



MINUTES OF MISSION WOODS CITY COUNCIL
June 7, 2016
7:00 p.m.

The City Council of Mission Woods, Kansas met in regular session on Tuesday, June 7, 2016 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

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

Visitors Present: Jessica James, City Attorney
John Martin, City Treasurer
Tommy Clemente
Carol Bean
Kathy Henley

I. Call to Order

Mayor Tietze called the meeting to order at 7:00 p.m. A quorum was present.

II. Minutes of Prior Meeting

The Council took up the May City Council Meeting Minutes. Mayor Tietze first asked for corrections or additions to the May Council meeting minutes. There were none. Council member Ruff moved to approve the minutes and Council member McAnarney seconded the motion, which passed unanimously.

III. Warrants

The Council next turned its attention to approval of the warrants. Council member Franklin inquired whether the storm sewer charge was expected. Mayor Tietze stated that the charge was

anticipated regarding the repair to the line on Rainbow after the line failed. Mayor Tietze also stated that the charge for the videotaping the storm sewer line was also expected but was for a different line near Shawnee Mission Parkway. The videotaping of the second sewer line was to confirm that the line had collapsed. Mayor Tietze stated John Sullivan and representatives of KDOT are trying to determine if the cost to repair the collapsed sewer line is the responsibility of the City or KDOT. Council member Dunn moved to approve the warrants and Council member Franklin seconded the motion, which passed unanimously.

IV. Police Report

The Council then reviewed the police report. There was a question about why the car accident at Council member Dunn's house was not reflected on the police report. It was determined that it would appear on the following month's police report. Council member Ruff asked about the charges for the extra enforcement. Mayor Tietze responded that these charges were the result of additional traffic violations within the City.

V. Update of lighting and landscaping on the Kansas University Hospital Authority property.

Mayor Tietze then provided an update of the issues regarding landscaping and lighting on the Kansas University Hospital Authority property. Mayor Tietze reported that a meeting between the City and representatives for KUHA was tentatively scheduled for the next Tuesday, June 14, 2016.

Council member Franklin inquired about the change to the lighting ordinance removing the requirement that lighting be turned off at a certain time, and whether this ordinance could be amended. The City attorney stated there would be certain issues involved with such a change that the City would need to be advised of before deciding to make any revisions.

Council member Dunn stated that he believed there could be some erosion issues on the KUHA property if potential landscaping issues are not addressed, including the loss of some trees and planting. Mr. Clemente, a resident in attendance, asked if the City was planning on having a residents' meeting to provide an update on the landscaping and lighting for the KUHA property. Mayor Tietze confirmed that he would provide an update to all residents, as he had done with previous issues involving this property.

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

VI. Approval of contract renewal with Waste Management (Deffenbaugh Industries) for collection of solid waste, recyclable materials and yard waste.

The next item on the agenda was the approval of the contract renewal with Waste Management (formerly Deffenbaugh Industries) for the collection of solid waste, recyclable materials and yard waste within the City. Mayor Tietze stated that he was requesting that this item be moved to the July agenda so certain unresolved provisions, including insurance coverage, can be agreed to by the parties. Council member Ruff asked about the charges under the new contract. Mayor Tietze stated that the charges were actually slightly higher but that Deffenbaugh had not increased its

rates for some time and that the new charges were reasonable. Mayor Tietze stated that he and Council member Franklin met with representatives for Waste Management and requested that the current driver on the City's route remain on this route. Waste Management stated that it would not include a provision naming a specific driver in the contract. Council member McAnarney asked if the new charges were consistent with the charges to comparable cities, which both Mayor Tietze and Council member Franklin confirmed.

