



**MINUTES OF MISSION WOODS CITY COUNCIL**  
**February 11, 2014**  
**7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, February 11, 2014 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas. This meeting was rescheduled from February 4, 2014 due to inclement weather.

Council members present: Mayor Robert Tietze  
Councilman John Baenisch  
Councilman Cory Fisher  
Councilman Bill Sanders  
Councilman Charles Bachand  
Councilman Bill Dunn, Jr.

Visitors present: Heather S. Esau Zerger, City Attorney  
John Wind, Piper-Wind Architects  
Steve Karbank  
Neil Karbank  
Mike Kneirim  
David Sederholm  
Curt and Babs Stilley  
Kate Stilley Morgan  
Ashley Martin  
Spencer Thomson, legal counsel to ground lessee at 1968 SMP  
Chris Henry, legal counsel to property owner at 1968 SMP  
Dan Blom, Prairie Village Post  
Neil Whitehead  
Chief Greg O'Halloran  
Mike and Kathy Henley  
Jim Sherman, Mission Woods Building Inspector  
John Powell, Public Works  
Other residents of Mission Woods

**I. Call to Order**

Mayor Robert Tietze called to order at 7:02 p.m. the meeting of the City Council to complete the business before it. A quorum was present.

**II. Approval of Meeting Minutes**

The first item on the agenda was approval of the January 2014 minutes which were provided to the Mayor and Council by Ms. Heather Zerger in advance of the meeting. Upon motion by Council member Fisher and seconded by Council member Dunn, the January minutes were unanimously approved.

**III. Approval of Warrants**

The Council reviewed the materials provided. Council member Baenisch moved to approve the warrants as presented. Council member seconded Dunn the motion. The Council voted and the motion was approved unanimously.

**IV. Police Reports**

The Council turned its attention to a review of police reports. Mayor Tietze asked for comments or questions and there were none.

**V. Introduction of and Comments from New Police Chief Greg O'Halloran**

Mayor Tietze introduced the new Police Chief of Westwood, Greg O'Halloran. Mr. O'Halloran indicated he has been with the City for about a month and better understands the department and the culture and complimented the City. He states he is impressed with the community spirit and welcoming nature of the City. He has reviewed the crime statistics and finds it is a safe community; he intends to do his best to keep it this way. He also commented on the collaborative effort between Westwood, Mission Woods and Westwood Hills. Chief O'Halloran also commented on the meeting of representatives from cities in northeast Johnson County that recently took place and the collaboration that is already taking place. He referenced the incident with a stolen auto about a week or more in the past and how well everyone worked together – there were officers from 9 agencies looking for the suspect. Even though you may only see one or two officers at a time, the resources of the entire northeast are available at a moment's notice.

Council member Sanders asked for a candid assessment of the personnel and the equipment at the disposal of the department. O'Halloran noted that any Chief will say they need more. The department consists of one Chief, one Lieutenant, 5 officers and 5 part-time officers to assist. Chief O'Halloran notes that this is the minimum level of appropriate staffing and yet the City has

excellent response times from the police department to emergency calls. O'Halloren noted he could probably use another officer but they are doing very well with what they have.

Council member Fisher asked if there was anything the Council could do to make the police officers' job easier. One item the Chief hopes to do is send an officer to a class in March on crime prevention. So he would like communication about new buildings or new construction that may be taking place so the department might offer suggestions that make homes a little safer or less attractive to a criminal. The City already does the extra patrol system, which is very effective for traffic safety. The frequent and regular presence of officers within the City is a good message for the City to send. The officers are still interested in doing the extra patrols. Chief O'Halloren mentioned the "lunch with a cop" program they have implemented and the fact that the officers are coming up with those ideas. They are engaged with the public.

Mayor Tietze noted his appreciation for the information provided by Chief O'Halloren, which he can then distribute to residents of the City.

Council member Dunn noted the possible incident of scams related to purported breakdowns on Shawnee Mission Parkway. Chief O'Halloren recommended the citizens simply call the police department. Chief O'Halloren invited citizens and Council members to email with questions or concerns.

#### **VI. Approval of Addendum to Public Works Agreement for 2014**

The Council next turned to the addendum to the Public Works Agreement between the City and Westwood for 2014. Mayor Tietze noted the changes related to certain hourly and overtime rates for particular positions. Council member Bachand moved to approve the addendum, Councilmember Fisher seconded. All voted in favor.

#### **VII. Update from John Sullivan regarding outstanding CIP questions.**

The next item on the Council's agenda was to hear an update from John Sullivan regarding the outstanding questions relating to the Capital Improvement Plan ("CIP"). Mr. Sullivan referenced the CIP that was presented at the last meeting and Mayor Tietze's request for clarification on the age and recency of repair for certain items of infrastructure within the City.

