

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

**July 11, 2022**

The City Council of the City of Mission Hills, Kansas held a regular meeting on July 11, 2022, at 5:30 p.m.

**PRESIDING:** Mayor David W. Dickey

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

**ABSENT:** None

**ALSO PRESENT:** Jennifer Lee, City Administrator; Justin Carroll, Assistant City Administrator; Meghan Woolbright, City Clerk; Jill Clifton, City Planner; Steve Crull, Chief Building Inspector; Anna Krstulic, City Attorney; Spencer Jones, City Treasurer; Fire Chief Steve Chick, Consolidated Fire District #2 (CFD2); Police Chief Byron Roberson, Prairie Village Police Department (“PVPD”) by phone; Captain Brady Sullivan; PVPD

**VISITORS:** Jarrett Apperson, McApperson Property and Design; George Farrill, Rosehill Gardens; Anna Grodzinsky, 2520 W. 63<sup>rd</sup> Street, Dave Heinen, Heinen Landscape & Irrigation by phone; Dan Kerr, 2520 W. 63<sup>rd</sup> Street; Tim McQuaid, 6436 Norwood Road; Carolyn & Bill Patterson, 2516 W. 63<sup>rd</sup> Street; Mike McQuaid, 5630 Belinder Avenue, Fairway, Kansas; Tonya Trostyanskaya, 2520 W. 63<sup>rd</sup> Street

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 June 13, 2022 meeting. Councilperson Bruning seconded. All proposed edits were approved and accepted by Councilperson Nelson and Councilperson Bruning. **Approved 5-0.**

**PUBLIC SAFETY**

**B. Fire Report**

Chief Chick stated that four professionals from CFD2 are retiring with a combined experience of 80 years in the profession. He added fortunately these individuals were able to share their experience and train individuals who will be advancing into their roles and provide continued service. Chief Chick noted CFD2 recently hired two great candidates who are currently attending the academy. He added there was a decline in the number of applicants for the position vacancies, which follows the trend that the PVPD has previously discussed. Chief Chick noted that CFD2 has implemented retention policies, including an enhanced employee retirement savings option, to retain and recruit excellent talent and they continue to strive to be the premier fire district in the County.

Chief Chick stated the CFD2 is conducting the annual budget process and through controlled spending he anticipates for a third year in a row there will be a mill levy decrease. He stated the CFD2 budgetary goals are to continue excellent level of service, retain paramedic professionals, add one firefighter to the central district, and increase salaries. Chief Chick noted that the mill levy rate will decrease but revenues will increase by capturing the growth in the increasing property valuation in the district. He added the most significant percentage of the annual budget is personnel. Councilperson Weed asked if there are any CDF2 budgetary items that the Council could be considerate of in the 2023 and 2024 budget development. Chief Chick stated that at this time, the proposed CFD2 budget can be met within the projected revenues. He added the CDF2 has met the goals of the current strategic plan and will be developing a future thinking strategic plan.

#### **A. Police Report**

Captain Sullivan noted he is reporting on behalf of Chief Roberson and referred to the June police report. He stated there were three thefts in June and noted in the case of package theft on 63<sup>rd</sup> Street that the resident's Ring camera captured the suspect and their vehicle details. Based on this description, an officer located the suspect's vehicle and stolen property from multiple residents, which resulted in the suspect's arrest. Captain Sullivan stated that there were five thefts from vehicles during the month and noted in three cases the vehicles were unlocked at the time of theft and in one case the rear window was shattered to access visible belongings. He added in the case of the catalytic converter theft from vehicle at the Carriage Club that the Club now has video surveillance in their parking lot, which captured the incident and is being utilized in the investigation. Captain Sullivan reported there were two criminal damages to property, which included the damage and removal of the lock at the floodgate at 63<sup>rd</sup> Street and Indian Lane and shattered window of a vehicle at the Carriage Club, which was unfortunately not captured on video surveillance. He noted there were two thefts of unlocked vehicles where the remote start keys were left inside the vehicle. He added in one case the vehicle was located after it was involved in a wreck in Kansas City, MO, but the suspects fled the scene.

