

**City of Westwood Hills
City Council Meeting Minutes
January 12, 2015
Meeting #782**

A regular session of the city council was called to order in due form by Mayor Paula Schwach at 7:09 p.m.

Present: Mayor Schwach, Christian Nafziger, Rosemary Podrebarac, Gailen Stockwell, Ludwig Villasi, John Weedman and Beth O'Bryan. City Attorney Jim Orr was also present.

Citizens in attendance were Karen Shelor.

Mayor asked Council to strike the Mayor's report from the consent agenda and add the Treasurer's report to the consent agenda.

Motion by Nafziger to approve the agenda as modified. Second by Podrebarac. All aye. Motion approved.

Motion by Stockwell to adopt the revised Consent Agenda. Second by Nafziger. All aye. Motion approved.

Issues from Citizens in attendance:

Shelor asked if streets will be paved in the near future. Schwach reports that there are no immediate plans to do so. Shelor asks Council to consider reducing the size of the intersection at 50th St. and State Line and to remove and relocated the stop sign from the light pole when the streets are paved. Shelor proposed the Foundation will help with the costs and would like to mirror both sides of 50th Street at State Line with stone and brick work. The Foundation thinks it would look nice, and Shelor advises Prairie Village is moving towards this look. She suggests a bump out which would extend the curbing into the present traffic lane on 50th St. (and State Line) on the south side. The bump out would create framing for the City and safety for the pedestrians. The reconfiguration would result in the loss of about one or two parking spaces in front of the commercial businesses.

Shelor asked about Landscape contracts. Mayor Schwach advised Shelor that the contracts are not scheduled to be on the agenda this month. Shelor met with Rosehill to get bids to clean up the islands. They Foundation will pay for the work.

Old Business:

Survey of Alley between 1900 and 1908 W. 48th Terrace:

The City had a survey conducted on the alley between the above properties. The survey shows an encroachment of 3' at the maximum and 1.8' at the minimum by the wall on the property at 1908 W. 48th Terrace. The City sent a letter to the property owner. Due to the weather, the City extended the deadline to fix the violation to mid-March. Nafziger asks if there is a fence on the property. Schwach reports there is a partial fence. Schwach also reported that there was overgrowth at one point. Owner cleaned up the growth and put in pavers, which, in turn, caused the encroachment.

Mayor's report:

In late December, Mayor Schwach met with Westwood's Insurance broker, Chief O'Halloran, our insurance broker (Sam Stallard) and City Attorneys Orr and Denk regarding insurance liability coverage and the public safety contracts. Schwach thought that all parties agreed on changes to the indemnification language at the meeting. That is not the case. Orr thought we had closure, or were very close, but Westwood's City Attorney Denk rejected our draft. We are currently on draft 4. We contract with Westwood, who controls the police department, hires, employs and directs the officers. Schwach thinks Westwood should indemnify us for police actions unless Westwood Hills does something egregious. Orr is concerned about imputed liability. It is unlikely Westwood Hills would do anything that would cause liability. One example that might cause liability would be requiring an officer to enforce an unconstitutional ordinance or a local rule. Schwach hoped at this January Westwood Hills Council meeting that the City would adopt all the contracts with Westwood. Without agreement on the indemnification clause, we cannot sign the service contracts. Schwach asks Orr to prioritize these contracts with Westwood. Schwach asked the Council to hold police and public works contracts until the indemnification wording is resolved.

Heritage Trust Fund:

The city returned the signed agreements to Johnson County. No time table for the work has been set. Mission Hills will send O'Bryan a sample statement of work related to slate.

Weedman asked when the money will be dispersed to the city and how long do we have to spend it. Schwach advised that she preferred the City pay the invoices and then ask the County for reimbursement. This process will keep the City from setting up new accounting. The goal is to: let bids in late February, allow 30-45 days for bid reviews, do face to face interview with contractors, and award one or more contracts in early April with work commencing no later than May 1, 2015. We want the work to be completed by August, with the final report to be made in September.

Podrebarac asks if we should approach bidders with a scope of work divided into separate segments for bidding so we know where we need to cut back. Schwach suggested instead that work be bid by line item and with options. Schwach wants to start work with 1920 rock walls, and move to the entry ways, prioritizing the worst conditions first: stone work first, then a certain number of entryways, then the rest, then the slate.

