



MINUTES OF MISSION WOODS CITY COUNCIL
March 4, 2014
7:00 p.m.

The City Council of Mission Woods, Kansas met in regular session on Tuesday, March 4, 2014 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

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

Council members absent: Councilman Bill Dunn, Jr.

Visitors present: Heather S. Esau Zerger, City Attorney
John Wind, Piper-Wind Architects
Curt and Babs Stilley
Mary Ann McTigue and Dave White
Kate Stilley Morgan and Liam Morgan
Ashley and Greg Martin
Betsy Stilley
Spencer Thomson, legal counsel to ground lessee at 1968 SMP
Mike and Kathy Henley
Dan Blom, Prairie Village Post
Neil Whitehead

I. Call to Order

Mayor Robert Tietze called to order at 7:00 p.m. the meeting of the City Council to complete the business before it. A quorum was present.

II. Approval of Meeting Minutes

The first item on the agenda was approval of the February 2014 minutes which were provided to the Mayor and Council by Ms. Heather Zerger in advance of the meeting. Upon motion by Council member Baenisch and seconded by Council member Fisher, the February minutes were unanimously approved.

III. Approval of Warrants

The Council reviewed the materials provided. Mayor Tietze offered clarification regarding the Deffenbaugh bill. Council member Bachand inquired about the landscaping work done in February. Mayor Tietze suspects it relates to removal of holiday lights but does not know the specifics. Mr. Haviland would have that information. Council member Sanders moved to approve the warrants as presented. Council member Baenisch seconded the motion. The Council voted and the motion was approved unanimously.

IV. Police Reports

The Council turned its attention to a review of police reports. Mayor Tietze asked for comments or questions and there were none.

V. Presentation by John Wind on proposed changes to 1968 SMP

The Council next turned to a presentation from John Wind of Piper Wind Architects regarding a follow up to the presentation provided to the Council at its February meeting related to 1968 Shawnee Mission Parkway ("SMP"). At the February Council meeting, the Council asked the owners of 1968 SMP to take another 30 days and come back with a more specific, comprehensive plan related to renovation that includes engineering, architectural and structural components.

Mr. Wind provided a document to the Council members to review during his presentation. He also had for the Council some demonstratives on tripods. Mr. Wind recognized that the Council members just received the packets tonight, so they have not yet had an opportunity to review the material in detail. Accordingly, he indicated he would direct the Council through the report in some detail. Mr. Wind reported that his client intends to approach renovation of the property in three phases.

- Phase I – Exterior work including installation of curtain wall, repair fins, paint fins and plaster fascia and soffit, paint exposed concrete foundation, stain brick, repair and paint exterior stairs, remove obsolete roof top HVAC equipment and install new ground-mounted HVAC equipment needed for warm shell, install new roofing. Proposed start would be 60 days after permits are obtained and completion within 6 months. Also interior – demolition of interior gypsum board walls, demolish interior floor finishes,

demolish lay-in ceiling system , demolish obsolete HVAC equipment and ductwork, install new HVAC equip needed for warm shell.

- Phase II – after phase I (and weather permitting) to include landscaping, parking lot striping (including ADA stalls), and installation of ADA-compliant ramp to access stair lobby.
- Phase III – upon signing letter of intent with tenant, remodel stair lobby, install ADA-compliant lift, build out ADA-compliant restrooms, build tenant space.

Mr. Wind also went over the proposed budget, which totals just under a million dollars.

PMA Engineering was retained to provide a structural engineering report. Mr. Wind referenced the results of the structural engineering report with respect to the slab floor, the north retaining wall, the 2nd floor, the roofing system, the perimeter walls, the CMU fins, and the secondary egress (stairs) on the east side of the building, all as set forth in the report.

Mr. Wind indicated the building owner hired UES Consulting Services for the Phase I report, the first 30 pages of which are also contained within the packet provided to the Council. Mr. Wind has the remainder of the report, which is lengthy, that he will provide if the Council so desires. Mr. Wind referenced page 3 of the report, which provides a summary of the findings.

Commercial Roofing Services was retained to look at the existing roof. The report indicates the roof needs to be replaced and Mr. Wind states the building owner is prepared to do this as part of the renovation.

Mechanical systems will be provided for heating and cooling on an interim period until a tenant moves in, at which time additional services will be provided. There will be four condensing units ground mounted on the east side of the building.

Drawings were provided on the proposed renovation and photos, both interior and exterior, of the building. Information is also provided on the wheelchair access planned for use in the lobby. Information was also provided on a product to be used for coating masonry.

Council member Fisher thanked Mr. Wind for the work done to prepare the material for the Council. Council member Fisher also inquired about the specifics for Phase II. Mr. Wind indicated a landscaping plan has not been developed but Phase II involves improved landscaping. Mayor Tietze inquired about whether there is a problem with parking compliance. Mr. Wind indicated he believed the building should be grandfathered in because the footprint and use are not being changed. There are between 21 and 25 parking spots. Mr. Wind does not believe they will lose parking spaces by making a spot that is ADA-compliant.

Mayor Tietze asked for comments from the public. Council member Sanders echoed the appreciation of Council member Fisher.

At 7:23 p.m. Council member Fisher moved that the Council convene in executive session for the purpose of engaging in attorney-client privileged communications regarding the condemnation of 1968 Shawnee Mission Parkway, which conversations would be protected in the attorney-client relationship. Council member Bachand seconded the motion. The Council indicated it would return to open session in the same location in 15 minutes.

VI. Executive Session

The Council convened with its legal counsel in Executive Session.