Captain Sullivan reported there was one residential burglary where an unknown subject stole the garage door opener from an unlocked vehicle parked at the Carriage Club and used two utility bills found in the vehicle to identify the victim's home. He added when the victim arrived home, the front door was ajar, and items were stolen from the residence. He stated the Kansas City, MO Police Department later arrested two subjects during a traffic stop because they were in

possession of the victims' checkbook. Captain Sullivan noted this case highlights the diligence of investigations and importance of the continued partnerships of police departments within the metropolitan area. He added there were two accidents in June and noted in the accident on Tomahawk Road that an impaired driver struck a construction paver, which was rendered a total loss.

Captain Sullivan reported there was a string of crimes, including burglaries and vehicle thefts, which occurred between May 2021 and several following months, where digital and video evidence was collected by investigations. In June 2022, a coordinated effort of Overland Park, Leawood, Prairie Village, Mission Hills, Roeland Park, and Kansas City, MO resulted in search warrants for two individuals. He noted that within Prairie Village and Mission Hills there are now 14 prosecutable cases and metropolitan wide more than 80 prosecutable cases against these two individuals. Captain Sullivan highlighted the success of these partnerships and added that building cases with digital and video evidence can be a lengthy, but successful process. Mayor Dickey noted his July Crime and Safety letter to the residents referenced the importance of digital and video evidence in solving the cases from 2021 and added the new cameras and license plate readers will provide additional evidence going forward.

## **I. Camera and License Plate Reader (LPR) Installation Update**

Captain Sullivan reported that the Phase 1 installation is complete and technical support continues to work to ensure that the video connections are secure and operational. Councilperson Weed asked if all four phases of camera and LPR installation had been funded through the budget. Mayor Dickey replied the Council determined to program the federal American Rescue Plan Act (ARPA) funds to install Phases 1 and 2. He added after assessing the impact of Phases 1 and 2, the Council could then determine how to proceed with proposed Phases 3 and 4.

### **A. Police Report (Continued)**

Mayor Dickey requested to discuss the 2023 Police Services contract and the budgetary implications of the proposed contract. Ms. Lee stated that the City received the 2023 Police Services contract a bit later than normal, so staff has not yet solved the gap from the increased contract amount in the 2023 budget. She noted there is typically an annual increase in the budget request, but the 2023 increase was greater than expected due to the employee retention and recruitment incentives implemented by the Prairie Village City Council to address some of the previously discussed staffing issues. Chief Roberson stated that through the spring of 2022, the City of Prairie Village had been brainstorming options for retaining and recruiting talent and noted the private sector has been challenging to compete against. He stated Prairie Village developed an incentive package, which was not adopted by the Council until the end of April. He added that the Police Department budget is developed after Public Works, Human Resources, and Courts departments in Prairie Village because these departments contribute the Police budget. Chief Roberson noted the two incentives with significant budgetary impact are contributing to the private police pension program and a longevity bonus incentive that rewards employees for their loyalty every three years. He added that the City of Mission Hills could not have anticipated the 12.4% Police budget increase, which was a direct result of the personnel incentives. Chief Roberson stated these incentives have resulted in a 76% increase in

applications when comparing January – July 2021 and January to July 2022. He added there are currently 33 applicants in process with 6 individuals in background review and 3 officers joining the PVPD from other agencies.

Mayor Dickey noted that the City of Mission Hills Police Services contract is developed based on a formula and both Mission Hills and Prairie Village will experience cost increases at the same rate. He indicated he would communicate with Mayor Mikkelson of Prairie Village and report back to the Council. Councilperson Weed asked to clarify if Mission Hills would contribute the same percentage of the total PVPD budget in 2023 as in years past. Chief Roberson replied yes, the percentage in the formula is the same, but the base of the PVPD budget increased by approximately \$1 million. Councilperson Nelson supported the incentives for retaining and recruiting talent at PVPD and asked if there are opportunities for improved communication on these efforts that might have budgetary impacts in the future. Chief Roberson stated that he hopes to be a conduit of communication on budgetary discussions between Prairie Village and Mission Hills. He reiterated that the Police budget is impacted by other departments and moving forward he will engage in communication with these department heads earlier in the year to improve forecasting.