Johnson County wastewater – this system has been in existence since the homes within the City were built. On the positive side, it is quite deep and in good shape. It was televised last year and there was no reason for replacement or relining of the line based on the information gathered. While there have been problems in recent years with service connections, the main system is in pretty good shape and there is no scheduled replacement.

The water district came in last in 2001 and did a main replacement on the south side of Mission Woods Road. Shortly thereafter, a number of storm sewers were replaced, which was really the

bulk of the storm sewer system. North of the highway, the system is in pretty good shape, with few repairs and leaks.

The gas lines south of the highway are older but in good shape. There are no plans for immediate replacement. North of the highway, a good deal of the gas main was replaced with plastic. There is no history of leaks on the main and no plans for replacement at this time.

Council member Bachand raised a question about whether video was done of the storm sewer system in the past. Mr. Sullivan reported that the video he was involved in was on Rainbow and that portion, from SMP to 51<sup>st</sup> street, was replaced. He is not aware of other video that was done.

Council member Bachand asked about video of the south section, as he understood it had been done, and where the videos might be located. Mr. Sullivan believes Ron Reuter may have had them and Mr. Sullivan will check with Mr. Yule about where they might be as well.

Mayor Tietze asked whether, if there was a gas leak within the boundaries of Mission Woods, the Public Works department would be in a position turn it off the gas. Mr. Sullivan noted the gas service company has a good response time and that any resident needs to call 911 and report a gas leak. Mr. Sullivan does go out with right-of-way permits to ensure the mains are marked, and marked correctly to the extent he knows the location of the lines.

### **VIII. Presentation by John Wind on proposed changes to 1968 SMP**

The Council next turned to a presentation from John Wind of Piper Wind Architects regarding a comprehensive plan for redevelopment of 1968 Shawnee Mission Parkway (“SMP”). At its January meeting, the City Council gave the property owners a brief reprieve from its plan to condemn the property in order to allow the property owners time to put together a comprehensive plan for renovation of the property.

Mr. Wind presented ideas for improvement of the exterior of the building. He stated this was the same presentation given to the ARB in 2006 and his belief that the ARB approved the project at that time, which project was then shelved. He also states the project was revived in May 2008 until the project was put on hold again due to the economic downturn. He presented to the ARB again in October 2013, after which he was notified of a possible eminent domain action.

Mr. Wind outlined the structural components of the building at 1968 SMP. It has an 8ft wide base with decorative fins. He also noted the view from the interior to the exterior related to the glass. The property owner hopes to maximize the exterior glass on the façade. Mr. Wind referenced drawings and depictions. There will be glass –vision glass and spandrel glass. For structural reasons, all the brick cannot be removed. At certain locations, there will be glass on the outside but behind it will be the brick and supports. Mr. Wind referenced the locations of vision and spandrel glass. He noted that they are using a curtain-wall system. The existing

plaster on the fascia and the pre-cast columns will be painted. He also referenced the east and west elevations and the plan to paint the brick and replace the glass. He stated that he plan increases the vision glass by about 4 times and allows for increased insulation. They hope it increases the aesthetics and their ability to lease the space.

Councilmember Dunn noted possible weathering problems associated with painting the brick white.

Council member Fisher recalled that some of the glass had been purchased previously and asked whether the glass is the same. Mr. Wind responded that it is, and, in fact, it really is the same plan as previously designed too except they now plan to use a curtain-wall system instead of a store-front system. Council member Bachand asked about cost of the renovations. Mr. Wind stated there have been no construction bids yet, so actual cost is unknown. He believes it will be around \$250,000 or \$245,000. Council member Baenish asked about the planned occupancy level of the space. Mr. Wind states that it will depend upon the user. Council member Bachand asked about the duration of construction. Mr. Wind responded that it depends upon the crew. The plan is to do one section at a time so as not to open the building to the elements, but no timeline has been established yet. Their intention is to make improvements and have it be a shell and the let the tenant determine where restrooms would be located and build to suit after that. Mayor Tietze asked if the interior would require major renovation. Mr. Wind reported that the upper level has no walls. Improvements are needed to the ceiling and lighting, but depending on the user, there may be no need for additional construction. Mr. Wind did note that the mechanical systems need to be updated, but they will wait for a tenant before undertaking that piece. Mr. Wind does not know state of the roof. Council member Bachand inquired about when they expect to begin work, once any approvals are in place. Mr. Wind stated they are ready to move forward once approvals are secured. Mr. Wind says they can put in a chair lift to meet ADA requirements. Mayor Teitze asked for more specific information about ADA compliance. There will need to be compliance with parking, an accessible path from parking to the building (which may be a ramp), a lift to accommodate those that cannot use stairs, and ADA-compliant restrooms. The restrooms could all be on the lower level, as long as there is an accessible path to them. Council member Fisher asked whether the proposed plan includes keeping the exterior fins or if they were damaged and could not simply be repainted. Mr. Wind stated that some need repairs first. Mayor Tietze asked about the condition of the roof. Mr. Wind has not seen and cannot give an assessment regarding the state of the roof. He is not aware of leaking. Council member Dunn asked about moisture coming into the building. Mr. Wind indicates he is not aware of moisture in the building. Mayor Tietze asked about whether asbestos is present in the building, to which Mr. Wind stated he was not qualified to answer. Council member Fisher asked whether there was a need for grading or slope adjustments. Mr. Wind stated that there was no indication of such a need at this time, but if it becomes evident later that such issues exist, they will be corrected, as there is no reason to invest in the exterior work and not correct such a problem.

