

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

August 14, 2023

The City Council of the City of Mission Hills, Kansas held a meeting on August 14, 2023 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; Anna Krstulic, City Attorney; Meghan Woolbright, City Clerk; Jill Clifton, City Planner; Jennifer Winfrey, Deputy City Clerk; George Verschelden, City Attorney; Spencer Jones, City Treasurer (phone); Chief Byron Roberson, Prairie Village Police Department (“PVPD”); Captain Eric McCullough, PVPD; Captain Washington, PVPD; and Chief Steve Chick, Consolidated Fire District No. 2 (“CFD2”)

VISITORS: Mike McQuaid, Fairway, KS; Tim McQuaid, Mission Hills, KS; Sheryl Vickers, Prairie Village, KS; and Andy Wolff, Mission Hills, KS

CALL TO ORDER

Mayor Dickey called the meeting to order at 5:30 p.m. Following the pledge of allegiance, a moment of silence was held in memory of Fairway Officer Jonah Oswald.

GREETINGS AND INTRODUCTIONS

Mayor Dickey greeted visitors and noted that the order of the agenda would 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 – July 10, 2023

Councilperson Nelson moved to approve the minutes of the July 10, 2023 meeting. Councilperson Thorne seconded. **Approved 5-0.**

PUBLIC SAFETY

A. Police Report

Chief Roberson stated that it has been a tough week for police departments and noted Officer Jonah Oswald had been a police officer for the City of Fairway for four years when he was

tragically killed. He noted that he and Fairway Chief of Police J.P. Thurlo both started their careers with the PVPD. Chief Roberson reported that Officer Oswald died protecting the residents of Fairway and residents of every city in Johnson County. He added the PVPD has been aiding the Fairway Police Department and will respond to some of their calls for service over the next few days. Chief Roberson stated Officer Oswald's death is a reminder that being a police officer is a dangerous job and officers do not know what situation or type of person they might encounter. He added the overall goal is to provide officers with the tools to safely make it home each night.

Chief Roberson referred to the July narrative report and stated July was a good month for Mission Hills. He noted there was one incident of criminal damage to property at a home under construction that resulted in damage to the front door, but the suspect was not able to gain access into the home. Chief Roberson added there were three traffic accidents and in two incidents the driver was issued a citation.

Chief Roberson referred to the July activity report and stated crime offenses are overall on par or trending downward from last year. He added that mental health calls, failure to yield and traffic stops are trending upward from last year. Mayor Dickey noted in the activity report that the assault was domestic in nature. He asked for a report on the traffic enforcement and detouring related to the Tomahawk and Mission Roads intersection and 71st Street closures. Chief Roberson replied to his knowledge there have not been reported traffic issues. Captain McCullough, traffic control commander, added the PVPD has not received traffic complaints and there is a standing request for extra officer enforcement in these closure locations. Councilperson Nelson noted she discussed the Tomahawk and Mission Roads intersection closure with a Prairie Village Shops employee who reportedly did not receive advanced notice of the closure. She opined that the more communication the better in these situations. Mayor Dickey noted that Mission Hills residents were provided advanced notice of the closure.

Mr. T. McQuaid noted there were no thefts in the month of July, which is a considerable achievement, especially in the summer. He asked if the PVPD can attribute this decrease to any specific action, such as the arrest of a repeat criminal. Chief Roberson replied he would be speculating, but sometimes crime trends are related to who is being jailed and for how long. He noted that the approach in Johnson County is to jail individuals longer than other surrounding counties. He added that he would credit the crime reduction to the patrolling officers and referred to the failure to yield statistics which demonstrate that the criminal element is present in the community but are fleeing due to officer presence.

