



**MINUTES OF MISSION WOODS CITY COUNCIL**  
**June 3, 2014**  
**7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, June 3, 2014 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

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

Visitors present: Heather S. Esau Zerger, City Attorney  
Charles Haviland, City Treasurer  
Mike Knierim  
Joanne Cash  
Mike and Kathy Henley

**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 on the agenda was approval of the May Council meeting minutes. Council member Dunn moved to approve the minutes. Council member Bachand seconded the motion and upon a vote of the Council, the motion carried unanimously.

### **III. Review and Approval of Warrants**

The Council reviewed the warrants. Council member Bachand moved to approve the warrants as presented. Council member Fisher seconded the motion. The motion carried unanimously.

### **IV. Review of Police Report**

The Council members then turned their attention to a review of the police report. Mayor Tietze noted that the Westwood Police department was using a new, unmarked police car on loan to the department for traffic enforcement. Council member Fisher noted the increased patrol and enforcement on Shawnee Mission Parkway also.

### **V. Comments on Budget Planning Document**

Next on the agenda was a review of the 2015 budget-planning document. Mr. Haviland indicated the proposed budget is basically the same as last year. Mr. Haviland asked whether the Council wanted to factor into the budget anything related to the capital improvement projects. Mr. Haviland indicated that some of the decisions that need to be decided include whether we want to keep the mill levy the same and whether we want to keep the tax revenue the same. Some of the information needed will not be available until July. There is some thought the tax base will increase because of home renovations and the location of new business in the area. Last year we kept taxes essentially the same and the mill levy dropped.

Council member Fisher asked about Mission Woods' mill levy compared to peer cities. Typically, Mission Woods has been lower than most communities in Johnson County. It was noted that the appraised values did not change much last year either. Council member Sanders suggested we keep the mill levy the same. We also have issues related to infrastructure to address. The budget needs to reflect some of the expenditures we are anticipating. Mr. Haviland was asked for his advice and he suggested keeping the mill levy the same. The City has never had a bond issue and would prefer not to. By being fiscally conservative and building up funds in advance, we are being fiscally sound. This will allow us to address infrastructure issues before there is catastrophic failure and while costs are more reasonable than what we anticipate they will be in the future. It is wise to plan ahead and build a fund for those costs we anticipate.

Council member Sanders asked if we could build into the budget a small amount for now and Mr. Haviland indicated we could. Council member Baenisch asked whether we should do some capital improvement work now rather than wait in order to avoid paying more for construction costs down the road.

The Council agreed to put \$100,000 into the budget for street projects or miscellaneous infrastructure improvements for 2015. Council members noted there is no harm and it does not mean that the Council will spend those funds. It simply allows a cushion for expenditure in the event such improvements are required. Approval will need to take place at the August City Council meeting. Mr. Haviland also recommended moving the same amount from the general fund into the capital improvement fund as last year too. Mr. Haviland thinks the \$85,000 transfer should take place every year as a matter of course.

## **VI. Ordinance 194: Construction and Repair Noises**

The Council next took up the proposed amendments to the noise ordinance pertaining to construction and repair noises. Mayor Tietze introduced the agenda item. He indicated that over Memorial Day, it came to his attention that the construction and repairs section of the noise ordinance did not address what was allowed on Sunday or federal legal holidays. Council member Bachand noted that it does not make sense to him to have construction equipment in the City on Sundays or federal legal holidays. Council member Dunn queried whether it could cause problems for local unions who do not necessarily observe these legal holidays. It was noted that the proposed revised ordinance does not prohibit construction altogether on these days; it simply prohibits construction noise that violates the ordinance. Council member Sanders moved to approve ordinance 194 that precludes construction and repair noise within the City on Sundays and federal legal holidays. Council member Bachand seconded the motion. Upon a vote of the Council, the motion to approve Ordinance 194 carried unanimously. Council member Fisher noted that he has updated website with recent changes made to the noise ordinance, including the frequently asked questions section, and that he will update it again based upon the new changes passed at this meeting.

## **VII. Review of Tree Inventory**

The Council next reviewed the results of the tree inventory that was approved at the May Council meeting. Mayor Tietze reported that all trees in the City right of ways are healthy. There are 12 Ash trees in public right of way. None show signs of the Emerald Ash bore now. The Council members noted the need for all to continue to monitor the health of these trees.

## **VIII. Deffenbaugh Yard Waste Program**

Mayor Tietze reported that he recently met with a representative of Deffenbaugh and Deffenbaugh is offering a year-round yard waste program. The additional cost is only .20 per month to each household. Deffenbaugh will pick up yard waste weekly for 12 months of the year. The yard waste will still have to be placed into the paper bags. Under the current program, yard waste is picked up only March through November. It will cost \$250 for the whole City to increase the contract. Council member Fisher moved and Council member Bachand seconded the motion allowing the Mayor to sign an amendment to the City's agreement with Deffenbaugh to include 12 months of yard-waste pick up. The motion carried unanimously. Mayor Tietze will include this change in the upcoming newsletter to make residents aware of the new program.

