

City of Westwood, Kansas

City Council Meeting

4700 Rainbow Boulevard

May 14, 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
Charlie Mills, Treasurer

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.

Appointment and Swearing In of City Clerk

Motion by Councilmember Harris to appoint Leslie Herring to serve as City Clerk for an indefinite term and for Assistant City Clerk Abby Schneweis to administer the oath of office to Mrs. Herring. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Ms. Schneweis administered the Oath of Office to Mrs. Herring.

Approval of April 9, 2020 City council Meeting Minutes

Motion by Councilmember Harris to approve the April 9, 2020 City Council Meeting minutes as submitted. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Treasurer's Report

Approval of Financial Statement –March & April 2020 Mr. Mills referred to the Treasurer's Report for March and April 2020 and offered to answer any questions.

March 2020 revenues for the general fund were in the amount of \$193,966 and expenses for the month were in the amount of \$254,523 with a decrease of \$60,557 in the fund balance.

April 2020 revenues for the general fund were in the amount of \$137,693 and expenses for the month were in the amount of \$201,238 with a decrease of \$63,544 in the fund balance.

Chief O'Halloran noted that the Friday, May 1st payroll was processed at the bank on Thursday, April 30th and reflects on the April 2020 financial statements, rather than the May 2020 statements.

Appropriation Ordinance 713 Motion by Councilmember Harris to approve appropriation ordinance #713 in the amount of \$616,512.65. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Appropriation Ordinance 714 Motion by Councilmember Cummins to approve appropriation ordinance #714 in the amount of \$302,003.33 with the stipulation that staff reflect the May 1, 2020 payroll numbers on the Appropriation Ordinance to be considered at the June 11, 2020 City Council Meeting. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

City Attorney Report

Mr. Denk noted that Blair Tanner, Woodside Health & Fitness Club, made a request to the Governing Body at the April 9, 2020 City Council meeting to abate rent payments of \$20,000.00 per month for the months of May, June and July 2020 and defer rent payments in the same amount for the months of August, September and October 2020. After the last City Council meeting, Woodside received federal stimulus money in the amount of \$930,000.00, which could be used toward rent payments. There are no proposed lease amendments or memorandum of understanding for the lease agreement to be considered by the Governing Body currently. Mayor Waters noted that Woodside paid rent in full for April and May 2020.

Mr. Denk said he is working with Mayor Waters and Mrs. Herring on getting more information from Mr. Tanner about social distancing during the summer pool season at Woodside.

Administrative Report

A. GO Bonds Series 2020A Post Issuance Disclosure Services

On March 26, 2020, the City issued its \$3,370,000 General Obligation Improvement Bonds, Series 2020A. As required by federal securities laws, the City entered into a Continuing Disclosure Undertaking in relation to the bonds that requires the City to fulfill certain ongoing disclosure obligations throughout the term of the bonds.

Gilmore & Bell, P.C., the City's bond counsel, has offered to assist the City in meeting its continuing disclosure obligations. The specific scope and terms of the engagement are included in the Disclosure Compliance Services Proposal.

Motion by Councilmember Cummins to retain Gilmore & Bell to perform post-issuance disclosure compliance services for GO Bonds, Series 2020A and to authorize the mayor to execute the Scope of Engagement contract term of five years at the amount of \$1,200 per year. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

B. Waste Disposal Service Contract

The City's solid waste disposal service is currently contracted through a Solid Waste Residential Disposal Contract (the "Agreement") initiated in 2018 between WCA and Mid-America Regional Council ("MARC") through its Joint Purchasing Alliance. This Agreement provides for services in Fairway, Roeland Park, and Westwood and is effective for a three-year term with two one-year renewal options. As the Agreement term ends December 31, 2020, the partnering cities began conversations to plan for the expiration of the current Agreement. As the service provided by WCA has largely been reported to be satisfactory, the partnering cities engaged WCA – through MARC – in a conversation about renewal opportunities.

The option developed by MARC and WCA is a five-year contract with two one-year renewal options (i.e. January 2021 – December 2025). This option allows the partnering cities to lock-in lower user fees for the period of the Agreement than may otherwise be attainable. Under this new Agreement, the user fee increases from the 2020 rate of \$15.17 per month per house to \$15.45 per month per house in 2021. For 2022 through 2025, a \$0.30/month per house increase proposed in the fee in each of the four successive years. The following table communicates the annual adjustments to the monthly residential rate under this Agreement.

Motion by Councilmember Harris to authorize David Warm, executive Director of Mid America Regional Council, to execute the Solid Waste Residential Disposal Services Contract with Waste Corporation of Missouri, LLC (aka WCA) for a contract period of January 1, 2021 to December 31, 2025. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

C. Fence Variance Request – 2820 W 50th St

Rodney Bell recently purchased the house at 2820 W 50th Street and is requesting a fence variance to place a new fence 14 feet closer to Fairway Road than allowed without a variance being granted. The new fence would be a 4' height black metal fence and located ten feet from the right of way.

Mayor Waters asked if the homeowner was in attendance at the virtual meeting to address the Governing Body. Leslie stated he was not. Mayor Waters asked if the proposed was replacing an existing fence, Mr. Sullivan said it was not, but confirmed the proposed fence would tie in to a fence at an adjoining property on the northeast corner of the lot.

Councilmember Cummins asked if Mr. Bell had contacted his neighbors about the proposed fence, Mrs. Herring said staff had not received clear confirmation on whether or not Mr. Bell had provided notice of the planned fence to his neighbors.

Mr. Sullivan noted that in the application for variance, Mr. Bell proposed the fence be placed ten feet from the street, and it would be best to place the fence ten feet from the right of way to provide space for utility work. Mr. Bell had the property surveyed.

