



**MINUTES OF MISSION WOODS CITY COUNCIL
MAY 7, 2013
7:00 p.m.**

The City Council of Mission Woods, Kansas met in regular session on Tuesday, May 7, 2013 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

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

Visitors present: City Attorney Heather S. Esau Zerger
Chuck Haviland
Elizabeth Crotty

I. Call to Order

Mayor Robert Tietze called to order at 7:03 p.m. the meeting the prior City Council to complete the old business before it. A quorum was present.

II. Approval of Meeting Minutes

First item on the agenda was approval of the minutes of the April Council meeting, which were provided to the Mayor and Council by Ms. Zerger in advance of the meeting. Upon motion by Council member Sanders and seconded by Council member Fisher, the April minutes were unanimously approved as submitted.

III. Acceptance of Results of April Election

The outgoing Council members took note of and accepted the results of the April election, at which Robert Tietze was elected as Mayor the following individuals were elected to the City Council: Cory Fisher, Bill Sanders, Bill Dun, Charles Bachand and John Baenisch.

Meeting of Council adjourned at 7:04.

I. Call to Order of Newly Elected Council

Mayor Robert Tietze called the meeting of the newly-elected City Council to order at 7:05 p.m. A quorum was present.

II. Swearing In and Election of President

The new Council members took their oath of office, administered by Elizabeth Crotty, Kansas notary, followed by the oath of the Mayor. Ms. Crotty then departed the meeting. Mayor Tietze nominated Council member Sanders for the position of President in keeping with the Council's history of electing to the position the Council member with the greatest seniority. Upon motion by Council member Dunn and second of Council member Fisher, the Council unanimously elected Council member Sanders to the position of President pursuant to Section 1-502 of the municipal code.

III. Approval of Warrants

The Council reviewed the material provided. Mayor Tietze indicated the payment for AT&T was for two months. Council member Dunn inquired about the LET Training Fund. This is for mandatory law enforcement training. Council member Bachand also inquired about the landscaping bill, which seemed slightly high again, for the second month in a row. Discussion ensued regarding information that the Council obtained several years ago from the company used for landscaping regarding the level of service he provides and the list of tasks he performs. Mr. Haviland will get further explanation for the invoice submitted by Michael's landscaping for work performed in March and April. The Council also discussed whether competitive bids need to be obtained for landscaping services and whether exploration of an increased scope of services with Westwood should occur. Council will start by reviewing the additional information Mr. Haviland will obtain from Michaels. Council member Bachand moved to approve the warrants and Council member Fisher seconded the motion. The Council voted and the motion was approved unanimously.

IV. Police Report

The Council turned its attention to a review of police reports. Council member Sanders inquired of new Council member Baenisch whether he or his neighbors have noticed the same, less or

more police presence in his neighborhood. Council member Baenisch indicated his neighbors have not really commented but that he has seen them with some regularity. Council member Fisher indicated he has seen them less than he used to see them, as they used to park in front of his house. Council member Sanders indicated he notices them less than he used to and wonders whether others have experienced the same. Fines appear to be down. Mayor Tietze will ask Chief Wells to come to the Council meeting next month to visit with the Council regarding the services being provided and to aid in answering questions regarding the same. Council member Baenisch inquired whether we are encouraging the ticketing of parking violators and the response was in the affirmative. Council member Baenisch has noticed lawn services in particular violating the parking ordinances. Discussion also occurred about the parking waiver process and whether a permit or fee for waiver is issued.

V. Request from United Community Services of Johnson County

Mayor Tietze reported that he had received a request for donation from this organization, which focuses on services to those in need in Johnson County. It provides health and human service programs. They are asking for \$550.00. We have made contributions every year except the last 2 years. In 2010, we gave \$565.00. Council member Fisher inquired about the basis for the amount of the request and whether it is based upon population. Mayor Tietze indicated that he did not know. The Council explored the idea of having a representative from the organization come and explain the purpose and mission of the organization and what the funding would be used for. Concern was expressed regarding the precedent this would set with this organization and other organizations with respect to annual contributions. Upon further consideration, however, the Council determined that it would prefer to decline the invitation to donate to this organization at this time. Council member Sanders moved to decline the invitation to send a contribution and Council member Baenisch seconded the motion. The Council voted and the motion was approved unanimously.

