



**MINUTES OF MISSION WOODS CITY COUNCIL**  
**December 2, 2014**  
**7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, December 2, 2014 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

Council Members Present: Mayor Tietze  
Councilman Cory Fisher  
Councilman Charles Bachand  
Councilman Bill Dunn  
Councilman John Baenisch  
Councilwoman Joan Ruff

Visitors present: Charles Haviland – Treasurer  
Heather S. Esau Zerger – City Attorney  
Tony Lopez—Fire Chief, Consolidated Fire District #2

**I. Call to Order**

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

**II. Minutes of Prior Meeting**

The first item of business to come before the Council was approval of November Council meeting minutes. There were no questions or comments. Council member Baenisch moved to approve the minutes and Council member Ruff seconded the motion. All voted in favor and the motion carried unanimously.

Council member Dunn arrived to the meeting.

### **III. Warrants**

The Council turned its attention to approval of the warrants. Council member Bachand moved to approve and Council member Fisher seconded the motion. All voted in favor and the motion carried unanimously.

### **IV. Police Report**

The Council next turned its attention to a review of the police report. There was some discussion of a break-in that occurred on Halloween night. No suspects have been identified yet. There were no other questions or comments.

### **V. Introduction of and Discussion with Fire Chief Lopez**

Mayor Tietze introduced to the Council Fire Chief Tony Lopez of Consolidated Fire District #2, the Fire District that covers the City of Mission Woods. Fire Chief Lopez provided some background about himself to the Council. He was promoted to the position of Fire Chief on Aug. 4, 2014, prior to which he held the position of Battalion Chief. Chief Lopez has been a firefighter for 29 years. He spent his first 5 years in Independence, MO and has been with the Fire District for 25 years.

Chief Lopez then described for the Council some positive changes he plans to implement in the District. He hopes to modernize the Department and maximize tax dollars. Chief Lopez reported that the Fire District has always performed very well in the past but that the public was not well-acquainted with the District. He hopes to get the word out about the Fire District and develop some positive brand recognition. The Fire District covers 8 cities.

Chief Lopez also informed the Council of his efforts to improve the District's ISO rating. The District's current ISO rating is a "3," which is very good. However, he hopes to better the rating to at least a "2," which may help average homeowners with insurance rates. The rating should be completed by the first of the calendar year. The ISO rating is based on criteria such as response time, staffing, equipment, locations, training hours and personnel and training of officers. The analysis takes a deep look at fire departments. The District is also working toward accreditation. Accreditation may be year and half away.

Possible replacement of one of the stations was also discussed. Chief Lopez reported that the new station is likely not going to be built as far south as originally thought.

Some discussion ensued regarding the automatic aid agreement with Johnson County and mutual aid agreements with Wyandotte County and the City of Kansas City, Missouri. The current staff count at the Fire District is as follows: 21 assigned per shift for 3 shifts. The District has 5 trucks in service and a total of 68 people on staff (63 of which are line personnel and the others include fire prevention and administrative staff). The District is overseen by a Board of 5 who are appointed by County Commissioner. The Fire District is funded by property taxes. Chief Lopez reported that the mill rate has stayed constant, even during the bad economic downturn and even with loss of a service contract in Overland Park.

Chief Lopez offered to send a regular report on activity to the Council, which the Council appreciated.

## **VI. Approval of Modified Public Safety Agreement**

Mayor Tietze provided background on this issue to the Council. The City of Westwood, with whom Mission Woods contracts for police services, recently changed insurance carriers. In the past, Mission Woods and Westwood Hills (which also contracts with Westwood for police services) had been named as additional insureds on Westwood's insurance related to law enforcement activities. However, when Westwood recently changed insurance carriers, the process of naming Mission Woods and Westwood Hills slipped through the cracks. It has been corrected and the cost for Mission Woods to be added as an additional insured is \$150.00. A modified agreement between Mission Woods and Westwood has been prepared by the cities' respective City Attorneys that reflect this correction and which shore up the issue of insurance coverage for law enforcement activities. Mayor Tietze asked the Council for approval to enter into the modified public safety agreement and for payment of the above-referenced fee. Council member Fisher so moved and Council member Dunn seconded the motion. All voted in favor and the motion carried unanimously.

