



**MINUTES OF MISSION WOODS CITY COUNCIL
APRIL 2, 2013
7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, April 2, 2013 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

Council members present: Mayor Robert Tietze
Councilman Cory Fisher
Councilwoman Mary Hunkeler
Councilman Bill Sanders
Councilman Bill Dunn
Councilman Charles Bachand

Visitors present: City Attorney Heather S. Esau Zerger
Chuck Haviland
Vern Schallehn
John Sullivan, Public Works Director Westwood
Officer Robert J. Burgess, Assistant Chief of Police, Westwood
Police Department

I. Call to Order

Mayor Robert Tietze called the meeting to order at 7:01 p.m. A quorum was present.

II. Approval of Meeting Minutes

First item on the agenda was approval of the minutes of the March Council meeting, which were provided to the Mayor and Council by Ms. Zerger in advance of the meeting. Upon motion by Council member Hunkeler and seconded by Council member Fisher, the March minutes were unanimously approved as submitted.

III. Approval of Warrants

The Council reviewed the material provided. Councilman Sanders asked about the landscaping that occurred. Mr. Haviland reported that, according to the invoice, the work included trimming and winter clean-up work. Council member Sanders moved and Council member Hunkeler seconded a motion to approve the warrants. The Council voted and the motion was approved unanimously.

IV. Police Report/Public Safety Update

Mayor Tietze referred to the March 2013 Police Report and opened the floor for questions. Council member Sanders inquired about the number of police cars on Mission Road a few nights ago. The Mayor referred the question to Assistant Chief Robert J. Burgess, who addressed the question and also provided a general update on public safety.

From December to February, there was a rash of burglaries in the area. He expressed the need for people to call the police and not be fearful of doing so. The burglaries were taking place between 4 and 6 p.m. and the perpetrators were always going through the back of the house. The last burglary was in Westwood Hills near High Hat on 50th Terrace. Fortunately, the burglaries have ceased for the time being.

The Assistant Chief also reported that last Friday night, there was a highly intoxicated gentleman who threw a chair through a resident's window and also tore up landscaping in another residents yard. The perpetrator eventually fell from a retaining wall and was taken to the hospital. The Johnson County prosecutor declined to press charges but Westwood will prosecute through its municipal court system. The gentleman is a young Roeland Park resident who was rather intoxicated and is now expressing remorse for his conduct. He is not likely to be a repeat offender.

The police department is at full staffing, although there is part-time officer opening currently. There are 5 part time officers and 7 full time officers. Council member Fisher asked what Mission Woods could do to make the job of the police force easier. Assistant Chief Burgess responded that it is most helpful when City Officials aide in getting word out to residents about time sensitive issues. Assistant Chief Burgess would like to be able to blast emails to residents in short order and appreciates the City's assistance with such communications. Council Member Sanders inquired about extra patrolling for Mission Woods. Westwood is not opposed to extra patrols and the part-time officers are quite willing to do so. Assistant Chief Burgess also reported that the process of prosecuting tickets with the new prosecuting attorney is working well. The transition has been very smooth.

The Council expressed appreciation to Assistant Chief Burgess for the work of his department and for his attendance and report to the Council.

V. Update Regarding Public Works Issues

Mr. Sullivan provided an update on the issues concerning the public works department. He provided an update regarding the progress on the Pembroke property and outlined the steps yet to be come. The construction is occurring from 9:00 a.m. to 4:00 p.m. and emergency services are notified regarding road closures.

Mr. Sullivan also addressed gas shut-off issues that have been of concern since the JJ's accident. There is no real way to shut off gas to an entire area. However, there are safeguards in place, such as the requirement that permits be obtained and notification given to one-call locating systems. Mr. Sullivan advised the Council that he also receives notification of all the one-call locate requests for any of the three cities and that in addition to the utility companies, he also checks to see where the anticipated work will be performed. If it is in the roadway, where most utilities are, there must be a permit. He also checks to ensure proper permitting has occurred.

In the event a utility line is struck, problems arise because the company that made the mistake often does not report because they want to try and rectify the problem themselves. Of course, the best rule is to leave your home immediately when you smell gas and call in a report from a safe distance. In Mission Woods, a contractor may not begin digging before a permit has been pulled. The City's authority to restrict the ability of water and telecommunications providers is limited because of favorable lobbying undertaken by these entities.

