

**City of Westwood Hills  
City Council Meeting Minutes  
September 14, 2015  
Meeting #790**

A regular session of the city council was called to order in due form by Mayor Paula Schwach at 7:02 p.m.

Present: Mayor Schwach, Randy Brown, Rosemary Podrebarac, Karen Shelor, Ludwig Villasi, John Weedman and Beth O'Bryan. City Attorney Jim Orr was also present.

Citizens Jon Braatz, David Holmes, Joletta Wooline, Martha Lally, Dale Prout, and Pauline Freeman were in attendance.

**Mayor Schwach requests that we move the KGS Franchise renewal matter from Old Business to immediately after Citizens in Attendance.**

**Mayor also requests we add Item 9d, Treasurer's report, to the Consent Agenda.**

**Motion by Brown, second by Shelor to accept changes to the Agenda.**

**Podrebarac moves, and Brown seconds, to approve the Agenda as modified. All aye. Motion approved.**

**Motion by Shelor, and second by Brown, to move item 9b (Building and Ordinances Report) to Old Business.**

**Brown moves to adopt the amended Consent Agenda. Second by Weedman. All aye. Motion approved.**

**Issues from Citizens in attendance:**

Pauline Freeman is concerned with the creek erosion due to the recent storms. She believes that erosion has occurred at Margot Patterson's property, and possibly, Shawna Samuel and the Stallards' properties, and Freeman asks that the City enforce the codes with respect to the creek.

**City Business:**

Kansas Gas Service (KGS) Franchise agreement renewal – City Attorney Orr advised the present franchise agreement expires October 1, 2015. The franchise agreement is the document which specifies that the City charges KGS a fee for the use of our right-of-way, which fee has been based on 5% of gross revenues. The 5% fee is not charged on sales tax. As a result of an audit in another state, KGS requires more time to research the correct definition of gross revenues upon which the franchise fee will be based. KGS will pay publication fees to

publish the ordinance extending the effective date of our current Franchise Agreement with KGS.

Judy Jenkins with KGS spoke about the company's concerns.

**KGS Franchise Ordinance Extension – Brown moves that we extend the current Franchise Agreement with KGS until January 1, 2016, and approve Ordinance No. 250 authorizing this extension. Podrebarac seconds. All aye. Motion passes.**

### **New Business:**

United Community Services (UCS) request for Contribution to Human Services Fund – O'Bryan reported that the UCS has asked for a donation of \$250.00 for 2016. The City has donated \$200.00 in the past. **Podrebarac moves that we contribute \$200.00 to UCS. Brown seconds. All in favor. Motion passes.**

Leadership Northeast Johnson County – Schwach notified the Council that she supports the program and that the City has sent a resident to this program in most past years. The Leadership Northeast program provides a broad overview of what the various levels of local government do. Schwach requests that City Clerk O'Bryan participate and that the City pay the fee of \$800.00. **Shelor moves that O'Bryan attend Leadership Northeast Johnson County and that the City pay the cost of \$800.00 for her to attend. Brown seconds. All aye. Motion carries.**

1901 West 49<sup>th</sup> St. reimbursement – Schwach met with the owner of the property at 1901 West 49<sup>th</sup> Street (John Conner). The issue at hand is that the City failed to ask permission to use his water for watering the plants located in the entryways. Both Gunter Construction and The Foundation also used the water without permission as well. In order to avoid this problem in the future, the City will send out letters each spring to each property owner near an entryway, asking permission for the City only to use the water. The homeowner at 1901 West 49<sup>th</sup> Street requests \$100.00. The cost of the 2014 water usage by the City was \$7.53, and the cost of the 2015 water usage by the City is \$1.04, which totals \$8.55. Schwach thinks \$50.00 is a fair reimbursement for the cost of the water used by the City and for the inconvenience caused to the property owner. **Podrebarac moves that we reimburse Mr. Conner at 1901 West 49<sup>th</sup> Street \$50.00. Brown seconds. All aye. Motion carries.**

October Council Meeting – O'Bryan reported that the next Council meeting, October 12, 2015, falls on Columbus Day, and asked if all will be able to attend or if the meeting should be moved. Council members are in favor of keeping the meeting on October 12<sup>th</sup>.