## **NEW BUSINESS**

### **A. Secondary Building Permit Request – 2520 W. 63<sup>rd</sup> Street**

Ms. Lee referred to the staff report outlining the Ordinance procedures for a secondary building permit request and noted the first building permit for 2520 W. 63<sup>rd</sup> Street was granted weather days and issued the maximum six-month extension, which is set to expire August 5, 2022. She stated that City staff can only issue one extension by Ordinance and only the Council can offer and entertain a request for a secondary building permit. She noted in addition to the staff report and narrative provided by the property owners at 2520 W. 63<sup>rd</sup> Street, the neighbors at 2516 W. 63<sup>rd</sup> Street submitted a letter to the Council this afternoon for consideration. Councilperson Weed asked for clarification that the 6 extensions issued in 2020, 5 extensions issued in 2021, and 4 extensions thus far in 2022, were first extensions to a building permit. Ms. Lee replied yes and the last record of the City issuing a secondary building permit with City Council approval was in 2011.

Mr. Kerr thanked the Council for the opportunity to request a secondary building permit for their project at 2520 W. 63<sup>rd</sup> Street. He stated as the Council considers their decision, he seeks to provide additional context for the situation and demonstrate the enormous effort and commitment to quality they have put forth. Mr. Kerr stated that the project delays were driven by factors largely outside of their control. He noted in addition to the secondary building permit, they are requesting the Council waive the additional building permit fee and performance bond.

Mr. Kerr stated the property has been owned by the family for more than 20 years and once the project is complete it will be a thoughtfully renovated mid-century home. He noted this is a substantial construction project with extensive architectural review. The scope included removing the back half of the house, digging a new basement, and constructing an additional wing to the home. He noted a major challenge was the COVID-19 lockdown and impacts of

supply and labor availability. Another challenge was defective windows and incorrect cabinetry, which was compounded by the continued labor issues. He noted that within a week of the windows being installed, they failed and rain poured into the house, causing the framing to be damaged and delaying any exterior finishes. Mr. Kerr noted after a year of engaging with the window manufacturer they inevitably had to purchase all new windows from another manufacturer, which after much delay are scheduled to arrive and be installed in July. He added the cabinetry took more than a year to produce and when they arrived the bathroom cabinets were correct, but the kitchen cabinets were incorrect and had to be returned for remanufacturing. Mr. Kerr referred to the interior images sent to the Council, which is 90% complete with only fixtures and hardware remaining and the exterior stucco will be completed once the windows are installed. He added that guttering, drainage, and landscaping will be final items for completion. Mr. Kerr stated he investigated the impact of supply chain issues and nationally 85% of building projects are delayed and 30% of building projects are delayed by more than 6 months.

Mr. Kerr noted that the Ordinance specifies that a building permit extension fee is 25% of the original building permit fee per month of extension. He noted this project has cost more than \$35,000 in building permit and inspection fees, including the \$18,000 permit extension. He reiterated his request that the Council consider waiving additional permit fees and the requirement for a performance bond. He opined that they have worked diligently and to the best of their ability to move the project to completion and noted four neighboring properties have hired their contractor to complete projects at their homes since their project started.

