

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

**April 10, 2023**

The City Council of the City of Mission Hills, Kansas held a meeting on April 10, 2023, at 5:30 p.m.

- PRESIDING:** Mayor David W. Dickey
- PRESENT:** Councilpersons Bill Bruning, Barbara Nelson, Braden Perry (via phone), and Andy Weed
- ABSENT:** None
- ALSO PRESENT:** Jennifer Lee, City Administrator; Justin Carroll, Assistant City Administrator; Anna Krstulic, City Attorney; Jennifer Winfrey, Deputy City Clerk; Chief Byron Roberson, Prairie Village Police Department (“PVPD”); Spencer Jones, City Treasurer, Jesse Kirk, City Arborist
- VISITORS:** Tim McQuaid, Mission Hills; Mike McQuaid, Fairway; Andy Simpson, Google Fiber

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 Nelson moved to approve the minutes of the March 6, 2023 meeting. Councilperson Bruning seconded. Councilperson Weed referred to the lack of resolution on the vote for the house on 63<sup>rd</sup> Street, noting that it was 2 to 2 with one abstention. He asked if there was a way to break the tie. Ms. Krstulic said the Mayor can only break a tie for ordinances. Mayor Dickey added that without a resolution, the motion just fails. Councilperson Weed requested that Mr. T. McQuaid’s comments at the end of the March 2023 Council meeting before the executive session be added into the minutes because Mr. T. McQuaid made points that were important to Councilperson Weed’s reasoning for abstaining from the vote. Ms. Lee noted that the recording may have been turned off before Mr. T. McQuaid made the comments, but the Council can choose to amend the draft minutes and add the statement back in. Councilperson Weed stated at the March 2023 meeting, Mr. T. McQuaid noted that as a contractor who has worked in the City for a long time, he has been on the receiving end of whatever the City has determined was appropriate and there have been cases where they have had to pay fines. Mr. T.

McQuaid indicated that the City has been extremely fair, and he did not want to see the City break the tradition of applying fees when warranted. He said that he does not want to set a precedent and reiterated that the City is extremely fair. Mayor Dickey stated that what Mr. T. McQuaid said was relevant to Councilperson Weed's position. Councilperson Nelson moved to continue the approval of the March minutes until next month. Councilperson Bruning seconded. **Approved 5-0.**

## **PUBLIC SAFETY**

### **A. Police Report**

Chief Roberson said the City had a good month. He said there was a house burglary that started off in a detached garage, then went into the home. He noted that the alarm system went off as soon as the person made it into the residence. Councilperson Bruning said that sensors are really important. Councilperson Nelson asked if anything was taken. Chief Roberson answered not in this case, there was just damage to the window. He said there was a shop lifting incident where a person took a couple golf clubs from the Golf Pro shop at Indian Hills Country Club. The PVPD were able to identify the person's vehicle, they were stopped and given notice to appear. Chief Roberson said another theft was possibly committed by a workman inside a residence. He said some items were taken from an unlocked vehicle in a driveway and there was one theft of a vehicle, which is uncommon. He added that the same vehicle was stolen twice. Chief Roberson noted the stolen vehicle was a Kia, which are easy to steal because of the key fobs and they are easy to start with a screwdriver. Several models of Kia's have the same problem, and the company is aware but does not have any fixes for previous models, only new ones. Chief Roberson commented that more residents are calling in and the PVPD continues to make an effort with their online presence and reminding residents of the 9 o'clock routine to shut the garage door, front doors and to make sure vehicles are locked when parked in the driveway. He said if that becomes part of a nightly routine, crime numbers will decrease.