## **Old Business:**

Tree damage at 2206 W. 48<sup>th</sup> Terrace – Schwach reports that the tree is leaning precariously toward the west and should be removed as soon as possible. City Attorney Orr did not have success with asking KCP&L to pay for the removal. The cost to remove the remainder of the tree is \$1,900.00, and the tree will be removed on September 16, 2015. **Shelor moves to encumber \$1,900.00 for the tree removal. Podrebarac seconds. One opposed, the rest in favor. Motion carries.**

Stormwater Plan – Shelor worked with Tom Stewart and Michael Fox to develop a Stormwater Management Plan for the City. The purpose of the plan is to keep the City in compliance with the terms of the stormwater permit that we are required to obtain and have obtained. **Shelor moves to adopt the Stormwater Management Plan. Podrebarac seconds. All in favor. Motion passes.**

Lamppost claim update – **Orr asked we go into executive session for ten minutes. Motion by Podrebarac and second by Brown to move into executive session for ten minutes for the purpose of discussing attorney-client privileged information. All in favor. Motion passes.**

**Podrebarac moves to come out of executive session at 8:01 pm. Brown seconds. All in favor. Motion passes.**

Council returns to regular session at 8:02 pm. **Shelor moves to authorize Orr to settle the lamppost claim for the amount of \$10,019.53 and also authorize the Mayor to approve a settlement in an amount not less than \$9,000.00 if Orr is unsuccessful settling for the \$10,019.53 amount. Brown seconds. All aye. Motion carries.**

AT&T/Google reimbursement update – Schwach reports that the City has received a check in the amount of \$33,670.00 from AT&T pertaining to the City's claim for damages to landscaping. **Schwach asks the Council to encumber \$14,675 to pay the Foundation for the fence repair work and replanting of lirioppe along Rainbow Boulevard once the AT&T check settles. Brown so moves, and Podrebarac seconds.**

Villasi asks that the City also pay the Foundation \$4,232.50 to plant additional lirioppe in entryway beds and for mulch, topsoil, and maintenance. Lally said there is an advantage to plant the variegated lirioppe and the Big Blue lirioppe at the same time because the watering truck will be able to water both plantings at the same time. **Schwach calls for a vote to encumber \$14,675.00 for the plantings along Rainbow and for the fence repairs. Shelor recuses herself from the vote. All others aye. Motion carries.**

**Podrebarac moves that we encumber an additional \$4,232.50 to pay Rosehill directly to plant both the liriope in the entryway beds and for mulch, topsoil, and maintenance. Brown seconds. Shelor abstains. All others in favor. Motion carries.**

Entryway restoration work related to fiber optic cable work damage – This agenda item was covered under the AT&T claim update.

John Martin from Higdon and Hale – John joined the meeting about 8:15 p.m. John has worked with City Treasurer Bob Hale for many years. He is familiar with the City budget. He currently conducts the audit for the City of Westwood and is familiar with those contract services between Westwood and Westwood Hills. John Martin will work with Bob Hale during the transition. **Brown moves to confirm the appointment of John Martin as City Treasurer, effective January 1, 2016. Podrebarac seconds. All aye. Motion carries.**

Public works update –Shelor commends John Weedman for his work on the bump out and stop sign installation and painted crosswalks. Weedman reports that the sinkhole repair is complete. Weedman will ask Bob Hale if the City can utilize funds from the Special Highway Fund to pay for the required storm sewer camera work.

Weedman has asked Sullivan for less expensive repair solutions for 49<sup>th</sup> Terrace, and Sullivan is investigating some options. Weedman will also follow up with Harvey Kascht on the curb repair required on 50<sup>th</sup> Terrace.

Schwach asks Villasi if he knows the costs of supplies for The Green clean up. **Villasi moves to encumber \$250.00 for wood preservative and supplies to clean up The Green. Brown seconds. All in favor. Motion carries.**

Building and Codes Report (moved from Consent Agenda) – Shelor reports that she consistently hears complaints regarding the condition of the landscape at 2016 West 50<sup>th</sup> Street. Shelor notes that a letter had been sent to the homeowner and inquires about what will happen if there is no compliance within the timeframe allowed. Schwach explains that if there is no compliance, a second formal violation notice will be issued with a thirty day timeframe for compliance. If the homeowner has still not complied after 30 days, the City's next step is to file a complaint in municipal court.

Shelor asked about codes compliance for Ardis and Don Burley. Schwach advised that she wants to get a volunteer committee together to help with the repairs. Shelor will take the lead getting volunteers to help with the property.

Schwach reports that four residents of Westwood Hills are delinquent with their real property taxes.

**Items from the Floor:**

The City's Certificate of Deposit with Cross First Bank is up for renewal. City Treasurer Bob Hale advises that the renewal rate for a one year term is 1%, which is the current rate. **Podrebarac moves to authorize the renewal of the CD at Cross First Bank for one year at 1%. Brown seconds. All aye. Motion carries.**

Tom Stewart requested the City inquire with KCP&L why the south side of 50<sup>th</sup> Street often loses power during storms. Clerk O'Bryan has contacted Tom Robinson at KCP&L for guidance.

Lally reports that vehicles have hit the eastern most tip of the island at 49<sup>th</sup> Street multiple times, resulting in loose stones in the retaining wall around that island. She asked if the City can repair the stones. Weedman will look into this matter.

**Motion to adjourn by Brown. Meeting adjourned at 9:06 pm.**