

**City of Westwood Hills  
City Council Meeting Minutes  
February 12, 2018  
Meeting #819**

A regular session of the city council was called to order in due form by Mayor Paula Schwach at 7:06 p.m.

Present: Mayor Schwach, Mary Becker, Rosemary Podrebarac, Karen Shelor Sexton, Ludwig Villasi, John Weedman and Beth O'Bryan. City Attorney Jim Orr and Treasurer John Martin were also present.

CFD#2 Fire Chief Tony Lopez and citizen Martha Lally were in attendance.

**Motion by Shelor Sexton to adopt the agenda. Second by Weedman. All aye. Motion approved.**

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

Chief Tony Lopez gave an update on the fire station's new construction site and an update of 2017 calls to Westwood Hills.

**Old Business:**

Right of Way (ROW) Ordinance - Podrebarac set up the ordinance as a manual and created an adopting ordinance so we do not have to publish the entire document. Podrebarac made one change to 5-909 (p) as presented to council. The original version had specific minimum and maximum height limits. She changed the language to a more nonspecific version.

**Podrebarac moves to adopt ordinance #269 which adopts the Use and Excavation of Public Right of Way Manual. Seconded by Mary Becker. All in favor. Ordinance No. 269 adopted. Ordinance No. 269 was executed.**

Schwach asked if council had an opportunity to review the infrastructure manual and fee schedule, with all council members answering in the affirmative. **Motion by Shelor Sexton and second by Weedman to administratively adopt the Infrastructure Manual and fee schedule. All aye. Manual and fee schedule adopted.**

Larkin Lamp Rynearson (LLR) Contract Amendment II- Schwach reported that the original contract was for the street and storm water system assessment and engineering. We now need a second set of bidding documents, and continuous engineering supervision, in order to separate the storm water work from the street work and to comply with the KDHE, the anticipated funding source for the storm water work. This second amendment to the original contract will add \$16,000.00 to the existing engineering fees.

Shelor Sexton asked is there is an issue whether sufficient companies will be interested to bid on the project. Schwach reported that we will not be ready for bids until KDHE approves the loan.

Schwach also asked City Treasurer to set up fund accounting for both the LLR and KDOT contracts. **Weedman moved to accept Amendment II to the LLR contract, which will add an additional \$16,000.00 in costs to the LLR contract. Podrebarac seconds. All aye. Motion carried. Amendment is executed.**

Schwach requested Council input on whether the City should extend the loan term from 12 years to 15 years to allow for possible additional costs in connection with the project. Shelor Sexton suggests a 15-year loan as there is no prepayment penalty. Becker and Weedman agree.

#### **New Business:**

E-Recycling and Paper Shredding – O'Bryan reported that the event format would be the same as in previous years - on a Saturday from 9 am – noon with each City providing staff/volunteers to help unload the vehicles. KU offered use of the parking lot at 4350 SM Parkway. ProShred has been contacted regarding the specific cost, but the cost will most likely be similar to last year with each participating City paying 1/7 of the total cost of \$1350, for a cost of \$192.86 for each city. Date has been set for September 22, 2018. Shelor Sexton said this is always a well-received event. Podrebarac agrees that this is a popular event. **Podrebarac moved and Becker seconded to enter into an agreement along with the seven NEJC cities for the e-recycling and paper shredding event and to appropriate \$200.00 for the cost of the paper shredding. All aye. Motion carried.**

Pet Waste Bags – Clerk O'Bryan was informed that the City is getting low on bags. The cost for 2,000 bags, which supply lasts about six months is \$39.99. O'Bryan suggested we appropriate enough money for the entire 2018 year, which cost would be \$79.98. A discussion was held regarding the number of bags used. Villasi refills the bags as needed. Becker suggested we put out a set number of bags each month, and when the bags run out, the waste bag dispenser will not get refilled until the next month. Schwach agreed. **Shelor Sexton motioned and Becker seconded to encumber \$79.98 to purchase pet waste bags for 2018.** Villasi will ration the bags and report findings back to the Council.

Pet ID Tags – Clerk O'Bryan reported that we are out of dog tags. The cost to purchase 100 tags is \$95.00. Shipping is free. Council will not pursue purchasing new tags at this time and will likely revise the ordinance at a later date to reflect a change in the requirement of a pet identification tag.

2018 Ritter Contract – Schwach reported that the City enters into a contract with Brian Ritter each year. In the past few years, Ritter has contracted with both the

City and The Foundation. Schwach spoke with Foundation Chair Mike Coffman to inquire about the City paying Ritter directly for all services. Schwach asked if citizen Lally had anything to add regarding volunteer work from the Foundation. Lally asked if there are any planned changes to the City's landscape. Becker advised there will be a spring walk through sometime in March. Becker also informed the council that she is getting quotes to remove the crab apple trees from the 49<sup>th</sup> Street island. Becker voiced a concern that the City tree ordinance is very limited and is looking into tree ordinances that are less limited. Lally said the Foundation is in a position to consider projects in the City for fundraising efforts. Rose Hill will do a final walk through on May 1, 2018, to identify any dead or dying plants that Rose Hill will replaced under its warranty. Lally reported that the Evergreen trees that are between The Green and Clayton's property are dying. Schwach reported that she is aware of the situation, but Jeff Clayton owns the property on which these evergreens are located. Becker will make him aware of the BMP cost share program, once it is approved. **Podrebarac moved to approve the 2018 landscape contract with Brian Ritter and encumber \$14,775.00. Becker seconded. All in favor. Contract approved.**

Updated Capital Improvement Plan (CIP) - Weedman provided a revised copy of the CIP. The CIP continues to prioritize the storm water repair project followed by UBAS treatment of the City's streets. Schwach advised that LLR recommended we clean the storm drains annually. **Podrebarac moved and Weedman seconded to accept the 2018-2022 CIP and to review attachment A as needed but no less frequently than annually. All in favor. Motion carried.**

Consideration of State of Kansas Municipal Investment Pool (MIP) Deposit – Treasurer John Martin gave information on the plan. Martin suggested we move \$1,000.00 to the MIP. Schwach asked for the sense of the council. **Weedman moved and Shelor seconded to empower Schwach and Martin to open an account with the Kansas Municipal Investment Pool with a minimum deposit of \$1,000.00. All in favor. Motion carried.**

#### **Informational items – no action to be taken**

2017 Stormwater Annual Report - Podrebarac reported the report is due February 28, 2018, and she is putting together the report.

KORA/KOMA Seminar to be held March 29, 2018. Attendees: Mary Becker, Beth O'Bryan, Paula Schwach. O'Bryan will RSVP.

Dark Store Theory of Appraisals - Schwach advised that Big Box retailers are competing with online retailers. Big Box is complaining that online retailers are not paying sales tax for the sales. Big Box retailers, including Target and CVS, have brought Kansas tax appeal cases arguing for new methods of valuation including treating the stores as if vacant or as if hypothetically leased to a lower-

valued occupant. The effect of successful appeals in other states has been to reduce the assessed value of big box store properties to 60% of their previously appraised values. If this happens in Kansas, the local real property taxes for residences will be increased because the commercial assessment losses will be shifted to residential property owners.

Issues from Citizens in Attendance:

Lally said she knows people who have a service that are looking to help municipalities find sales taxes that are not being collected or properly remitted. There is no charge for the service, but the service would take a percentage of any recovery as a finder's fee. Lally asked if the council is willing to entertain a proposal. Martin feels this might be a good idea. Council requested a written proposal.

**Motion to adjourn by Weedman. Meeting adjourned at 9:02 p.m.**