Councilperson Perry asked to clarify if the property owners have paid \$35,000 in total for building permits. Mr. Kerr confirmed the original building permit and extension fees have totaled \$35,000. Councilperson Bruning asked the amount of time the property owners are seeking for a secondary building permit. Mr. Kerr stated their contractor has provided a conservation timeline of December 2022 completion. Councilperson Bruning noted at the rate of \$3,000 a month the secondary building permit would be \$15,000 to be issued through December. Councilperson Perry asked for additional clarification on the performance bond. Ms. Krstulic stated that residential property owners cannot typically acquire a performance bond, so the contractor would secure the bond as prescribed by the Code. Mayor Dickey noted there have been a few cases in his experience when a performance bond was required to ensure that the project was completed by the timeline the permit holder requested. He added that the goal of a secondary building permit for the property owner and the neighboring residents is the completion of the project. He added that a performance bond encourages that goal is met in a timely manner. Mr. Kerr asked the Council if there is a concern that their project will not be completed. Councilperson Bruning opined that a project could not have a better advocate than Ms. Trost. He noted that he attended many of the Architectural Review Board (ARB) meetings for this project and has great sympathy for the neighbors adjacent to the continually delayed project. Councilperson Bruning noted his greatest interest is the project being completed as soon as possible and opined the additional building permit fee amount is inconsequential in the scope of the project's expenses and provides motivation for the project to continue. Mr. Kerr stated they are extremely motivated for this project to be completed. He referred to the timeline they provided in the packet, which indicated the ARB approved the project in March 2019 and they had originally intended to use the 1-year approval period to plan the project implementation. He noted there was a setback revision to the Ordinance that directly impacted their project and they

were forced to the accelerate of their start date to December 2019 to ensure they would continue with ARB approved plans, otherwise a redesign would be required. He added the exterior demolition in the spring was then halted by the COVID-19 shutdowns and labor issues. Councilperson Bruning opined that in the same timeline of this project there have been other new homes and substantial projects completed, so on behalf of the neighbors and the City in general he is concerned about the project being completed.

Mayor Dickey suggested that the Council could waive the additional permit fees but require a performance bond to be minimally twice the cost of building permit fee. He noted that if the project were completed in the timeline provided by the property owner, then there would not be any additional fees collected. Councilperson Weed asked the beneficiary of a failed performance bond. Mayor Dickey replied that the City would be the beneficiary. He reiterated that the goal of the secondary building permit process is for the project to reach completion and a significant performance bond would encourage diligence towards completion. Councilperson Thorne asked what constitutes a completed project. Mayor Dickey replied that a Certificate of Occupancy must be issued, which is granted when all aspects of the project are complete. Councilperson Bruning noted concern about the completion of drainage and landscaping for this project and asked if this would have to be complete for a Certificate of Occupancy to be issued. Councilperson Nelson reiterated Councilperson Bruning's concerns. Ms. Lee replied yes, these items are required for a Certificate of Occupancy, and noted that the property owners included drainage, grading, and landscaping in their timeline for completion. Mr. Kerr stated that landscaping and grading is scheduled to begin in September. Councilperson Perry agreed with Mayor Dickey's suggestion to waive the building permit fees in favor of a performance bond, which would encourage the project's completion and benefit the entire neighborhood. He asked if the project contractor if they could meet the Certificate of Occupancy standard by December 23, 2022. Mr. Apperson stated that the timeline was presented as total completion. Councilperson Bruning noted the unusual circumstances generated by COVID-19 and asked if there were exceptions for completion in a performance bond. Mayor Dickey stated typically there are no exception to a performance bond. Councilperson Perry stated that if there are extenuating circumstances then the property owners would communicate with the City and the Council could proceed accordingly. Mr. Kerr agreed.

Councilperson Perry moved to approve a second building permit extension for the project at 2520 W. 63rd Street from August 5, 2022 to December 31, 2022 with a \$30,000 performance bond to be collected if a Certificate of Occupancy is not issued by January 31, 2023. Councilperson Nelson seconded. Mr. Kerr stated that although he believes the project will be completed by December 31, 2022, given the unknowns of any project, he requested one-additional month be added to the timeline for the performance bond.

Councilperson Perry requested to amend his motion to approve a second building permit extension for the project at 2520 W. 63rd Street from August 5, 2022 to January 31, 2023 with a \$30,000 performance bond to be collected if a Certificate of Occupancy is not issued by January 31, 2023. Councilperson Nelson seconded. **Approved 5-0.**

## **CONSENT AGENDA**

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

## **NEW BUSINESS (Continued)**

### **B. 2023 Maintenance Contracts:**

- a. Resolution No. 2022-V: Grounds Maintenance Contract with Heinen Landscape & Irrigation**
- b. Resolution No. 2022-W: Street Maintenance and Snow & Ice Control Contract with Rosehill Gardens**

