



**MINUTES OF MISSION WOODS CITY COUNCIL  
JUNE 4, 2013  
7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, June 4, 2013 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

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

Council members absent: Councilman Bill Sanders

Visitors present: City Attorney Heather S. Esau Zerger  
Chuck Haviland  
Lt. Burgess  
John Sullivan  
A resident across the street from the Pembroke construction

**I. Call to Order**

Mayor Robert Tietze called to order at 7:00 p.m. the meeting of the Mission Woods City Council. A quorum was present.

**II. Approval of Meeting Minutes**

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

### **III. Approval of Warrants**

The Council reviewed the material provided. (Council member Dunn and Mr. Haviland arrived at the meeting.) Council member Bachand inquired whether the KCPL bill is annual, quarterly, or what the precise time frame of the statement was. Mr. Haviland indicated this statement comes annually. Council member Fisher indicated that last year the street lights on Shawnee Mission Parkway were not in and so this annual statement does include these items. This bill is really a rental agreement offset with franchise tax. Council member Bachand inquired again about the landscaping bill and whether any information had been obtained regarding the detail of services provided. Mr. Haviland indicated he put in a call asking for a typed bill and for the detail of his bills. He had not yet received a response. Council member Baenisch inquired about whether receipts were issued along with the bill and Mr. Haviland indicated that they are not included as a matter of course. Mr. Haviland will continue to work to reach our landscaping provider. Council member Fisher moved to approve the warrants and Council member Bachand seconded the motion. The Council voted and the motion was approved unanimously.

### **IV. Police Report**

The Council turned its attention to a review of police reports.

### **V. Discussion of Church Bell at St. Rose Philippine Church**

John Watkins joined the Council to discuss use of the church's bell. Mayor Tietze reminded the Council about the discussion last month related to a possible amendment to the noise ordinance exempting from prohibition the church's use of the bell. Mr. Watkins reviewed the schedule for ringing the bell. The night-time ringing occurs on the eves of Easter and Christmas, the two highest holy days of the year for the church. The bell is rung in conjunction with midnight mass. Otherwise, the bell is rung for 30 seconds or so on Sundays in conjunction with the 10:00 service. It may also be rung at high mass on Sundays as well, which is at about 11:30 a.m. Mr. Watkins confirmed that someone actually physically rings the bell and it is quite heavy. The bell is from England and was specially-cast, which was discovered when the bell tower was re-built. The church dates back to 1947 and the bell dates back to the original construction of the church. Mr. Watkins reviewed briefly the construction of the bell tower from a structural perspective as well. Council member Fisher inquired about the length of ringing at Christmas and Easter and Mr. Watkins confirmed the ringing was set at 4 minutes for these occasions. There are also other feast days dictated by the calendar. They may or may not fall on Sundays. For example, on Holy Thursday there may be a 7:00 p.m. mass and the bell will be rung in conjunction with the high mass which may happen then at 8:30 p.m. Ringing of the bell on the 7 feast days will last only 30 seconds as well. Council member Fisher inquired whether other churches ring bells for 4 minutes also. Mr. Watkins indicated that "Old St. Pats" downtown rings for 4 minutes. The church wants to keep the ringing "liturgically proportional." In other words, because these are such holy celebrations on Easter and Christmas, a longer ringing is "liturgically proportionate" in

comparison to the short ringing on Sundays. The church is trying to be a good neighbor by addressing privacy concerns of the neighbors now that the church is active and members are attending. Mr. Watkins gave examples of the church's efforts to put up fences, install plantings, etc. in order to assure privacy for the area residents. Mayor Tietze thanked Mr. Watkins for his efforts in reaching out to the neighbors. Mr. Watkins indicated that the two holiest feast days really go to the heart of who the church is and what they do and has historical and cultural significance. Mr. Baenisch inquired whether, in their discussions with Mr. Watkins, any of the neighbors had expressed concern about the noise emanating from children playing on the property. Mr. Watkins expressed that one may have but the others have not.

