

**City of Westwood, Kansas**  
**City Council Meeting**  
**4700 Rainbow Boulevard**  
**April 8, 2021 – 7:00 p.m.**  
**Held Remotely Via Zoom**

Council Present: David E. Waters, Mayor  
Lisa Cummins, Councilmember  
Jeff Harris, Council President  
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  
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 April 8, 2021. The 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 able to by either virtually raising their hand on the Zoom platform or could provide a written statement to be submitted to Ms. Schneweis by 5:00 pm on Thursday, April 8, 2021 to be shared during the meeting. Comments were to be limited to five minutes in length.

No comments were made.

**Approval of March 11, 2021 City Council Meeting Minutes**

Minutes from the March 11, 2021 Council Meeting were included in the agenda packet. Motion by Councilmember Cummins to approve minutes document as submitted. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

**Treasurer's Report**

Mrs. Ryan provided a review of the March 2021 Treasurer's report and offered to answer questions.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 725 as presented. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

**City Attorney Report**

**Consider Revised Government Enforcement Services Agreement for Johnson County Local Health Officer Orders and County Board Health Orders.**

On November 13, 2020, the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 (the "Original Health Order"). Among other things, the Health Order established certain social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Original Health Order became effective in all of Johnson County as of 12:01 A.M. on Monday, November 16, 2020, and remained in effect through March 31, 2021.

The Original Health Order was issued by the County pursuant to certain statutory authority, namely K.S.A. 65-119. This type of order could generally be enforced by the district attorney pursuant to K.S.A. 65-127 and, depending on the situation, K.S.A. 65-129. However, there had been concern over the practical ability to enforce such rules given the backlog of cases currently pending in district court (which has seen eliminations of or, at best, severe reductions in, trials).

However, pursuant to K.S.A. 19-101d, the Board of County Commissioners has the power to enforce certain of its "resolutions" by prosecution in the Johnson County Codes Court. To help alleviate district court pressures, and presumably to better allow the County to enforce its own Original Health Order, on November 19, 2020, the County adopted Resolution No. 108-20 establishing noncompliance with the Original Health Order as a violation of the Johnson County Code.

That notwithstanding, there is some question as to whether the County can enforce its own resolutions in Johnson County Codes Court within city limits, absent an agreement by the applicable city to allow for that (as cities generally have their own home rule powers within their borders). Accordingly, the County had requested that cities within Johnson County approve an agreement with the County allowing for County enforcement of the Health Order, as incorporated into the County Code. That Agreement was approved by the City Council on December 10, 2020.

With the expiration of the Original Health Order, on March 31, 2021, the County issued a new Public Health Order of the Johnson County Local Health Officer (the "New Health Order"). The New Health Order does not contain a mass gathering limitation, but does include social distancing requirements and also includes a face mask requirement. The New Health Order is effective through April 30, 2021, unless otherwise amended, revoked or replaced.

As the Original Agreement only allowed for County enforcement of the Original Health Order, a new agreement as to the New Health Order was presented to the City Council for consideration and approval (the "New Agreement"). The New Agreement is substantially similar to the Original Agreement, and merely updates the Original Agreement to reflect the terms of the New Health Order. As with the Original Agreement:

- The County, and not the City, will be responsible for enforcement of the New Health Order within the City limits. The City agrees to reasonably cooperate with the County in the sharing of information related to enforcement, and to also assist in educating its citizens as to the requirements of the New Health Order.
- The New Agreement is limited only to the New Health Order. No other orders would be covered by this New Agreement (there are not currently any in effect, but if there should be, the County and the City could amend the New Agreement appropriately).

Either party can terminate the Agreement at any time, if deemed in the best interests of the City or County.

As this agreement impacts Westwood's public safety contractual relationship with Westwood Hills and Mission Woods, City staff has coordinated with those communities, who both entered into similar agreements with Johnson County and who intend to enter into updated agreements under the New Health Order.

Motion by Councilmember Harris to approve the Government Enforcement Services Agreement for Johnson County Local Health Officer Orders and County Board Health Orders through the end of April as stated and until the meeting of the Governing Body allow the Mayor to extend without any significant changes. Second by councilmember Cummins. Motion carried by a 5-0 voice vote.

### **Consider Request from Woodside – 2021 Pool Season**

Due to concerns of Woodside Racquet Club Management relating to the declared pandemic of COVID-19, certain additional health and safety precautions and protocols were communicated to Club members and Westwood residents on March 17, 2021. As some of these additional health and safety precautions and protocols would impact Westwood residents' access to the swimming facilities (as they will impact all Woodside Club members), any modifications or restrictions to access to the swimming facilities would need to be agreed to between the City and the Club and formalized with an amendment to the sublease agreement between the parties.