Councilperson Nelson asked if there has been an increase in home break-ins. Chief Roberson replied there are more crimes occurring from people leaving garage doors or cars unlocked. He added breaking into a home is not the number one way a criminal wants to get into a house. Councilperson Nelson asked if leaving lights on would help. Chief Roberson answered yes, motion lights, leaving lights on inside and alarm systems all help. He added parking cars in the garage, if possible, also helps reduce crime. Councilperson Bruning commented that between Chief Roberson's continuation to pursue this, and Mayor Dickey's messaging, there were no car break-ins during the month of March, which is a good record. Councilperson Bruning thanked Chief Roberson and Mayor Dickey. Councilperson Nelson noted that criminals might be breaking into houses because it has become harder to break into cars. Chief Roberson said that is a good point. He said that there is a new City officer who will start April 17, 2023.

Councilperson Weed said that he had an experience in California with a friend who is a marathon runner and in great physical shape. He said they were walking off the court and his friend

dropped dead but a woman on site grabbed the AED machine and saved his life. He said that incident inspired him to come back and learn how to operate one as well, so Ms. Lee set up a time for him to have personalized training. Councilperson Weed said the training was outstanding and the PVPD officer could not have been more accommodating. He thanked the PVPD, noting that he now has wisdom and confidence should this situation arise. Chief Roberson said he was glad Councilperson Weed took the opportunity and noted everyone can save a life, it just takes about half an hour. He said the fire department does the same thing and has the same equipment. Councilperson Weed thanked the PVPD for making the training available, and added he hopes that as a City it can become available to a wider spectrum of people. Councilperson Bruning agreed. Ms. Lee said the City offered it at a joint retreat years ago and will do so again. She said she is happy to coordinate opportunities for future training.

## **B. Fire District Report**

Chief Chick said the department received their data on how they are doing in cardiac arrest scenarios in this area and compared to the rest of the county. He said he will bring Chief Morgan to the next meeting to present that report. He added the fire department's partnership with the police departments in northeast Johnson County is second to none. Chief Chick said that in many parts of the country and the county, as soon as fire and EMS shows up, the police department is done, but here they stay on the scene and help. He added that he cannot brag enough about the relationships they have here with the police department. Chief Chick stated that both new CFD2 engines are in service, one at 78<sup>th</sup> and Mission Road and the other at Martway and Mission Road. He said two engines were sold off to the highest bidder. He said a wholesaler bought them and will try to rehab them to sell to a fire department that has lesser means. He said as part of that process, they always keep the freshest of their engines being replaced and move it into reserve status so in case one goes down, they have another ready to go. Chief Chick noted that they were in a parking lot the day after they moved Engine 23 into the reserve station and a construction company hit their truck, causing a significant amount of damage. He noted Engine 23 will be roaming around the City because it has not been re-marked yet.

Chief Chick stated that they have an officer back on shift after being home from overseas in Kuwait. He said he is proud to have people that serve the country. He added CFD2 had an active part this month in Leadership Northeast and took part in the public safety day. He said they were excited to do so, and shared a little about how they operate. He noted May will be a busy month for training, and they will be taking crews to the burn towers which is always part of the springtime effort to challenge their people. Chief Chick added there is a significant amount of new equipment and updated training in EMS. He said two paramedics will be graduating from paramedics' school this Thursday. He said those two paramedics bring the CFD2 to the goal they have set, noting they are three years into their five-year goal.

Chief Chick said he spoke with Mayor Dickey last week about the two-inch gas line that was hit in the City. He said CFD2 crews were on scene for over six hours to make sure it went well, and the operation went off without a hitch. Mayor Dickey noted the gas line was hit multiple times.

Councilperson Nelson asked how the incident happened. Chief Chick replied a directional boring rig hit the gas line multiple times. He said they first checked houses in the area to make sure they were maintaining low levels of natural gas readings, then stuck around until it was fixed since gas was still coming out of the ground. He added the CFD2 stayed on scene until they felt the area was safe.

## **CONSENT AGENDA**

- A. Claims Ordinance No. 1632**
- B. Ordinance No. 1633 – Allowing Alcohol at City Events in 2023**

Councilperson Nelson moved to approve the Consent Agenda. Councilperson Bruning seconded. **Approved 4-0.**

## **FINANCIAL REPORT**

- A. March Financial Report**

Mr. Carroll said the revenues were robust and there was a note in the report on several expenses.

