

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

**October 10, 2022**

The City Council of the City of Mission Hills, Kansas held a regular meeting on October 10, 2022, at 5:30 p.m.

**PRESIDING:** Mayor David W. Dickey

**PRESENT:** Councilpersons Bill Bruning, Barbara Nelson, Braden Perry (by phone), 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; Anna Krstulic, City Attorney; Spencer Jones, City Treasurer; Fire Chief Steve Chick, Consolidated Fire District No. 2 (Fire District); Police Chief Byron Roberson, Prairie Village Police Department (“PVPD”); and Don Baker, Water Resources Solutions

**VISITORS:** Tim McQuaid, 6436 Norwood Road; Mike McQuaid, 5630 Belinder Avenue, Fairway, Kansas; and Drew Hertel, Keller Williams Realtor

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 September 12, 2022 meeting. Councilperson Bruning seconded. All proposed edits were approved and accepted by Councilperson Nelson and Councilperson Bruning. **Approved 4-0.**

**PUBLIC SAFETY**

**A. Fire District Report**

Chief Chick referred to the fire district’s quarterly call volumes report. He noted at the Council’s request there were additional details in the quarterly report on powerline related calls. Chief Chick stated he reviewed the narratives of these powerline calls with the Fire Marshall and found

that most of these reports were rear yard tree branches falling on the rear yard powerlines. He added that these reports occurred with or without related storm events. Councilperson Bruning asked if the tree branches falling on powerlines were from rear yard or easement trees. Chief Chick replied that information was not included in the narratives. Councilperson Bruning noted there could be a need for additional tree management in the electrical easements. Chief Chick stated that the fire district could work with City staff and Evergy to improve the tree management in electrical easements. Councilperson Nelson noted with the increased storms related to climate change that there have been discussions to underground electricity and asked for Chief Chick's recommendations on undergrounding electricity. Chief Chick replied that above ground infrastructure can be a challenge for the fire district. He noted that undergrounding existing infrastructure can be costly, but when there is the opportunity, it is a great improvement.

Chief Chick noted that in September the fire district addressed the Johnson County Commission and received 2023 budget approval. He noted the fire district continues to prioritize strong financials while managing the current employment climate. He noted CFD2 is fully staffed, but the fire district is seeking to hire twelve firefighters and received only six applications, whereas in the past they would receive dozens of applications. Chief Chick noted that training continues to be a priority for the fire district and in 2022 there were 10,000 hours of training logged with 8,000 hours of collaborative training with other organizations that respond with the fire district. Chief Chick added the CFD2 received the highest possible rating for their annual audit. He noted the fire district is rated by the International Organization for Standardization (ISO) a Class 1, which is the highest rating for property fire protection and benefits residents with lower homeowner insurance rates.

## **B. Police Report**

Chief Roberson stated that the new salary structure and additional employee benefits have resulted in an improved hiring process with a greater number of applicants. He added the PVPD has hired six officers this year, which fills half of the vacancies from the start of the year. He noted in addition to recruiting new talent, the PVPD is focused on retaining current employees.

Chief Roberson noted last week that the PVPD and City partnered to host Coffee with a Cop at City Hall. He noted the event was successful and allowed residents and officers to engage. He noted a resident is hosting an exchange officer from Morocco and the PVPD is working to share resources with this individual. Chief Roberson added that last week there was also the Police Appreciation luncheon, which was greatly enjoyed by PVPD.

Chief Roberson referred to the narrative report and noted thefts from vehicles generally occurred in a pattern with four of the five thefts occurring at a country club. He noted the incident at Kansas City Country Club was a theft from an unlocked vehicle and the two incidents at Mission Hills Country Club were thefts from unlocked vehicles. He added that the incident at Indian Hills Country Club was a forced entry theft from a vehicle, but a suspect was gained through the camera system and this individual could be involved in other country club burglaries. He noted the camera system continues to be beneficial, as there was recently a hit and run accident that was captured on the system at 63<sup>rd</sup> Street and Mission Road, which is resulting in an arrest.

