

**City of Westwood Hills  
City Council Meeting Minutes  
February 9, 2015  
Meeting #783**

A regular session of the city council was called to order in due form by Mayor Paula Schwach at 7:10 p.m.

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

Chief Greg O'Halloran was present.  
Citizens Karen Shelor and Kevin Cauley were in attendance. Dale Prout joined at 7:20 pm. Becky Mickelberg joined at 7:30 pm.

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

**Issues from Citizens in attendance: None**

**Chief O'Halloran:**

Chief reports that, in connection with the robbery at Walmart in January, a person of interest was identified within two days and is in custody. He also informed the Council that the Westwood Police Department has a new Ford Explorer Police vehicle.

The police will be issuing warning tickets and tickets as appropriate for illegal parking in Westwood Hills.

**Old Business:**

**Alley encroachment at 1908 W. 48<sup>th</sup> Terrace**

Mayor met with Mr. Cauley to discuss his property's encroachment into the alley. He agreed to move his privacy fence back onto his own property to prevent it from encroaching on the alley. The low landscape retaining wall that encroaches about 3 feet into alley was discussed. Mr. Cauley proposes the City remove wall and vegetation. Mr. Cauley thought it could cost \$16,000.00 to do this work, which is a burden to him and/or a new owner. Mr. Cauley's brother, in attendance, said Jack believes that if he removes the wall, there will be issues of soil washing away. Mayor Schwach said she saw the wall being built sometime in the last 15 years, but prior to the Cauley's owning it. Schwach received bids from city landscaper Brian Ritter. Ritter's cost estimate is between \$4,000.00 and \$7,000.00 to do the work Mr. Cauley is requesting the City to do. Cauley also indicated that alley is not wide enough at 12' for emergency services to use. Fire Marshall, Todd Kerkoff, with Consolidated Fire District No. 2 confirmed that

to be true. Chief O'Halloran confirmed that police would not use the alley for emergency services. The Council discussed several options for addressing the alley encroachment issue. Podrebarac would like to table this matter until we investigate further. City will give Mr. Cauley an additional thirty days' notice before action is taken. Kevin Cauley said that all his brother wants is what is fair for both parties. Council agrees to table the matter until there is more information, and we will give Cauley additional 30 days' notice before action is taken.

### **Police, Public Works & Building Official Contracts**

Police and Public Safety Service Agreement – Schwach asks for a motion to approve the Police and Public Safety Service Agreement. **Nafziger moves, and Villasi seconds the motion, to adopt the Police and Public Safety agreement. All aye. Schwach executes agreement.**

**Building Official Contact – Podrebarac moves to adopt the Building Official contract. Nafziger seconds. All aye. Contract is adopted.**

**The Public Works contract** with the indemnification language used in the Police contract has not yet been received from Ryan Denk, Westwood Attorney.

### **Landscape agreement**

Villasi reports that the task of mowing and weed killer application of the Rainbow strip has been removed from the contract with Brian Ritter, and so homeowners will be responsible for maintenance. Villasi asks, "What is the enforcement process for no compliance from homeowners, and what will enforcement cost"? He is also concerned about the aesthetics of uneven grass if residents don't cut the grass along the strip on the same day. Schwach notes that the City received an email from resident Patti Coffman with similar concerns. Brian Ritter's charge is \$500 to mow and apply weed killer along the Rainbow strip. City Attorney Orr does not think there is a practical way to enforce owners mowing the strip (and all at the same time). **Villasi moves to adopt the Landscape Agreement as proposed, with the addition of \$400 for the Rainbow Strip mowing and \$100 for weed killer in exhibit A. Podrebarac seconds. All in favor. Contract is adopted as amended.**

**Foundation contract** – Shelor reports that Foundation would love to contract with the City again. Shelor also mentioned that volunteer labor has been used to do a lot of clean up. The Foundation also hired Carole Brown to assist as well. Shelor received bids from Rose Hill for re-planting of the islands. This work is outside the currently proposed contract and was not discussed. Karen provided concept plans for the islands to council. She will share the bids with Villasi for the new concept plans prior to next council meeting. Shelor would like to start maintenance under the new contract in late May. . Mayor Schwach reminded

Ms. Shelor of the stone work to be done in the late spring and suggested plantings not occur until that work was done.

**Villasi moves to adopt the contract for the planting and maintenance of the entryways and islands with the Westwood Hills Foundation, using subcontractor Brian Ritter, in the amount of \$6800.00. Nafziger seconds. All in favor. Motion carries.**

Karen Shelor brought up neighbor's frustration with the Daskalov property. Neighbors are concerned with rodents going in and out of house and roof line.

Dale Prout indicated that the Patterson property bordering the creek was the source of substantial rock obstructing the flow of the creek and causing erosion.

### **City website timeline**

O'Bryan reported that she will meet with web designer John Heeney on February 16, 2015, to look at draft pages. The new website should roll out in May. Podrebarac and Schwach volunteered to look at the website drafts.