Mayor Dickey requested the Council consider a motion to donate to Officer Oswald's family fund on behalf of the City. Councilperson Weed moved to authorize the City Administrator to donate up to her spending authority to Officer Oswald's family fund. Councilperson Nelson seconded. **Approved 5-0.**

B. Fire District Report

Chief Chick stated when a tragedy, such as the loss of Officer Oswald occurs, it impacts all first responders. He reported that Consolidated Fire District No. 2 (CFD2) responded to the incident and provided Officer Oswald's medical care on scene. Chief Chick stated this was a stark reminder of the dangers police officers face.

Chief Chick stated he is attending this meeting to report on some of the uncommon events that occurred in July. He referred to the significant storm events that generated overload calls in Johnson County. Chief Chick clarified that overload occurs when emergency resources have reached a point where urgent medical responses are prioritized over anything that is a non-emergency issue. These non-emergency issues are placed into an overload queue to be addressed when there are available resources. He added that high priority calls are medical emergencies, structure fires, and structure collapses. He noted that downed power lines, blown transformers, and trees on power lines are triaged and additional staff is brought in to manage the response. Chief Chick referred to the July 14th storm and noted that over a dozen CFD2 staffers were called into work overtime to manage the emergency response. He added that in this storm event there were so many emergency calls for structure fires that at one point every fire unit in Johnson County was in service. He noted that calls for power outages and downed electrical lines in storm events are heavily concentrated in northeast Johnson County due to above ground infrastructure. He reported that the July 14th storm was the biggest storm in many years and Johnson County had 843 emergency calls compared to the average 150 to 200 emergency calls a day. He added there were 165 calls on July 14th in the CFD2 compared to the average 15 to 20 calls a day. Chief Chick noted of these 165 calls there were 50 overload calls, and three of these overload calls were in Mission Hills. He noted these lower priority calls were managed by overtime staff. Chief Chick noted during the July 14th storm there were 23 outside fires, three structure fires, and four structure collapse investigations in CFD2. He added that for several days following the storm that there were 40 to 50 calls a day related to the power coming back on.

Councilperson Nelson noted that in newer developments in south Johnson County that electrical lines are more commonly buried and that residents have reached out to her directly about burying lines. She asked if there were a greater number of buried power lines in Mission Hills would have fared better in the storm. Chief Chick replied that Mission Hills had a total of 14 calls with three overload calls of the 843 calls in the County, which was very manageable. He added the great efforts of the Mission Hills tree management program led to very different outcomes than neighbor communities who do not have these programs. He opined that the data shows that Mission Hills fared very well in the storm. He noted that he could not comment on the cost benefit of undergrounding existing electrical utilities, but there is a lower rate of incidents in places with underground electricity. Councilperson Nelson noted specific concern for electrical related fires and issues in storm events. Chief Chick noted that CFD2 works to maintain and continue to develop relationship with Evergy, but they have very little ability to escalate a response. He added that during the July 14th storm crews monitored an electrical house fire in Prairie Village for hours waiting for Evergy to turn off the power. He added that for the safety of the fire fighters they cannot put out house fires or remove a downed tree limbs if there is an

active electrical line. Chief Chick added that Evergy prioritizes their response typically based on the number of customers affected. He added that emergency dispatchers provide detailed reports through Evergy's reporting system, but they do not have an individual point of contact. Councilperson Nelson asked to clarify if Evergy prioritizes all responses. Chief Chick replied yes. Councilperson Weed noted that when he served on the Planning Commission a study was completed to determine the cost to underground all the electrical utilities in Mission Hills and it was estimated to cost an unfeasible \$30 million. He added this study found that although above ground utilities are impacted by storms and tree limbs, underground utilities generally do not last as long as above ground utilities because they are affected by ground moisture and pests. He noted a business item on the evening's agenda undergrounding electrical on 65th Street from Belinder Avenue to State Line Road for approximately \$1.5 million. Councilperson Nelson opined that after a large storm event those who were without electricity want to explore all options to prevent future outages. Mr. T. McQuaid opined that the electrical grid in Mission Hills is dependent on the general power grid reliability, so there is no guarantee undergrounding would prevent outages. Chief Chick agreed and reiterated that after analyzing the storm data that Mission Hills fared very well in the storm.