Councilmember Steele asked if a tree located near the driveway on Mr. Bell's property would be effected by the fence installation, no staff or members of the Governing Body could provide an answer to the question.

Councilmember Harris said he would like some confirmation from Mr. Bell that neighbors are aware of his plans to install a fence on his property. Councilmember Harris also said he would like to make sure Mr. Bell understands that the fence can be placed ten feet from the right of way, rather than the curb.

Councilmember Harris said he would need confirmation about these matters before he would consider approving the variance request. Councilmembers Cummins, Hannaman, Steele and Wimer agreed.

Motion by Councilmember Cummins to table the variance request for 2820 W 50th Street made by Rodney Bell until the next City Council meeting, and to instruct staff to advise Mr. Bell of the concerns that were raised about the proposed fence during the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Public Safety Report

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

A. All City Management Services Contract

Motion by Councilmember Harris to authorize the Mayor to renew the contract with All City Management Services Inc. to provide crossing guard services in the 2020-2021 school year. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Public Works Report

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

A. CARS Program

The City of Westwood on an annual basis adopts by resolution a proposed five-year County Assistance Road System (CARS) Program Project Plan. The CARS Program is administered by Johnson County to allocate the distribution of motor fuel taxes within the County to be used on specific designated roads.

Motion by Councilmember Harris to adopt Resolution No. 82-2020 approving the 2021 to 2025 County Assistance Road System Program for road improvements within the City of Westwood. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

B. Interlocal Agreement – Improvements to W 47th Street/Ave

The City of Westwood has contracted with CFS Engineers to design a “stripe only project” for the W. 47th Street/W. 47th Avenue 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. The Cost Sharing Agreement you have before you determines the estimated cost associated with the improvement based on the Engineers Scope of Work and the Estimated Cost of Construction for each party.

Motion by Councilmember Hannaman to authorize the Mayor to sign the Project Cost Sharing Agreement between the City of Westwood and the Unified Government of Wyandotte County/Kansas City, Kansas providing the agreement is accepted by the Unified Government. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

C. BMP Cost Share

The Johnson County Public Works Department administers a stormwater best management practices (BMP) cost-share program with cities in the county to provide residents a chance to apply for financial reimbursement incentives for installing a variety of different stormwater improvements.

The program will reimburse applicants up to 50% of eligible expenses, not to exceed a project reimbursement cap for the proper installation of the following best management practices.

Project Type Reimbursement Cap:

- Rain Barrel \$75.00 per barrel, up to two
- Native tree planting \$150.00 per tree, up to two
- Pollinator/Native plan garden \$1,000.00
- Rain Garden (must have pre-approval) \$1,000.00

Johnson County is providing \$5,000.00 to the City of Westwood for this program, which will run from May 1, 2020 to January 31, 2021.

Motion by Councilmember Harris to authorize the Mayor to sign the agreement with Johnson County Public Works Department for the Stormwater BMP Cost Share Program. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

D. Independence Day Fireworks Display

Annually the fireworks display is held jointly with the City of Fairway and the City of Roeland Park with contributions from Westwood Hills and Mission Woods. Staff conducted a Zoom Meeting organized by the City of Fairway to discuss the event. All three cities were represented by staff.

With the existence of the COVID19 pandemic and the reopening schedule pushing the July 3rd display date, it was decided that it would be too great of a risk to Public Health as well as the health of the first responders to hold the large gathering that is associated with the display. The timing of the contract also is a factor due largely to the uncertainty of the phased opening of the State of Kansas. It is assumed we will be able to open various venues as dictated by the phasing plan but if an uptick in the amount of COVID19 cases becomes apparent then the phasing plan may need to be modified or extended.

All members of the Governing Body agreed that it would not be wise to go forward with a fireworks display that draws a large crowd during the COVID19 pandemic and instructed staff not to pursue arranging a contract for 2020.

Committee Reports

a. Administration & Compensation Committee

Councilmember Hannaman thanked staff for covering and assisting with the process of hiring Mrs. Herring.

Councilmember Hannaman noted he is working with Mrs. Herring on revenue projections for the 2021 budget planning session.

b. Business & Community Affairs Committee

Councilmember Cummins said she will work with Councilmember Steele to coordinate a meeting to prepare for the 2021 budget planning session.

c. Public Safety Committee

Councilmember Harris thanked Councilmembers Steele and Wimer for the patience throughout their onboarding process as new Council Members.

d. Public Works Committee

Councilmember Steele provided notes from the most recent Public Works Committee Meeting.

e. Parks & Recreation Committee

Councilmember Wimer noted that the Westwood Women's Club has begun work on their Belinder Beautification project at the intersection of 48th Terrace and Belinder.

Councilmember Wimer noted the Committee is working with resident Karen Johnson to compile a historic walking tour of Westwood and will work with staff to push that information out as soon as it is ready.

Mayor's Report

Mayor Waters proclaimed Friday, May 15, 2020 as Peace Officer's Memorial Day in Westwood.

May Waters proclaimed the Week of May 17 through May 23, 2020 as National Public Works Week in Westwood.

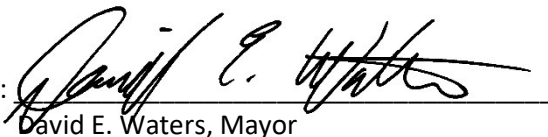
Mayor Waters proclaimed the month of May 2020 as Bike Month in Westwood.

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 9:29 pm.

APPROVED:


David E. Waters, Mayor

ATTEST:


Leslie Herring, City Clerk