

**City of Westwood Hills
City Council Meeting Minutes
March 9, 2015
Meeting #784**

A regular session of the city council was called to order in due form by Mayor Paula Schwach at 7:05 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.

Citizen Dale Prout was in attendance.

Motion by Stockwell to approve the agenda. Second by Villasi. All aye. Motion approved.

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

Items from Citizens in attendance: None

Old Business:

Public Works Contracts

Mayor Schwach provided council with a copy of the Public Works agreement. The changes include the indemnification and insurance requirements and timing of payments. The agreement also recognizes that primary responsibility is from Westwood to Westwood Hills. Schwach requests council to authorize her to enter into agreement in substantially this form. **Podrebarac moves, and Nafziger seconds. All in favor. Motion carries.**

Rental Property Status

O'Bryan reported that Westwood Hills currently has six rental properties. 4807 Rainbow Blvd., 4910 State Line Rd., 1900 West 48th Terrace, 2020 West 48th Terrace, 2112 West 50th Street and 2200 W. 50th Terrace. 1900 W. 48th St. is currently in the inspection process. The remainder of the properties have not been inspected in 2014 or 2015. The goal for 2015 is to have all properties inspected in 2015.

Website update:

O'Bryan report that John Heeney has been working on developing the website. There is still much work to be done, and they are still working on the color scheme and style. She asked council for feedback on the link she provided to all council members. Nafziger and Podrebarac will provide comments within a week.

Google Fiber update

O'Bryan met with Google Fiber last week. Build-out is nearly complete. O'Bryan met the drop team (the team that drops the main line into each home). No more boring will be necessary, and all work left to be done will be on private property. The Google team

is working on providing literature explaining the drop process for the City to send out to residents. The hope is to have service in Westwood Hills by the end of May. Rates will increase slightly over what Google initially stated. O'Bryan reports that she will (hopefully) know more on March 16.

New Business:

Planning Commission by-laws

Schwach reported that by statute it is up to the commission to approve its own by-laws. Mayor has given comments to the commission. Schwach will send a copy to Podrebarac for editing. We are hopeful they will be ready to adopt the bylaws by the next Planning Commission meeting.

Google Fiber 5% Video Service Fee

State law allows us to give notice to them to request the statutory allowable 5% video services fee. **Nafziger moves to require Google to pay 5% of their video sales to the City as a service fee. Stockwell seconds the motion.** Schwach reports that this is similar to the agreement we have with Time Warner Cable. Weedman asks if this amount is tacked onto the bill. Schwach doesn't know, but assumes it will show up as a monthly line item. **All in favor. Motion carries.**

Christian Nafziger

Mayor Schwach interrupts the meeting to give Councilman Christian Nafziger a proclamation honoring him for his service to the City.

AT&T Gigabyte Service

O'Bryan attended a meeting last week with AT&T representatives. AT&T will offer 1GB speed service to Westwood Hills in the near future – possibly as early as May. Most of the build out for Westwood Hills is aerial. The new fiber will be over lashed on existing fiber that exists on poles throughout the city. Most residents will not notice the AT&T workers being there. The only cabinet will be placed in Mission Woods (corner of 51st and Rainbow). There will be some vaults (flush to ground) in the Rights of Way. O'Bryan does not have those locations. AT&T will notify residents (via door hanger – like the ones we already received) prior to any landscape work being done. AT&T will restore all landscape as they found it. Charge for service will be similar to Google Fiber; however, AT&T will not offer the free service to any public building.

Lighting Concepts Maintenance Agreement

O'Bryan asked the council to encumber \$1,050.00 for the fountain maintenance contract. This is \$175.00 per month – for 6 months of service – May-October. The price does not include turning on and closing the fountain and irrigation systems. Schwach mentions that we may delay turning on the fountain due to the stone work being done on the fountain. Weedman thinks we should ask whether, for no additional charge, Lighting Concepts could turn on the fountain, shut it off for repair and turn it back on when work is complete. **Nafziger moves to encumber \$1,050 for the Lighting Concepts maintenance agreement for the fountain. Weedman seconds. All aye. Motion carries.**

Personal Services Contract

Schwach reports that the City has needs for additional codes enforcement services. Joanna Haile, a licensed architect, has agreed to perform codes enforcement work for \$50.00 an hour. Her contract, and current contractor's contracts are non-exclusive, so that both contractors may be used. Nafziger asks if she currently contracts with other cities. Schwach reports that she does not currently contract with other cities. Contract is the same as with Mr. Shaffer, but cost is \$25 less per hour, and does not allow her to subcontract any services to a third party. **Weedman moves approval of the contract for code enforcement with Joanna Haile at a rate of \$50 per hour. Nafziger seconds. All in favor. Motion carries.**

Johnson County 2015 Revaluation

Mayor Schwach and Clerk O'Bryan met with Mr. Paul Welcome with the Johnson County Appraiser's Office (JoCo). The Commercial and Industrial Market Values in Westwood Hills declined 2.03% from October 2014 to February 2015. According to the JoCo's appraiser's office, this number is a reflection of all the class B commercial strips in Northeast Johnson County, not just the Westwood Hills' businesses.