Councilperson Bruning commended Ms. Lee and Mr. Kirk for being out in the City removing tree debris from the road on July 14th. Chief Chick added that throughout the weekend following the storm that Ms. Lee was super responsive. Councilperson Weed noted the tragic wildfires in Lahaina, Hawaii and asked if there is a robust disaster warning system with built in redundancy. Chief Chick replied that Johnson County emergency management is all coordinated by the County and their emergency operations center is activated anytime there is severe weather forecasted. He opined that the County is very capable at responding to emergencies and noted there could always be an unpredictable event, but the coordination in the County is established to respond. Mr. Weed noted that his power was out for five days following the July 14 storm and asked how many emergency calls were related to residents not being able to use medical equipment because of the power outage. Chief Chick replied that there were a few prioritized calls where individuals with oxygen generators were without oxygen and in those cases emergency responders provide enough oxygen until their next delivery. He noted the primary function of the several days following the storm was responding to electrical issues when the power came back on. Councilperson Bruning noted there have been previous public safety summits to help prepare for these types of events and asked if there were any specific lessons learned from the police and fire departments following this storm. Chief Chick replied that CFD2 was prepared to respond to the storm event but given the number of calls they relied on assistance from PVPD to respond. He reiterated that the collaboration of emergency services is key. Chief Roberson noted this was the worst storm that he can remember. He added that he was proud of his officers who were out in the elements, including 80 mph winds to assist residents as needed. He added after the storm the PVPD discussed developing a strategic plan to safely disburse officers in the communities. Chief Roberson added the low water crossings became impassable very quickly so it can be challenging to close the floodgates in time. Chief Chick added a challenge is residents expect emergency services to be able to solve their problems quickly, because in many cases that is true. He noted that problems such as trees downed on

electrical lines, electrical lines on the roadway, or trees downed on houses with electrical lines, cannot be solved until the power is shutdown.

Councilperson Weed noted he recently met the new chief of police at Kansas City, MO and he shared with her the deployment of license plate readers (LPR) in Mission Hills. He added that she was very interested in the City's program and shared that the LPR program has been a tremendous resource in solving crimes. He advocated for continued agency coordination, especially with traffic crossing State Line Road in both directions.

NEW BUSINESS

A. Home Tour Application – Renovation Sensation Homes Tour at 5550 High Drive

Councilperson Nelson moved to approve the Renovation Sensation Home Tour at 5550 High Drive. Councilperson Thorne seconded. Ms. Vickers noted that the Patron's party will also be held in Mission Hills so there will be an additional no parking sign request for that event.

Approved 5-0.

I. Resident Request to Consider Changing Dangerous Dog Ordinance

Mr. Wolff noted he resides at 2200 Tomahawk Road and has the only declared dangerous dog in the City. He noted this declaration makes him and his property subject to various requirements by ordinance. He requested that the Council consider making changes to the dangerous dog ordinance to allow a path to repeal this declaration. Councilperson Weed noted that he was not on the Council when this dog was declared dangerous and asked for more information about the circumstances that led to the dangerous declaration. Mr. Wolff replied there is a two-step process for a dog to be declared dangerous. He added the dog was designated as potentially dangerous after an event that occurred in 2016, where the dog left the house through an open front door and crossed the street to a pregnant resident who picked up her dog. He noted a police officer happened to witness the incident and reported to the City that the dog had behaved aggressively. This potentially dangerous dog declaration resulted in ordinance requirements for maintaining the dog in the City. Mr. Wolff continued that a second event occurred in 2018 that resulted in the dog being declared dangerous. He stated his dog was fence fighting with the back door neighbor's Jack Russell terrier. When the neighbor picked up her dog and waved at Mr. Wolff, his dog jumped the fence and bit the neighbor. He added the neighbor's bite was treated at the hospital, who reported the bite to animal control. Mr. Wolff noted he went to court to appeal the citation that his dog was at large when the incident occurred and following the dog's declaration as dangerous, he was required to complete various measures to keep the dog including installing 6-foot perimeter fence and interior fence to contain the dog, place two City provided signs on his fence that there is a dangerous dog in the yard, and pay an annual fee of \$250. Councilperson Weed noted there is a liability insurance requirement for dangerous dogs. Mr. Wolff agreed and

added that he had to indemnify the City in the event there is another incident and enroll the dog in behavior training.

