

City of Westwood, Kansas
Special City Council Meeting
4700 Rainbow Boulevard
April 9, 2020 – 7:00 p.m.
Held Remotely Via Zoom

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Lisa Cummins, Councilmember
Jason Hannaman, Councilmember
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Greg O'Halloran, Chief of Police
John Sullivan, Director of Public Works
Ryan Denk, City Attorney
Abby Schneweis, Assistant City Clerk

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on April 9, 2020. The Assistant City Clerk called the roll. A quorum was present.

Comment on Non-Agenda Items

Any comments for the Governing Body on non-agenda items were to be submitted to Ms. Schneweis by 5: pm on Thursday, April 9, 2020 to be shared during the meeting. Comments were to be limited to five minutes in length, as red.

No comments were submitted.

Approval of March 12, 2020 City council Meeting Minutes

Motion by Councilmember Harris to approve the March 12, 2020 City Council Meeting minutes as submitted. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Approval of March 26, 2020 City council Meeting Minutes

Motion by Councilmember Harris to approve the March 26, 2020 City Council Meeting minutes as submitted. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Treasurer's Report

Due to the Johnson County Stay at Home Order currently in place, Mr. Mills was unable to travel to City Hall to prepare the Treasurer's Report for the month of March 2020. The report will be presented during the May 14, 2020 meeting.

City Attorney Report

The City of Westwood owns the land Woodside Health & Fitness Club sits on, and Woodside pays a monthly rent rate of \$20,000.00 to the City of Westwood.

Woodside has closed down operations completely during the Johnson County 30 day Stay at Home Order, which began on March 24th. A request was made by Blair Tanner, owner of Woodside Health & Fitness Club, for the Governing Body to consider an abatement of rent payments to the City for May, June and July of 2020, and total of \$60,000.00. Additionally, Mr. Tanner asked the Governing Body to consider deferring rent payments for the months of August, September and October 2020. Mr. Tanner proposed the deferred rent would be paid over the next six months at a 50% rate in addition to regularly scheduled rent payments starting November 1, 2020.

Councilmember Steele asked Mr. Tanner if he had an idea if an extension for rent abatements might need to be extended in the future. Mr. Tanner said Woodside management is not sure what to expect at this time.

Councilmember Harris asked Mr. Tanner about the state of any insurance claims Woodside has made. Mr. Tanner stated there is an exclusion in Woodside's insurance policy for damage caused by viral or bacterial outbreaks. Mr. Tanner said his attorneys have advised to file for a claim anyway, expect to be rejected so Woodside has a record of the denial for evidence in case the federal government gets involved and forces insurance companies to pay policy holders. Mr. Tanner stated at this time Woodside ultimately does not expect to get receive a payout from their insurance policy for the club shutting down.

Councilmember Hannaman asked Mr. Denk if there are any provisions in the lease agreement that would force the City to take action if Woodside did not pay rent. Mr. Denk said there were no such provisions that would force the city to take certain actions if Woodside did not pay rent.

Councilmember Wimer asked if it would be possible to look in to the impacts of the request on the city financials before making a decision on whether or not to approve Woodside's request. Mayor Waters said it would be good for the Governing Body to reach a consensus on how to proceed.

Councilmember Cummins said she would not want to move forward on granting approval of Woodside's request unless it was documented in writing.

Councilmember Harris asked if any other entity pays rent to the City. Mr. Denk said the cities of Mission Woods and Westwood hills pay a monthly amount to use Westwood City Hall for meeting purposes, and that Woodside is the city's only commercial tenant.

Councilmember Harris said pending financial review, consultation with the city's financial and legal advisors and documenting a possible approval in writing, he is open to postponing or abating Woodside's rent payment. Councilmembers Cummins said she would consider approving the request if the city did its due diligence to find out the financial impacts of the request first. Councilmembers Wimer and Steele said she agreed with Councilmember Cummins. Councilmember Hannaman said he would be more in favor of a forbearance of rent than abatement.

Mayor Waters asked if there was a consensus by the Council to authorize and direct the Mayor to work through Woodside's proposal to investigate financial impacts and draft documentation of the arrangement for the Council to consider. All members of the Council confirmed this action.

Administrative Report

Ms. Schneweis had nothing additional to report.

Public Safety Report

Chief O'Halloran referred to the March 2020 Public Safety report and offered to answer any questions.

Public Works Report

Mr. Sullivan referred to the March 2020 Public Works report and offered to answer any questions.

A. Preliminary Engineering Design Services Agreement

The City of Westwood has requested from Uhl Engineering an agreement to study proposed improvements along W. 48th Street and W. 47th Terrace, respectively (the "Annex Streets"), analyzing the advantages and disadvantages of these alternates:

- One-Way Streets with angled/parallel parking on one side with sidewalk.
- 24-26 foot two-way streets with designated parking on one side with sidewalk.
- 24-26 foot two way streets with designated parking on one side and bump outs for parking on one side.