VII. Painting of light poles, pedestrian push button crossing poles etc. – Tommie Clemente.

Mayor Tietze next introduced Tommy Clemente to address the Council. Mr. Clemente stated that he asked to speak with the Council regarding the painting of light poles and pedestrian push button crossing poles within the City. Mr. Clemente reported that a light pole in his yard was unilaterally replaced by KCP&L that does not match the light poles in the rest of the City. Mayor Tietze then stated that the reason the light poles within the City were painted to match is because a previous mayor had all the poles painted. Mayor Tietze clarified that when KCP&L learned of the painting they objected and stated that they would allow the painted poles to remain but with the agreement that the City would not continue to paint future light poles. Mayor Tietze suggested that the City could consider and look into the cost of purchasing the light poles to have continuity throughout the City. However, Mayor Tietze also clarified that purchasing the poles would require that the City maintain the poles. Council member Dunn suggested the City look at the cost of more architectural looking poles used in other cities, but noted the cost to purchase and maintain these poles would be considerable. Council member Dunn stated if the City were going to incur this cost he believed it would need to be addressed with the residents first.

Mr. Clemente then stated that KCP&L's action showed a lack of respect for the neighborhood, and that he had similar concerns regarding the push button crossing poles at Rainbow and Shawnee Mission Parkway. Mayor Tietze then suggested that he set up a meeting with Mr. Clemente, KDOT and KCP&L to discuss if there is a possible solution. Mr. Clemente agreed to a meeting with these entities.

Mr. Clemente then stated that when residents were informed that he would be speaking with the Council he was approached about several other resident concerns. Specifically, several citizens had voiced frustration over the fact that the grass at 5306 Mission Woods Road had not been cut for some time. Council member Dunn stated that was something that Eddie McNeil, the City's Code Inspector needed to address and that the City should have the grass cut and have the property owner billed for all costs associated with doing so.

Mr. Clemente next addressed construction concerns at 5332 Mission Woods Road and follow up on ensuring that the plans were being implemented as submitted to and approved by the Architectural Review Board. Mr. Clemente stated that when these issues were raised with the ARB Chairman Immenschuh stated that it was not the body responsible for ensuring that the plans were being complied with and that those concerns would be addressed by Mr. McNeil. The City attorney confirmed that Mr. McNeil would be responsible for codes enforcement. Mr. Clemente then stated that the construction at 5332 Mission Woods Road was taking too long and inquired if there are time limits issued for construction permits. Mayor Tietze and the City attorney stated that there were time limits in certain circumstances but none for the duration of

construction. Council member McAnarney asked who would follow up with Mr. McNeil regarding these issues and Mayor Tietze responded that he would.

Mr. Clemente also asked if there were term limits for ARB members. Mayor Tietze stated that there were not and the position of the chairman does not rotate. Council member Ruff stated that at the residents' meeting regarding the landscaping on the KHUA property a big issue for the residents was term limits on the various boards.

Council member McAnarney asked if a construction permit was valid if there was a change in the contractor used by the property owner. The City attorney stated that it would depend on who actually made the application to the City.

Mr. Clemente stated that when he was remodeling his home he was told what he needed to bring to the various meetings by Mr. Immenschuh, which was very helpful. Mr. Clemente also inquired if the City had ever put out a survey to the citizens to address City issues. Mayor Tietze stated that to his knowledge the City had not put out a survey. Mayor Tietze also stated that the City did have a master plan completed a number of years ago and enlisted residents' comments in doing so. Mayor Tietze stated it might be a good idea to have a town hall meeting to review the City's master plan.

Carol Bean, a resident in attendance, asked about the status of the denial of the Church's application to use residential property as a church meeting place. Mayor Tietze stated that this issue was the subject of threatened litigation and would be discussed in executive session. Mrs. Bean made a comment that she wanted to reiterate that the entire block opposed the Church's application.

VIII. Executive Session.

At 7:50 Council member Dunn moved the City Council recess into executive session to consult with the City's attorneys which would be deemed privileged in the attorney-client relationship in order to discuss the threat of litigation by the owner of the property at 2216 West 51st Street, and to reconvene the open meeting back in the main Council room in 30 minutes. Council member Ruff seconded the motion. The City Council convened with legal counsel Jessica James in Executive Session.

The City Council reconvened in open session at 8:07 p.m.

IX. General Comments

Mayor Tietze then asked if there were additional comments. Kathy Henley stated that she thought the new street signs in Westwood looked nice. There were no more comments.

The meeting was adjourned at 8:08 p.m.