Blair Tanner, Woodside Health & Tennis Club Owner, was in attendance and provided an overview of pool operations during the 2020 season and planned operations for the 2021 pool season. The management team at Woodside plans to only allow children at the pools during weekdays with a guardian as a general policy. This policy is a departure from other pools in the Johnson County area which plan to allow children throughout the week. Mayor Waters asked Mr. Tanner how other pools in the area can allow children throughout the week with social distancing in place and Woodside cannot. Mr. Tanner said the management team observed operations at neighboring pools during the 2020 season and social distancing was not observed. Mr. Tanner said the management team is currently developing a plan to ensure pool guests remain socially distant during their stay.

Councilmember Steele said not allowing children at the pools during the weekends is a disservice to households with two working parents who only have the weekends to visit the Woodside pools.

Councilmember Cummins said she is a member at Woodside and commended their operations during the COVID-19 pandemic and she hoped that some kind of resolution could be met regarding the pools that would make everyone feel safe and included.

Councilmember Harris noted the current Johnson County Public Health Order is scheduled to expire on April 30, 2021 and the Johnson County Board of Commissioners would need to take further action if the current Order is to effect Woodside pool operations.

Mr. Denk suggested he, Mayor Waters, and Mrs. Herring and Woodside management meet to gather public health information and try to come to an agreement to present to the Governing Body for consideration. Mr. Denk acknowledged Johnson County restrictions have been a moving target and the situation could evolve over the summer pool season. Councilmembers Hannaman, Harris, Cummins stated their support for Mr. Denk's suggested plan. Mayor Waters confirmed he will work with Mr. Denk, Mrs. Herring, and Woodside Management to come to a resolution for the 2021 pool season.

### **Administrative Report**

Mrs. Herring provided a review of the March 2021 Administrative report and offered to answer questions.

### **Consider Adopting Ordinance No. 1019 Repealing and Replacing Section 6-105 re: City council Terms**

In 2014 the Kansas Legislature passed HB 2104, which required that municipal elections be moved from the spring, or April, election cycle to a November of odd-years election cycle. This action by the legislature required that all municipalities in Kansas implement various changes to existing city code provisions, amending the process for the election of local municipal officials so they are brought into compliance with the (then known) provisions of HB 2104.

With the 2014 shift to the November election cycle for municipal elections by the state of Kansas, the delineated commencement of terms for those newly elected to office was governed by K.S.A. 25-313 and K.S.A. 25-2120, which established that the regular term of office for newly elected officers shall begin on the second Monday in January after the election cycle.

Senate Bill 105 was enacted by the Kansas Legislature and became effective on July 1, 2019 wherein the Legislature amended K.S.A. 25-313 and K.S.A. 25-2120 to provide for the commencement of the term of office of city officers on a date established by a resolution of the City. The date is required to be on or after December 1st following the certification of the election and no later than the second Monday in January following the certification of the election, and further providing that if a city does not establish an alternative date for elected officials taking office, the term shall begin on the second Monday in January.

In November 2019, the City Council approved Resolution No. 77-2019 establishing that the term of office for the members of the Governing Body shall commence upon their swearing-in, which shall occur at the City's December City Council meeting following the certification of an election. Although the City passed a resolution modifying the commencement of terms, we have not until now updated our City Code to reflect this change. Ordinance No. 1019 would amend achieve this modification.

Motion by Councilmember Harris to adopt Ordinance No. 1019 amending Westwood Municipal Code 6-105 establishing the term of office and swearing-in of members of the City's Governing Body pursuant to K.S.A. 25-313 and K.S.A. 25-2120. Second by Councilmember Cummins. Mrs. Herring conducted a roll call vote, motion carried by a 5-0 voice vote.

### **Consider Site Plan for Westwood View Elementary, 4935 Belinder Avenue**

The applicant is requesting approval of a site plan to build an elementary school on property it owns at 4935 Belinder Avenue. This elementary school, if approved, would replace the existing Westwood View Elementary School currently located adjacent to the subject property, at 2511 W. 50th Street. Pursuant to Section 4.3.1 of the Westwood Zoning Ordinance, a public school is a use permitted by right in the current zoning district. As such, this application is subject to the conditions and criteria for site plan approval provided in Section 1.6.20-22 of the Westwood Zoning Ordinance relating to non-residential developments within an R-1 zoning district. The land use requested for the site – a civic use, which includes schools per Section 4.2.3(A) – is subject to review by the Planning Commission and approval by the Governing Body, pursuant to Section 4.2.3(D) of the Westwood Zoning Ordinance.

