



**MINUTES OF MISSION WOODS CITY COUNCIL**  
**May 6, 2014**  
**7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, May 6, 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.

Visitors present: Heather S. Esau Zerger, City Attorney  
Charles Haviland, City Treasurer  
John Sullivan, Public Works Director  
Carol Thomas  
Lewis Edwards  
Mike Knierim  
Lynn Munding  
Joanne Cash

**I. Call to Order**

Mayor Tietze called the meeting to order at 7:01 p.m. At that time, only the Mayor and Council members Baenisch and Sanders were present and, therefore, a quorum was not present.

**II. Police Report, Minutes and Warrants**

Accordingly, Mayor Tietze first took up a review of the police report. During the Council's review of the police report, Council member Bachand arrived and a quorum was then present. No Council members had questions or comments about the police report.

Mayor Tietze then returned to the first two items on the agenda, which were the minutes of the April Council meeting and approval of the warrants. Council member Baenisch moved to approve the minutes and Council member Sanders seconded the motion, which carried unanimously. Council member Sanders moved to approve the warrants and Council member Baenisch seconded the motion, which carried unanimously.

### **III. Emerald Ash Borer Discussion**

Mayor Tietze introduced the next item on the agenda, a discussion of a disease affecting ash trees in the area. The emerald ash borer is an insect that infects the trees for which there is no cure. Some proponents recommend injections but that is an expensive process. Mr. Sullivan was invited to provide further information. Mayor Tietze suggested the Council move forward with a process to inventory of number of Ash trees on City property and in the City's right-of-way and grade them as to their condition. Mr. Sullivan does not have the time to conduct the inventory himself. Mayor Tietze suggested Zach Johnson be contacted. His company does the tree trimming for the City.

Council member Dunn arrived and joined the meeting.

Mr. Sullivan reported that the injections are done to healthy trees and cost about 100 per tree. The injection works better before there are signs of infection. The disease starts a slow die-back at the top of the tree and then, suddenly, it is gone. Mr. Sullivan shared a photo of the bug. It is about the size of Lincoln's head on a penny. It will make a C-shaped entry wound into the tree. It may take about 2-4 years before there is a serious decline in the tree. Photos were also shown to the residents in attendance. The bores spread from tree to tree also. The Council considered whether there should be a process to replace them now proactively or to replace them one-by-one as they die.

Council member Baenisch asked about whether the City should send an email notification about the insect in order to inform residents and suggest they not plant ash trees now. The arborist will provide addresses/locations of where the trees are located and will provide feedback on the condition of the tree. Mr. Sullivan suggests having an arborist inventory all trees, not just ash trees, in order to obtain information to diversify with tree planting. He also recommends that anything that is dead/dying or in poor condition be removed and replaced right away.

Council member Bachand moved to authorize the Mayor to obtain a bid to conduct an inventory of all trees in the public right of way of the City and grade at least the Ash trees, and if the bid is less than \$4,000, to proceed. Council member Dunn seconded the motion and it carried unanimously.

#### **IV. Storm Water Management Program**

Mayor Tietze notified the Council that he had recently been informed by the Kansas Department of Health and Environment that the City will need to implement a storm water management program. Mission Woods has been exempt from this program since 2003. The Mayor has asked the City Attorney to contact the City Attorney for Westwood to see if we can utilize their document and develop this plan for Mission Woods and then contract with Westwood to monitor it for us. Mr. Sullivan provided further detail on the program. Under the Clean Water Act, we are to obtain a national permit related to discharge of storm water. The goal is to eliminate pollutants going into streams, which are fed by run-off and storm sewers. There are 6 best practices that must be followed and ordinances have to be implemented to cover certain practices. There are also requirements related to development of property over 1 acre in size. There is local enforcement required related to erosion control measures. Mr. Sullivan provided examples of the types of requirements that will be necessary. There is a large public education and public awareness component also, which is done by MARC and Johnson County.

The program does not need to be in place until February 2015. Mr. Sullivan is filing with the State a letter of intent and requisite maps to indicate that Mission Woods is moving ahead with compliance. When the City's permit inspector permits building sites after implementation of the program, that's when the process gets into motion with construction sites. Developers will be required to submit a storm water management plan as part of the permit process.

#### **V. Google**

Mayor Tietze informed the Council about Google's arrival in the City. Mr. Sullivan has been involved in representing all three cities (Mission Woods, Westwood and Westwood Hills). The power people from Google were out today looking at poles. Some of the poles have been marked with big white X's, which signifies those poles are slated for replacement. The Mayor reminded the Council that this phase is just bringing fiber to the poles. Council member Bachand asked about whether Google will protect and care for our trees, given some of the reported problems in other areas of Kansas City. Mr. Sullivan reported extensive conversations about trees and tree trimmings and that an arborist needs to make the cuts, not the linemen. Mr. Sullivan didn't see much interference with trees in terms of pole removal. The first phase just involves Par Electric working for Google on KCPL poles.

