

**City of Westwood, Kansas
City Council Meeting
4700 Rainbow Boulevard
November 12, 2020 – 7:00 p.m.
Held Remotely Via Zoom**

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

Council Absent: Lisa Cummins, Councilmember

Staff Present: Leslie Herring, CAO/City Clerk
Greg O’Halloran, Chief of Police
John Sullivan, Director of Public Works
Michelle Ryan, City Treasurer
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on November 12, 2020. The City Clerk called the roll. A quorum was present.

Planning Commission Appointment

Westwood Planning Commissioner Cindy Carlson notified the mayor of her relocation out of Westwood in August 2020. Following an open call for candidates to fill her seat, the mayor received letters of interest from four (4) residents. Following an interview process where Mayor Waters and Planning Commission Chair Rob Junk met virtually with the interested individuals, Samantha Kaiser, 2417 W 49th Terrace, was identified as the candidate to be recommended for approval to the Governing Body pursuant to Section 1.4.2 of the Westwood zoning ordinance.

Motion by Councilmember Steele to appoint Samantha Kaiser to serve on the Westwood Planning Commission for a term of three years and for City Clerk Leslie Herring to administer the oath of office to Ms. Kaiser. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Appointment of City Prosecutor

The City Prosecutor’s position was vacated through retirement on August 31, 2020 and has been filled on a pro bono basis since. The City has considered its options for filling the vacant position. After some consideration, Renee Gurney has been recommended to return to the role of City Prosecutor for the City of Westwood. This recommendation takes into consideration her more than two decades of experience as a presiding municipal court judge in a nearby jurisdiction and her previous service to the citizens of Westwood. Such appointment is recommended pursuant to Westwood City Code Section 1-316.

Motion by Councilmember Harris to appoint Renee Gurney to serve as City Prosecutor for an indefinite term and for City Clerk Leslie Herring to administer the oath of office to Ms. Gurney. Second by Councilmember Steele. Motion passed by a 4-0 voice vote.

Comment on Non-Agenda Items

Any comments for the Governing Body on non-agenda items were to be submitted to Ms. Schneweis by 5:00 pm on Thursday, November 12, 2020 to be shared during the meeting. Comments were to be limited to five minutes in length, as read.

No comments were received.

Approval of October 8, 2020 City Council Meeting and October 29, 2020 City Council Work Session Minutes

Minutes from the October 8, 2020 Council Meeting and October 29, 2020 City Council Work Session were included in the agenda packet. Motion by Councilmember Hannaman to approve minutes documents as submitted. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Treasurer's Report

Mrs. Ryan provided a review of the October 2020 Treasurer's report and offered to answer questions.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 720 for October 2020 as submitted. Second by Councilmember Harris. Motion carried by a 4-0 voice vote.

City Attorney Report

Mr. Denk had nothing to report.

Administrative Report

Mrs. Herring provided a review of the October 2020 Administrative report and offered to answer questions.

Consider Approval of 2021 Human Service Fund Recommendation Report – UCS of Johnson County

The United Community Services (UCS) Board of Directors has prepared its 2021 Human Service Fund allocation recommendations. The report enclosed is submitted for Westwood's approval. UCS has expressed sincere gratitude for the funding it receives from the participating jurisdictions which resulted in total funding of approximately \$395,376. During 2021, allocations will benefit Johnson County residents who will be served through 14 programs recommended for grants. Thanks to the support of cities, in 2019, programs receiving Human Service Fund grants served approximately 60,000 Johnson County residents.

The Human Service Fund agreement gives participating jurisdictions the authority and responsibility for approving or modifying UCS' recommendations for Human Service Fund grants. UCS requests that the Governing Body approve the recommendations.

The City of Westwood has been a consistent contributor to the Human Service Fund and is requested by UCS to contribute \$1,500 in 2021, pursuant to Appendix A of the 2021 Human Service Fund Recommendations Report. This amount is consistent with the amount contributed in 2020 and is budgeted in the 2021 adopted budget.

