Council chamber at 7:53 p.m." Councilperson Nelson seconded. **Approved 5-0.**

Council reconvened at 7:53 p.m. Councilperson Bruning stated that no binding action was taken during the executive session and moved to approve Resolution 2022-J amending the City Administrator's compensation to include a base annual salary of \$126,360; monthly automobile allowance of \$550; and one-time bonus of \$4,000. Councilperson Nelson seconded. **Approved 5-0.**

Meeting adjourned at 7:54 p.m.

/s/ Meghan Woolbright

City Clerk