Councilperson Perry moved to approve Resolution No. 2022-V for a ground maintenance contract with Heinen Landscape & Irrigation. Councilperson Nelson seconded. **Approved 5-0.**

Councilperson Perry moved to approve Resolution No. 2022-W for a street maintenance and snow & ice control contract with Rosehill Gardens. Councilperson Nelson seconded. Councilperson Nelson noted that the street maintenance and snow & ice control contract was bid and the process showed an incredible difference in pricing. She opined the importance of the bid process and being knowledgeable of the competition. **Approved 5-0.**

## **FINANCIAL REPORT**

### **A. June Report**

Mr. Carroll referred to the June financial report and noted the revenues continue to be strong and the second ARPA payment has been received.

### **B. Second Quarter Analysis**

Ms. Lee noted that a few of the revenues are exceeding the budget projections. She noted the local liquor tax is returning to pre-pandemic norms and the sales and use taxes continue to be strong. She added that traffic fine collections are higher than anticipated given the closure of Tomahawk Road. Ms. Lee referred to expenditures and reported that the police were unable to purchase a budgeted vehicle in 2022 because the manufacturer closed ordering, so those funds will be programed towards vehicle purchasing in 2023.

Ms. Lee stated that the second significant capital project scheduled for 2022 is 70<sup>th</sup> Terrace from State Line Road to Overhill Road. She noted the section of 70<sup>th</sup> Terrace from Overhill Road to Belinder Avenue has significant stormwater work and is scheduled to be completed in 2025. She stated that the original budget estimate for this project was \$700,000, but now the engineer's estimate is \$1 million. She encouraged the Council to drive 70<sup>th</sup> Terrace because the road is deteriorating. The engineer cored the road and determined the subgrade is failing and therefore the road will have to be completely torn out and rebuilt. She added that there are noticeable

patches in the asphalt where the City has tried to maintain the road. Ms. Lee noted the additional revenues could be programmed for the additional costs of this project. Councilperson Bruning noted several residents on 70<sup>th</sup> Terrace have communicated the need for this street to be repaired and requested the City communicate with them on this project. Ms. Lee stated the City will provide communication to the impacted residents once the bid process is complete. She added that staff would carefully watch the fourth quarter to determine if a transfer of \$100,000 could be made to the Capital Improvement Reserve fund or if a portion of that funding could be applied the additional expense of the 70<sup>th</sup> Terrace project.

Councilperson Nelson asked for additional details on the proposed cost increase of the 2023 Police contract. Ms. Lee replied the current year Police Contract is \$1,540,000 and the proposed 2023 Police contract with the 12.4% increase is \$1,730,000, which is a nearly \$200,000 increase. She noted that the Council has already identified 2023 budget priorities and there will be an opportunity for the Council to select how to fund the additional \$200,000 without impacting these priorities. Mayor Dickey stated that the Council was aware that the 2023 Police contract would increase given recruitment and retention incentive discussion, but a 12.4% increase was not anticipated. He opined that this increase lends urgency to the importance of the continuation of the 0.25% sales tax through ballot request so \$200,000 could continue to be dedicated towards capital improvement.

Ms. Lee referred to the Stormwater Utility Fund and noted the 2021 fund balance of \$200,000 was not expended because the programmed stormwater work was not required. She added those funds are being applied to the stormwater work on Tomahawk Road, so a publication of budget amendment will be required to show this expenditure.

### **C. Reserve Fund Analysis**

There were no comments on the Reserve Fund Analysis report.

## **OLD BUSINESS**

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

Mr. Carroll referred to the staff report, and that notice has been provided 2517 W. 68<sup>th</sup> Street regarding lawn nuisances and if lawn maintenance has not occurred then the City will abate the issue. Mayor Dickey noted that one of the executive sessions is regarding 3002 W. 66<sup>th</sup> Terrace so the Council will have an opportunity to receive counsel on the matter.

### **B. Coyote Update**

Councilperson Bruning noted a female coyote was trapped. Mayor Dickey stated the trail camera image showed the female coyote caught in the trap with two other coyotes in view. Councilperson Nelson asked how long the City would continue this effort to trap coyotes. Mr. Carroll replied there continues to be coyote activity on the trail cameras.