UCS Director of Resource Allocation Christina Ashie Guidry presented this item and offered to answer any questions.

Motion by Councilmember Steele to approve the 2021 Human Service Fund Recommendations Report as presented. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Consider Fence Variance Request – Joint Application of 2500, 2510, 2516 W 51st Terrace

On November 4, 2020, City staff received four (4) separate applications for a fence permit from fence contractor Slagle Fence. The applications are for the following individual residential properties:

- a. 2500 W. 51st Terrace, Joe O’Reilly;
- b. 2510 W. 51st Terrace, Justin Bridges;
- c. 2516 W. 51st Terrace, Justin Bacon; and
- d. 2507 W. 51st Street, Cameron Mecke.

Joe O’Reilly and Justin Bridges were in attendance to answer any questions from the Governing Body.

As the fence installation is being coordinated amongst these four neighboring property owners, the applications and work are tied together. Three (3) of the four properties require a variance if they are to be installed in the way proposed by the applicants.

- a. 2500 W. 51st Ter. – Variance requested for height and location (west side of house only).
- b. 2510 W. 51st Ter. – Variance requested for height and location (both east and west side of house).
- c. 2516 W. 51st Ter. – Variance requested for height and location (east side of house only).
- d. 2507 W. 51st St. – No variance required.

The proposed 5-foot tall wooden fencing will be both replacement and new fence sections on these subject properties. And is designed to be of consistent height and material along the boundary lines of all four adjoining properties.

The Westwood fence zoning regulations allow fences only in rear yards to be greater than 4’ in height (without a variance from the Governing Body). Further, the zoning regulations do not permit rear yard fences to be closer to the front property line than the rear line of the primary structure.

2500 W. 51st Ter. – The [new] west fence section – fronting W. 51st Ter. – proposed to attach to the home and to the proposed new fence along the north-south property line, is 5’ in height and also is closer to the front property line than the rear corner of the primary structure , but not closer to the front property line than where the screened porch/sunroom attaches to the rear wall of the house.

2510 W. 51st Ter. – The [new] west and east fence sections – fronting W. 51st Ter. – proposed to attach to the home and to the proposed new fence on either side of the property along the north-south property line, is 5’ in height and also is closer to the front property line than the rear corner of the primary structure , but not closer to the front property line than where the screened porch attaches to the rear wall of the house on the east side, and where there is an existing deck on the west side.

2516 W. 51st Ter. – The [replacement] east fence section – fronting W. 51st Ter. – proposed to attach to the home and to the proposed new fence along the north-south property line, is 5’ in height and also is closer to the front property line than the rear corner of the primary structure .

“Rear yard” is defined in Section 4.3.9.B of the Westwood zoning regulations as being behind the rear corner of the primary structure; however, primary structure is not defined in the zoning regulations. Staff research concludes that, typically, a screened porch or deck is considered part of the primary structure for purposes of codes administration. Staff also supports a definition of primary structure to include screened porches, decks, sunrooms, etc.

That notwithstanding, staff does not find any grounds for denial of any of these three variance requests, as they appear to conform to the variance criteria laid out above.

In 2018 resident Justin Bridges, 2510 W. 51st Ter., worked with the City to record a stormwater easement to accurately reflect the location of underground stormwater infrastructure existing on the property. Public Works Director John Sullivan has/will work with Mr. Bridges to ensure the fence is properly placed as to not interfere with the utility.

Motion by Councilmember Harris to approve the requested fence variance at 2500 W. 51st Terrace to allow a 5’ foot high wooden fence nearer to the front property line than the rear corner of the primary structure. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Motion by Councilmember Wimer to approve the requested fence variance at 2510 W. 51st Terrace to allow a 5’ foot high wooden fence nearer to the front property line than the rear corner of the primary structure. .Second by Councilmember Hannaman. Motion carried by a 4-0 voice vote.

Motion by Councilmember Steele to approve the requested fence variance at 2516 W. 51st Terrace to allow a 5’ foot high wooden fence nearer to the front property line than the rear corner of the primary structure. Second by Councilmember Harris. Motion carried by a 4-0 voice vote.

