



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

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

Council members present: Mayor Robert Tietze
Councilman Charles Bachand
Councilman John Baenisch
Councilman Bill Dunn
Councilman Bill Sanders

Council member absent: Cory Fisher

Visitors present: City Attorney Steven E. Mauer
Chuck Haviland
Richard Ralls
Valissa Marston

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

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

The second item on the agenda was approval of the minutes from the June Council meeting which were provided to the Mayor and Council members by Ms. Zerger in advance of the meeting. Upon motion by Council member Bachand and seconded by Council member Sanders, the June minutes were unanimously approved as submitted.

III. Approval of Warrants

The Council reviewed the materials provided. Mayor Tietze indicated that payment of the bill for \$914.39 should have been for Family Nursery not Garden Wise. Council member Bachand inquired about the price paid for flowers (\$14.99 per bedding flat). He inquired where 61 bedding flats of flowers were planted within the City? Council member Dunn inquired if, for the next bill, Michael's Landscaping could provide location of the flowers and plantings so that they could be viewed by the Council. Mr. Haviland volunteered to ask Michael's Landscaping for more information and a further itemized bill. Council member Baenisch also requested the vendor provide, in advance, information regarding what plants will be purchased and where they will be planted. Council member Dunn noted that there are seven traffic islands to be planted within the City and 61 flats of flowers could be used up in these areas. At the request of Mayor Tietze, Council member Baenisch made a motion to approve the warrants and Council member Sanders seconded 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 noted that Officer Burgess from the Westwood Police Force recently retired.

V. Amendment to Noise Ordinances

At the request of Council member Baenisch, Mayor Tietze noted that agenda items 6, 7 and 8 would be tabled and moved to the August agenda. Council member Sanders noted that having more citizens able to attend the meeting would be helpful for all members of the City Council.

VI. General Comments

Mayor Tietze noted that three bids had been received from engineering firms. They varied in price but contained similar information. Council member Sanders asked if there were significant differences. Council member Dunn suggested that each of the bids had a "cafeteria plan" which would allow the City to select which services it chose to receive.

Mayor Tietze also raised the issue of fixing the City streets. Council member Dunn noted the importance of sealing cracks in asphalt to allow the asphalt to be preserved.

Mayor Tietze noted that all three engineering firms were "good" firms. Council member Dunn noted that it would be important for the firms to provide direction and recommendations to the City Council. Council member Sanders noted that the expertise of the engineering would be

needed to give direction so that the City maximized the use of its available financial resources. Mr. Haviland noted that the “highest bid” was an “everything bid” such that the costs may be very similar once the City selects which services it chooses to receive. Council member Bachand completed the conversation requesting that the engineers be willing to identify for the Council the “needs” of the City and a program/plan to provide for those needs.

Council member Baenisch then asked about a letter received by the City Council from Richard Ralls. Mr. Ralls was in attendance and was invited to speak to the Council. Mr. Ralls reviewed information regarding a property owned by “the Clementes.” He described the construction of a concrete slab and fire pit which he believed to be within 6 foot of the property line. He inquired whether the fire pit was properly permitted and whether the new construction violated the City’s 20% coverage requirement? In response, Council member Dunn provided some information regarding his view of the situation and the size of the fire pit. Council member Bachand provided information on whether the Architectural Review Board (“ARB”) had reviewed and approved the construction. It was noted that a permit was issued by the City. In response to a question by Mr. Ralls, Council member Bachand explained that the ARB approval and permit were issued at a time when the City was in “transition” for legal services and Code review. Mayor Tietze noted that it was his understanding the issue was approved by the ARB but was not sent to the BZA. After further discussion, Mr. Ralls asked the City to determine if the fire pit was properly approved and, if not, whether there was anything to be done by the City or neighboring property owners. Council member Sanders responded that perhaps the biggest issue is whether the City’s agents are adequately familiar with the Code to know which Board should be reviewing items and when permits should be authorized. Council member Baenisch requested the City attorneys review the questions from Mr. Ralls and report back to the Board. Council member Sanders asked for an initial impression from the City attorneys. Mr. Mauer responded that, assuming the ARB was provided accurate information and did vote to approve the proposed plan and the plan set forth the required information, then it would be difficult for the City to require the homeowner to remove, at the homeowner’s cost, the offending structure because it was permitted by the City. However, that reaction was based on many assumptions. Council member Baenisch asked the City attorneys to obtain additional information to confirm this opinion.

The next discussion was from Valissa Marston of Westwood Hills. She inquired about any changes in the plans for the construction at Pembroke School. Council member Baenisch commented that there were no changes but the walls being constructed were very large. He commented that they looked like the walls along Interstate 435. Council member Dunn noted that the plans submitted by the School required a significant amount of landscaping. Council members Sanders and Bachand both commented that it would be important to be sure that the School completes its plan and installs the landscaping.

Council member Bachand then inquired from Ms. Marston about Westwood Hills and its efforts to become a historical city. There was some discussion regarding the requirements of and

restrictions on home remodeling and construction if such a designation is granted. Mayor Tietze noted that the impact of historical city designation to bid to “within 500 foot of the City boundaries” may have been removed by the state legislature. Ms. Marston informed the Council that the Westwood Hills residents were aware of potential requirements or “hoops” imposed by the historical city designation but that they hoped such designation would provide “protection” for the City.

There was no further discussion. The meeting adjourned at 8:15 p.m.

Prepared by: _____
Steven E. Mauer, City Attorney

Approved by: _____
Robert Tietze, Mayor