## **VII. Open Positions on BZA and Planning Commission**

The Council next turned its attention to filling the open positions that currently exist on the Board of Zoning Appeals ("BZA") and the Planning Commission as a result of Joni Cobb's move from the City. Mayor Tietze reminded the Council that, at the November Council meeting, it was decided that he would first talk to the current members of each of the City's boards (ARB, BZA and Planning Commission) to determine if any of the current members care to step down or if they are all willing to continue to serve. Mayor Tietze indicated that he received no response to his inquiry from anyone asking to be removed from the boards.

Discussion then ensued on how to best fill the open positions. Council member Fisher noted that transparency in this process is important, even though it may result in the need later to deal with multiple "applications" or individuals expressing interest in the open positions. Councilmember Ruff noted that we need to be clear about the criteria and qualifications for these open positions.

During the discussion, the Council was also reminded that Council member Bachand will be resigning his Council member position due to the impending sale of his home in Mission Woods. Council member Bachand will be moving to Texas. His Council position is only open until April, when all Council positions are open for election.

The Council determined it would be best to notify all city residents of the three open positions and invite people to indicate a willingness to serve and the reason for their interest in serving. The Council is looking for bright people who care about the community, who are not afraid to make a decision but also not adversarial with every subject that comes up. The Council also noted that interested people should not seek to serve on the boards in order to satisfy a pre-conceived agenda (such as to ensure the passage of their neighbor's planned renovations). The Council noted that if multiple people are interested in serving on particular boards, it may give

the Council a chance to replace some people currently serving on multiple boards. The Mayor will put something together and circulate it to residents in the next few weeks.

Council member Bachand agreed to stay on until the end of January, so he will still be active for the January council meeting. Council member Baenisch noted that anyone who is appointed will need to run for their position if they want to keep it and the deadline by which to file to do so will be mid-January.

### **VIII. Third Quarter Financial Results**

Treasurer Haviland passed out third quarter financial results in draft. Total assets are up about \$50,000. The general fund is doing well with regard to permit fees, tower rental fees and the like. Overall, revenue is in good shape. He did note that on the draft report, the tower rental budget number appeared to be understated; therefore, he asked that the drafts be returned to him at the conclusion of the meeting so the proper adjustment can be made and to ensure inaccurate information is not circulated. Treasurer Haviland also noted that building permit fees are up. On the expense side, legal fees are up. He noted that the amount is higher than what was budgeted but the work was requested. Maintenance is down about \$8,000 from where budgeted. In total, expenses are not up over the prior year. Treasurer Haviland indicated that he will revise the drafts and get corrected copies sent out.

Councilmember Ruff asked where sales tax revenue comes from that appears on the reports, as there is no retail in the City. Treasurer Haviland reported that the sales tax comes from the State. Council member Bachand asked whether some expenses, such as those related to the sewer line videotaping, should be categorized under certain funds instead of coming out of the general budget. Treasurer Haviland indicated that those would be changed to reflect the proper fund.

Some discussion then ensued regarding charges levied by the City's bank when insufficient fund checks are given to the City for payment of traffic fines. Although it happens very rarely, the City may pay up to \$80 in fees on a single bad check that is run through twice. The Council agreed that the City should not attempt to run a check more than two times and this policy will be reiterated with the police department. Treasurer Haviland will discuss the fees with the bank to determine whether the fees can be lowered or waived. The Mayor will get report on how the work with the collection agency is going as well.

### **IX. General comments:**

Mayor Tietze reported that KU has not yet filed for a permit for its proposed parking lot expansion. When it does, the plans will be on file at City Hall. The expansion will be to the east and south. Mayor Tietze provided a general overview regarding the nature of the proposed project.

Councilmember Dunn complimented the Mayor on getting the POD moved. There was some concern expressed about the utilities being shut off and if this is becoming a public safety issue. General discussion ensued about what rights and remedies the City has in light of the growing nuisance.

Council member Fisher asked whether leaf pick up could be scheduled for a Monday, so that people who work during the week have a chance to prepare for the pick-up over a weekend. The Mayor indicated he would ask for the next pick-up to take place on a Monday. Mayor Tietze also noted that Heinen (the company with whom the City contracted for leaf pick-up) provided an extra pick up free of charge before the predicted snow before the recent predicted snowfall. The Council expressed their appreciation for the service.

Google should be finished with Mission Woods in the next few weeks. Some discussion occurred regarding brush left behind following the work.

No other comments. Meeting adjourned at 8:16 p.m.