Chief Roberson noted there was also a theft from an unlocked vehicle that was parked on the street. He added that most thefts are from unlocked vehicles, and it is obvious that the suspects are looking for cash or credit cards and will return to locations they have been successful. Chief Roberson noted that members of the country clubs might notice an uptick in police presence since the PVPD has initiated a Reduction in Criminal Activity (RCA) protocol as crimes are occurring in a pattern at these locations. He added that both Prairie Village and Mission Hills officers will be patrolling the country clubs all day and all night, as well as being stationed in the parking lots. He noted the goal of additional officer presence is to deter crime and possibly catch would be criminals.

Councilperson Nelson noted that Mission Hills Country Club recently had an employee monitoring their parking lot. Chief Roberson noted that both the Mission Hills Country Club and Kansas City Country Club have intermittently hired security. He noted typically these individuals are observing the parking lot and their presences can deter individuals from engaging in criminal activity. Councilperson Nelson asked if there is a time-of-day pattern for these burglaries. Chief Roberson replied that thefts at the country clubs are typically occurring during operational hours and in general most burglaries are occurring overnight. Councilperson Bruning asked if the City should communicate directly with the country clubs about thefts in their parking lots. Mayor Dickey stated that the City has communicated to all the country clubs the importance of securing vehicles and possessions in the parking lots and noted that the Kansas City Country Club and Mission Hills Country Club are providing weekly reminders to their patrons. Councilperson Thorne noted that Indian Hills Country Club is also providing reminders to their patrons.

Mr. T. McQuaid noted that an Overland Park neighborhood was the target of a burglary spree and asked if there has been a pattern of this behavior. Chief Roberson noted this incident happened in a southern Overland Park neighborhood where there were many cars closely parked. He added that many of the vehicles had their windows broken but there were not many items reported stolen. Chief Roberson noted there has not been a trend since this event and opined the incident in Overland Park could have been committed by a transient who has moved on to another location. Mayor Dickey noted that the Chief previously reported that the camera systems are assisting in a hit and run investigation. He added that over the weekend the cameras tracked a stolen vehicle that then entered Kansas City, MO, who observed it on their camera system and allowed the investigation to continue.

Mayor Dickey stated there continue to be coyote sightings in the City and more aggressive traps are being set for a couple weeks. Mayor Dickey stated that the Coffee with a Cop event was successful. He added that there is resident interest for an evening event, so the City and PVPD are planning to host an after-work event in the spring.

## **CONSENT AGENDA**

**A. Claims Ordinance No. 1621**

**B. Resolution No. 2022-E: Installation of Additional Streetlight on Tomahawk Road**

Councilperson Nelson moved to approve the consent agenda as presented. Councilperson Thorne seconded. **Approved 4-0.**

## **NEW BUSINESS**

### **A. Ordinance No. 1622 – Short Term Rental: Definition Change**

Ms. Clifton stated that Ordinance No. 1622 would change the definition to prohibit short-term rentals of an entire lot. She noted that currently only the dwelling, which is the home, is prohibited for short-term rentals. Ms. Clifton added that the definition change would prohibit residents from renting out their pools, cabanas, or any portion of their property for less than 30 days. Councilperson Bruning moved to approve Ordinance No. 1622 to change the definition of short-term rentals. Councilperson Thorne seconded. **Approved 4-0.**

## **OLD BUSINESS**

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

Mr. Hertel stated he is a realtor for Keller Williams and a lifelong Leawood resident and represents the buyers considering the purchase of 3002 W. 66<sup>th</sup> Terrace. He noted that this property has many challenges and that after further investigation of the property and in the interest of developing a positive relationship with the City of Mission Hills, the buyers have decided to cancel the contract and will pursue other opportunities to redevelop in Mission Hills. Mayor Dickey thanked Mr. Hertel for attending the meeting and informing the Council of the decision to cancel the contract.