### **Building Official Permit Fees**

Podrebarac asks Council to adopt a new permit schedule fees. Podrebarac proposes if the work is minor, then the charge is \$35. If the work is not minor, the permit fee will be based on project valuation in accordance with the chart presented. Council wants to delete the third paragraph, "For work not considered "minor work," an additional fee of \$35 per hour for plan review and an additional fee of \$35 per hour for each site inspection if more than a total of three such inspections are required."

The proposal for commercial fees is a \$150 is minimum fee for projects valued at or under \$10,500. Fees for projects valued over \$10,500 will be determined in accordance with the chart. Podrebarac requested we delete the \$35 per hour plan fee and additional fee for extra site inspections. **Podrebarac moves that we adopt the building permit fee schedule as presented and modified. Nafziger seconds. All in favor. Motion is adopted. (See attached Building Code Fee chart as adopted.)**

### **New Business:**

#### **Planning Commission by-laws**

Schwach indicated that state statutes require Planning Commissions to have by-laws. Westwood Hills cannot locate the Planning Commission's by-laws. O'Bryan reached out to sister cities for sample by-laws. Fairway provided its by-laws, which Schwach forwarded to Lyle Miller, Planning Commission Chair, suggesting

he ask Mike Whitsitt to work on the by-laws and discuss these at the next Planning Commission meeting.

### **Consulting agreement for Engineering Services**

Schwach met with Mac Andrew, former Public Works Director for Johnson County. Andrew's background deals with sewer system, curbs, streets and sidewalks. Schwach asks if Weedman can look at the Capital Improvement Plan and update the grid to indicate the recent sidewalk improvements and costs to the City. Schwach also asked Weedman to look at the verbiage to see if anything needs to be revised or updated. Schwach proposes we enter into an agreement with Andrew to look at current street conditions and make recommendations as to an approach to repairing the streets. Mayor Schwach indicated that she would also ask Kent Lage, current Public Works Director for Johnson County, and John Sullivan of Westwood to look at Mr. Andrew's recommendations. **Nafziger moves to adopt the consulting agreement with Mac Andrew and to encumber up to \$1,000.00 at this time to pay for such services. Weedman seconds. All in favor. Motion carries.**

### **Shredding event with Fairway**

O'Bryan reports that Fairway has asked Westwood Hills to join other nearby cities to participate in a shredding and recycling event to take place on April 25, 2015. Westwood Hills' share will be \$139.29 at the most. **Podrebarac moves that the City participate in the shredding event with Fairway and encumber \$150.00 to pay our fair share of costs. Nafziger seconds. All in favor. Motion carries.**

### **Capital Improvement plan**

The Capital Improvement Plans provides that all street and sidewalk funds not expended for snow removal and sidewalk repairs at the end of budget year will carry over to streets. Nafziger will look at the Budget and see if there are funds not spent that need to be moved over. Schwach will call Mac Andrew for a walkthrough of the City. Weedman would like to be present for the City walkthrough.

### **Creek pest control**

Podrebarac thinks we should inform homeowners and educate them on bait. The City cannot bait the creek as it is a threat to other live animals and also affects water quality.

### **Items from the Floor:**

Villasi reports that now is the time to remove vines from the City's stone walls – as we are getting ready for bidding stonework. Villasi suggests we use Carole Brown to complete this work. **Ludwig moves to encumber \$168 for vine**

**removal. Podrebarac seconds that we enter into an agreement with Carole Brown to remove vines and clean up the City stonework. All in favor. Motion carries.** Because this is a cost directly related to the Heritage Trust Fund grant, we may need a formal contract with Carole.

Villasi asks council how to proceed with the sign for the bridge and stone work. Schwach suggest we ask Karen Shelor for the amount the Foundation will contribute. Schwach suggests we re-visit this in March when we have the figures for amounts contributed. The City will order two signs: One for Rainbow Boulevard at 49<sup>th</sup> Terrace or 50<sup>th</sup> Street and one for by the bridges.

Villasi reports that we intend to have the four memorial signs for the trees on The Green by April.

Citizen Dale Prout reports that rocks have been collapsing into the creek behind his home and believes his garage is in danger. He stated that Margot Patterson has not taken care of the fallen rocks behind her home. Schwach asks if a codes inspector could see this problem from Freeman's property. Prout confirms that you can.

Nafziger reports that the pet waste dispenser has arrived. He also notified council that his spouse has taken a job in Chicago, and they may moving to Chicago as early as April.

**Executive Session:**

**At 9:05 pm, Podrebarac moves that Council go into executive session for ten minutes to discuss Personnel matters. Villasi seconds. All in favor. Motion carries.**

**Executive Session adjourned and regular session resumed at 9:15 pm on motion of Podrebarac and second by Weedman. All in favor. Motion carries.**

**Motion by Nafziger to encumber \$500 as a 2014 bonus for City Clerk Beth O'Bryan. Second by Poderebarac. Motion unanimously adopted. Motion to adjourn by Nafziger. Meeting adjourned at 9:18 pm.**