VI. Email from John Watkins, Secretary of St. Rose Phillipine Church

Mayor Tietze indicated that this agenda item came to his attention when Council member Baenisch reported to him that some neighbors had expressed concern about the recent ringing of the church bells. Mayor Tietze reached out to representative of the church to inquire about the schedule for the ringing of the bells. In response, Mayor Tietze received an email from John Watkins, the secretary of the church, which email was distributed to the Council. Mr. Watkins relayed the anticipated schedule for the ringing of the church bell. After considering the schedule in conjunction with the City's existing noise ordinance (which currently prohibits any ringing of bells), Mayor Tietze proposed an amendment to the noise ordinance to permit the limited ringing per the church's schedule. The City likely does not have the ability to entirely preclude the church from ringing its bells. To that end, the Council reviewed the proposed amendment to the noise ordinance. Council member Sanders indicated that he is quite sympathetic to the older members of the community who would hear and possibly be disturbed

by the late-night bells. The Council discussed at length the duration of the ringing, particularly related to the late-night services and whether such duration was accurate and reasonable. Council member Baenisch reports that some neighbors will be unhappy if church is allowed to ring the bells at all. The Council also discussed whether the level of noise emitted by the bells could be measured using a decibel meter, in order to better gauge the impact. The Council determined it required additional information before taking any action with respect to amending the existing noise ordinance. Specifically, the Council requested that Mayor Tietze invite Mr. Watkins to the next Council meeting so that some of its questions regarding the duration of the ringing, possible adjustments to the volume and other issues could be explored. The proposed amendment to the noise ordinance is tabled until such time as the Council obtains the additional information needed. Council member Baenisch also asked that the City Attorney briefly investigate whether other Johnson County cities have outright restrictions on the ringing of church bells and, if not, what limitations may exist on volume or use.

VII. Open Carry Laws

Mayor Tietze distributed to the Council information forwarded to him from the City Attorney regarding what other cities in Johnson County are doing with respect to open carry laws. This information was compiled for a group of local and county government attorneys that meets regularly to share information regarding legal issues facing local governments. Of note is the fact that the lawsuits brought by the Libertarian organization challenging the open carry laws in Leawood and Prairie Village were dismissed in April. The Council reviewed the information provided and discussed some of the ways in which other communities are addressing open carry issues. The Council will plan to ask Chief Wells when he comes before us next month about his perception of the City's need to take action with respect to its existing open carry ordinances.

VIII. Signage Ordinance Memo

Mayor Tietze provided the memo prepared by Zerger & Mauer reviewing the City's signage ordinances compared to neighboring cities. The preparation of the memo was prompted by the recent increase in construction work going on in the neighborhood. The investigation revealed that Mission Woods is generally in line with other cities with respect to signage ordinances, with the exception of temporary construction signs. Council member Sanders inquired about the need for this and also raised the issue of construction that seems to be unending on some projects. Council member Baenisch inquired about the duration of the permit when the permits are issued and whether this would solve the problem. After significant discussion on whether the City ought to permit temporary construction signs or restrict them, the Council asked the City Attorney to prepare a proposed ordinance allowing temporary construction signs for the Council's consideration.

IX. Capital Improvement Update

The Mayor, Fred Sherman, Charles Haviland and Council member Bachand met recently to review Terry Yule's Capital Improvement plan. It was determined that the costs contained in that plan are out of date. Mayor Tietze proposed that the Council consider getting bids to hire an engineering firm to assist us with preparing a new Capital Improvement Plan and, importantly, to provide *recommendations* to the Council on the priority of projects. Council member Bachand would like an engineer to walk the City and give us an assessment of the entire City infrastructure. We need to be sure our residents are aware that we are working on this also. Mayor requested Council to approve getting bids. Council member Sanders moved that the Mayor obtain bids from engineering firms by the next Council meeting and Council member Bachand seconded the motion, which carried unanimously.

X. Council/Mayor Comments

Deffenbaugh will be doing its major trash pick-up on June 8. Council member Fisher will put the flier on the website in order to notify residents. Council member Fisher will also put out an informational email to Council members regarding the number of hits to the City's website. Council member Fisher has heard about an incident where someone purchased homes and began performing work before permits were pulled. The necessary inspections could not be done because no permits were pulled. The Council briefly discussed the situation and inquired whether any fines would be assessed related to the contractor's failure to obtain permits. Mayor Tietze is not sure whether a fine has been issued or will be issued. A discussion occurred regarding when permits are required. Permits are to be posted so they are visible. The Mayor will verify or encourage Jim to drive around and check for work being performed in the City and whether the required permits are visible.

Meeting adjourned at 8:20 p.m.

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

Approved by: _____
Robert Tietze, Mayor