- B. 1<sup>st</sup> Quarter Financial Analysis**
- C. 1<sup>st</sup> Quarter Reserve Fund Analysis**

Ms. Lee said she reorganized the sales tax categories and staff dug deeper into each line item, creating a reference document for each revenue line item. She said she will share the new resource at the Strategic Planning meeting. She noted gas franchise fees are up and permit fees are down, but they are still ahead of last year. She said she did not make a new spreadsheet for the quarterly analysis because there is nothing noteworthy at this time, which is typical of first quarter.

## **OLD BUSINESS**

- A. Repeat Nuisance Properties**

Ms. Lee said one of the requirements the owner had to satisfy was getting a landscape plan approved by the Architectural Review Board (“ARB”). She noted the owner did submit one and after negotiations with the ARB, were able to get the plan approved. The landscape plan will need to be installed by May 1, 2023. Ms. Lee said she believes the owner plans to come back to the Council in May to discuss the request for a refund. Councilperson Bruning requested a record to be presented at the May meeting of the history of this project, including the first time the owners applied for a permit, appearances made at the ARB, and staff engagement. Ms. Lee agreed. Councilperson Nelson stated the Council sometimes decides to make decisions because it is the kind thing to do, but sometimes they need to make a point. She commented it is important

to tally up how much time has been spent on this project, including why it had to come to the Council in the first place. Councilperson Weed stated that when the Council voted in November 2022 to extend the project to January 31, 2023, he was not aware a landscape plan was going to be required. He said things keep getting added on, like the grass and driveway work, so what needs to be done is a moving target, making the completion date a moving target. He said there needs to be a line in the sand drawn at some point, noting that a decision was made for January 31, 2023. Ms. Lee noted that no new requirements have been added. She said all things currently being done were required when the Council decided in August 2022 to give the owners a six-month extension. She noted that a landscape plan is required for any new home or substantial construction project. She noted that the project is not being managed by a general contractor, which is unique for a project of this magnitude. Ms. Lee stated from a staff perspective, we are enforcing the Council's decision that the project was supposed to be done by January 31, 2023 and it was not. She commented that any change to that decision rests with the Council and City staff will continue to make sure the owners do everything they are required to do.

Councilperson Weed said that he feels very naïve thinking the project was close to being done. He said even though he has been paying attention, he feels like he missed out on the progression. Ms. Lee said that the 6-month extension to January 31 was doable, but there were choices made by the homeowners that got them to where they are, such as choosing not to submit the landscape plan during that window. Councilperson Weed said this is something he is going to have to reckon with. Ms. Lee agreed this is a tough situation. Councilperson Weed stated that he does not want to make money off these people, but the situation is very disappointing. Mayor Dickey said that if the Council chooses to do something different, they also have to go back and remember that there are neighbors on each side of this property who have dealt with this for the last three and a half years. He said the City just wants this thing done for the owners and the neighbors. Councilperson Nelson said that if the City does not draw a line, it might be a turning point. She added that it seems there are people out there who will always want to ask for forgiveness rather than permission, and asking for forgiveness is becoming too easy and expensive. Mayor Dickey said the Council will revisit this topic at their next meeting.

## **B. Ordinance No. 1630 – Google Franchise Agreement**

Mayor Dickey noted the Council discussed the franchise agreement last month and was not happy with the length of the contract in renewal terms. Ms. Lee said that she shared that discussion with Google Fiber and asked them to send a representative. She introduced Andy Simpson, the general manager of the central region for Google Fiber. Ms. Lee said that Google's standard agreement is for 20 years, but they have agreed to the 10-year agreement that has multiple 2-year renewals with all other Johnson County cities. She said the Council offered three years with no renewal. Mr. Simpson said he will answer any question, noting that the 10-year with renewals is what they have signed and executed with other cities in Johnson County.