Councilperson Bruning asked how Mr. Wolff's life would be different if the dog was redesignated. Mr. Wolff replied he could provide testimony of various service providers that joke about the dangerous dog signs because the dog is friendly. He added vets could testify that the dog is not aggressive. Councilperson Bruning reiterated how Mr. Wolff's life would be different if the dog was redesignated. Mr. Wolff replied he could remove the dangerous dog signs and stop paying the annual \$250 fee to the City. He added the dog is now nine years old and there have not been any incidents since 2018. He noted that following a recommendation from the Crime Prevention and Safety Committee (CPSC) the Council amended the potentially dangerous dog ordinance to allow for a review and redesignation process. Councilperson Perry noted that he was involved in the CPSC process when Mr. Wolff's dog was declared dangerous. He added that at that time any appeal of a declaration was the sole discretion of the CPSC. Following this incident, the CPSC reviewed the applicable ordinances and recommended that Council remove the chain requirement from the ordinance, establish a redesignation process for potentially dangerous dogs, and appeals to dog declarations a Municipal Court decision. He noted the CPSC discussed a redesignation process for dangerous dogs.

Councilperson Weed noted that at this time the City is indemnified if there is another incident with the declared dangerous dog and asked if the declaration were repealed would the City face renewed exposure. Ms. Krstulic replied that someone could make that claim since there is a record of actions and citations. She added that if the requirements for additional liability insurance and indemnification were removed from the ordinance that would be a different matter. Councilperson Nelson opined over the past couple of years there have been issues with dogs getting away from their owners and endangering other residents. She added there are not always citations issued for these incidents because residents do not want to prosecute their neighbors. She opined in these incidents that the dog is not always registered or well trained and given the potentially harmful results of these incidents she is reluctant to consider changes to the current regulations. Councilperson Nelson added there was a recent incident where a dog got out of the owner's control and harmed an elderly resident and opined that if a child were attacked it could be catastrophic. She added that residents deeply care for their dogs, but some dogs might not belong in neighborhoods. Mr. Wolff noted he has attended past Council meetings regarding domesticated animals and opined that not all dogs who run out of their homes attack people. He opined that in the example Councilperson Nelson provided the dog owner did not take any of the appropriate steps, including registering their dog, which he completes for his dogs.

Councilperson Perry noted in reviewing different state statues, Minnesota for example, has a procedure to review dangerous dog declarations beginning six months after a dog's declaration and the owner may request annually that the animal control authority review the designation and the owner must provide evidence that the dog's behavior has changed, including due to age. He added that Mr. Wolff's argument is that a dog that is two or three behaves differently than a dog that is nine or ten has some validity. Councilperson Perry suggested that the City could review state statues regarding dangerous dog declaration review procedures and determine if there is an

appropriate amendment to the City's process. Mayor Dickey noted that the review could include procedures from neighboring municipalities. He added that it would be appropriate for the CPSC to review these procedures and provide a recommendation to the Council. Mr. Wolff noted that the City Administrator designated his dog as potentially dangerous and then dangerous and asked why the declaration appeal process is now through the Municipal Court. Ms. Lee stated that an ordinance revision in 2017 removed the CPSC from the appeals process. Councilperson Perry added that the CPSC is a non-judicial board of resident volunteers who are not experts in the dangerousness of dogs. He noted the CPSC reviewed all options for appeal and determined that the Municipal Judge was most appropriate. Ms. Lee noted that Prairie Village's process for dog declaration appeals is similar. Councilperson Perry reiterated that a review of other state and municipal regulations could provide alternative solutions and that a puppy's behavior can differ from an aging dog's behavior. Mayor Dickey reiterated the CPSC would be the appropriate body for review.