Council member Sanders inquired of Spencer Thomson, counsel for the ground lessee, when his client would start the proposed work. Mr. Thomson stated they would start as soon as approvals to commence construction are obtained and the weather allows. Mr. Thomson was also asked about the type of clientele they hope to attract to the building. Mr. Thomson stated in the past, they were close to landing an architectural firm and an accounting firm. He also stated that he is aware of restriction against law firms and the current efforts to revisit the restrictions on this type of property. He listed the types of clients that may be available. Mr. Thomson was asked whether financing is in place. Mr. Thomson says financing is not a problem either internally or through banking relationships. He also volunteered that the space is unleased but not for lack of trying. Mr. Thomson further stated the ground lessees desire to be allowed to proceed with plans to renovate the exterior and have a blank slate on the inside of the building. He also referenced his arguments against condemnation raised at the last meeting but highlighted one, which is that the property owned by his clients has been and hopefully will become a better taxpaying asset in the community. Mr. Thomson understands why we may have ended up where we are and that it may have appeared the building was being neglected in the past but that it will not be in the future. An additional question was posed about the potential occupancy capacity of the building. Mr. Wind stated that the usual rule is about 100 sq ft. per person and the building has about 10,000 sq. feet of space that may be occupied. Parking may be an issue that limits the occupancy. Council member Dunn recalled the building was low-density when it was last occupied and Mr. Thomson states that is the expectation again.

Mayor Tietze then opened the floor for comments from the public. Ms. Stilley thanked the Council for the opportunity to present their plans for renovation of the building.

Council member Fisher then moved to recess into executive session at 7:54 p.m. to consult with the City's legal counsel on matters related to the condemnation of property located at 1968 SMP, which would be deemed privileged in the attorney-client relationship and to reconvene in open session at approximately 8:20 p.m. Council member Bachand seconded the motion and all voted in favor.

## **IX. Executive Session**

The Council met with legal counsel in executive session.

The Council reconvened in open session at 8:15 p.m.

Mayor Tietze asked the owners of 1968 SMP to take another 30 days and come back with more a more specific comprehensive plan that includes engineering, architectural and structural components. The Council really wants more of the type of information that would be required if they were seeking a permit. Mayor Tietze assured the owners of 1968 SMP that no other actions will be taken with respect to condemnation in the interim. Mr. Wind referenced documents that were already prepared for construction and are dated May 27, 2008. Mr. Thomson says the building condition has not deteriorated in the last number of years, such that those plans may still

be valid. Mr. Thomson says they are happy to come back and present more detailed construction drawings but they are not in a position to give detailed interior design information until a tenant is ready to occupy the space. They can give more information about the structural integrity and about the exterior renovations; they can also provide a report that speaks to environmental issues. Mr. Thomson indicated they could get better estimates on the costs and can get more current reports that confirm the structural integrity of the building has not changed. Mr. Thomson noted his belief that it is odd for a public body to sit in judgment of a building and owners without telling the owners why the building is defective. Mr. Thomson believes the City's building code inspector, Jim Sherman, thinks the building is structurally sound and thinks they have a right to know if Mr. Sherman thinks it is not.

Mayor Tietze confirmed again the Council's desire for the property owners to take 30 days or more if needed, to come back with some details and some cost estimates. Mr. Wind expressed his desire to go straight to the step of submitting a building permit. Council member Fisher noted that the question before the Council is a different question than what is presented in a building permit application – the Council is trying to make an informed decision about whether to proceed with condemnation of 1968 SMP, not whether renovation plans should be approved. Mr. Thomson says they may come back and give more information but they object to being treated differently than any other property owner and may submit a building permit application anyway.