Councilperson Nelson asked for clarification on the initial term of the franchise, noting that the language in the memo states it will automatically renew for four successive 2-year periods,

which is eight years. Ms. Krstulic replied there was a typo in the memo, and the initial term that starts on the effective date, which is publication, expires on December 21, 2023. There are four successive 2-year terms unless either party provides six months' notice to terminate the agreement before the end of the term. Councilperson Nelson asked about options. Ms. Krstulic replied that Kansas law does limit franchise duration to a 20-year maximum. She noted that typically the City does 20-year renewals with utilities like Evergy and the gas company. Ms. Krstulic said the Google Fiber agreement provides for roughly a ten-and-a-half-year initial term, then there are four 2-year automatic renewals. At the end of the initial term if the Council approves the document, either party could give notice to the other. With no such notice, the contract will auto renew for two more years. Mayor Dickey said his concerns are centered around the fact the City has struggled with and received more complaints about Google Fiber and their subcontractors more than any other company. He commented that locking into an agreement for ten more years when the history with Google has not been great, does not feel good. Councilperson Bruning said he would be willing to consider something longer than two years if the City had four years of good relations with Google, noting he shares Mayor Dickey's concern. He commented that last week, someone knocked on his door trying to sell him Google Fiber despite the "No soliciting" sign in his window. Councilperson Bruning said his experience is that Google cannot shoot straight for an extended period of time, and if the City could get by with four years with reasonably no complaints, he would have more confidence in a 10-year contract.

Mr. Simpson said that he has had regular meetings with the Mayor and members of the City staff every other weekend on a monthly basis. He said that he appreciates the insight into Google's performance. Ms. Lee said the routine meetings have made a difference. She said their follow up on issues they were hearing improved and there has been nothing systemic that lingers. She added the lunches with the Mayor, Mr. Simpson and his staff over the past couple of years made an improvement as well. Ms. Lee said that Google has done things internally to align better with how they provide services and communicate to the City. Councilperson Bruning asked for Ms. Lee's recommendation. Ms. Lee replied Google wants the Mission Hills agreement to be the same as all other agreements in Johnson County. She stated that Councilperson Bruning has a good point, but she does not know if Google would agree to anything less than ten years. Councilperson Bruning said that he should have called the non-emergency police number about the unwanted soliciting, but he did complain to City Hall. Mr. Simpson said that is his responsibility and apologized. Councilperson Bruning asked if Google would be willing to go with a shorter leash. Mr. Simpson said he cannot make that decision now, but the preference is to stay in line with what other similar providers have from the City. Councilperson Weed said he thinks it is fair to give Google a level playing field. Councilperson Bruning asked if other cities have had the same experience as Mission Hills. Mr. Simpson replied that the Council would need to speak to other cities directly, but he thinks each situation is independent.

Councilperson Nelson asked about the percentage of homes Google serves in the City. Mr. Simpson replied that they offer service to almost every home. He said in the last three years when they moved their initial installation from the street to the greenspace behind the curb and

they just finished this massive relocation. He said with that move there has been a dramatic decrease in disruption in streets and yards. Google does not expect the need to come fix it as often. Councilperson Nelson asked about the time frame for a Google Fiber installation, and if she would have an endless hole in her yard if she chose to use their services. Mr. Simpson replied that there are generally five days between sign-up and completion for individual customers. He said that within three to four days, Google will come out and dig in a safe manner. Ms. Krstulic added that Right-of-Way (“ROW”) use regulations do require ROW permits and restoration within a certain amount of time. She noted the Google agreement does have a termination right. Councilperson Bruning asked if the problems have been with the initial installation. Ms. Lee answered they were related to the complete relocation from the street to behind the curb, noting that problems were really minimal for people just calling in to sign up for service because they expect something to occur on their property. Councilperson Bruning asked when the relocation project will be completed. Mr. Simpson answered it is done, other than some restoration which should be resolved by Thursday this week.