Council member Dunn inquired about next phases. After the poles are replaced, a contractor will come in to run the backbone for the system. Individual service drops will come after that. Council member Bachand asked about whether anything has been done at the Elementary school. Mr. Sullivan reported that there are six "boxes" housing equipment that will be located in Westwood and not in Westwood Hills or Mission Woods. Most of Google's infrastructure is underground. There will be no equipment in Westwood View as may have been contemplated at

one time. They will be in utility right of ways. Pole installation will take about 3 weeks. The right-of-way permit process is underway.

## **VI. Hearing on Property at 5306 MW Road**

Since at least September of last year, the City has tried to address the condition of this property. Mayor Tietze provided the Council with copies of letters sent to the homeowner. Several attempts were made to send this letter to the homeowner. The property has continued to fall in disrepair. The mail is piling up outside. Notices have been placed that utilities have been disconnected. Under the City's ordinances, a hearing can be held and 30 days given to comply. Notice was also posted on the exterior of the home.

Council member Sanders asked about whether efforts to comply (albeit incomplete) had been recently made. Mayor Tietze reported that other residents of the City had recently raked and cut the grass; the homeowner has made no effort to comply. Mayor Tietze also reported that a neighbor recently called the police because of concern over piling up mail. Chief O'Halloran made a well check on the home and eventually called the cell phone number of the homeowner. She did answer the phone and reported that she still uses the home as her mailing address (even though she does not pick up the mail). She also reported to the Chief that she hopes to have the house on the market in a month or so.

Mr. Ludwig had given a bid to go in and clean up the property to make it presentable. However, on-going maintenance with mowing will be required.

Mayor Tietze cited the letter dated September 6, 201 of the then building codes enforcement officer, Jim Sherman, for the ordinance violations that are present on the property. They include: fading siding, handrails in disrepair, peeling paint on the trim of the dwelling, unmaintained yard, and vehicle parked in driveway that is not compliant with code. Mayor Tietze reported that none of these conditions have changed or been improved as of the present date. The homeowner is also delinquent on her real estate taxes. Despite being notified pursuant to the City's ordinances, the homeowner did not appear at the hearing.

Based on the evidence presented to the Council, Council member Dunn moved, and Council member Bachand seconded the motion to find the property at 5306 Mission Woods Road in violation of the code and proceed under the City's Ordinances. The Motion carried unanimously. The City Attorney agreed to prepare the necessary Order and to notify the homeowner.

## **VII. United Community Services of Johnson County**

Mayor Tietze reported that the annual request for a donation from United Community Services of Johnson County had been received. Mission Woods has not contributed since 2010, prior to

which the City had a good record of contributions. Council member Sanders suggested that the City respectfully decline to contribute this year and all members were in agreement.

### **VIII. Financial Update**

Chuck Haviland presented updated financial reports to the Council. The change is reflect on the 5<sup>th</sup> page back, and shows the transfer of \$85,000 from general fund to multi-purpose capital improvement fund. Mr. Haviland also brought to the Council's attention the fact that several CDs have come due this month. He outlined for the Council the plan to reinvest the CDs with different institutions offering higher interest rates in order to obtain the greatest rate of return. Council member Bachand noted that there is a state pool in which municipalities can participate. He indicated he would look into it further. Council member Sanders moved, and Council member Dunn seconded the reinvestment of the CDs as recommended by Mr. Haviland. The motion carried unanimously. Mayor Tietze thanked Mr. Haviland for his efforts and hard work to get the best rates for the City. While the City feels an alliance to Country Club Bank because it is a "resident" of the City, the City also needed to make a sound business decision about where it could obtain the best rate of return.

### **IX. Public and Council Member Comments**

Mayor Tietze opened the floor to comments from the public. Mike Knierim raised a question about the current status of the light at the church property. Mayor Tietze reported that certain City officials had a meeting scheduled with the church on Thursday, May 8 to discuss the issue. The Mayor noted that some adjustment had been done but had not made a difference for the homeowners.

Council member Baenisch asked whether any determination had been made about the party responsible for paying for the lights. John Sullivan verified that the City pays for the lights along the street and the church pays for the others. At one time, the church was a polling place for the City and the street lights were installed then. These street lights are not causing problems for the residents.

There were no other comments made by the public.

Mayor Tietze then opened the floor to comments from Council Members. Council member Bachand noticed dead tree on SMP and Mission Woods Terrace on southwest corner – about 50 feet to the west of the corner. Mayor Tietze believes the tree is not in the City's right of way but is on private property. Mayor Tietze agreed to check into it.

A question was raised about the status of renovations at 1968 Shawnee Mission Parkway. Mayor Teitze reported that the ARB approved the planned renovations to 1968 SMP.

Council member Baenisch asked about the temporary sign on church front lawn and whether it is compliant with the City's ordinances.

Council member Baenisch also asked about what permits were issued at the time the playground was "expanded." The residents in attendance believe the playground is now four times as big as it was before. Council member Bachand recalled our building and codes enforcement officer reporting that the playground had been reconstructed and reclaimed based on what was there in the past. While it may appear larger now, it is just back to the size of where it was before erosion had occurred. It was on this basis the playground was allowed to be reconstructed. The residents did report that the noise emanating from the church property has been much improved recently.

Meeting adjourned at 8:13 p.m.

6-3-2014

Heather E. Esau  
City Attorney