The report also shows the City with a vacant lot. The vacant lot is located on 48th Terrace. This is a small sliver contributory lot owned by the neighbor to the east at 2102 W 48th Terrace (Laura Fuica). The vacant lot appears to be the "driveway" parcel for 2102 West 48th Terrace and is located on the north side of 48th Terrace, about midway between Rainbow and State Line Road.

Twitter account – O'Bryan

O'Bryan reported that she attended a MARC conference on social media. MARC feels that it is important to have a Twitter account. O'Bryan set up an account - @westwoodhillsks

Notary – E&O Insurance

O'Bryan asked the Council to encumber \$48.75 for three years of Errors and Omissions insurance, in the amount of \$10,000 per year, in connection with her Notary Public commission. **Nafziger moves, and Podrebarac seconds. All in favor. Motion carries.**

Items from the floor –

Schwach executes the contract for Carole Brown Landscaping.

Schwach reports that it is time to start getting bids for the stonework and bridges. Weedman will look over Indication of Interest letters to be sent to potential contractors and send comments to O'Bryan. Villasi will send O'Bryan another contractor's name.

Podrebarac moves that we adjourn to the tree board meeting at 7:49 pm. Nafziger seconds. All in favor. Council begins tree board meeting.

Tree Board Meeting:

Call to Order at 7:49pm

Stockwell moves and Nafziger seconds to adopt the tree board agenda.

Roll Call

Present: Mayor Schwach, Christian Nafziger, Rosemary Podrebarac, Gailen Stockwell, Ludwig Villasi, John Weedman and Beth O'Bryan.
Citizen Dale Prout was in attendance.

Report on Arbor Day – As part of the City's Arbor Day Observance, Villasi said Landscape Contractor Brian Ritter will plant a pawpaw tree, and it will be in place by Arbor Day. The tree will be planted in the area near the creek on the south side of The Green by the outbuilding behind the commercial shops. The memorial tags will be ordered and in place or will be presented at the ceremony. Mayor Schwach asks that we place Duncan Samuel's memorial tag on the tree during the Arbor Day ceremony. Council previously encumbered the money for the tree and approved the tree planting for Arbor Day.

Villasi had a resident ask him if a vegetable garden can be placed in their front yards. Nothing in the ordinances specifically mentions vegetable gardens. The sentiment of the council is that the ordinances talk about community standards and that most of the community may not want to see vegetable gardens in neighbors' front yards. What one neighbor thinks is beautiful another may not. The ordinances do have height standards for growth in yards. Citizen Prout mentioned that very few homes have enough sun to support a garden in their front yard.

Arbor Day Proclamation – In connection with the City's Arbor Day Observance to be held on April 4, 2015, **Councilwoman Podrebarac moved to recommend to the Council to adopt the Arbor Day Proclamation, to be read at the observance on April 4, 2015. Second by Stockwell. All aye. Motion approved.** Schwach signs the Proclamation.

Tree Planting Reimbursement Program – **Motion by Podrebarac** to recommend to the Council that the City continue the tree planting reimbursement program under which the City will reimburse a homeowner for one half the cost (up to \$100) for the planting of any tree, on the approved tree list, within the City's right-of-way. **Second by Nafziger. All aye. Motion approved.**

New Tree Ordinances –
None

Motion to Adjourn the Tree Board Meeting – **Weedman moved that the Tree Board meeting be adjourned and that the Council resume its regular March meeting. Second by Villasi . All aye. Motion approved.** Tree board meeting adjourned at 8:07 p.m.

Action on Tree Board Recommendations

Motion by **Podrebarac and second by Stockwell** to continue the City's tree planting reimbursement program under which the City will reimburse a homeowner for one half the cost (up to \$100) for the planting of any approved tree within the City's right-of-way. All in favor. **Motion passes.**

Weedman motions and Villasi seconds to adopt of the Arbor Day Proclamation. **All in favor. Motion passes.**

Items from the Floor:

Weedman will follow up with contractor Harvey Kascht to complete sidewalk work.

Schwach reports that our contact, Kim Gant, is no longer with the State Historic Preservation office. We do not have a new contact at this time. Podrebarac will let Eddie McNeil know not to send her any further emails.

Schwach reports that Nafziger sent us the draft Debris Management Plan. She passed it on to FEMA, who agreed to look at it and make comments.

Motion to adjourn by Nafziger. Meeting adjourned at 8:12pm.