Mr. Thomson summarized the information the Council was seeking from his clients: information regarding the structural integrity of the building from an engineer, including information about the roof; environmental information perhaps in the nature of a phase 1, and estimated costs. Council member Sanders indicated that it is the Council's desire to do what is best for the City's residents and the Council's desire for this to be cooperative and not adversarial. He asked for Mr. Thomson and his clients to give the Council the information it needs to help them make the right decision. The Council wants the community to be improved. There are a lot of good things happening and we want to make sure we have the information we need to make the right decision. Mr. Thomson says the City is asking for things before even being allowed into the permitting process. Council member Sanders asked again for information that would help the Council in making an informed decision about whether to proceed with condemnation. Mr. Thomson stated his clients will do their best to get what has been requested within 30 days, though more time may be needed. Mr. Wind and Mr. Thomson indicated they can give a pretty good estimate of cost as to exterior components and a reasonable range on what is likely to be spent on the interior of the building.

## **X. Review of Current Business License Ordinance and Potential Changes**

Mayor Tietze introduced the next item on the agenda, which is a review of the current business license ordinance in the City. The existing ordinance is outdated. The City Attorney made recommendations on changes to the existing ordinance. Mayor Tietze noted that business

licenses have not been collected in Mission Woods in a long time and a process would need to be put in place to collect these. Council member Fisher asked what other northeastern Johnson County cities do. Council member Bachand noted that other cities often impose license based upon square footage, much like the proposal before the Council. Council member Fisher asked from a practical standpoint whether it is worth putting the process in place. Council member Baenisch noted that we require dog licenses and have a process in place for that; we can surely put a process in place for this also. It may be as simple as a form letter that goes out each year. Some additional discussion occurred on the process of implementation. Council member Fisher and Council member Dunn expressed a desire to keep some sort of business license ordinance on the books and Mayor Tietze indicated he will talk with Westwood about their process and report back to the Council.

#### **XI. Ordinance to Amend Regulation of Exterior Lighting Structures**

The Council next turned its attention to the proposed amended ordinance related to exterior lighting structures in Planned Office and Planned Limited Office Districts. The City Attorney explained generally the changes. Council member Baenisch asked about whether the lighting in the church parking lot would be in or out of conformance with the proposed ordinance. Mr. Sherman stated the church lighting will still be non-compliant as to foot candle, a measurement of illumination. Mr. Knierim reminded the council that two of the church lights were increased from 150 to 400 service, according to KCPL. The lights are on all night long. Mr. Sherman has given the church a deadline of 12 days within which to rectify the non-conformance. The church somehow believes it is KCP&L's problem and Mr. Sherman is working with the church on getting them to understand it is the church's issue. Council member Fisher asked Mr. Sherman to let them know about the 10:00 p.m. shut off time. Council member Baenisch asked about Karbank properties. Mr. Sherman has notified the designers on Karbank's property to ensure compliance with the shut-off time. Mr. Knierim noted that the south side illuminates some of the neighbors' homes as well. Mr. Knierim asked about the status of modifying the light – Mr. Sherman has sent that request to the church and they have yet made the modifications. Council member Fisher moved to approve the proposed amended ordinance regarding lighting and Council member Dunn seconded the motion. The motion carried unanimously and the proposed ordinance will now be Ordinance 193, which shall be effective upon publication.

#### **XII. General Comments**

Mayor Tietze had no comments. Council member Sanders asked about whether any consensus came from the northeast Johnson County consolidation meeting. Mayor Tietze reported that none of the communities want to consolidate but they want to continue to work on sharing services. For instance, when they buy police cars, they can benefit from economies of scale. The feedback from residents of Mission Woods and the Mayor is that we are comfortable with our arrangement with Westwood and do not want the level of public safety diminished in any way. Other police chiefs want to keep it that way too.



Public comments: Mr. Knierim asked about whether sidewalks on Rainbow could be cleared of snow. Barbara Haviland sent letter about reflective clothing but people have to walk on the street because of snow on the sidewalks. The public works department only clears the sidewalks of public buildings. Council member Fisher noted that sidewalks are the responsibility of the homeowner. Council member Bachand noted that some cities have an ordinance that requires homeowners to clean their sidewalks. Mission Woods has no such ordinance. Mr. Sherman noted that Westwood is talking about this issue. Mayor Tietze complimented the work of the public works group related to clearing the streets following the snow storm.

There was no further discussion. The meeting adjourned at approximately 9:07 p.m.

Prepared by: \_\_\_\_\_  
Heather S. Esau Zerger, City Attorney

Approved by: \_\_\_\_\_  
Robert Tietze, Mayor