

City of Westwood, Kansas

City Council Meeting

4700 Rainbow Boulevard

August 13, 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
Charles Mills, Outgoing City Treasurer
Michelle Ryan, Incoming City Treasurer

Call to Order

Mayor David E. Waters called the meeting to order at 7:04 p.m. on August 13, 2020. The City Clerk called the roll. A quorum was present. Mayor Waters amended the agenda to hear the fence variance directly following the Treasurer's Report and immediately before the budget hearing. No councilmembers voiced opposition.

Recognition of City Treasurer Charlie Mills

Charles Mills has served as Westwood's City Treasurer for 28 years. Mayor Waters read a proclamation recognizing his years of service and presented a commemorative Westwood street sign. Mr. Mills thanked the Mayor, Council and staff for the opportunity to serve Westwood.

Comment on Non-Agenda Items

William Pearson, 2806 W 48th Street, submitted a statement to the Governing Body. A copy of the comments are attached in Appendix A, page 2 of these minutes.

Approval of July 9, 2020 City Council Meeting Minutes

Minutes from the July 9, 2020 city council meeting, the July 15, 2020 special city council meeting, and August 4, 2020 special city council meeting were included in the agenda packet. Motion by Councilmember Harris to approve all three minutes documents as submitted. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Treasurer's Report

Approval of Financial Statement – July 2020

Mr. Mills referred to the July 2020 Treasurer's Report and offered to answer any questions. He stated that July 2020 revenues for the general fund were in the amount of \$147,067 and expenses for the month were in the amount of \$178,444 with a decrease of \$31,376 in the fund balance.

City Attorney Report

No report was made.

Administrative Report

Fence Variance Request – 2520 W 50th Place

William Tschudy, who purchased the house at 2520 W 50th Place (northeast corner of Belinder Avenue and W 50th Place) in August 2015 is requesting a fence variance to increase the height of a 4-foot tall wood fence to that of a 6-foot tall wood privacy fence and also to enclose an approximately 12' x 14' area of the yard closer to Belinder Avenue than the residence with 6-foot tall wood privacy fence. The current fence is 22 feet from the east right-of-way along Belinder Avenue and the proposed new fence would be 10 feet from that right-of-way. The proposed 6-foot tall privacy fence will be both replacement and new fence sections on this subject property. The proposed replacement portions of fence will be in the designated corner lot rear-yard and side-yard areas of the 2520 W 50th Place property. The proposed new portions of fence will be in the designated corner lot front yard area, closer to the street than much of the structure line is to Belinder Avenue. The proposed fence is to be 6-feet tall. The Westwood fence zoning standards require a side-yard fence to be only 4-feet tall. The existing house structure is setback about 22 feet from Belinder Avenue, and about 32 feet from 50th Place. No driver sight lines will be impaired, including in the owner's driveway. There is no plan to remove any trees for the fence. The neighbor to the north has been notified of the proposed fence. City staff has requested written documentation of notification to the neighbor but, at the time of publishing this meeting agenda, has not yet received such documentation.

William Tschudy, 2520 W 50th Place, explained that the existing fence was installed by the previous owner and is not in good condition. Mr. Tschudy said he and his wife are planning to replace the fence and are looking to increase enclosed yard space and privacy for their property.

Councilmember Harris thanked Mr. Tschudy for attending the meeting. Councilmember Harris said he was concerned that the proposed location of the new fence would extend closer to the street line than the adjacent front yard setback of the property directly north of Mr. Tschudy's property, and this was one of the criteria set out by the Westwood Zoning Code for the Council to consider during a fence variance request. Councilmember Harris said the language of the zoning code prohibits the council from granting the variance request.

Motion by Councilmember Cummins to approve the proposed fence at 2520 W 50th Place to allow the six-foot-tall wooden privacy fence in the front and side yard areas of the property.

Councilmember Wimer asked Mrs. Herring if it had been verified that the neighbor immediately to the north of Mr. Tschudy's property was contacted and aware of the proposed fence. Mrs. Herring said the neighbor had been notified of the planned fence in an informal manner and did not object to it, but Mr. Tschudy has not been able to get formal confirmation from the neighbor. Councilmember Wimer said she would want to see some sort of written confirmation that the neighbor is aware of Mr. Tschudy's plans.

Councilmember Hannaman seconded Councilmember's Cummins' motion. City Clerk Herring performed a roll call vote. Councilmembers Cummins, Hannaman and Wimer voting to approve the variance request, and Councilmembers Harris and Steele voting against. Motion failed, as a fence variance must be approved by at least four of the five members of the Governing Body.

Public Hearing – 2021 Budget

Mr. Waters opened the floor for a public hearing regarding the 2021 Westwood City Budget at 8:05 pm.

Following the July 15, 2020 City Council budget work session, a public hearing, pursuant to K.S.A. 79-2933 is held to allow the City to adopt its 2021 budget and to levy taxes in the coming year. Publication of such budget hearing was included in The Legal Record on July 28, 2020 and proof of that publication is included in the meeting packet.

The FY 2021 budget reflects a commitment by the City, which was ratified by Westwood voters in May 2018, to provide increased funding levels for needed city infrastructure improvement projects. In 2019, over \$3 million in capital projects were constructed in Westwood. \$3,559,913 in General Obligation Improvement Bonds, Series 2020A were issued in March of 2020 to pay for these needed capital projects over a longer period of time. The proposed FY 2021 budget reflects the bond payments for these projects.