## **IX. Ordinance 195: Planned Office District Uses**

The Council next turned to the recommended ordinance approved by the City Planning Commission expanding the uses allowed within property zoned as Planned Office District. Planned Office District Council member Bachand asked about the specific property that bears the planned office district zoning classification. It consists of the commercial property on the north side of Shawnee Mission Parkway (not the Country Club Bank on the south side). Council member Baenisch asked about the language in the proposed ordinance limiting the signage allowed for restaurant services and how such a limitation might impact or affect the upcoming discussion related to temporary signs in residential districts. Some discussion ensued about the nature of the restrictions in conjunction with the nature of the type of restaurant services being allowed. Council member Bachand moved to approve Ordinance 195 amending

the uses allowed within Planned Office Districts (and making minor clean-up modifications to the ordinance). Council member Dunn seconded the Motion. Ordinance 195 was unanimously approved.

#### **X. Temporary Sign on Church Property**

The Council next addressed the resident complaint regarding the temporary sign on the Church property. Council member Baenisch read a note from Sana Conley regarding her dissatisfaction with the temporary nature of the signage on the church's property. She noted that her issue was not with the message of the sign, but with the fact that the signage was temporary, not a permanent structure. Mayor Tietze noted that the sign does violate the City's ordinances because it is temporary and not a permanent structure. Mayor Tietze also reported to the Council the response from the Church when he raised with them the violation. Mr. Watkins, who responded on behalf of the church, that he believes it is a first amendment right to have the sign. He gave no indication of how long the sign is going to be posted. Discussion ensued about the types of signs allowed in residential districts. Council member Baenisch believes the church should be required to abide by the ordinances. The Council noted the issue with the sign is not the message or content of the sign itself; the issue is the manner in which the message is presented. Council member Fisher noted that many churches have permanent structures in place so that temporary-type signs can be rotated in and out, allowing the church to change the sign frequently, but abide by the ordinance because the structure displaying the sign is permanent. There was general discussion of the need to make sure all residents and property owners are held to the same standard and required to abide by the ordinances of the City. It was also noted that the church could seek a special use permit for its temporary sign, but has not done so. The Council asked Council member Dunn to speak to the priest and Mr. Watkins to discuss the fact the sign is non-compliant and the City's desire for the church to bring the sign into compliance with its ordinances.

#### **XI. Council member and Mayor Comments**

The Council asked the residents in attendance for an update on the lighting situation by the church. Mayor Tietze reported that the north light has been lowered from 400w to 150w and that the church believes it now needs a second light installed. Mr. Knierim noted that he cannot tell a change has been made and that there is a second light by the playground that is also still a problem. Council member Bachand suggested the City engage a lighting consultant to aid in finding a resolution to the problem, as we seem to have exhausted KCP&L's ability or willingness to help and the church is not in a position to simply install new lights. Mayor Tietze asked Council member Baenisch to contact an electric company (Shaw Electric, as suggested by Council member Dunn) about consulting with the City, the church and the affected neighbors. Council member Baenisch indicated he would endeavor to contact Shaw Electric.

Mayor Tietze also reported that he has been concerned for some time about the fact that City-issued construction permits have no time limit for the start or completion of projects. He noted that a recent inquiry from a realtor came in on the City website regarding whether permit approval was given for renovations and installation of a swimming pool around 5 or 6 years ago. Other area cities have limits, such as Mission Hills, Westwood and others. Mayor Tietze proposed the Council consider implementing a 180 day (6 month) permit time limit and making the permits non-transferrable. The Council determined the need to look further into this and asked the City Attorney to conduct further investigation.

Mayor Tietze also provided an update to the hearing held last month regarding Ruth Ann Schulenberg's property. Certified letters including the Council's order were sent to her home and work. The letter sent to her home was returned undeliverable. No word has been received on whether the letter sent to her work was delivered or received. The Order was also posted at the property. Thus, the process is underway.

The Council discussed the fact that the boxwoods in the islands took a hit over the winter. There is no new growth. There was some discussion about replacing the boxwoods. The Council agreed to replace the boxwoods at this time and see what happens.

Council member Sanders reported a phone call from Mimi Ahsmuhs, a member of the ARB, about the Mitchelson's proposed expansion. Council member Sanders recalled a major mess a while back related to work done on the Mission Woods golf course. Ms. Ahsmuhs is concerned about the long-term impact on these properties and whether there might be problems with the creek. She is also concerned about whether there would be room for access by heavy equipment if the expansion were to take place. Mayor Tietze indicated he would recuse himself from the discussion because of his position as a neighbor to the Mitchelson's and because of his personal opposition to expansion project. The Mitchelson's did engage an engineer to look at drainage issues. Council member Bachand noted the Council needs to satisfy itself that run-off and creek issues get addressed properly. The Council noted the ARB is not equipped to answer questions about hydraulics. Council member Sanders would feel more comfortable if an expert to help with the Council's and ARB's understanding of the issue and reviewed the plans and the study already prepared by the Mitchelson's. A brief review was given on the background of the issue and how the engineering report was originally requested. Council member Bachand moved to engage an expert to review the site, the plans and the engineering study prepared by the Mitchelsons at a cost not to exceed \$1,000. Council member Fisher seconded the motion. Council member Dunn recommended contacting Continental Engineering. All voted in favor of the motion. The Council asked Mayor Tietze to engage the contractor.

Mr. Haviland noted his appreciation for the creation and upkeep of the website. Council member Fisher was thanked again, as was Council member Bachand.

Meeting adjourned at 8:41 p.m.