



**MINUTES OF MISSION WOODS CITY COUNCIL**  
**July 5, 2016**  
**7:00 p.m.**

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

Members Present: Mayor Tietze  
Council member Bill Dunn, Jr.  
Council member Darrell Franklin  
Council member Amy McAnarney

Visitors Present: Jessica James, City Attorney  
John Martin, City Treasurer  
Johnson County Commissioner Ron Shaffer  
Johnson County Commissioner Chairman Ed Eilert  
Aaron Otto  
John Blessing  
Various residents of the City

**I. Call to Order**

Mayor Tietze called the meeting to order at 7:00 p.m. A quorum was not present. The Mayor stated that since a quorum was not present, the Council would skip the agenda items that require a quorum and would revisit those items once enough Council members arrived.

**II. Police Report**

The Council then reviewed the police report. Mayor Tietze pointed out that an assault/battery had been reported. There was some discussion about a car accident the prior month that had occurred at Council member Dunn's home. There were no additional comments or questions.

**III. Presentation by Representatives from the County regarding ¼ cent sales tax proposal for Courthouse/Coroner Facility**

The next item on the agenda was a presentation by County Commissioners Shaffer and Eilert, regarding a ¼ cent sales-tax proposal for a new Courthouse/Coroner Facility. Commissioner Eilert introduced the proposed sales-tax increase as a ballot item for the November 2016 ballot and discussed the general need for a new Johnson County Courthouse and Coroner facility. The County, in making the decision to request the sales tax increase, obtained the help of two citizen's groups, who advised the commission. Commissioner Eilert then gave a general overview of the County's budget and the need for a sales-tax increase to obtain funding for this project.

Commissioner Eilert provided a detailed history of the Courthouse. The construction was completed in 1952 and was last renovated in 1975. There are several issues with the Courthouse that need to be addressed, primarily: the interaction between the general public and criminals, the aging infrastructure of the building, ADA compliance, and technology issues. Commissioner Eilert explained that on average, the courthouse requires \$1.5-2 million a year in upkeep costs.

The proposed plan would involve building a new Courthouse and corner facility. The current Courthouse will be torn down and open space will be maintained in that area. The new Courthouse will have twenty-eight courtrooms, compared to the current twenty-three courtrooms. These additional courtrooms will help accommodate the projected population growth expected in Johnson County over the next fifty years. The courthouse is projected to cost \$182 million and take approximately four years to complete.

Commissioner Eilert then addressed the proposed new coroner facility. The new facility will: increase the capacity for conducting autopsies, contain on-site toxicology, increase the ability to control prioritization of autopsy work for the county, and provide real-time data reporting for epidemics and crime. The current facility is being leased by the County and is not accredited. The new facility is proposed on land already owned by the County, is projected to cost \$19 million, and will meet national standards and accreditation.

Commissioner Eilert then discussed the plan to pay for these improvements by requesting a ballot question for a sales-tax increase. He stated the County also looked at potentially funding the project through a property tax increase, but the sales tax increase was ultimately determined to be the better option. For an increase in sales tax, state statutes require the County share the funds generated with the cities. Thus, if \$30 million is generated by the increase, the cities will receive \$10 million. Over a span of 10 years, the City of Mission Woods could expect to receive around \$69,000.

Council member McAnarney joined the meeting at 7:35. With the addition of Council member McAnarney a quorum was present.

Commissioner Eilert stated that the County considered renovating the current building, but found it was not a practical option. The Commission is offering tours of the current Courthouse so the public can understand the need for a new one. Commissioner Eilert invited all the Council members to schedule a tour.

Council member Dunn asked if there were any concerns about asbestos in the current building. Commissioner Eilert stated that at this time there is not. Council member McAnarney asked about the duration of the proposed tax increase and Commissioner Eilert stated it would be ten years. Mayor Tietze asked if there were any other questions or comments for the Commissioners. There were none. The Commissioners thanked the Council and requested that everyone vote in favor of the sales tax increase. The Commissioners also encouraged the Council, as well as any citizens, to contact the Commissioners with any questions or comments.

#### **IV. Minutes of Prior Meeting**

The Council next took up the June City Council Meeting Minutes. Mayor Tietze first asked for corrections or additions to the June Council Meeting Minutes. There were none. Council member McAnarney moved to approve the Minutes. Council member Franklin seconded the motion, which passed unanimously.

#### **V. Warrants**

The Council next turned its attention to approval of the warrants. Mayor Tietze asked for any questions or comments. There were none. Council member Dunn moved to approve the warrants. Council member McAnarney seconded the motion, which passed unanimously.

#### **VI. Approval of contract renewal with Waste Management (Deffenbaugh Industries).**

Mayor Tietze introduced the next item on the agenda the approval of the contract renewal with Waste Management previously known as Deffenbaugh Industries. Mayor Tietze stated that the new contract would increase the cost to the City from \$14.01 to \$15.01 per household. John Blessing with Waste Management was there to answer any questions from the Council. Council member Franklin pointed out that the City's rate for this service had not been increased in a number of years. Council members McAnarney and Dunn commented that the City's driver, David, did a wonderful job and the City would like to have him remain on this route. Mr. Blessing stated that David was one of the company's best drivers. Council member McAnarney moved to approve the contract. Council member Dunn seconded the motion, which passed unanimously.