Receive Report from Planning Commission reviewing certain sections of Westwood Zoning Ordinance Article 4 regarding Residential Zoning Districts

In response to questions and concerns from residents regarding new builds within the city of Westwood, the Planning Commission Chairman convened a sub-committee comprised of Planning Commissioners, a local resident, and City Staff. The Sub-committee held two meetings to review and discuss a few of the current new builds in Westwood for compliance with the existing city zoning requirements, determine if the new builds were achieving the intended results, and propose text amendments if needed. The goal is to provide homeowners, builders, and City Staff with clear, well-defined instructions to review and achieve the desired zoning results.

Planning Commission Chair Robert Junk provided an overview of the sub committee’s findings, a summary was also included in the agenda packet.

Amendment to Contract for Building Official Services – Westwood Hills

A review of the existing February 9, 2015 Contract for Building Official Services between the cities of Westwood and Westwood Hills was prompted in the absence of full-time building official Eddie McNeil, who is still currently out on leave, and the resulting retention of IBTS and the use of Roeland Park’s building official for inspection and plan review services. As the services provided by Roeland Park and

IBTS are higher priced than the flat fee agreed upon by and between the cities of Westwood Hills and Westwood, City staff has worked with Westwood Hills to identify an agreeable resolution for now and to also fit future needs and circumstances.

Motion by Councilmember Harris to authorize the mayor to amend the February 9, 2015 contract for Building Official Services between the cities of Westwood and Westwood Hills to provide for increased cost of services. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Amendment to Contract for Codes Enforcement Services – Rental Property Inspection – Westwood Hills

A review of the existing March 10, 2016 Contract for Codes Enforcement Services – Rental Property Inspections between the cities of Westwood and Westwood Hills was prompted in the absence of full-time building official/Codes Administrator Eddie McNeil, who is still currently out on leave, and the resulting recommended amendment to the Contract for Building Official Services.

Motion by Councilmember Harris to authorize the mayor to amend the March 10, 2016 Contract for Codes Enforcement Services – Rental Property Inspections between the cities of Westwood and Westwood Hills to provide for increased cost of services. Second by Councilmember Steele. Motion carried by a 4-0 voice vote.

Amendment to Contract for Building Official Services – Mission Woods

A review of the existing November 30, 2001 Contract for building official and codes services between the cities of Westwood and Mission Woods was prompted in the absence of full-time building official Eddie McNeil, who is still currently out on leave, and the resulting retention of IBTS and the use of Roeland Park's building official for inspection and plan review services. As the services provided by Roeland Park and IBTS are higher priced than the flat fee agreed upon by and between the cities of Mission Woods and Westwood, City staff has worked with Mission Woods to identify an agreeable resolution for now and to also fit future needs and circumstances.

Staff Comments:

City staff has requested the contract for building official services be amended to reflect an increase in the flat rate of \$35/hour to \$40/hour when those services are provided by Westwood staff. Additionally, staff has requested the addition of language in the contract to allow the actual cost of services incurred by the City of Westwood to be passed on to Mission Woods. After conversation with Mission Woods Mayor Darrell Franklin, these adjustments to the contract have been verbally agreed to.

Motion by Councilmember Harris to authorize the mayor to amend the November 30, 2001 contract between the cities of Westwood and Mission Woods to provide for increased cost of building official and codes enforcement services with the subsequent change to add the language "at Westwood's cost". Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Resolution No 86-2020 Declaring Indigenous Peoples' Day

Following a request by an interested Westwood resident, recommendation was made that the City consider declaring the second Monday in October Indigenous Peoples Day in the City of Westwood. Staff has prepared a resolution intended to take effect beginning on October 11, 2021.

