



MINUTES OF MISSION WOODS CITY COUNCIL
March 1, 2016
7:00 p.m.

The City Council of Mission Woods, Kansas met in regular session on Tuesday, April 5, 2016 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

Members Present: Mayor Tietze
Council member Bill Dunn, Jr.
Council member Darrell Franklin
Council member Cory Fisher
Council member Joan Ruff

Members Absent: Council member Amy McAnarney

Visitors Present: Heather S. Esau Zerger, City Attorney
Mike and Kathy Henley
Jay Sidie

I. Call to Order

Mayor Tietze called the meeting to order at 7:02 p.m. A quorum was present.

II. Minutes of Prior Meeting

The Council took up the March City Council Meeting Minutes. Mayor Tietze first asked for corrections or additions to the February Council meeting minutes. There were none. Council member Franklin moved to approve the minutes and Council member Ruff seconded the motion, which passed unanimously.

III. Warrants

The Council next turned its attention to approval of the warrants. A question was raised regarding the bill from KCP&L. Mayor Tietze confirmed that the bill is for a 6 month period. A question was also raised regarding the reimbursement expense for a tree and Mayor Tietze confirmed that this tree replacement occurred following publication to the City of the replacement of Ash trees. (Council member Fisher arrived to the meeting.) Council member Dunn moved to approve the warrants and Council member Franklin seconded the motion, which passed unanimously.

IV. Police Report

The Council then reviewed the police report. Chief O'Halloran referred Council members to the written report and noted there was nothing remarkable. Chief O'Halloran stated the department was aware of the recent solicitor in neighborhood. The recent meet and greet had a good turnout. Chief O'Halloran also noted that they are encouraging all residents to save to their phones the number for dispatch, which is (913-782-0720). Johnson County dispatch is the fastest way to reach police if anything suspicious is occurring. Of course, in the event of an emergency, continue to dial 911.

Chief O'Halloran noted that after 2 years of working, mutual aid legislation has now passed and been signed by the Governor. This means the Chief or any designee can reach out to any jurisdiction and receive assistance and the home agency's workers compensation and liability insurance will provide coverage.

Mayor Tietze the introduced two related items. The first was a request from Johnson County District Attorney Steven Howe for the City to proclaim April 10-16 as National Crime Victims Week. The second is a request from MOCSA to participate in the annual Start Believing Day. MOCSA wants to create an environment where everyone believes victims who have the courage to come forward and report sexual assault. There is no financial contribution required for either. Council member Ruff moved that the City participate in both and Council member Dunn seconded the motion. It carried unanimously. Mayor Tietze will notify the City.

Council member Fisher asked Chief O'Halloran for an update on the State's efforts to tap into the City's enforcement revenue. Chief O'Halloran reminded the Council members and guests in attendance about the legislation, which would have required cities that earn more than 10% of revenue from traffic enforcement to send the excess to the state. Any City which enforces along state highways (such as Shawnee Mission Parkway) would be required to send 70% to the State. Chief O'Halloran also reminded the group that cities lose more money to property damage and injury from traffic accidents than most other causes; thus, enforcement is about safety, not about revenue-generation. Many police officers testified against the bill and, in fact, not one was neutral or in favor of the bill. Chief O'Halloran believes the bill is now dead but it is possible it could resurface in the future. With over 10,000 cars per day using Rainbow Blvd and over 27,000 a day using Shawnee Mission Parkway, legislation like this would impact Mission Woods substantially.

Council member Fisher asked Chief O'Halloran to remind the company providing the crossing guard for the City of the proper intersection for which the City requires services. Chief O'Halloran agreed to follow up. Discussion ensued then regarding the changes to the walk signal across Shawnee Mission Parkway at Rainbow. Mr. Sidie expressed his belief that, despite all the work done by the City to work with officials to lengthen the walk time by seven seconds, install a push button, and add more signage to the intersection, the walk time is still too short. He expressed further dissatisfaction because his daughter does not know what the flashing yellow light means on the cross-walk sign. It was suggested that Mr. Sidie simply educate his daughter as to how to properly use the cross-walk, rather than tie up traffic along the major intersection even longer.