Councilperson Bruning said that the history with Google is inescapable, but Google today is not the same as it was eight years ago. Mayor Dickey asked what will happen if the Council does not pass the agreement. Ms. Krstulic replied that Google would no longer have a right to be located in the City. She added they would pull up lines and there would be a loss of customer service. Councilperson Weed commented that Google Fiber first operated as an IT company, then realized it was also a utility. He said as such, they have been able to perfect service installation issues, and he would like to give them the benefit of the doubt. He asked if there was a way for the City to keep making progress when Mr. Simpson is no longer available or if his position changes, stating that he wants to continue to build something that is meaningful and sustainable. Mr. Simpson replied that he suggests doing what they have currently done. He said there were weekly meetings and Google ran through every address with an issue, which he is happy to continue doing because that is the most effective tactical solution to ensuring nothing lags. Councilperson Weed asked if a more robust penalty phase is possible. Mr. Simpson replied he will leave that to the City and legal counsel. He said Google wants residents to be happy customers and they are very motivated by the customer service experience. Councilperson Bruning reiterated his concern about unwanted solicitation in regard to a good customer service experience. Councilperson Weed noted he gets one or two direct mail pieces a week.

Councilperson Nelson commented that Google needs to make more of a commitment in communicating with their subcontractors because that cannot be the city’s responsibility. Mr. Simpson said they have customer experience and construction experience phone lines, and they are happy to have customers reach out. Ms. Krstulic said that in terms of the ROW, the City has the ability to cite people who are violating the regulations, which is something that would get someone’s attention. Councilperson Bruning added that publishing Mayor Dickey’s comments in the newsletter is also a good way to get their attention. Councilperson Weed asked the City Arborist for his opinion on the plantings. Mr. Kirk replied that he has less of an issue with Google than the other utility companies like water and gas because there is less wiggle room with installations of those utilities. He noted he has not had any problem with Google, adding

that there were some issues in the beginning but once they understood the City's concerns, they dug away from the trees. Councilperson Bruning said that they needed to close the holes back up at some point, adding that he does not know of any other big cities that had those experiences. Mr. Simpson stated the method Google used in the streets of the City was unique.

Councilperson Weed asked about the opinion of City staff. Ms. Lee answered that Google has nearly completed its relocation from the street to behind the curb and that was a big lift. She noted that the project impacted all 1300 houses in the City, and they are excited to see that project wrapping up. She referred to the question Councilperson Nelson asked about getting service in her home and said the City does not get those calls because folks expect activity when they make a request for service. Ms. Lee noted the interaction with Google is winding down, but they have established a good infrastructure to communicate. She said the system they have in place is working and the City is in a good spot, even though she realizes it has been a bumpy road. Councilperson Nelson asked if the contract will be extended for 10 years. Ms. Lee replied they want 10 years with renewals. She added the City has a more robust ROW permitting process and requires a lot more information up front. She said they require communication with the homeowner before they start. Mr. Carroll added that with bonds, the City can hold them accountable. Mayor Dickey said other communities had some of the issues the City experienced, but the uniqueness of the initial installation was problem one. He said the City manages their ROWs better and as a result, are paying attention in a way that many communities do not have the time or resources for. Mayor Dickey commented that he hated the contract initially because he knew the City was not going to be able to choose because the residents wanted the service. He continued that this contract is one-sided and although Google has been responsive, they did take a lot of prodding. He added that the Council is most likely not going to refuse the agreement and let Google service go dark. Councilperson Bruning noted that solicitation is a hot button issue for a lot of residents and asked if this agreement could be contingent about there being no further house to house solicitation by Google. Ms. Krstulic replied that is commercial speech, but it does implicate first amendment issues. She noted the City has solicitation regulations that require a permit from City Hall, and those regulations include not going to houses that are on the no-visit list. Mayor Dickey noted that solicitors can be cited.