The Planning Commission has heard from the applicant on three occasions leading up to today's meeting. On February 1, 2021, the Shawnee Mission School District's Superintendent's Office addressed

the Planning Commission to introduce this project and to share the project development and engagement process leading up to site plan review. Following that meeting, the School District, through its agent, addressed the Planning Commission on March 1, 2021 to review the site plan submittal including technical studies performed pursuant to staff direction. At that time, the Planning Commission Chair also presented a report of the work of a subcommittee that had met with the applicant on several occasions leading up to the March 1st public meeting.

On April 5, 2021, the Planning Commission reviewed a revised site plan submittal and, at that meeting, recommended to the City Council approval of the site plan with the condition that a warrant analysis be performed at the intersection of W. 49th Terrace and Belinder Ave. by the School District during the first fall semester the new school is open. The Planning Commission further recommended to the City Council to do the following should the site plan be approved:

- Make any public improvements warranted/recommended by the warrant analysis;
- Install a crosswalk at the intersection of W. 49th Terrace and Belinder Ave.; and
- Extend public sidewalks on the north side of 50th Street from the school property to Booth Street and on the east side of Belinder Ave from the school property to 49th Terrace.

More complete background related to the Planning Commission's review of this site plan, are publicly available in the March 1, 2021 and April 5, 2021 Planning Commission meeting packets.

Aside from the height, material, and placement of the fencing shown on the site plan, staff concludes that this site plan meets the zoning regulations and the City's building code requirements. The fence will require a variance from the City Council, which will be considered commensurate with the site plan, by way of a separate agenda item and staff report.

Further, staff recommends that the public improvements identified by the Planning Commission be incorporated into the City's Capital Improvement Plan (CIP) should the City Council approve the applicant's site plan. City staff will create a project for these improvements and would also include additional items and costs, including but not limited to ADA ramps, new markings, and new signage, where needed to accommodate the site as a school.

Justin Durham, Hollis & Miller Architects, thanked the Governing Body for allowing the SMSD team to address the public and present the proposed Site Plan for the new Westwood View Elementary. Mr. Durham provided an overview of how the SMSD team provided opportunity for and received input from the community.

Mayor waters opened the meeting to public comment. Any comments for the Governing Body on the proposed Westwood View Site Plan were able to by virtually raising their hand on the Zoom platform. Comments were limited to three minutes in length.

Jan Kyle, 4946 Belinder, stated she and her husband voted to approve the SMSD bond issuance in January 2021, but did not believe it belonged on Belinder and believed the new location should have been the 5050 Rainbow Boulevard property instead.

Jennifer Merrill, 4930 Belinder, stated she was concerned about the traffic on Belinder.

No other comments were made, Mayor Waters closed the public comment portion of the meeting.

Councilmember Harris thanked city staff for their work on the review of the proposed site plan. Councilmember Harris acknowledged there is concern about traffic on Belinder and that traffic flows may change, but the SMSD team conducted a traffic study that concluded that traffic from the new school site would not be a detrimental to the traffic flow on Belinder. Councilmember Harris stated the site plan being considered could be one of the biggest decisions the Governing Body will make and will affect the community for several generations.

Councilmember Hannaman said that with every design option that has been looked at will still exist in some capacity, and that is the nature of a large project in a fully developed city. Councilmember Hannaman said the SMSD team has taken the time to address concerns that have been raised by the community and made changes where appropriate. Councilmember Hannaman acknowledged the community members who expressed concerns about the new school location and that living next to a school may not be perfect every second of every day, but they will come to realize that this is a positive development for the community. Councilmember Hannaman noted the new Westwood View building is designed for those that use it, the students. Councilmember Hannaman stated he would be voting to approve the proposed site plan.

Councilmember Steele said the planning process for a new school has been done very well and thoughtfully.

Councilmember Cummins noted when she first moved to Westwood, Westwood View was being considered for closure and the site plan vote is a long time coming and a product of community planning and support. Councilmember Cummins stated she is excited to see the new school.

Councilmember Wimer said she is excited and honored to be part of a hub in the community that will last for decades. Councilmember Wimer said she hoped that this project would unite the community.

Mayor Waters said there are so many involved in the planning and development of the new Westwood View. Mayor Waters said Westwood View is the heart and soul of the city. Mayor Waters expressed his appreciation to the SMSD for investing in Westwood and its children.

