



MINUTES OF MISSION WOODS CITY COUNCIL
Tuesday, January 10, 2022
7:00 p.m.

The City Council of Mission Woods, Kansas met in regular session on Tuesday, January 10 2023, at the Westwood City Hall.

Members Present: Mayor Darrell Franklin
Council Member Don Greenwell
Council Member Robert Tietze
Council Member Keith Mays
Council Member Carrol Thomas
Council Member Christopher Brent

Others Present: Alex Felzien, City Attorney
Steve Mauer, City Attorney
John Martin, City Treasurer
Rick Ralls, Resident
Anne Henry, Resident
Major Park, Resident
Michael Kniermin, Resident
Neil Karbank, Karbank Real Estate Company
Steve Karbank, Karbank Real Estate Company
Adam Feldman, Karbank Real Estate Company
Mike Paxton, Perspective Architecture
Kenny Miller, Perspective Architecture

I. CALL TO ORDER

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

II. REVIEW AND APPROVAL OF DECEMBER MINUTES

There were no comments or changes to the November minutes from the Council. Council Member Greenwell moved to approve the minutes and Council Member Tietze seconded the motion, which passed unanimously. (Ayes – V, Nays – 0).

III. REVIEW AND APPROVAL OF DECEMBER WARRANTS

Mayor Franklin noted the expenses for removal of three (3) trees during the month of December, while also noting expenses for Gather Media finishing the City’s website and the last bill for leaf removal. There were no questions or comments from the Council. Council Member Tietze moved to approve the warrants, and Council Member Thomas seconded the motion which passed unanimously. (Ayes – V; Nays – 0).

IV. REVIEW OF POLICE REPORT

Mayor noted there was not much activity in the City in December and there were no questions or comments from the Council.

V. Consideration of Proposed Planned Unit Development Ordinance

City Attorney Mauer began the presentation by stating that he believed he had to explain himself to the Council. At the Planning Commission meeting on December 15, 2022, Mauer explained, a Council Member questioned if Mauer Law Firm had any financial interest in Karbank Real Estate Company (“Karbank”). Mauer reiterated what he stated at the Planning Commission meeting, that neither he nor City Attorney Felzien had any interest in Karbank. Council Member Thomas then stated that she “was not insinuating that Mauer Law Firm had an inappropriate relationship with Karbank.”

Mauer then explained the genesis of the proposed ordinance: when Karbank wants to do something on their property they must first check with the City to see what administrative board will first consider the proposal. The proposed ordinance would fix this issue by allowing Karbank to submit a plan, which must be approved by the City, after which Karbank would be authorized to do any projects contemplated by the approved plan. For example, when Karbank wanted to open the Restaurant 1900, it had to appear before the Board of Building and Zoning Appeals, which ultimately denied the project. Mauer explained the proposed ordinance would give both the City and Karbank more certainty moving forward in the future.

Mauer explained a Planned Unit Development (“PUD”) would only be available to those owning more than 4 acres within the City, and explained that the City likely could not stop KU Medical Center from enhancing its property, as KU is a division of the State of Kansas. Council Member Thomas asked if any other Johnson County city uses PUDs, to which Mauer responded Fairway and Shawnee have previously used PUDs.

Mayor Franklin then opened the floor to any citizens that wished to make comment.

Richard Ralls, Chairman of the Planning Commission, commented that if the City approves a PUD, it would create a precedent where the City would have to approve future plans

under the PUD. Ralls then stated that he believed the Planning Commission approved passage of an ordinance, but not the PUD ordinance before the Council this evening. Ralls then explained that the process for passage of this ordinance has been flawed from the start. Ralls then stated that he had provided changes to the Planning Commission minutes that Mauer Law Firm did not incorporate in the draft of the Planning Commission minutes. Ralls concluded that he did not support passage of this ordinance and asked the Council to keep the processes the City already has in place for land use.

Major Park, resident, spoke next and stated he has been a lawyer for 45 years and the proposed ordinance did not make sense. Park stated that if the ordinance was passed, Karbank could install a CVS, Dick's Sporting Goods, or Hobby Lobby on Shawnee Mission Parkway. Park concluded that passing the ordinance would bind the City to approve plans presented to the Planning Commission, and recommended the Council not approve the proposed ordinance.

Anne Henry, resident, spoke next and stated that she too is an attorney and that the ordinance also confused her. Henry stated that if the City did not approve part of any plan submitted, the denial could subject the City to liability.

Mauer then responded to the citizen comments by stating that the Council followed the normal process for passing a proposed zoning ordinance, except that the City went above and beyond by notifying every homeowner within the City. Mauer explained that no one is entitled to rezoning, and that the City would not face additional liability simply because it allowed PUD plans to be submitted. In essence, Mauer explained, no one is entitled to a PUD simply because a PUD is possible under City code.