Councilperson Thorne asked how many dogs are currently declared dangerous in the City. Ms. Lee replied that one is currently designated. Mr. Wolff noted that the dangerous dog signs on his fence had to be made for them to be placed. Councilperson Weed referred to the incident that declared Mr. Wolff's dog dangerous and asked if the back door neighbor is still a resident and expressed interest in her opinion if there was a redesignation process. He opined that when a person is attacked by a dog, they can continue to be afraid, and their experience is worthy of consideration. Mr. Wolff reiterated that he is asking the Council to consider an ordinance revision that would provide residents with a path for redesignation of declared dangerous dogs. Councilperson Nelson opined that the Council's discussion highlights to her the need for additional reviews of regulating dogs that can be dangerous. She noted the PVPD narrative report does not provide details of dog bites and she expressed that there could be more dog incidents that occur in the City than are reported. Mr. T. McQuaid asked Mr. Wolff his personal cost to indemnify the City. Mr. Wolff replied that he did not have to purchase additional home insurance, but he was required to sign an indemnification agreement with the City. Mr. T. McQuaid replied that the CPSC would discuss this matter further. Councilperson Nelson opined that there should be a judgement against people whose dogs seriously injure someone, and additional information provided to the Council for action. Mayor Dickey noted for the record that the PVPD activity report includes animal bites and in the month of July there was one incident listed and in 2022 there were four incidents. He added that if the Council would like additional details of these offenses a narrative could be requested of Chief Roberson. He added that if no one files an animal bite report with the police then the City cannot take action. Mr. T. McQuaid noted that there are occasions following an attack where a dog owner will self-select to remove the dog from the City.

Councilperson Perry requested that the CPSC take a review of the City's current ordinances and determine if a review of other states and municipalities regulations for dangerous dog redesignations for Council consideration. Councilperson Bruning noted a concern for the liability of a declared dangerous dog and expressed that the current ordinances provide a framework for addressing dangerous dogs in the City. Mr. Wolff opined there could be administrative

improvements to the process and reiterated that he has the only declared dangerous dog in the City.

J. Executive Session – Attorney Client Consultation

Councilperson Bruning moved to enter an executive session, stating: "I move that the City Council recess into executive session to obtain legal advice regarding a notice of claim filed with the City, pursuant to the attorney-client consultation exception in K.S.A. 75-4319(b)(2). The executive session will include the City Attorney, special counsel, City Administrator, and Assistant City Administrator. The open meeting will resume in the Council chamber at 6:38 p.m." Councilperson Thorne seconded. **Approved 5-0.**

The Council reconvened in open session at 6:38 p.m. Mayor Dickey stated that no binding action was taken during the executive session. Councilperson Bruning moved to extend the executive session, stating: "I move that the City Council recess into executive session to obtain legal advice regarding a notice of claim filed with the City, pursuant to the attorney-client consultation exception in K.S.A. 75-4319(b)(2). The executive session will include the City Attorney, special counsel, City Administrator, and Assistant City Administrator. The open meeting will resume in the Council chamber at 6:48 p.m." Councilperson Perry seconded. **Approved 5-0.**

The Council reconvened in open session at 6:48 p.m. Mayor Dickey stated that no binding action was taken during the executive session. Councilperson Bruning moved to extend the executive session, stating: "I move that the City Council recess into executive session to obtain legal advice regarding a notice of claim filed with the City, pursuant to the attorney-client consultation exception in K.S.A. 75-4319(b)(2). The executive session will include the City Attorney, special counsel, City Administrator, and Assistant City Administrator. The open meeting will resume in the Council chamber at 6:53 p.m." Councilperson Weed seconded. **Approved 5-0.**

The Council reconvened in open session at 6:53 p.m. Councilperson Bruning stated that no binding action was taken during the executive session.