### **B. Discussion of Prairie Village’s 2023 Mission Road Project**

Mayor Dickey stated that the engineer for Prairie Village’s 2023 Mission Road project presented their plans at the September Council meeting. He noted the project includes raising a section of Mission Road near 68<sup>th</sup> Street approximately five feet to reduce roadway flooding. Additionally, Johnson County Wastewater will complete a sanitary sewer replacement within their easement that runs along Brush Creek. Mayor Dickey noted that several Councilmembers expressed concerns about the flow and speed of water in Brush Creek as it moves downstream. He added that Don Baker of Water Resources Solutions (WRS) was engaged by the City to review Prairie Village’s project plans and provide a memorandum to the Council, as well as answer any questions from the Council regarding the project. Mayor Dickey noted Mr. Baker’s extensive expertise of Mission Hills and asked him to provide a history of the project location and summary of Prairie Village’s project plans. Mr. Baker stated the location of 68<sup>th</sup> Street and Mission Road has a decades old flooding issue and was on the original list of projects for the Johnson County Stormwater Management Advisory Council (SMAC) program when it was developed in the early 1990s. He added that Mission Road is a very heavily trafficked roadway and this location routinely floods, sometimes two or three times a year. He noted at this location a car was submerged in the 2017 flood and a Prairie Village Police vehicle was swept off the roadway, while the officer was rescuing a motorist from a submerged vehicle in the 1998 flood. Mr. Baker reiterated that the location of the project is historically dangerous, and Prairie Village

has been looking throughout the years for a solution to this problem. He noted flooding is occurring more routinely, so this project has escalated in priority. Mr. Baker added that this portion of Brush Creek was stabilized through a bioengineering project in the late 1990s, but that project did not address flooding.

Mr. Baker stated that Affinis Corp prepared the engineering design for the flooding solution on Mission Road, which will take the roadway and intersections out of flooding, protect the houses along the west side of Mission Road, and take the houses out of the floodplain. He clarified that his firm (WRS) completed the preliminary engineering study in 2018 to establish the background, proof of concept, budget, and evaluate the project impacts to all downstream entities. This preliminary engineering study was submitted to SMAC for the funding process and Affinis Corp based their engineering solutions on this study.

Mayor Dickey referenced Mr. Baker's memorandum and asked if he could explain how the project design accomplishes a water velocity increase without creating a downstream impact. Mr. Baker replied that this flood control project works by a combination of raising the roadway elevation so that water cannot over top it and then horizontally squeezing the channel, which decreases the water surface elevation. He added that this combination causes some locations to have reduced water velocity and in some locations water velocity increases. Where the velocity increases, it is a maximum of 2.55 cubic feet per second or fifty-four percent (54%). In the case of Brush Creek these velocity impacts are not detrimental. He noted that Brush Creek is a bedrock-controlled stream, where bedrock is very close to if not at the bottom of the stream therefore the increased velocity will not cause the creek to erode down. Additionally, the previous bioengineering project included grade control structures at the bottom of the creek, which also help keep the creek from eroding down. Mr. Baker reference the model in the memorandum and noted that the increased velocity occurs in the center of the creek and the banks are not impacted. He added the magnitude of the increase in velocity is very short lived and isolated, so that once the creek turns at the corner of the church the stream flow will return to its previous rate, which is the same rate as today. Mr. Baker added that in this creek the downstream portion of the creek controls the velocity of the water with subcritical flow. He clarified that subcritical flow means that the velocity of the water is slow enough that a pressure wave from downstream can advance upstream.