New Business:

Codes Enforcement Contract:

Council received a copy of the agreement with Ron Shaffer. It is similar to the old agreement, which Podrebarac revised. This is not an exclusive agreement. Podrebarac said rates and terms are the same as in the past. The rate of pay is \$75.00 an hour. According to the agreement, the contractor cannot get other consultants to work without our approval or charge more than a 10% mark-up for a third party. There are no fringe benefits, and Shaffer will provide \$1 million insurance coverage. Nafziger asks if Shaffer wants to continue as codes inspector as he has taken on new duties as Commissioner. Schwach reported that Shaffer expressed a strong desire to continue. **Podrebarac moves to approve the Codes Enforcement contract with Ron Shaffer. Nafziger seconds. All in favor. Contract adopted.**

Building Officials Contract:

The City pays \$35 an hour to the City of Westwood to use their building official. This agreement presents the same indemnification issues as we have with the police and public safety contract. Schwach suggests we hold the contract until the language is cleaned up.

Fairway and Westwood are working to adopt 2012 versions of the International Building Code and other international codes. Westwood Hills needs to adopt the updated versions of these codes as well. Fairway, Roeland Park, and Lenexa Mayors have offered to help us with this task. Schwach asks Podrebarac to please draft a letter to the Mayors on her behalf. Schwach asked Podrebarac if she can meet with Bill Sandy, Fairway's building official.

Duncan Samuel:

The City Council would like to recognize Duncan's contributions to the City by planting a tree with a plaque in his memory on Arbor Day. Villasi suggests a Paw Paw tree. The City currently has one, and pollination would better occur if there were two of these trees. Villasi will include this as a budget line item in the Brian Ritter contract (rather than encumber the money separately now). He feels \$175.00 will be enough to cover the costs. Ludwig will discuss the contract with Ritter this weekend. The City will put out the three markers for Mayor Allen Roth, Nancy Ditch, Janice Sheldon and a fourth for Duncan – to be done by the

City's Arbor Day Celebration – Saturday April 4th, 2015. The City will send something formal to notify the Samuel family of the planting.

GAAP Waiver:

Nafziger comments on the history of GAAP, a set of accounting principles. The City may waive the requirement of following GAAP accounting each year. The Resolution states that the City agrees to waive the requirement of GAAP accounting for 2015. **Nafziger moves to adopt the resolution 2015-1, waiving GAAP for 2015. Villasi seconds. All in favor. Motion carries.**

Mayor for a Day:

O'Bryan reports that Mayor would like to hold an essay contest, "Mayor for a Day" for the 6th graders at Westwood View. Mayors asks for help reading the essays. Weedman and Stockwell volunteered. O'Bryan reported that she and Mayor Schwach discussed a reward of a \$25 gift certificate to iTunes or Russell Stover or something similar and the opportunity to attend a Mayor's lunch. Schwach asks council what they feel is an appropriate award for writing the essay. Nafziger suggests a police escort to and from school. Nafziger also thinks a \$25 gift certificate would be fine. Schwach asks if council is in favor of this activity. Nafziger thinks it is a good idea. Weedman will look for feedback from his 6th grader.

ICS-402 class:

Schwach reports there will be a class on March 10, 2015, from 6-8 pm in the Johnson County Administration building. Schwach asks if anyone can attend from this body. Nafziger, Schwach and Weedman will attend. O'Bryan will turn in names to Chief O'Halloran and ask him to RSVP on our behalf. O'Bryan will send a reminder at the beginning of March.

Items from the Floor:

Schwach reminded the council that there is an action item to re-do the City's sign ordinance. We have not yet completed this project because the law is somewhat vague. The U.S. Supreme Court currently has a signage case before it. Schwach asks we hold off on the sign ordinance issue until the Court rules, likely later this spring or summer.

Schwach attended Ed Peterson's going away party. He said the best part of his service has been the relationships he formed during his years as County Commissioner from the First District.

O'Bryan reminded Council that the deadline to file for re-election is noon on January 27, 2015.

Motion to adjourn by Stockwell. Meeting adjourned at 8:09 pm.