V. Participation in Co-Responder Program

Chief O'Halloran then introduced a request for Mission Woods to participate in the Johnson County co-responder program. Mental health is a big issue in law enforcement as police departments receive any calls for people suffering with mental illness. Often, people do not know who else to call or how to get help for a person suffering from mental illness, so the police are the first contact. The Chief's former office piloted the program with which the City is being asked to participate. The program would allow many Johnson County cities to share a mental health professional who could assist in responding to calls received by the department. The co-responder would be responsible to help line up individuals in need with other care takers, which helps ensure police don't have to continue to be involved and gets individuals in need the services that will assist them. This serves to reduce the tax on police services and gets them to the help they need. Overland Park has a program in place. Shawnee and Lenexa have recently gone together to begin this program. There are now cities in Iowa and Nebraska proposing programs like this. The chances of co-responder being available to actually come with the police to a call is probably small but the value is really in good follow-up. Chief O'Halloran believes it would be good for Mission Woods to be involved. The fee is population-based and they hope to start July 1. The cost for Mission Woods for July-December is \$89.05. The annual fee adjusts for inflation but starts at \$178.10. This cost covers Mission Woods' share of 1 position and car insurance. The professional will be employed by Johnson County Mental Health, not by the participating cities. This is not a state-wide program. Council member Fischer moved to approve a resolution authorizing the Mayor to execute the contract for participation in the program and Council member Dunn seconded the motion, which passed unanimously.

VI. KU Hospital Authority

Council member Fisher updated the Council members on the progress of negotiations with the KUHA. He reminded the Council that KU reached out to Council members Dunn and Fisher and together, they met with John McDonough to discuss further the City's proposed landscaping plan. Council member Fisher reminded the Council that because our residents see the intersection at SMP and Rainbow most regularly but it received the least attention in landscaping, the focus of the City's proposed plan is on that corner. The City's plan included 11 additional trees in that corner and a hedge of burning bushes, built on top of increased elevation built up by a retaining wall. The topography slopes down, so the planting elevation drops below sight lines. Council member Fisher stated that KUHA will not add the retaining wall. Once this

was made clear, Jay Sidie, Council member Fisher, Mr. Bingham (the landscape architect hired by the City) and Brian Legg met to look at the intersection. Mr. Bingham is in the process of putting together cost proposals on and elevation change that will include costs for:

- 1) Retaining wall
- 2) Dirt with sloping
- 3) Minimal work

UKHA has agreed to add the 11 trees (Fat Albert Spruce) and burning bushes and it should move forward. Council member Fisher indicated to UKHA that it should wait until the City can further discern how to proceed. He has explored whether the plantings could be moved forward where the slope is less extreme, but they cannot because they would be in a KDOT right-of-way and would require additional permitting from KDOT, which would likely not be forthcoming because the area is utility-dense zone so no digging would be allowed.

Council member Fisher passed out to the Council members a commitment letter from UKHA to plant the requested 11 trees and additional bushes. UKHA has also agreed to cut the 3 existing cedars, which have little life left and would affect acidity of soil and provide unwanted shade for the new plantings. The existing cedars affect high level sight lines but not the low-level sight lines of concern to residents. Since the existing cedars are in a location where new planting need to occur, it is Council member Fisher's recommendation that the existing cedars be removed. He believes the short term pain of cutting 3 cedars may be worth it for the long term look of the corner.

UKHU has also committed to working with its lighting vendor and an electrician to look at timers, sensors, dimmers, etc. to see what can be done with the lighting without sacrificing safety and will report by the end of June.

