

**City of Westwood Hills
City Council Meeting Minutes
November 13, 2017
Meeting #816**

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, Rosemary Podrebarac, Karen Shelor Sexton, Ludwig Villasi, John Weedman and Beth O'Bryan. City Attorney Jim Orr was also present.

Councilperson elect Mary Becker and Police Chief Greg O'Halloran were in attendance.

Motion by Shelor Sexton to amend the agenda to add item 10b to old business to discuss tree limbs obstructing City signage. Second by Weedman. Podrebarac moved and Shelor Sexton seconded to approve the amended agenda. All aye. Motion approved.

Motion by Shelor Sexton to adopt the Consent Agenda. Second by Weedman. All aye. Motion approved.

City Business:

Chief O'Halloran reviewed accomplishments for the Westwood Police Department (WWPD). The WWPD has developed and wants to keep an ongoing and improving relationship with the NAACP. Schwach mentioned the Chamber offers some relevant classes and will share that information with the Chief. Chief reported that mutual aid law has passed, which allows officers to go across the State Line. The WWPD is constantly working on crime prevention. The department now has three all-weather vehicles.

Chief felt that Halloween was successful. All officers were on duty that evening. Ken Richardson, Manager of Walmart, received an award from the WWPD in thanks for Walmart's support of the department and our cities. Once again this year, Walmart donated the candy which the WWPD distributed to trick or treaters on Halloween. The WWPD picnic was a great success again this year. WWPD is also trying to increase its social media contact. WWPD has a good working relationship with Westwood View Elementary School. The City of Westwood has given the department authority to hire another officer, but they are still looking for the correct candidate.

Old Business:

KGS Franchise Extension – Podrebarac provided a copy of the ordinance to extend the Kansas Gas franchise agreement for an additional six months. City Attorney Orr has asked Kansas Gas for a red-lined version of the new franchise agreement which they are proposing but has not received the copy. **Podrebarac**

moved and Shelor Sexton seconded to accept Ordinance No. 267, which extends the franchise agreement with Kansas Gas until May 31, 2018. All in favor. Ordinance executed.

Tree Removal – Shelor. Shelor is concerned about darkness, the winter ahead, and the limbs covering street signs, and so she created an inventory of suggested tree limb removals. Shelor believes that the obscured signage at 4930 State Line Road (the Kirks' home) is the most hazardous, as the sign ("stop sign ahead") is completely covered. Mayor would like to follow the MPM code as stated in our ordinances. Weedman said he will help trim that tree that blocks the sign on State Line.

New Business:

Tree/trim removal at 1914 W. 50th Terrace – Resident Gordon Reiz said there are a couple of trees in The Green in desperate need of maintenance. He had quite a few branches (relatively small to the trees size) fall and land on his roof or in close proximity to his house. He took a good look at the tree and noticed many larger branches which he believes are struggling. If those were to fall, he believes they have the potential to cause damage or injury to a person passing by or on his property or to his house.

Clerk O'Bryan checked with KC Arborist, who informed her that the property lines for trees run vertically, so that the City has no responsibility to trim or remove the tree limbs which extend over the edge of The Green and onto Mr. Reiz' property. O'Bryan reported back to Mr. Reiz, and he responded that he believes that the tree will require a lot of trimming work which will not be inexpensive. He requested that the City include the trimming of this tree in the City's maintenance budget. O'Bryan informed Mr. Reiz that he is welcome to bring this up to Council to see if they will do anything.

Orr said the City does not have any right or authority to trim the portion of the tree which overhangs Mr. Reiz' property.

O'Bryan will find out the cost for appropriate thinning, but not topping the tree, and the best time of year to do the work, and see if resident will share the cost with the City. Council will discuss again in December.

Northeast Animal Control Commission (NEACC) Discussion – Schwach said 2018 may be the last year that the Northeast Johnson County cities will have the NEACC. Roeland Park (RP) may pull out of the contract. Because the price for each participating city is based upon its population, RP pays about 45% of the total costs of the NEACC. Mayor Schwach and Mission Woods Mayor Tietze have asked Mission to put together some proposals and options for 2019. One option is to go to a complaint basis for animal control issues. City Attorney Orr cautioned that, before entering into an agreement with an outside contractor to provide animal control services, the cities should make sure that the contractor's personnel are available to testify in court, sometimes multiple times, and will work well with police.

Judge Turner – Schwach

Judge Timothy J. Turner resigned his position as Municipal Judge for all three cities on August 31, 2017. He retired from the City of Shawnee earlier this year and began KPERS retirement benefits. Due to IRS and KPERS rules, he could not be employed by any KPERS retirement system employer for 60 days and he could not have any pre-arranged agreement in place for future employment prior to the end of that 60 day period. 63 days after his resignation, at the direction of Mayor Yé, Timothy Turner was offered the position of Municipal Judge for Westwood and said that he would accept it. The Municipal Judge is a Mayor appointed position with the consent of the City Council.

For several decades all three cities have used the same judge, and Westwood PD would like to continue that practice for consistency sake. Judge Turner has served well in the past, and Westwood PD sees no reason to believe that will change. They request that the City of Westwood Hills follow whatever protocol is needed to re-install Judge Turner as the Municipal Judge for Westwood Hills. **Shelor Sexton moved and Podrebarac seconded to approve Judge Timothy J. Turner as the Municipal Judge for Westwood Hills. All in favor. Judge Turner is appointed, effective November 13, 2017.**

Erosion Control Ordinance draft – Podrebarac reported that under our stormwater plan, we are required to adopt an Erosion Control Ordinance. She believes it will probably never be applicable in Westwood Hills, because it only applies to developments greater than 1 acre in size. Podrebarac asked for comments prior to December's meeting, at which time the final ordinance will be presented for adoption.

Review Right of Way (ROW) ordinance – Schwach asked for comments from Council.

Informational items – no action to be taken

There are no issues from Citizens in Attendance.

RSVP for Mayor's Holiday Social – O'Bryan (2), Schwach (2), Shelor Sexton (2)

Council Executive Session to discuss a Personnel issues for 15 minutes – Schwach asked for a motion to go into executive session at 8:16 pm. **Shelor Sexton moved and Podrebarac seconded.** All in favor. Motion passed. Council entered Executive session. Executive session ended at 8:22 pm. Councilwoman Podrebarac and Shelor Sexton seconded to end executive session and resume regular session. All in favor. Motion carried.

Shelor Sexton moved and Podrebarac seconded to appoint Beth O'Bryan as the secretary to the BZA and to remunerate her at the rate of \$50.00 per meeting. All in favor. Motion carried.

Motion to adjourn by Weedman. Meeting adjourned at 8:25 pm.