#### **VI. Update from Lt. Burgess of Westwood Police**

Lt. Burgess indicated there is no "set" time for patrolling Mission Woods and there are important reasons for this. Each street in Westwood, Westwood Hills and Mission Woods will be traveled twice in a 10 hour shift and that is the *minimum* requirement. Council member Bachand inquired how many officers are on a shift. At night, usually 1 officer is patrolling. During the day, Mission Woods has the extra patrol and there are often 3 officers out. The department lost an officer in April and a new officer has been hired as of Monday, June 3. The new officer is a 20 year veteran officer and has substantial experience. Council member Bachand asked about the "extra" patrol. Lt. Burgess confirmed that Westwood Hills also has the extra patrol. There were well over 100 citations issued going back to Memorial Day. Mr. Haviland inquired about concealed weapons laws and what the police department would prefer. Lt. Burgess indicated there have been on-going discussions and the department does not have the man-power to man the door and install metal detectors. Lt. Burgess also indicated from a personal perspective, when he encounters people who have concealed carry permits, they are usually glad to show their permit and disclose it. There is generally no problem from a law enforcement perspective with the people who take the time to get the permit. Council member Baenisch inquired about enforcement of the overnight parking restrictions. Lt. Burgess indicated that he has asked the officers to ensure enforcement on 50<sup>th</sup> Terrace. Council member Baenisch also asked if wrong-direction parking and other parking violations were being enforced and Lt. Burgess indicated it should be. Council member Bachand asked whether, if patrol officers drive by and see parking violations, they stop and address it. Lt. Burgess indicated that in a perfect world, the officers will stop but it depends upon the circumstances and whether the officer is on the way to another call. Council member Baenisch asked whether service trucks are also ticketed, such as Time Warner Cable trucks and lawn service trucks. Lt. Burgess indicated these violations should be enforced. Council member Fisher indicated that neighbors have expressed frustration with the parking and asked that Lt. Burgess put the word out to the officers that it would help all if the parking restrictions were enforced.

Lt. Burgess also informed Council that last year, the Department applied for a grant to attend emergency management training in Maryland. John Sullivan and Lt. Burgess were selected to go in representation of Mission Woods, Westwood Hills and Westwood. This will really enhance

the department and the area, as two people will be trained. The training takes place in September. Johnson County has done a self-check to determine what everyone has been trained on and what needs to be done prior to going. Many elected officials are required to do training for FEMA and unless the training is done, they may not qualify for funding. NIMS training is required for elected officials and Lt. Burgess presented the Council with the paperwork needed for each Council member to be trained. All public safety officials were required to go to this training and now it has been mandated for elected officials and others who make decisions in the event of a disaster in the city. Elected officials can do the training on-line. The training for the elected officials will be about 4 hours, which involves watching videos, looking at power points and taking a test, all on-line. The training should be completed by September 1. The same thing is being done in Westwood Hills and Westwood. John Sullivan reiterated that all federal funds could be tied to this training. Right now this is a one-time training. There are two different courses, each being two hours in length, though each individual may work at his or her own pace. The Council thought it may be worthwhile to try and go through the materials together. Council member Fisher offered to do the training first and report back on the degree of difficulty. The Council thanked Lt. Burgess for his help and work.

## **VII. Financial Update – Mr. Haviland**

Mr. Haviland handed out two items – a quarterly financial summary and Financial Statements and Budget Reports. Mr. Haviland reviewed the material with the Council, including changes in the fund amounts. The City has experienced net income of \$46,000 for the first four months of the year. Revenue is the same: tower rental, franchise fees, money from ad valorem tax (which always comes in the first quarter). All is very similar to last year in the first quarter. The financial statements were also referenced. The budget for 2014 has been developed and will be distributed shortly. Mr. Haviland indicated that he expects no changes in revenue or expenditures from 2013 to 2014. What has been done in the last 3 years is to move funds out of the general fund and into the multi-year capital improvement fund. In the last two years, \$85,000 per year has been moved into the capital improvement fund. Three years ago, \$75,000 was moved. Council member Baenisch asked about the recommended level for the general fund. Haviland responded that for operating expenses, it is hard to know but about \$25,000 seems adequate. There is money available in a cascading fashion because the City has funds available via CD if needed. Council member Bachand asked City Attorney about the requirements for amending an approved budget, if needed. City Attorney agreed to look into the difficulty in amending the budget if needed. Discussion ensued about the pros and cons in keeping funds in the general budget vs. placing funds in the capital improvement fund. Council member Baenisch inquired about the interest rates on the CDs and Mr. Haviland indicated the amount was small.