Councilperson Weed said that he feels Google is trying to do better and that Mr. Simpson is a huge part of that. He said that he wants to make sure that even without Mr. Simpson, there is continuity in how this thing is done, noting that utilities are not always easy to deal with and the City is looking for utilities to take responsibility. Councilperson Weed stated he does not want to make money off of Google with fines but wants to know how to leverage action when they go astray with too many solicitations or service issues. Mr. Simpson answered the communication channel. Councilperson Weed noted that a lot of the communication has been with Mr. Simpson, and he has done a nice job. Mr. Simpson said there is a full team working with the City on a regular basis. He said Google has gone through changes over the years and is in a place where they want to grow and expand. Councilperson Nelson suggested using the upcoming City survey to ask questions. She noted that the other providers have flaws too, but the City has been able to pinpoint Google because they were brand new. She commented that no one is perfect.



Councilperson Bruning said the mayor needs to be armed with political teeth and he does not think ten years gives him the ability to do that. Mayor Dickey said that he hopes what is being said will continue, and he agrees that Mr. Simpson has been great.

Councilperson Bruning noted the termination provision is 120 days. Councilperson Weed asked if Google will be kicked out of the City if the agreement is terminated. Mayor Dickey answered yes. Councilperson Weed asked if the City would get resistance from Topeka. Mayor Dickey responded probably, that is why telecommunications go to Topeka and try to get the city's' rights squashed. Councilperson Weed asked if this is a moot discussion. Mayor Dickey replied no, the Council can play chicken but then residents will call and say they like their service. He added that the Council can also pass the agreement as is. Councilperson Weed said he would like to make the best of it. Councilperson Nelson said the Council is sincere about this. She said they take it personally but at this point, they should pass it. Councilperson Weed asked what will be accomplished if the Council waits for another 30 days to vote. Mayor Dickey replied 30 days will not change Google and waiting 120 days is a dangerous game. He stated that the Council can entertain a motion to approve knowing that as long as he is mayor, he will be quick on the draw to call Google out for poor performance.

Councilperson Nelson moved to accept the Google agreement, with the knowledge that going forward the City has relationships with representatives at Google that know what the City needs and desires. Ms. Krstulic said that as soon as she learns of any issues, she would be happy to assist in writing letters or doing outreach to get on top of the problem. She added that City staff is doing the same. Ms. Lee said the City will connect with Google about solicitation.

Councilperson Weed seconded. Councilperson Bruning noted that he heard no enthusiasm for the contract, and it has been a horrible experience. Councilperson Weed asked how 20 years compares to AT&T, commenting that he thinks the City owes Google a courtesy of a competitive playing field. Councilperson Nelson said the City cannot single someone out. She said Google had their change and cleaned it up. Councilperson Bruning asked if everybody else in Johnson county has a 20-year contract this precise. Mr. Simpson replied that he does not want to use the word "every" but cities that have the same contract include Lenexa, Olathe and Shawnee.

**Approved 4-0.**

## **NEW BUSINESS**

### **A. Resolution No. 2023 – G: Contract with Superior Bowen for Street Reconstruction of 70<sup>th</sup> Terrace (State Line Road to Overhill Road)**

Councilperson Bruning moved to approve Resolution No. 2023 – G. Councilperson Nelson seconded. Councilperson Bruning asked for clarification on the work for this project. Ms. Lee replied the construction is from State Line Road to Overhill Road, noting it is more extensive than what the City normally does. Councilperson Weed asked if the project was complicated by the gas station on the south side. Ms. Lee answered a little. She said they have sensors and will provide someone to watch all of that. **Approved 4-0.**

## **REPORTS OF CITY STAFF**

### **A. City Clerk**

Ms. Lee noted that Beverages with Byron will be on Monday, April 24, 2023 from 5:15pm to 6:30pm at City Hall. She said she will send a reminder email for the Strategic and Financial Planning retreat, which will be in the east dining room at the Kansas City Country Club. Mayor Dickey noted that the Council meeting on May 8 will start half an hour early for training. He requested that the Community Engagement Committee be added to the calendar. Ms. Lee agreed.