The Council returned to open session at 7:36 p.m.

Discussion continued concerning the presentation of Mr. Wind. Council member Fisher again expressed appreciation for the work done thus far and the progress in moving forward. Council member Sanders stated that he has been part of this town for a long time and it has been a long time since something has been done on that property. Mayor Tietze reported he spent significant time over the course of the day talking with residents who are supportive of what the City Council is doing in taking the property. Council member Bachand appreciates the progress. Council member Baenisch wants to see the location improved but expressed concern that we not end up back in this same position a year from now looking at the building in the same condition. Council member Sanders asked about parking. Spencer Thomas says the parking is not ideal, but it will be reflected in rental rates and will depend upon the use. He also reported that his client would not want to spend a million dollars to renovate the building if they didn't think they could lease the space.

Mayor Tietze asked if the client would be agreeable to enter into an agreement with the City that would exclude any improvements after this date in the event the development does not go forward as promised. Spencer Thomas stated his client would not. Spencer Thomas says the worst case scenario is that the outside of the building is improved but is untenable. He states this is still an improvement from where he says the City is now and will still increase the tax base. Mr. Thomas states the lack of tenants was, at least part of the time, during the poor economy, though he acknowledged his clients could have done more. He reported again they were very close on a couple of tenants. Mr. Thomas acknowledged that if the Council ceases going forward with condemnation now, it can still do so later. He also said they will sign commitments that get Phase I and Phase II done within a reasonable period of time. Council member Sanders thanked the individuals who attended in person as well.

Spencer Thomas indicated his understanding that residents support condemnation because of the state of the building.

Ms. McTigue commented that she understands the history and has worked with the business owner and feels they can make the building terrific and they are ready to get started. She understands the Council's worry that the project won't get started like promised and she assured

the Council it will move forward. Ms. McTigue stated she and her family are proud to be property owners in Mission Woods.

Council member Bachand moved and Council member Sanders seconded indefinitely tabling the ordinance that authorizes the City to move forward with condemnation of 1968 Shawnee Mission Parkway. All Council members present voted in favor. The City Attorney reminded the property owners that the Council's action in suspending its efforts to condemn the property is not a substitute for the appropriate approvals of the renovation plans that are required from the various City officials and boards including the ARB.

VII. Review of 2013 Financials

Charles S. Haviland, City Treasurer, asked that this topic be moved to next month due to a conflict that precluded him from being able to attend the meeting.

VIII. Approval of Capital Improvement Plan

Mayor Tietze referenced the communication to the Council from John Sullivan on whether video recording of the storm sewers has been undertaken in the past. Because the videotaping has not been done or can no longer be located, Council member Bachand expressed his desire to go forward and have the videotaping completed. Council member Fisher moved to authorize the Mayor to contact Phelps Engineering, the firm assisting the City with its Capital Improvement Plan, to conduct the videotaping at a cost not to exceed \$5,000. Council member Bachand seconded the motion and it passed unanimously.

Council member Bachand noted the growing hole at the top of the hill before the entrance to Pembroke before you get to the crosswalk. Mayor Tietze will talk to John Sullivan about this issue.

IX. Review of Appraisal Document from County Appraiser

Mayor Tietze handed out to the Council members the document for review, which provides an overview for Mission Woods in particular of market value comparisons.

X. Discussion on Occupational License

Mayor Tietze then turned to the issue of occupational licenses. Discussion occurred last month about whether the City even wants to enforce the occupational license ordinance that currently exists and whether the ordinance needs amendment. He reported that Westwood has this requirement, which is tracked primarily through sales tax of its retail businesses. A notice is sent out each year. They also license home businesses, but it is up to the resident to report themselves. Westwood reported they do not follow up on these because of the small amount of money generated. Mayor Tietze reported that Olathe and Overland Park do not require occupational licenses.

Mayor Teitze asked Kathy Henley about these, given her job as a building manager. She reported her tenants have to pay these in Lenexa and the fire marshal often inspects at the same time.

Brief discussion ensued on whether the administrative burden of enforcing the ordinances on the licenses is worth the small amount of revenue generated by them. Council member Bachand moved to repeal the existing occupational licenses ordinance and Council member Fisher seconded. All voted in favor. Chapter VIII, Articles 1 and 2 are hereby repealed.

XI. General Comments

Mayor Tietze has received calls about the condition of the property at 5306 MW Road. The property seems to be abandoned but is not on the market. The property is delinquent on real estate taxes and the backyard is overgrown. There is a vehicle sitting in the driveway that has expired tags also. Mayor Tietze wondered about cleaning up the property and sending the property owner a special tax assessment. Jim Sherman tried to send two certified letters and posted a notice on the door but got no response. Council member Sanders suggested sending a letter in advance informing the property owner of the City's intention to clean the property up, get an estimate from the landscaping contractor used by the City, and then bill her for the cost.

Council member Sanders asked about the current status of the light situation at the church. The church has applied for a permit and the issue needs to come before the ARB. Council member Fisher asked about whether anyone has followed up on the shields now that Jim Sherman is absent. Until Jim Sherman's position is filled, Fred Sherman is filling in.

Council member Bachand asked if there is a way to determine how much of the tax revenue received by the City is attributable to commercial property and how much is attributable to residential property. Mayor Tietze will follow up with Mr. Haviland to determine what sort of break down he receives.

The meeting adjourned at 8:18 p.m.

Prepared by: _____
Heather S. Esau Zerger, City Attorney

Approved by: _____
Robert Tietze, Mayor