## **VIII. Capital Improvement Update**

Mayor Tietze reported that three engineering firms had been consulted. Two requested copies of the prior plans and we are waiting to hear back from all three firms. Several wanted also to meet

with John Sullivan. We hope to understand their plans and the costs. All three have worked with municipalities and were recommended to us.

#### **IX. Old City Signs**

Bob and Karen Driscoll have old City signs in their garage but are leaving the City. Mayor Tietze showed the Council a photo of the old signs. Other residents have agreed to store the signs until Council can make a decision regarding what to do with them. They really do not fit the style of the current signage in the City. Mayor Tietze indicated that unless someone cares to store them, maybe they could be recycled. Council member Fisher suggested that perhaps they could be auctioned at a City-wide event and the Council liked the idea. The Mayor will discuss this with the Homes Association.

#### **X. Council comments**

Council member Dunn has noticed deterioration of asphalt because of the hard winter. He suggested patches need to be done so the problem does not become greater than what it already is. Mayor Tietze indicated that the three engineering firms are looking at the streets and will give us a rating on them. In the meantime, Mayor Tietze will bring the immediate concerns to the attention of John Sullivan.

Council member Baenisch reported disappointment about what is occurring on the property designated for “no work” on the Pembroke project. Pembroke represented at the meetings that no work was to be done. Council member Bachand asked about the nature of the work that was occurring at the location. Council member Baenisch reported that a temporary road has been placed, dirt has been placed and materials were stored there. The materials have since been moved. The access road has been moved to this “no work” area from the original location because the contractor determined the grade was too severe to access the property from the original location. Council member Baenisch reported the neighbors are disappointed about the continual representations from the school about what will be done and how it will be done, which representations are then changed at a later date. Mayor Tietze inquired about what could or should be done to address the citizens’ concerns. Council member Bachand indicated that it is reasonable for the school to need access to its property. Council member Baenisch expressed that the residents feel the City is not protecting their interests, particularly when City officials change the plans or give authority to change the plans. Communication with the neighbors in the area is important. Many of the residents are worried and particularly concerned that there will eventually be lights on the property, which the residents strongly disfavor. Council member Fisher pointed out that it would take an affirmative act of Council to allow lights. Council member Baenisch indicated that he and his neighbors are growing weary of the school making promises and not keeping them. Council member Baenisch indicated there are several items that would help: requirements of buffer zones between residential and non-residential property and requirements of sound barriers. Council member Baenisch asked whether the existing ad hoc

discussion group regarding noise issues could be gathered to do some informal investigation into the possibilities and the issues related to barriers and buffers. The Council agreed that such an informal group was a good idea. Council member Baenisch indicated the neighbors do not trust either the school or the Council. He reported that the experience with the church is in its infancy and it remains to be seen whether the neighbors will eventually grow to distrust the church as well.

Discussion also ensued regarding the permitting process and codes enforcement. The access road is temporary. A resident across the street from the Pembroke property indicated that he noticed that a tree that originally had not been slated for demolition was later marked. He called both Mayors and spoke to someone with the contractor. Eventually the tree was not actually removed but he expressed disappointment with the communication. Some concern also was expressed about the large tree stumps on the property. Mayor Tietze will inquire of Jim Sherman as to when the stumps will be removed.

Council Member Fisher is temporarily being transferred to Portland, Oregon for six months. He will participate in the next 3 or so meetings by phone.

Council member Dunn encouraged council members to participate in the Homes Association even this weekend. The event will occur on Sunday, June 9 from 3:00 p.m. to 5:00 p.m. Mayor Tietze noticed that he did not see many residents from the north part of the City at the flower give-away. He inquired what could be done to encourage the residents in the north part of the City to participate in these events. Council member Baenisch noted that some of the residents are older and may be in poorer health, which precludes participation. Having some of the activities in the north part of the city would be good.

Meeting adjourned at 8:50 p.m.

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

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