Mr. Sidie states that the residents want UKHA to add the 50 foot wall and stated that if they do not get a satisfactory result, he will get a petition prepared and "go after" KU. He commented that people are disappointed in the way it looks. Council member Ruff expressed her opinion that the plantings look good and reminded everyone to think about how the plantings will look in a few years when they have filled in. The Council was also reminded that UKHA is planting on the corner what the City's professional architect asked for, just not at the same height. Council member Fisher and Council member Dunn believe the effort on the part of UKHA has been reasonable. Mr. Sidie continued to express his belief that UKHA's efforts are not reasonable and that planting without the retaining wall will make residents unhappy. Council member Fisher stated he has had good, open communication with UKHA representatives in the last weeks and that it is clear UKHA is done negotiating now. Council member Fischer moved to accept the commitment letter and Council member Ruff seconded the motion, which passed unanimously.

VII. Storm Sewer Line

Mayor Tietze reported that the bid came back for relining the storm sewer lining on Rainbow. SAK Construction, LLC has experience doing this work. The relining done with SAK will cost \$31,720 instead of \$34,520 that was bid by the other company contacted. Council member Fischer moved to approve engaging SAK for the work and Council member Dunn seconded the motion, which passed unanimously.

VIII. Discussion of Proposed Redesign of Entrance/Exit to 51st Terrace

The next item on the agenda was consideration of engaging PEI, which the City has used for engineering work in the past, for consultation with the City on redesign of entrance to 51st Terrace and State Line. A proposal was distributed and reviewed by the Council. Mayor Tietze stated in response to a question that none of the adjacent building owners have offered or agreed to participate in the expense of this redesign. With the renovations of the three commercial properties, there is an increase in activity at these locations and the Mayor believes the City needs to be proactive in considering necessary changes at this intersection. Council member Ruff moved to approve the engagement and Council member Franklin seconded the motion, which passed unanimously.

IX. Request for Letter Related to FEMA Remapping

The Council next turned its attention to a recent request from Mission Hills to provide a letter of approval regarding work being done by FEMA to redefine the flood plain and flood way in Mission Hills, which affects a very small portion of Mission Woods near the Country Club Bank. From Overhill to State Line, FEMA is revising its flood ways and flood plains at the request of residents in Mission Hills and a letter is needed from Mission Woods for the affected portion. Some time ago, Johnson County did remapping of the whole county but ran out of money at Overhill, so the remapping of that portion was never completed and what FEMA had originally done was left. The purpose of remapping was to recheck the area because it was felt that the designated flood plain is larger than necessary, which unnecessarily increases the insurance costs for affected property owners. John Sullivan, Director of Public Works was present and showed maps to the Council members depicting the issue. As part of the remapping and if approved by Mission Woods, a section of about 1,500 sq. ft. of ground behind the County Club Bank that is undeveloped would be removed from the presently-mapped flood way but will remain in the flood plain.

Council member Franklin moved to approve issuance of the requested letter and Council member Ruff seconded the motion, which passed unanimously.

X. Request to Support United Community Services of Johnson County

United Community Services of Johnson County annually requests of Mission Woods and neighboring cities a contribution to their organization, which provides a health and human services safety net to area residents. Mission Woods has not participated since 1995 and other neighboring cities to not participate either. The Council agreed not to participate for this year.

XI. Executive Session

Council member Fisher then moved to recess into executive session at 8:18 p.m. to consult with the City's legal counsel on matters related to the litigation involving the property located at 1968 SMP, which would be deemed privileged in the attorney-client relationship and to reconvene in open session at approximately thirty minutes. Council member Franklin seconded the motion

and all voted in favor. The City Council convened with legal counsel Heather S. Esau Zerger and John Gates in Executive Session. The executive session adjourned at 8:40 p.m.

The Council reconvened in open session at 8:41 p.m.

XII. General Comments

The Mayor then opened the floor to general comments but there were none. The Mayor thanked Council member Fisher for his work with UKHA on parking lot.

The meeting was adjourned at 8:42 p.m.