Councilperson Bruning stated that the City of Mission Hills does not have a decision-making role in Prairie Village's Mission Road project. Mayor Dickey agreed and added that the engineering reports show that the project will not impact any downstream entities. Councilperson Bruning noted the continued partnership between Mission Hills and Prairie Village and the Council's responsibility to advocate for Mission Hills residents during this project. He noted from the memorandum that five houses and Mission Road are currently flooding and that eventually that floodwater flows into Brush Creek, so there is a concern about additional volume. He noted over the course of time nearly all of Brush Creek in Prairie Village has been channelized and the segment of the creek in this proposed project is not channelized. He noted the City's commitment to maintaining natural creeks and noted concern that upstream modifications could have impacts on the Indian Lane bridge and adjacent properties. He opined that the City should receive an assurance from Prairie Village that they will accept responsibility if there are demonstrable damages downstream due to this project. Councilperson Bruning noted

that Prairie Village is holding a public meeting for project stakeholders and asked if Mission Hills residents would be invited to attend. Mayor Dickey noted that Mission Hills residents are welcome to attend. Ms. Lee added that Prairie Village sent meeting notice postcards to residents along Brush Creek from Tomahawk Road to 63<sup>rd</sup> Street, Cherokee Lane, Indian Lane, and all Councilmembers. Councilperson Bruning reiterated a need for an assurance from Prairie Village that the project would not negatively impact Mission Hills residents. Councilperson Nelson agreed and she opined that residents who could potentially be impacted by the project should be fully informed on the project scope and evaluate their property prior to the start of the project. She referred to the memorandum statement that any impacts to properties plan to be mitigated by the City of Prairie Village and suggested the City Attorney review the language to prepare for a scenario where there are negative impacts.

Mayor Dickey stated that it is important that Mission Hills residents receive communication about the project. He added that in addition to the project evaluation from WRS, FEMA and the Army Corp of Engineers will not grant Prairie Village the permits for this project unless the project engineering studies shows that there will be no negative impact downstream. He added that FEMA and the Army Corp of Engineers are concerned not only about Prairie Village and Mission Hills, but the entire downstream reach of Brush Creek. Councilperson Bruning referenced the memorandum and noted at this time the erosion and sediment controls for the project have not yet been designed. Mr. Baker stated neither the temporary erosion and sediment control design during construction nor the permanent vegetation to be planted after the project is complete have been designed. He added that Affinis has completed 50% of the engineering plans for Prairie Village and the next phase of design will include temporary and permanent erosion controls for Prairie Village to review and provide feedback. He added that in addition to FEMA and Army Corp of Engineers, these next phase plans will also be submitted to the Kansas Division of Water Resources. Mr. Baker noted that these three entities will provide feedback on the plans and any required changes for approval.

Councilperson Bruning referred to Brush Creek in Mission Hills and the island that has formed at the wooden bridge on Indian Lane, which was not projected in the modeling. He noted the development of this island is concerning and drives his interest in the Prairie Village project's erosion and sediment control plan. Mr. Baker noted that the island that has developed in Brush Creek at the Indian Lane bridge was originally designed as a flood bench. He added that since the flood bench was installed approximately 15 years ago, there has not been any maintenance, so Brush Creek has modified this bench to an island. Mayor Dickey suggested the City evaluate the creeks for necessary maintenance. Mr. Baker noted that projects are typically designed with continued maintenance that does not always occur. Mayor Dickey asked if Mr. Baker could provide an example of what type of maintenance could have prevented a flood bench from becoming an island. Mr. Baker replied in this instance, the area was originally planted with riparian vegetation that is now gone and rock downstream has been displaced and not replaced. Mayor Dickey suggested a creek maintenance plan could be a helpful management tool.

Mr. T. McQuaid noted that if an upstream homeowner alters the water and causes a negative downstream that upstream homeowner is responsible. He opined that the same philosophy should apply to this situation if Prairie Village's actions negatively impact Mission Hills residents. He opined against the project because the creek walls could scour and push debris

downstream, adversely affecting Mission Hills residents. Mayor Dickey noted that the permanent erosion and sediment control plan to maintain the creek walls is still being developed and would be provided to the City for review. He added that as the engineering phases continue to be developed, the City will continue to be engaged in their review in consultation with Mr. Baker.