#### **VII. Consideration of ordinance to raise tobacco purchase in the City to 21.**

The next item on the agenda was the consideration of an ordinance to raise the age for tobacco purchases from 18 to 21. Mayor Tietze gave a general overview of the restrictions that would be imposed. The Council agreed. The Mayor directed the City attorney to draft an ordinance to raise the age for tobacco purchases to 21.

#### **VIII. Update on KUHA property landscaping and lighting.**

Mayor Tietze next provided the Council with an update on the KUHA property landscaping and lighting. The Mayor stated that he and Council member Ruff had met with John McDonough, as well as the City's landscaping architect and other representatives for the KUHA property. The Mayor stated that the parties discussed several landscaping options both with and without adding a berm. Kim Scott asked about the City's position on how these changes would be funded and

when the City is expecting response. The Mayor stated that through his discussions with Mr. McDonough, he believes KU is willing to discuss contributing to the cost for additional landscaping. The Mayor stated KU would be getting back to the City within 3 to 4 weeks.

Council member Franklin asked where KU stands on the lighting issues for the parking lot. Mayor Tietze stated the City has not heard back from KU's lighting engineer and is still waiting for a response. Mayor Tietze stated he would follow up with the engineer for KU regarding the City's lighting concerns. Mike Kneirim, a resident in attendance, asked what was going to be done to address the landscaping on the north side of the KUHA property. Mr. Kneirim stated he had concerns that the lighting from the parking lot will essentially illuminate the houses on the north side. Mayor Tietze stated that the lighting alternatives being discussed with KU (timers, dimmers, etc.) would address those concerns. At this time, there were no plans or discussions to add additional landscaping to the north side of the KUHA property, as such concerns have not been raised with KU. There were no more questions or comments.

## **IX. General Comments**

Tommy Clemente, a resident in attendance, addressed the Council regarding several concerns he raised at the previous Council meeting. Mr. Clemente asked if there was a deadline in the City's Code for how long construction projects can continue. Mayor Tietze stated there was not currently a deadline. The only requirement is that construction must begin within 180 days of the permit being issued. Mayor Tietze stated that since most surrounding cities have regulations for the duration of construction, he believes the Code should be amended to include a comparable deadline. Mayor Tietze stated he would put the item on the August agenda. Mr. Clemente stated he was still concerned about the materials, specifically the windows, being used on the home located at 5332 Mission Woods Road. Mayor Tietze stated he would follow up with Eddie McNeil on this issue.

Mr. Clemente next addressed the issue regarding the new light pole installed in his front yard by KCP&L. The Mayor stated he had reached out to KCP&L and was hoping to have a meeting set up to discuss the issue. The Mayor also stated that he had discussed the issue with some surrounding cities and that the trend was to have the City purchase the light poles, the cost of which would need to be investigated for feasibility. Council member McAnarney asked for clarification on whether the City would discuss the issue with KCP&L first or would investigate the cost to purchase the poles first. Mayor Tietze stated that the City would be attempting to discuss the issue with KU before looking into the possibility of purchasing the light poles.

Mr. Clemente asked if there were backup board positions for the various City boards. The Mayor stated that there were not backup board positions. Mr. Clemente stated that he thought this might be a good idea in the event a board member was out of town for an extended period of time.

Mayor Tietze then provided an update on the property located at 5306 Mission Woods Road. According to the Mayor, the developer had picked up the permit and stated he will start demolition within the next week.

Mr. Kneirim then stated that the Church was supposed to address the lighting concerns of the surrounding neighbors and asked for an update on this issue. Mayor Tietze stated that he was not aware of any recent complaints regarding the Church's lighting and that to his knowledge this issue had been resolved. Mr. Kneirim stated the Church had promised the neighbors at its open house that it was addressing the lighting and that the issue would be resolved. There was some discussion regarding the applicability of the lighting ordinance to the Church and the issue of light seeping onto surrounding properties. The City attorney stated she would look into the lighting ordinance applicable to the Church.

Council member Franklin asked Mr. Kneirim how the water issue he addressed with the Church at a previous meeting was going being addressed. Mr. Kneirim stated that the current renovations on the Church property are supposed to address the water issues. Mr. Kneirim also stated that the Church went on his property and cut down a tree. He stated he called the police who told him they could not do anything because there was no proof the Church was the responsible party.

Mr. Kneirim then asked about the Church's request to use residential property as a meeting place. Mayor Tietze stated that the Church had threatened to bring a lawsuit on this issue and that it would be discussed in executive session.

#### **X. Executive Session**

At 8:25 p.m., Council member Dunn moved the City Council recess into executive session to consult with the City's attorneys. This session is deemed privileged in the attorney-client relationship in order to discuss litigation filed by the owners of property at 2216 West 51st Street, and to reconvene the open meeting back in the main Council room in 30 minutes.

The City Council reconvened in open session at 8:44 p.m.

Mayor Tietze asked if there were any additional comments or questions. There were none.

The meeting was adjourned at 8:45 p.m.