CONSENT AGENDA

A. Claims Ordinance No. 1637

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

FINANCIAL REPORT

A. July Financial Report

Mr. Carroll reported that the adjusted reports show that revenues continue to be greater than the previous year.

OLD BUSINESS

A. Repeat Nuisance Properties

Mayor Dickey asked if there were any questions and noted that the required repairs are underway. Councilperson Nelson asked if there were any additional comments from neighbors. Mayor Dickey replied that he has been providing the appropriate neighbors with updates.

B. Appeal of Solicitation License Revocation

No action was taken on this matter.

C. Ordinance No. 1638 – Authorizing Electronic Code Supplements

Ms. Lee noted that the City now publishes the Code of Ordinances online using Code Publishing service. This allows for the Code to always be up to date and accessible and would eliminate the current supplemental codification process. She added that the online Code is user-friendly, searchable, and allows for easy sharing options. Ms. Krstulic stated that the ordinance revision authorizes the reprint and publication of the Code on the City’s website. Councilperson Bruning moved to approve Ordinance No. 1638 to authorize electronic Code supplements. Councilperson Thorne seconded. **Approved 5-0.**

D. Ordinance No. 1639 – Building Permit Fees and Penalties for Failure to Obtain Permit

Ms. Krstulic noted that the proposed revisions would close a loophole so if a property has any outstanding permit fees another permit cannot be issued until the outstanding fees are paid. She added there is a provision that is identified as “Reserved” because fees were in the ordinance twice, so the revision combines these sections. She noted that the failure to obtain a permit penalty was also revised, because the ordinance is written so that either the property owner or contractor could be fined for working without a permit, but the schedule of fees only includes the contractor. Ms. Krstulic stated the proposed revision would make it clear that the property owner could be fined for working without a permit. Councilperson Weed asked if the ordinance is intended to be punitive. He also noted the penalty structure is from 2014 and asked if the penalties are appropriate. Ms. Krstulic noted the maximum penalty for the first offense is \$500. Mayor Dickey noted when the penalty structure for failure to obtain a permit was developed there was extensive discussion. He added that the penalty structure is not intended to punish for the first offense, because mistakes happen. He added that the second penalty shows increased consequences and in the third offense there is a larger monetary penalty, but more significantly the contractor’s occupational license with the City is revoked for six months. He opined that the license revocation is a significant penalty for contractors. Councilperson Perry moved to approve

Ordinance No. 1639 for building permit fees and penalties for failure to obtain a permit. Councilperson Nelson seconded. **Approved 5-0.**

E. Resolution No. 2023 – T: Contract with Ecoturf Playground Surfacing for Playground Resurfacing at City Hall

Mr. Carroll noted the proposed contract is for resurfacing the playground at City Hall. He added the project is scheduled for late September and is in advance of installing a new swing. He noted the playground will be closed for five to seven days for the completion of this work.

Councilperson Perry moved to approve Resolution No. 2023-T for a contract with Ecoturf Playground Surfacing for resurfacing the playground at City Hall. Councilperson Thorne seconded. Councilperson Nelson noted the litigiousness of our society and asked if there should be a disclaimer that use of the playground is at your own risk. Councilperson Perry opined against a disclaimer because any case would be dependent on a cause of action. Mr. Carroll noted that the resurface material meets all industry standards and fall ratings. He added that the swing also meets all industry standards and is being placed in the appropriate use zone.

Approved 5-0.

F. Resolution No. 2023 – U: Contract Change Order for Colonial Court Project

Mr. Carroll stated that in assessing the aesthetics of this project, the Park Board has submitted a request for changes. The original design considered three decorative elements, but the current contract only includes two. He noted that the change order would allow for three decorative elements creating a visual focal point. Councilperson Perry moved to approve Resolution No. 2023-U for a change order for the Colonial Court project. Councilperson Thorne seconded.

Approved 5-0.