Starting with the FY 2020 budget, several different revenue sources were planned for utilization in the Debt Service Fund to cover expenditures. The revenue stream for the Debt Service Fund is structured as a multi-funding approach as a means of diversifying future funding source risks to the City. The proposed FY 2021 budget includes \$16,460.50 of ad valorem property tax revenues specifically for the Debt Service Fund, which equates to a ½ mill, based on the June 2020 preliminary valuation estimate for Westwood. The proposed FY 2021 budget also includes \$15,000 in General Fund revenue transfers into the Debt Service Fund. Altogether, this equates to just under 1 mill of property tax revenues going into the fund. Stormwater Utility Funds will also be transferred into the Debt Service Fund to pay for Debt Service Fund expenditures: \$15,000 was budgeted in 2020 and future year transfers were initially recommended at a rate of \$50,000 annually. Revenue from the City's special ½-cent sales tax will be transferred from the Capital Improvement Fund to service part of the final bond debt payments at varying rates, depending on current need and projections.

The proposed FY 2021 Westwood city budget also continues to sufficiently fund daily operational expenses for desired city service, while addressing other long-term expense matters, like on-going staff compensation needs. The proposed FY 2021 budget is based on a conservative estimate of anticipated on-going revenue sources, and it proposes to hold the overall ad valorem tax mill rate level at 21.307.

Due to COVID-19, sales tax revenues, building permit fees, utility franchise fees, and liquor tax revenues have declined and are anticipated to remain flat from 2020 to 2021; however, based on the most current revenue distribution reports, the City may not see a sharp negative impact to its overall revenues picture. The real, future impacts of COVID-19 remain to be seen and so the 2021 budget is overall conservative related to both revenues and anticipates keeping expenses relatively flat outside of recommended increases in employee salaries and benefits, in line with past adopted budgets.

No comments by the public were made and the public hearing was closed.

Motion by Councilmember Hannaman to adopt the proposed 2021 Budget as presented. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Waiver of Generally Accepted Accounting Principles (GAAP) Requirement

In years past the audit for the City of Westwood and its financial statements were based on Generally Accepted Accounting Principles (GAAP), which is becoming very cumbersome and expensive accounting standard to comply for smaller municipalities.

The statutes under K.S.A. 75-1120A(A) does allow for the City to adopt the Cash Receipts and Disbursements method of accounting for the audit. The audit testing procedures remain the same, and it allows the City to report an audit based on the annual budget cycle.

Motion by Councilmember Harris to pass resolution No. 84-2020 waiving the requirements of K.S.A. 75-1120A(A) as they apply to the City of Westwood for the fiscal year that ended December 31, 2019. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Acceptance of the 2019 Financial Audit

John Martin, Higdon and Hale, reported that the city received a clean opinion during the FY 2019 audit. Mr. Martin noted that there were no disagreements with staff or management on any issues with accounting records.

Cereal Malt Beverage License – Walmart Stores, Inc – 4701 Mission Road

Chapter 3, Article 2 of the Westwood City Code establishes the standards and processes for the retail sales of cereal malt beverages. An annual license is issued each calendar year to each retail location in Westwood that sells cereal malt beverages. Walmart Stores, Inc has applied to renew its Cereal Malt Beverage License for the Neighborhood Market Store location at 4701 Mission Road in Westwood. The current Cereal Malt Beverage license for the store expired on July 31, 2020.

Following the required background and reference check on the application and the listed contacts by the Westwood Police Department, no issues were identified. This subject property does comply with the location restrictions per Section 3-206 of the city code. As such, City staff recommends approval of the CMB license retroactive to August 1st.

Motion by Councilmember Cummins to approve the Cereal Malt Beverage License for Walmart Stores, Inc. at 4701 Mission Road for August 1, 2020 to July 31, 2021. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Public Safety Report

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

Standard Traffic Ordinance 2020 Edition

Motion by Councilmember Harris to adopt Ordinance 1009 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 2020 edition and repeal Ordinance 1002. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote, motion passed by a 5-0 vote.

Uniform Public Offense Code 2020 Edition

Motion by councilmember Cummins to adopt Ordinance 1010 incorporating by reference the Uniform Public Offense Code for Kansas Cities, 2020 edition and repeal Ordinance 1003. Second by Councilmember Hannaman. Mrs. Herring performed a roll call vote, motion passed by a 5-0 vote.

Public Works Report

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

Committee Reports

a. Administration & Compensation Committee

Councilmember Hannaman noted that he is continuing to work with staff and the team from Adams, Brown, Beran & Ball to work through implementing new accounting software.

b. Business & Community Affairs Committee

Councilmember Cummins noted she met with Councilmember Steele and Mrs. Herring on September 4th to discuss alternative events for the Community during the COVID-19 pandemic.

c. Public Safety Committee

Councilmember Harris had nothing additional to report.

d. Public Works Committee

Councilmember Steele noted that the Committee met at the end of July to discuss the 47th Street stripe only project and how to convey information about the project to businesses in the corridor, residents, and neighboring cities.

e. Parks & Recreation Committee

Councilmember Wimer noted the Committee will be meeting on August 17th at 4pm to discuss fall events.

Mayor's Report

Mayor Waters said the quarterly newsletter should be mailed to residents and businesses within Westwood. Mayor Waters noted that the League of Kansas Municipalities handbook is available at City Hall for Council to take home and review.

Adjournment

Motion by Councilmember Cummins to adjourn the meeting. Second by Councilmember Harris. Motion carried by a 5-0 voice vote. The meeting adjourned at 9:31 pm.

APPROVED: _____

David E. Waters, Mayor

ATTEST: _____

Leslie Herring, City Clerk

City of Westwood, Kansas
City Council Meeting
4700 Rainbow Boulevard
June 11, 2020 – 7:00 p.m.
Held Remotely Via Zoom

Appendix A

Comment on Non-Agenda Items

Please see next page.