Councilperson Nelson left the meeting at 6:18 pm

Councilperson Weed entered the meeting at 6:19 pm

Councilperson Thorne asked if City staff will be attending the Prairie Village public meeting and if the Council should attend. Ms. Lee stated that she would attend the meeting and the Council is welcome to attend. Mayor Dickey noted engaging the City's residents in advance of the project is important. Councilperson Bruning suggested there could be alternative solutions to addressing the flooding on Mission Road. Councilperson Thorne stated that public safety is the most important consideration for the Prairie Village project. Councilperson Bruning agreed. Mr. Baker noted that a requirement for SMAC funding is evaluating the removal of flooding homes. He added that this solution was reviewed for the Prairie Village project, but it was rejected because it would only address the flooding houses and not address the public safety concern of Mission Road flooding.

Councilperson Thorne asked for additional clarification on how the Prairie Village project will impact the volume of the water in the creek. Mr. Baker replied that the volume of water will not be changed by the Prairie Village project. He noted that during a rain event, the amount of water grows in Brush Creek until it reaches the peak flow rate. At that time, water leaves the banks and floods Mission Road. This area floods when the water reaches the peak flow, which in this case is the 100-year flood event, and then recedes to return to the creek. Mr. Baker noted the Prairie Village project is designed for the FEMA 100-year flood event.

## **FINANCIAL REPORT**

- A. September Financial Report**
- B. 3<sup>rd</sup> Quarter Analysis**
- C. Reserve Fund Analysis**

Ms. Lee referred to the September financial report and asked if there were any questions. There being none, she proceeded to the third quarter analysis report and noted the City has received the second America Rescue Plan Act (ARPA) payment of \$270,000 and the Tomahawk Road project completed with \$241,000 in savings. She added that other cost savings and the insurance proceeds from the vehicle that struck the fountain at 59<sup>th</sup> Street has resulted in a third quarterly estimate of \$680,000 in budget surplus. Ms. Lee added that the quarterly report provides options for the Council to consider for programming these savings. She noted the Council has not yet determined how to program the ARPA funding. She added that most revenues including the sales tax continue to perform well and expenditures are generally as expected. Councilperson Bruning noted the success of cost savings on the Tomahawk Road project. Ms. Lee noted that these savings could be programmed back into the capital improvement program.

Councilperson Weed noted the Council had previously discussed dredging Eisenhower Pond and asked if there was a cost estimate for this project that could be budgeted. Ms. Lee stated that the duck weed in the pond is currently being managed with herbicide and has mostly cleared. She added with annual herbicide applications in the late spring or early summer, this solution could postpone the need to dredge the pond for several years. She noted that staff will monitor and continue to measure the effectiveness of this solution with our partners at the State and will program dredging if necessary.

### **OLD BUSINESS (Continued)**

#### **C. Review and Discuss New Estimates for 65<sup>th</sup> Street Undergrounding**

Ms. Lee stated that the City provided Evergy with coring samples, which allowed them to provide an updated estimate for the potential 65<sup>th</sup> Street undergrounding project. She noted that after further discussion with Evergy, the City requested a credit for work that Evergy has already scheduled and this resulted in \$75,000 cost reduction, so the new Evergy cost estimate is \$1.1 million and the total project estimate is \$1.65 million. Ms. Lee noted that the final estimate is pending Charter's updated undergrounding costs and decorative lighting cost estimates, which staff have requested. She noted the report includes a funding strategy for this project. Mayor Dickey stated that the City has a longstanding policy of undergrounding utilities in the front yards and opined the City would be remiss to not complete this project. He noted that undergrounding provides greater utility reliability and further discussion of the decorative lighting would be needed. Mayor Dickey added on streets where the front yard utilities have been undergrounded, such as 63<sup>rd</sup> Street and Belinder Avenue, the tree canopy has noticeably improved. Councilperson Bruning noted undergrounding 65<sup>th</sup> Street will complete the City's goal to underground the front yard utilities. Mayor Dickey requested staff return with a firm cost estimate for undergrounding and decorative lighting details for Council discussion.