Mayor Franklin then opened the discussion to the Council Members. Council Member Tietze stated that this proposal had divided the City like he had never seen before. Tietze stated that the process was "broken" from the beginning, and that he wished the Council had more time to view the ordinance prior to its first hearing in October 2022. Mayor Franklin reminded Tietze that the Council had discussed the proposed ordinance during previous meetings, and that those discussions can be found in previous meeting minutes. Tietze concluded that the City already has processes in place and recommends keeping those processes.

Council Member Thomas stated that she was against the proposed ordinance and that if the City passed it, developers would come to Mission Woods and ask more and more from the City. Thomas concluded that residents on her street were concerned with how this process occurred.

Council Member Mays stated that he supported the ordinance because he wanted to see a cohesive plan for the Karbank campus and that he supported further land development.

Council Member Thomas then made a motion to deny the proposed ordinance, which Council Member Tietze seconded. A roll call vote was taken after City Attorney Felzien requested the members make their vote individually:

Council Member Tietze: Aye

Council Member Greenwell: Aye
Council Member Brent: Aye
Council Member Thomas: Aye
Council Member Mays: Nay

City Attorney Felzien noted the proposed ordinance failed. (Ayes – IV; Nays – 0).

VI. City Tree Replacement Program

A resident asked about a City program to replace dead or decaying trees. Council Member Tietze noted that the City had a plan in place when a citizen lost a tree. Per Tietze, the plan allowed for up to \$250.00 in reimbursement for anyone who planted a tree to replace a lost tree. Tietze also commented that he believed the program was limited to only hardwood trees as replacement trees. There was then a discussion if this prior plan included all trees, or only trees in the right of way, and the Council agreed the program should include all trees within the City. The Council also agreed to limiting the program to one \$250.00 replacement tree per household.

VII. License Plate Reader Consideration

Mayor Franklin advised the Council that he met with Electronic Technology Inc. (“ETI”), a consultant specializing in license plate readers. ETI quoted the City \$18,000.00 for five readers for three locations along Shawnee Mission Parkway. Mayor also noted, however, that Evergy will not allow the City to place the readers on its poles, meaning the City would have to create its own poles or infrastructure to host the readers. Mayor noted that in total this could raise the price of the project to \$50,000.00 to \$75,000.00. The discussion concluded with Mayor stating he would contact ETI to obtain a quote for coverage of the entire city.

VIII. Appointment of City Officers

Mayor Franklin presented his appointments of the City’s Officers, including Shelley Floyd as City Clerk; Higdon and Hale as City Treasurer; Westwood Police Chief Curtis Mansell as City Marshal; Mauer Law Firm P.C. as City Attorney; and Timothy Turner as Municipal Judge. Council Member Brent made a motion to approve the City’s Officers as appointed, which Council Member Tietze seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

IX. Election of Council President

Mayor Franklin asked if Council Member Mays was interested in serving as Council President for 2023. Council Member Mays agreed to serve if appointed. Member Brent made a motion to approve of Council Member Mays as Council President, which Council Member Tietze seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

X. Appointment of City Boards

Mayor Franklin announced his appointments to the various City Boards.

For the Architecture Review Board, Mayor nominated Ryan Bowden, Sara Chaffee, Erin Lowery, Katie Luka, and Janet McCarter. Council Member Thomas made a motion to approve, which Council Member Tietze seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

For the Board of Zoning Appeals, Mayor nominated Doug Weltner, Jennifer Fuller, Cathy Henley, Major Park, and Jay Sidie. Council Member Thomas made a motion to approve, which Council Member Tietze seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

For the City Planning Commission, Mayor noted that his nominated had been altered by two recent resignations, and nominated Richard Ralls, Archie Kangethe, Nancy Mays, Ramsey Mohsen, Susan Ramza, Gary Coleman (of Westwood, KS), and Nick Dosanjh (of Mission Hills, KS). Council Member Greenwell made a motion to approve, which Council Member Brent seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

XI. Open For Discussion

Mayor Franklin noted several items for open discussion. First, Mayor asked the Council if it would consider being a “host city” for the 2023 Go Green Environmental Fair, and noted there is no cost to the City, just that it needs a volunteer. The idea was supported by the Council and Council Member Mays volunteered to represent the City.

Mayor then discussed the annual Public Works Agreement between the City and the City of Westwood for 2023. Council Member Tietze moved to approve the agreement, which Council Member Greenwell seconded. The motion passed unanimously. (Ayes – V; Nays – 0).

City Treasurer John Martin spoke briefly and informed the Council that the City was in strong financial position and at the February meeting he will present more information regarding the City’s 2022 year end financials.

Mayor stated he would send Mauer Law Firm the information regarding the West 51st Street paving condition in the coming month. The Council previously discussed the deteriorating condition of the cul-de-sac.

XII. Adjourn

A motion to adjourn was made by Council Member Brent, which was seconded by Council Member Greenwell, and all were in favor. The meeting was adjourned at 8:12 P.M.