G. Resolution No. 2023 – V: Undergrounding Agreement with Evergy for 65th Street (State Line Road to Belinder Avenue)

Ms. Lee stated that the proposed contract includes the latest construction cost estimate from Evergy, which is slightly reduced from their previous estimates. She referred to the staff report that includes all other potential costs and specifies the funding sources. Ms. Lee added that if the Council elects to approve the agreement Evergy will go out for bid to select a company to complete the undergrounding. Councilperson Nelson moved to approve Resolution No. 2023-V to enter an undergrounding agreement with Evergy for 65th Street from State Line Road and Belinder Avenue. Councilperson Thorne seconded. Councilperson Bruning asked if a landscape plan should be considered. He added around the City there are several electrical boxes that are not fully landscaped and noted an electrical box on 67th Street for example. Councilperson Weed clarified that the unscreened structure is at Overhill Road and 67th Street. Ms. Lee stated that a landscape plan could be developed, and she would review the lack of screening on 67th Street. She added that typically the City works with the residents adjacent to these structures on plantings. Ms. Lee noted that some residents select not to have these plantings. Councilperson

Bruning opined that as a matter of course utility structures should always be screened. **Approved 5-0.**

H. Resolution No. 2023 – W: Design Guidelines Revisions re: Siting and Massing

Ms. Clifton referred to the prepared presentation in the packet and noted the revisions were reviewed and recommended for Council approval by the Planning Commission. Councilperson Bruning expressed that looming was another topic for consideration and asked if the proposed revisions to siting and mass should be delayed until after that discussion or adopted in advance. Ms. Clifton noted that in the past when a significant number of changes are proposed at once it can be challenging, so the Planning Commission has elected to address topics independently. She added that if the siting and massing revisions are approved by the Council then enforcement can be immediate. Ms. Clifton noted that the next Design Guideline under review is the raised elevation of houses. Mayor Dickey added that any new house would be subject to the siting and massing revisions if adopted. Ms. Clifton agreed and noted there are currently four new houses under review. Councilperson Bruning opined that the Architectural Review Board (ARB) should already consider siting and massing of new homes. Ms. Clifton replied that the ARB does take massing and siting into consideration with new homes, and the proposed revisions provides calculations for abstract concepts. Councilperson Thorne added that the current Design Guidelines address looming and the preference for “wedding-cake” tiered architecture. Councilperson Nelson asked if the ARB has reviewed the proposed revisions. Ms. Clifton replied that both the ARB and Professional Review Panel have reviewed the proposed revisions and are in favor of their adoption. She added this revision process has benefited from Ms. Winfield being a member of both the ARB and Planning Commission. Councilperson Perry moved to approve Resolution No. 2023-W for Design Guidelines Revisions related to siting and massing. Councilperson Thorne seconded. **Approved 5-0.**

REPORTS OF CITY STAFF

A. City Clerk

Ms. Woolbright noted the Community Engagement Committee (CEC) events and that the tickets for Diner à Verona are available for purchase. Councilperson Thorne added this is a lovely event and encouraged everyone to attend. Councilperson Bruning encouraged the event organizers to have a formal greeting at Diner à Verona and noted this is a busy time of year for events. Councilperson Thorne agreed and noted that the CEC is working to formalize reoccurring event dates. Mr. Carroll noted the CEC is in the process of selecting the movie for the Movie Night on October 7.

B. City Administrator

Ms. Lee referred to her report and noted that the City’s projects on Indian Lane and 70th Terrace are scheduled for be substantially complete by Labor Day with restoration in September. She added the tentative schedule of the mill and pave projects on State Line Road and Mission Road are late September or early October. Ms. Lee noted that the City has received approval from

Kansas City, MO for the State Line Road project and the scheduling is pending finalized agreements. She added that the Resident Survey Committee is meeting tomorrow with the intention of submitting a draft to Council for discussion at the September meeting. Ms. Lee noted that a Governing Body Handbook is also being drafted and the outline for that handbook will be shared with the Council at the September meeting. She added this could be a resource for the Council and anyone running for office.