Councilperson Weed referenced the estimated budget surplus from the third quarter report and asked if there were any immediate needs the Council should discuss. He noted the recent repairs to the Belinder low water crossing. Ms. Lee stated that a November business item for the Council is discussing the Belinder low water crossing. She noted that City will revisit the report from the Army Corps of Engineers and the proposed solutions for this location. The low water crossing will most likely need to be replaced in the next three to five years. Ms. Lee stated the encumbrances listed in the third quarter report programs funding for smaller, outstanding items. She added there could be additional needs identified in the stormwater studies or stormwater structures inventory being completed by Water Resources Solutions. Mayor Dickey opined that the City's capital improvement policy and infrastructure maintenance decreases the likelihood of emergency failures.

### **REPORTS OF CITY STAFF**

#### **City Clerk**

Ms. Woolbright referred to upcoming events on the City's calendar and noted the next Community Engagement Committee event is the holiday tree lighting on November 20<sup>th</sup>. Ms.

Lee added that the annual City holiday luncheon has been scheduled for December 16<sup>th</sup> at the Indian Hills Country Club. Councilperson Weed reported that the plans for the annual homes association meeting are in progress for mid-January.

### **City Administrator**

There were no comments on the City Administrator report.

### **Assistant City Administrator**

There were no comments on the Assistant City Administrator report.

### **City Planner**

Ms. Lee noted that the Planning and Building Guide included in the City Planner report is an excellent new resource for development.

Councilperson Perry left the meeting at 6:45 pm

## **MAYOR'S COMMENTS**

### **A. Liaison Reports**

Councilperson Bruning noted the Board of Zoning Appeals met and approved a variance for a patio and sport court project. He noted the Park Board had their last meeting of the year and reviewed the annual planting plans for each homes association. Councilperson Bruning reported that the mimosa web worm caused the honey locust trees to appear dead earlier this fall. He added these trees will return in the spring, but spraying treatments are not effective. Councilperson Bruning noted he attended the Movie in the Park at City Hall and it was a wonderful, well attended event.

Councilperson Weed reported he was unable to attend the last Planning Commission meeting, but the Council has previously submitted items for their review and discussion, and they are working through those. Ms. Clifton asked for clarification on the Council's prioritization of Commission business. Mayor Dickey replied that the Design Guidelines review continues to be a priority, and the Commission could concurrently review solar systems and driveways. Ms. Clifton noted that the Commission recently reviewed solar systems. Mayor Dickey noted that the aesthetics of the solar systems is a piece of the discussion, and the Council is requesting the Commission review if there are situations for exceptions from the current regulations of solar system placement. Councilperson Weed noted that technology and electrical needs are changing and asked the charter of the City in this matter. Mayor Dickey opined the priority charter is the quality of life, which has multiple components including aesthetics. He noted for example that the license plate readers are not the most aesthetically attractive addition to the City, but they enhance the quality of life by improving safety. He added the Commission can thoughtfully consider these types of tradeoffs regarding solar systems. Mr. Jones noted for example if the

Design Guidelines currently prohibit any solar systems on the front of homes and technology advances to solar integrated roof tiles, there could be an opportunity for solar systems to exist with minimum visual impact. Mayor Dickey noted that the goal is for the City's regulations to be in keeping with the available technology. Councilperson Thorne noted a consideration is protecting the tree canopy when considering solar systems.

Councilperson Thorne reported the Architectural Review Board (ARB) will meet this week. She added that she attended a Professional Review Panel meeting and noted the extensive review process that occurs prior to the ARB.

Mayor Dickey noted he would present a candidate for appointment to the vacancy on the Planning Commission at the November Council meeting.

Meeting adjourned at 6:55 p.m.

/s/ Meghan Woolbright  
City Clerk