

**City of Westwood Hills
City Council Meeting Minutes
December 14, 2015
Meeting #793**

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, Ludwig Villasi, John Weedman and Beth O'Bryan. City Attorney Jim Orr was also present.

Citizens Becky Mickelberg, Tom Magstadt, Jon and Beverly Braatz, Mike Coffman and Maria Gomes were in attendance. Martha Lally joined at 7:34pm.

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

Motion by Podrebarac to adopt the Consent Agenda. Second by Brown. All aye. Consent agenda adopted.

Issues from Citizens in Attendance:

Jon and Beverly Braatz asked the council to review the current noise ordinance. Braatz explained that they were awakened one Sunday morning at 7:45 by a neighbor doing lawn work with gas powered equipment. They are proposing that machinery be used only between 10:00 am – 5:00 pm on Sunday. Magstadt agrees with Braatz's proposal as he is affected by the same neighbor. Magstadt said he also has neighbors next door using loud machinery in the mornings. Schwach explained that the times in the noise ordinance were selected so that the homeowners can do work before the heat of the day in the summer. Mickelberg said our city is becoming very noisy with all the gas powered lawn equipment. Podrebarac said she has started researching other cities and their noise ordinances and will complete the research and present her findings to the council. Mickelberg asked Podrebarac to explore the excessive dog-barking ordinance as well. Mayor Schwach explained the animal noise ordinance to the citizens in attendance.

Old Business:

KGS Ordinance – Orr asked council for a 3-month extension on the present Franchise Agreement with Kansas Gas Service to allow time for Kansas Gas Service to present a revised Franchise Agreement. Schwach presents Ordinance No. 251 which provides for such extension. **Podrebarac moves to adopt Ordinance No. 251 extending the term on the current Kansas Gas Service Franchise Agreement to April 1, 2016. Brown seconds. All aye. Ordinance adopted and executed.**

Glass globe replacement and pole repairs – Villasi reported that it has been difficult to locate a glass globe that fits the antique fixture on The Green. Villasi reported that the housing that holds the globe needs to be altered to fit a new but similar globe. Villasi requests to encumber \$750.00 to purchase the globe and rebuild the housing on the fixture. The cost to paint, scrape and clean up the post is an additional \$275.00. **Villasi moves to encumber \$1,025.00 to purchase the new globe and to rebuild and refinish pole. No second on the motion.** Brown asks if there is a less expensive alternative to the proposed globe. Schwach asks if we can put a cover over the pole for the winter while the council investigates options. Villasi said that this is possible. The sense of the council is to winterize the pole with a cover and to continue to look into other options. Villasi will make sure this happens.

2016 W. 50th St. Tree Removal Update – O’Bryan reported that the tree near the public sidewalk at 2016 West 50th Street has been removed and that the stump has been ground. The owner of the property has died, and the estate attorney expects the estate to open within 30 days. After the estate is opened, the city will be able to file a claim in the probate estate in order to seek reimbursement for the costs of the tree removal.

New Business:

Contracts for renewal and new contracts –
Public Safety

Podrebarac moves and Brown seconds that we reaffirm the Public Safety Contract with Westwood for calendar year 2016. All in favor. Motion carries.

Public Works –The contract is renewable year to year, with a revised schedule of fees for each year. **Weedman moves to reaffirm the Amended and Restated Public Works Service Agreement entered into by the Cities of Westwood Hills and Westwood and to adopt the fee schedule for 2016, which is referred to as Attachment 1 to the Agreement, and which has been presented by Westwood. Brown seconds. All in favor. Motion carries.**

Building Official Services – Schwach asks for council to reaffirm the contract with Westwood. **Brown moves and Podrebarac seconds to reaffirm the contract with Westwood for provision of Building Official Services to Westwood Hills. All in favor. Contract is reaffirmed.**

City Hall Rent – Schwach asks to hold this issue until the January meeting.

Codes Enforcement Official – Schwach reports that the City sent a contract to Westwood to utilize Eddie McNeil as the Codes Enforcement Official for Westwood Hills. Westwood’s Mayor Yé has indicated that he would like to discuss this contract with Schwach, but he has not contacted Schwach to date.

Podrebarac moves to authorize the Mayor to continue negotiations and to execute a contract with Westwood for the provision of Codes Enforcement services, with an hourly rate not to exceed \$40 per hour. Brown seconds. All aye. Motion carries.

Landscape contract – Schwach asks the council to approve a contract with Brian Ritter for \$6,875.00. **Podrebarac moves to approve entering into a contract with Brian Ritter for provision of 2016 landscape services for care of The Green and the Rainbow strip in the amount of \$6,875.00. Brown seconds. All in favor.**

Online backup and hard drive – O'Bryan asked council to consider reimbursing her half the expenses for both an online backup and a new, larger (2 terabytes) hard drive for her computer. O'Bryan uses her own personal computer for all work done on behalf of the City, as the City does not provide a computer for the clerk. The hard drive purchased was the most reliable at the most reasonably priced at \$119.59. The online backup (1T) cost for the first year is \$44.62. After the first year, the cost is \$60.00. **Brown moves that the City pays half the cost of both the first year of the on-line back up at \$22.31 and the hard drive at \$59.80. Podrebarac seconds. All in favor. Motion carries.**

Items from the Floor:

Randy Brown reported that in 2015, the Council agreed to transfer \$50,000.00 from the General Fund to the Capital Improvement (CIP) fund. This transfer has not yet been made. **Brown moves that Council approve the transfer of \$50,000.00 from the General Fund to the Capital Improvement fund, and Podrebarac seconds. All in favor. Motion passes.**

Villasi comments that the October encumbrance report listed \$710.00 of encumbered funds from the Heritage Trust Fund Grant for plants to be removed and re-planted. The Foundation requests the \$710.00 to pay a portion of Brian Ritter's invoice for re-planting liriopse at the entryway beds. Council will look into the grant accounting and get back to the Foundation at the January meeting. Schwach asked the Foundation as to when the Foundation will be ready to enter into an agreement with the City concerning the landscaping of the entryway beds and traffic islands. Martha Lally said the Foundation is looking to make the city more walkable between 49th Street and 48th Terrace. Schwach reports there may be grant money available for this type of project from the Surface Transportation Funds to help with walkability in the City, but cautions Lally that they will need to comply with ADA.

O'Bryan asked the council to consider paying for half the cost of the Google Fiber faster internet for service at her residence, which should be about \$45 or less a month. The City does not pay for the clerk's internet connection which she requires in order to perform her job on behalf of the City. This cost will be an increase of about \$25.00 over what is being paid now for the City's internet

phone connection. The current internet service is becoming too slow to download/upload files and use the internet phone at the same time. O'Bryan will get exact costs and report to council in January.

Brown has requested that John Martin add a column reflecting the annual budget amount of each line item to the Treasurer's Report to make it easier to read.

Schwach reported that owner Jeff Clayton has worked an agreement with T. Jensen to move the dumpster next to the HiHat. Mr. Clayton will work on getting lighting in the back of the building prior to Mr. Jensen moving the dumpster.

Motion to adjourn by Brown. Meeting adjourned at 8:16 pm.