### **B. City Administrator**

She noted the home at 6545 Wenonga is close to being demolished. She said the police have some training planned and they have notified the neighbors. She said Water One is replacing the main on Mission Drive which will impact traffic and there will be detours. Ms. Lee noted that a few residents wrote a letter about demolishing homes, and she emailed it to the Council. She said the Council has talked about restrictions on demolitions in the past, and the City currently requires approval of a new home before the old one is torn down unless no new house is being built. Councilperson Weed asked about the period of time for demolitions. Ms. Lee answered usually about two months. She added if the homeowner will not be able to complete the new build during that time frame, they need to fill in the hole and put sod down. Mayor Dickey noted that there were a few instances where people tore down homes in anticipation of building a new one and did not get a new home approved. Mayor Dickey said the topic can be discussed at the Joint Retreat if there is an interest. Ms. Lee said the letter from residents expressed concern about prohibitions of demolitions on houses that add a certain character.

Councilperson Bruning asked how the Indian Lane project at Peetwood Park ties into the Mission Road stormwater project. Ms. Lee replied that as you come down the hill by the bridge, there is a stormwater pipe that is plugged and not working. She said the whole system at the top of the hill from Wenonga downhill near the park needs to be upsized, so the plan is to upsize the stormwater pipes in the street and have them daylight into the park. She said the City worked hard to retain trees that they did not want removed as part of the pipe work. Ms. Lee said the project will come out into an area with stone walls that will match other stone in the parks, and the Park Board will be asked to develop a planting plan if needed. Councilperson Bruning asked where the Mission Road proposed stormwater project will end. Ms. Lee replied that the Prairie Village project will stop at the Village Church parking lot. Councilperson Bruning asked if the current system around the corner to Peetwood Park will be replaced. Ms. Lee replied that they are only replacing the pipes that come down Wenonga Road near the new Blasi house. Mr. Carroll added that they are just making the current system work properly. Mr. Kirk said the pipe cannot keep up when water goes through the open channel. Mayor Dickey noted there will be catch basins that start at the top of the hill on Wenonga Road.

Ms. Lee noted Evergy is going to replace about 30 utility poles, they are just waiting on the ROW permit to be submitted for review. She noted the poles are generally in people's backyards with mature landscaping growing around them. She said the City Arborist is working with Evergy's contractors that are pruning before they come to replace the poles. Mayor Dickey stated that Mr. Kirk will be a key player in this. Councilperson Nelson asked if the poles are concrete. Mr. Kirk answered, no they are wood. He said some of the structures are still wood and the three primary wires that separate the wires to keep them from touching will be replaced with more modern metal pieces. Councilperson Nelson suggested using this time to encourage people to bury lines, noting that it made a huge difference for her, not only in beauty but practicality. Ms. Lee said everyone adjacent to that infrastructure has to agree to pay the total undergrounding cost. She added the City has a policy that if the residents want to pay \$1000, the City will help manage that process but only one or two have taken them up on that. Councilperson Bruning noted that his electricity was out today, and he got a note from Evergy stating it was caused by limbs down on the lines. Mr. Kirk said that a lot of homeowners do not trust Evergy, and he has become the middleman when pruning is done along the lines. He commented that residents trust him so he can tell them why this is necessary and the best way to do things. Mr. Kirk said that so far, things are going well.

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

Mr. Carroll said that the City got approved for a grant for the playground and the resurfacing piece on that will be reimbursed 50%. He said a new swing will be added as well. Councilperson Bruning asked if the swing has handicap access. Mr. Kirk answered yes, it is called an inclusive swing. He added that the playground is ADA compliant because there is a ramp and no curb entry. Councilperson Nelson said there is a little playground in Fairway that is covered, has a picnic table and is very colorful and inviting. She said she would love to see the Park Board look at making the City's playground the way it should be for a City that has the wherewithal Mission Hills has. Mayor Dickey suggested focusing on resurfacing and the new swing first.