Ms. Lee added that the Utility Improvement District ordinance was included in her report because a neighborhood has expressed interest in exploring the undergrounding of overhead utilities along their rear property lines. She noted that the ordinance has not yet been used by any neighborhood groups. Mayor Dickey noted that this ordinance was last reviewed in 2006 and this could be an opportunity for improvements. Ms. Lee agreed. Councilperson Bruning asked if a contiguous area, such as all 68th Street, would have to be interested in participating in the district. Ms. Lee replied that Evergy would dictate the boundary areas serviced by the above ground equipment. Councilperson Bruning noted for example that he did not know how to respond to a complaint from 70th Terrace that the south side residents lost electricity, while the north side residents did not. Ms. Lee noted in cases of repeated outages that the City reaches out to Evergy to prepare an outage statistics report. She added the City also requests any necessary tree pruning be completed, and if possible, to accelerate the schedule of planned replacements of Evergy's hardware or infrastructure. Councilperson Bruning noted that he understood residents submitting outage reports to Evergy is more effective than City complaints. He added that the City successfully facilitated the coordinated outage complaints on Arno Road.

C. Assistant City Administrator

There were no questions or comments on the Assistant City Administrator report.

D. City Planner

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

MAYOR'S COMMENTS

A. Liaison Reports

Councilperson Weed reported that the Planning Commission did not meet due to a lack of quorum and a substitute meeting has been scheduled.

Councilperson Thorne reported the ARB met.

Councilperson Perry reported the Crime Prevention and Safety Committee did not meet but will be meeting soon to discuss the resident request to consider changing the Dangerous Dog Ordinance.

Councilperson Nelson reported the Board of Zoning Appeals (BZA) will meet tomorrow and then again at the end of August.

Councilperson Bruning reported the Park Board is recessed until September. He noted that the Planning Commission (Commission) did not meet for lack of a quorum. He added there appears to be a pattern of meetings being postponed due to quorum issues and suggested the Chair could have a discussion with members who are frequently absent. Councilperson Weed noted as a former chair of the Commission that it can be difficult to get a quorum. He added that the Commission does great and important work, but it can be tedious and challenging. Councilperson Bruning added there seems to be a pattern of Commission meetings being cancelled at the last minute due to a lack of quorum. Mayor Dickey stated he could discuss quorum issues with the Chair and reach out to individual members to encourage their attendance. Ms. Clifton added she could provide the mayor with an attendance chart.

Mayor Dickey referred to the September Council agenda and noted it would include the Revenue Neutral Rate and Budget public hearings for budget adoption. He added he would attend the meeting remotely. Mayor Dickey noted he and City staff have worked to a compromise with a resident on 70th Terrace who has expressed frustration with the project. Councilperson Bruning referred to the neighborhood meeting held on 70th Terrace with the contractor and noted only four or five residents attended, but it was a great opportunity to meet the contractor and discuss the project. Councilperson Nelson referred to the planned Mission Drive repaving project and the importance of accessible routes as the Mission Road project continues. The Council discussed the continued road projects and the general need for informative signs for drivers in the City. Mayor Dickey noted that the Mission and Tomahawk Road closure signs could specify that the bridge is closed.

Mayor Dickey referred to the July 14th storm and gave kudos to Ms. Lee and staff for excellent management. He added this storm was a reminder of the importance of safety and the dangers of electricity. Mayor Dickey noted reserve funds are important for flexibility in managing storm events and fortunately the City infrastructure was not significantly damaged. He noted resident homes suffered damaged and a home on Indian Lane was significantly damaged by a fallen tree. Mayor Dickey noted that although it is very frustrating to residents, Evergy manages their response to outages. He added that Evergy responds to the areas with the greatest number of outages first and unfortunately the City is not able to influence this process.

ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

/s/ Meghan Woolbright