Mr. Sullivan was asked whether we know where lines are and how we would shut off gas in the event a contractor struck a gas line in Mission Woods. Mr. Sullivan assured the Council that the public works department knows generally where the gas lines are and definitely knows where the large, high pressure main is located. He indicated that we also have access to mapping. The home renovations that are occurring within the City may result in damage to a service line, but unless they are digging in the right-of-way, there should not be a problem.

Councilman Sanders inquired whether Mr. Sullivan has seen Mr. Yule's capital improvement project from several years ago. The Council would appreciate Mr. Sullivan's thoughts on the plan. Mr. Sullivan indicated the only area of concern were some dislodged pipes that were discovered during a previous study. The streets are in better-than-average condition and the curbs and gutters have been upgraded, along with catch basins. On State Line between 50th Terrace and 50th Street, north of the pedestrian cross-walk, there are some issues with the pavement. If it is resulting from groundwater, it may be a recurring problem. A question was also raised regarding the need to seal cracks in pavement that have occurred over the course of the winter and Mr. Sullivan indicated that may be a place where the Council should consider directing some resources.

Mayor and Council requested Mr. Sullivan take a look at the condition of the streets and make some recommendations with respect to options for repair and costs of same.

The Council expressed its appreciation for the good work of Mr. Sullivan and his department and thanked him for his attendance at the meeting and report to the Council.

VI. 2012 Financial Report

Vern Schallehn provided an explanation of the 2012 financial reports that were distributed to the Council. He reviewed the various funds and their current status. Mr. Schallehn also provided an explanation of what expenses are appropriate for the Special Highway Fund and advised that its use is limited only to expenses incurred with respect to Shawnee Mission Parkway. Council member Fisher asked about the revenue in the general fund and the fact our budget seemed to be off. Mr. Schallehn explained that the City budgeted less than what it actually received in revenue in 2012. Because revenue is generated primarily by the police department, that number can fluctuate depending upon how active the department is in issuing citations. The City is in a fiscally solid position with a good reserve.

Mr. Schallehn also noted that to have multi-year capital improvement plan, the City should review its plan every 5 years and must document its plan the City's files. The plan does not need to be perfect or exact, but it must be in writing in the City's files.

Questions were raised regarding the anticipated new tenants in the renovated 2000 Shawnee Mission Parkway building and whether the City can expect additional revenue as a result. Mr. Schallehn and Mr. Haviland indicated that the property taxes may increase. Appraisals are done annually, but it may be two years before the property is re-assessed and benefits start to flow to the City. The City does not get an indication as to how much of its tax revenue is generated from residential property as compared to commercial property but Mr. Haviland agreed to follow up to determine whether we could obtain a break-down of this information.

The Council thanked Mr. Schallehn for his work.

XI. General Comments

The Mayor provided an update to the Council on two meetings that have occurred with less than a quorum of the Council and representative residents who live near the Pembroke property to discuss the current noise issues and impact of noise on the residents in the area. The Mayor also provided some background on a recent request related to activity that occurred in 2000 related to Pembroke's acquisition of the church property and the City's grant of a Special Use Permit. The Mayor provided an update on what the City Attorney had discovered to date, which information was thus far incomplete. Council asked City Attorney to look into the impact of the 2006 Planned Recreational District to determine whether that provides any insight into what occurred in 2000.

The Mayor also provided an overview of the discussions with the small group and with Pembroke. The Council would like to get some consensus from our representative small group

and from Pembroke. The City Attorney's work will continue on questions raised related to the 2000 Special Use Permit before any action will be taken on the existing noise ordinance. The City understands Dr. Bellis will be meeting with the residents in the neighborhood soon.

Following on the comments from Assistant Chief Burgess regarding the occasional need to distribute time-sensitive information to residents, Council member Fisher agreed to look into options for a City-wide notification system, as email is not a feasible option given that some of our residents do not have access to or use email. He will report his findings to the Council.

Meeting adjourned at 8:17 p.m.

Prepared by: _____
Heather S. Esau Zerger, City Attorney

Approved by: _____
Robert Tietze, Mayor