### **D. City Planner**

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

## **MAYOR'S COMMENTS**

### **A. Liaison Reports**

Councilperson Perry said there was no additional discussion since the last Crime and Safety Commission ("CSC") meeting, and he will follow-up on their schedule. Councilperson Weed said the Planning Commission ("the Commission") met but did not have a quorum so while there was a pretty robust conversation about topics, no actions were taken. He said they are going to work to make sure a quorum is present for the upcoming meetings.

Councilperson Bruning said the Pard Board is back on a regular meeting schedule. He said that the Homes Associations are assessing and helping pay for the beautification of the City, noting that each one prepared plans for the upcoming planting season. He added that he is excited about the planting for screening Indian Hills Country Club parking lots along Tomahawk Road as that work should begin soon. Councilperson Bruning said he attended the Architectural Review Board (“ARB”) meeting on Councilperson Thorne’s behalf. He noted there was an unusual site visit at 6515 Belinder and there were some contentions that the house was raised too high. Ms. Lee said third party surveyors went out today and the house was built according to what was approved. She added there were a couple of issues with the large retaining wall in the back, noting it was never dimensioned on the approved plan and the proposed plan they submitted was not entirely accurate. He commented that hard ARB cases never make for good resolutions. He noted there is a new house on Oakwood Road that should be of remarkable quality.

Councilperson Nelson said the only project set for a Board of Zoning Appeals (“BZA”) hearing cancelled. She said the BZA was frustrated because the homeowners built a fence requiring a 16-foot variance, even though they were only approved for a 10-foot variance. She added the homeowners built the fence they wanted despite the BZA ruling, and already planted around it. She said they are in the setback but are going to the Commission to try and change the platted setback. Councilperson Nelson noted City staff have already put in countless hours dealing with these issues. She said she hopes the BZA understands what is going on and has the background information they need. Councilperson Weed asked if this will end up in front of the Council. Councilperson Nelson answered yes. Ms. Lee said the homeowner wants to move the platted setbacks that were initially put in place by J.C. Nichols, which is why they are going to the Commission. Councilperson Bruning asked if this is a reversed lot. Ms. Lee answered no, it’s the property on the southwest corner of 63<sup>rd</sup> and Belinder. Councilperson Nelson noted the platted setback is on both sides of Belinder. Mayor Dickey confirmed the project will come to the Council unless the Commission denies it. Councilperson Weed commented that the role of the Council is to back up the committees. Mayor Dickey agreed. Ms. Lee stated all information will be shared with the Commission. Ms. Krstulic said the homeowners were issued a short compliance order that laid out a very specific schedule. She added if the Commission does not approve the replat, the owners will have a certain amount of time to remove the fence. Councilperson Bruning asked about the schedule. Ms. Lee replied the first step is the owners must apply for the re-plat to be on the agenda for the May Commission meeting. She said they have until May 5, 2023 to submit the necessary information. If they do not, they have to move the fence. If they do not move the fence, they will likely end up in court.

Mayor Dickey commented that the Council had an extensive discussion about coyotes last month and his recommendation was to talk with people as much as possible. He said he hopes the Council continues to do that as they continue to discuss the CSC recommendation. He said he did not talk about coyotes in the newsletter because he referenced the public safety letter which included three paragraphs about the subject. Mayor Dickey requested that Council members continue to send him people that are interested in being board or committee members. He added a surprising number of residents have asked him about why the City is doing the Mission Road

project. He informed the Council that the City has had their first request from a telecom provider to stick things on City light poles, and there will be more to come on that. Councilperson Bruning noted the Council has been predicting that would happen for the past five to ten years. Councilperson Nelson congratulated the Council on the letter sent to Prairie Village and asked if there was any feedback. Mayor Dickey replied that he spoke with Eric at the mayor's meeting, and he was appreciative in how thoughtful the letter was written but they went out to bid.

Meeting adjourned at 7:09 p.m.

## **ADJOURNMENT**

/s/Anna Italiano