Motion by Councilmember Steele to approve Resolution No. 86-2020 declaring that the second Monday in October will be known as Indigenous Peoples Day in the City of Westwood. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Public Safety Report

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

Consider Resolution No. 87-2020 adopting the Kansas Homeland Security Region L Hazard Mitigation Plan

Hazard mitigation planning is the process through which hazards that threaten communities are identified, impacts of those hazards are determined, mitigation goals and strategies are determined, and actions are prioritized and implemented. The Disaster Mitigation Act of 2000 requires all political entities in the United States to have an approved Hazard Mitigation Plan in order to be eligible to receive hazard mitigation funds following a disaster - should funding become available through FEMA or other resources.

The Multi-Jurisdictional Hazard Mitigation Plan for Johnson County documents the County's hazard mitigation planning process and identifies relevant hazards, vulnerabilities, and strategies that Johnson County and participating jurisdictions can use to decrease vulnerability and increase resiliency and sustainability. Over the course of 2018 & 2019, Johnson County worked with local partners, Wyandotte County, Leavenworth County, and Kansas Division of Emergency Management to develop the Region L Multi-Jurisdictional Hazard Mitigation Plan. The regional mitigation plan was approved by FEMA on October 3rd, 2019 and was formally adopted via Resolution No. 059-19 by the Johnson County Board of County Commissioners on November 7th, 2019.

Motion by Councilmember Hannaman to approve Resolution No. 87-2020 adopting the Kansas Homeland Security Region L Hazard Mitigation Plan. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Public Works Report

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

Consider professional services agreement with Uhl Engineering for design services and bid documents for the 2021 mill & overlay program

The City of Westwood has requested from Uhl Engineering an agreement to perform the following scope of services:

1. Provide Design Engineering and Bid Documents for W. 47th Terrace and W. 48th Street between State Line Road and Rainbow Boulevard to include the alleys. This will be a joint effort with Westwood Hills on the alley between W. 48th Street and W. 48th Terrace.
2. Provide Design Engineering, Bid Documents and Coordination for the CARS Project on State Line Road. This will be a joint project with Kansas City, MO and Johnson County.

Motion by Councilmember Steele to authorize the mayor to execute the professional services agreement for 2021 mill & overlay streets work with Uhl Engineering, Inc. in an amount not to exceed \$63,698.00. Second by Councilmember Hannaman. Motion carried by a 4-0 voice vote.

Committee Reports

a. Administration & Compensation Committee

Councilmember Hannaman noted that staff and the team at Adams, Brown, Beran & Ball are continuing implementation of the new accounting system. The Committee is working with Mrs. Ryan to prepare for year end 2020.

b. Business & Community Affairs Committee

Councilmember Steele had nothing additional to report.

c. Public Safety Committee

Councilmember Harris noted and provided a brief review of the committee meeting on October 13th.

d. Public Works Committee

Councilmember Steele noted and provided a brief review of the committee meeting on October 27th.

e. Parks & Recreation Committee

Councilmember Wimer noted the committee met on November 11th. The committee decided to hold a parade in lieu of a Mayor’s Holiday Tree Lighting Ceremony to encourage social distancing.

Mayor’s Report

Mayor Waters noted he issued a proclamation to close City Hall to the public through Monday, November 16th due to a possible COVID-19 exposure and employee testing.

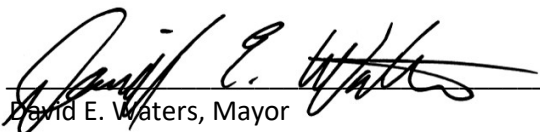
Mayor Waters noted that on October 16th he spoke to the Westwood View 3rd graders about local government and serving as mayor. Mayor Waters also spoke with Westwood View 4th graders on October 29th about voting.

Mayor Waters provided a review of the virtual Westwood business luncheon held on October 20th.

Mayor Waters noted that Johnson County had a 75.4% turnout during the November 3, 2020 General Election.

Adjournment

Motion by Councilmember Harris to adjourn the meeting. Second by Councilmember Hannaman. Motion carried by a 4-0 voice vote. The meeting adjourned at 9:01 pm.

APPROVED: 
David E. Waters, Mayor

ATTEST: 
Leslie Herring, City Clerk