## **NEW BUSINESS (Continued)**

### **C. 2023 Budget**

Mayor Dickey noted that the Council had previously discussed various budget items throughout the meeting and added that staff has additional refining to incorporate the increase to the 2023 Police contract. He noted there would be an opportunity to review the 2023 budget in August, prior to its adoption in September.

Councilperson Perry moved to set a public hearing to exceed the revenue neutral rate on September 12, 2022 at 5:30 p.m. Councilperson Bruning seconded. **Approved 5-0.**

Councilperson Perry moved to set a public hearing for the 2023 budget on September 12, 2022 immediately following the revenue neutral rate hearing. Councilperson Bruning seconded. **Approved 5-0.**

## **REPORTS OF CITY STAFF**

### **A. City Clerk**

Ms. Woolbright noted the City event calendar was included in the packet. She asked if there were any responses to the request that the Council consider changing Cherokee Lane to a one-way road. Mayor Dickey suggested that the Crime Prevention and Safety Committee review this request with the public safety team. Councilperson Nelson noted the proliferation of large landscape maintenance trailers parked on the street and that if they are parked on both sides of the street, it can be dangerous to navigate. She asked if the police could intervene in these situations. Ms. Lee stated staff could request the police educate landscapers when vehicles are parked directly across from each other and the continued enforcement of not parking in front of no parking signs.

### **B. City Administrator**

Ms. Lee referred to her report and noted the Kansas City Country Club is seeking feedback from the City Council regarding their Masterplan and Study of Brush and Rock Creeks. Mayor Dickey noted the \$13-17 million preliminary cost for the 10-year storm options without any opportunity for the City to receive matching funds is not feasible. Councilperson Nelson agreed.

### **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.

## **E. City Arborist**

There was no additional comment to the City Arborist's report. Mayor Dickey noted that he continues to get awesome feedback from residents about the City Arborist, Jesse Kirk.

## **MAYOR'S COMMENTS**

### **Appointments**

Mayor Dickey noted that he has two recommendations for appointment, Sarah Summers to the Park Board and Gabrielle Beam to the Board of Zoning Appeals. Councilperson Nelson moved the appointment of Sarah Summers to the Park Board and Gabrielle Beam to the Board of Zoning Appeals. Councilperson Bruning seconded. **Approved 5-0.**

### **Liaison Reports**

Councilperson Weed reported the Planning Commission would meet the upcoming Wednesday.

Councilperson Nelson reported ARB met and the ARB Chair managed a difficult project very skillfully. She added the BZA met and granted a variance to replace an existing generator with neighbor's support.

Councilperson Perry reported Crime Prevention and Safety Committee did not meet.

Councilperson Bruning reported the Park Board did not meet. He referred to the Arborist's Report and asked for clarification on the location of Relief Island. Ms. Lee replied it is the island with the marble relief located at the intersection of 63<sup>rd</sup> Street and Indian Lane.

Mayor Dickey noted the next edition of the Newsletter will be out the end of July and an updated Crime Prevention letter has been mailed to the residents. Ms. Lee stated that over the weekend there were 63 residents that signed up for the no solicitation list since Mayor Dickey mentioned it in his crime and safety update letter.

### **Executive Sessions**

Councilperson Bruning moved that the City Council recess into executive session to obtain legal advice pertaining to the City's sign regulations, 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 City Council chamber at 7:15 p.m. Councilperson Thorne seconded. **Approved 5-0.**

Councilperson Bruning stated no binding action was taken in the executive session.

Councilperson Bruning moved that the City Council recess into executive session to obtain legal advice pertaining to the City's authority under Resolution No. 2022-N, 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, Assistant City Administrator, and City Clerk. The open meeting will resume in the City Council chamber at 7:25 p.m. Councilperson Nelson seconded. **Approved 5-0.**

Councilperson Bruning stated no binding action was taken in the executive session.

Meeting adjourned at 7:25 p.m.

/s/ Meghan Woolbright  
City Clerk