All Concepts will start preliminary conversations with utilities in the areas of potential conflict.

Councilmember Wimer asked when the city could expect to receive conceptual plans back from Uhl Engineering. Mr. Sullivan said it would be about 60 days.

Motion by Councilmember Harris to approve the expenditure from the CIP Fund in an amount not to exceed \$21,380.00 and authorize the Mayor to sign the contract. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

B. 47th Street Corridor Paint Only

The City of Westwood has contracted with CFS Engineers to design a "stripe only project" for the W. 47th Corridor to demonstrate the "Road Diet" concept and complete streets concept. The goal of this project is to demonstrate the effectiveness of a three-lane profile with bike lanes prior to the design for the actual project scheduled for 2022 utilizing Federal STP Funds. The plans for this demonstration project are complete and ready to go to bid. We will need to develop an Interlocal Agreement with the Unified Government to describe the construction cost sharing, roles and responsibilities. I will also need to develop the Bid Documents for this project. Included with this CAF is the current Engineers probable cost.

Motion by Councilmember Harris to authorize the Public Works Director to create the Interlocal Agreement for this project and authorize the development of the Bid Documents. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

C. UBAS Project 2020

The City of Westwood entered into a joint bid with the City of Roeland Park and the City of Mission Woods. The Bid is administered through the City of Roeland Park. The Engineering and Inspection Services are being administered through Lamp Rynearson Engineers. The project bid received 1 bid from McAnany Construction. The Westwood portion of the bid is \$183,928.90. The Engineer's estimate is \$199,819.82.

The Streets that are included in the patching and surface treatment are:

- Belinder Avenue to include the adjoining street curb returns – Fairway City Limits to W. 47th Street
- W. 49th Street – Belinder Avenue west to cul-de-sac
- W. 48th Terrace – Mission Road east to cul-de-sac
- Norwood Street – W. 49th Terrace to W. 50th Street
- Fairway Road – W. 49th Terrace to W. 50th Street

The project also includes the crosswalks and stop bars at W. 50th Street and at W. 47th Street as well as pavement edge stripping on Belinder Avenue.

In addition, Belinder is a CARS Route so the city will be reimbursed for 50% of the costs associated with this corridor.

Motion by Councilmember Cummins to authorize the Public Works Director to authorize construction of the project. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

D. Engineering Contract for the demolition of 5050 Rainbow Boulevard

The City of Westwood purchased the Westwood Christian Church located at 5050 Rainbow Boulevard approximately 5 years ago. The property has been vacant and therefore not utilized since its purchase. It has been determined that the building should be razed and the property be utilized as green space. It is the intention to preserve the existing parking lot and connection to W. 51st Street but remove the driveway and the connection to Rainbow Boulevard. This will provide the same amount of parking for the school pickup and drop off as exists today. The City of Westwood has requested from Uhl Engineering an agreement to provide demolition documents and grading plans for the building located at 5050 Rainbow Boulevard. The plans shall include the demolition of the building, environmental abatements, sediment and erosion control measures, grading and parking lot preservation.

Motion by Councilmember Cummins to approve the expenditure from the CIP Fund in an amount not to exceed \$9,885.00 and authorize the Mayor to sign the contract for services. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Committee Reports

a. Administration & Compensation Committee

Councilmember Hannaman said the Committee is working on hiring a new Chief Administrative Officer/City Clerk

b. Business & Community Affairs Committee

Councilmember Cummins had nothing to report.

c. Public Safety Committee

Councilmember Harris had nothing to report.

d. Public Works Committee

Councilmember Steele had nothing to report.

e. Parks & Recreation Committee

Councilmember Wimer had nothing to report.

Mayor's Report

i. Resolution Confirming Proclamation of a State of Emergency

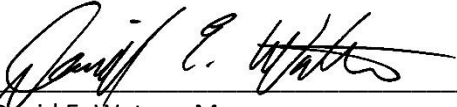
Motion by Councilmember Harris to approve Resolution 81-2020 confirming the Mayor's proclamation of a state of local emergency for the city of Westwood, Kansas related to the COVID19 pandemic. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

ii. CAO/City Clerk Position

Mayor Waters thanked the Council and staff for assisting with hiring the new Chief Administrative Officer/City Clerk, Leslie Herring. Mrs. Herring will begin serving Westwood on Monday, May 4, 2020.

Adjournment

Motion by councilmember Hannaman to adjourn the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:50 pm.

APPROVED: 
David E. Waters, Mayor

ATTEST: 
Leslie Herring, City Clerk