Motion by Councilmember Cummins to approve to the submitted site plan for a new Westwood View Elementary School on property zoned R-1 (D) at 4935 Belinder Avenue with the condition that a warrant analysis be performed at the intersection of W. 49th Terrace and Belinder Ave. by the School District during the first fall semester the new school is open. Second by Councilmember Hannaman. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

### **Consider Fence variance for Westwood View Elementary, 4935 Belinder Ave**

The Shawnee Mission School District's site plan provides for a 6' fence around the play areas made of vinyl-coated chain link on the north and east sides of the property and of aluminum on the south side of the property. This application requires a variance for:

A. Material – fences exceeding 4' in height are to be made of wood or live material (Westwood Zoning Ord. Section 4.3.9.A.2); and

B. Height – a 6' fence would only be allowed in the rear yard of the property (Westwood Zoning Ord. Section 4.3.9.B.2).

The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F.

Motion by Councilmember Harris to approve the requested fence variance at 4935 Belinder Ave. to allow a 6 foot high vinyl coated chain link fence in the rear and partial side yard, and 6foot high ornamental aluminum fence in the side yard of the primary structure. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

Dr. Rick Atha, Shawnee Mission School District Deputy Superintendent, thanked the Westwood City Council, Planning Commission, and their Mrs. Herring for their work and guidance on the Westwood View Elementary rebuild project.

At 9:46 p.m. Mayor Waters called a recess. At 9:55 p.m. Mayor Waters reconvened the meeting.

### **Consider Master Services Agreement with GovBuilt**

The City's current process of permitting and licensing involves pdf forms published on the City's website, which then get emailed or brought in person to City Hall for review and processing. The review consists of multiple handoffs between members or staff and interdepartmental coordination conducted via email, phone, and in-person conversation and is paper-based. The applicant communication component of the process involves typically multiple emails, phone calls, or in-person visits to work through questions and coordinating to ensure that applications are complete and acceptable prior to final approval and permit issuance. Once approved, permits are issued in person at City Hall and payment is only accepted via cash or check; creating a common inconvenience for applicants and residents.

Given the changes in process the City adopted temporarily in 2020 in response to public health orders and guidance, providing a permanent contactless option for residents and contractors to apply for and receive permits and licenses from the City is a highly desirable course of action. Further, achieving process improvement while elevating and expanding our ability to provide excellent customer service is an added benefit to moving to a self-service online platform, like GovBuilt, which builds in a workflow function on the backend to allow for better coordination and communication amongst staff.

GovBuilt's solution is a Software as a Service (SaaS) subscription offerings that incorporate various software solutions for building, planning, inspections, and occupational licensing — all in a single system. This provides cities with an integrated solution that delivers citizens 24/7 access to government services and staff will have an automated system that eliminates manual processes and streamlines business processes enabling communication and collaboration across departments, citizens and third-party applications. GovBuilt applications are scalable to grow and adapt with the City.

GovBuilt has provided links to some of its sites active in other local governments and will be available at the meeting to provide a demonstration and also to answer any questions you may have.



In February, City Administration Department staff met with the GovBuilt team and received demonstrations and one-on-one conversations with GovBuilt development and sales staff and then introduced the platform to Police Department and Public Works Department staff. City staff has also performed a reference check with Saline County and received positive feedback about the company and product.

As the City of Westwood provides building official services to Westwood Hills and Mission Woods, Westwood staff has also been in contact with those communities to inform them of the City's conversations with GovBuilt and moving permitting services to that online platform.

On March 3rd, the Administration & Compensation Committee met with City staff and received a demonstration of the GovBuilt platform. Ultimately, the Administration and Compensation Committee arrived at consensus to recommend engaging with GovBuilt to the City Council for consideration.

If the City Council elects to move forward with GovBuilt, implementation would take two (2) months from kick-off and would include five (5) forms and workflows and City staff training. Following implementation, City staff would be able to build out unlimited additional forms, as needed, through the platform and ongoing tech support would be provided by GovBuilt as needed by City staff.

Although this expense is not budgeted in the City's 2021 budget, City staff understands this expense to be an eligible City expense under the American Rescue Plan and would budget for this ongoing expense in the fiscal year 2022 budget. In addition to the annual subscription to GovBuilt is the City's annual cost to engage directly with the credit card vendor, Forte, which cost is \$200/year and details of which relationship are detailed in a separate staff report and agenda item, directly following this report and item.

Motion by Councilmember Hannaman to accept the proposal of GovBuilt to provide online permitting and licensing for the City And to approve the Mayor to execute the Master Services Agreement. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

#### **Consider Agreement with Forte for Credit Card Processing**

A component of moving to GovBuilt for the City's permitting and licensing services is the acceptance of payment online, via credit card and electronic check. Forte is GovBuilt's preferred vendor for payment processing and the City has engaged directly with Forte to work out the terms of an agreement should the City Council elect to engage them.

Although Forte does not charge any annual fees, the annual cost to integrate Forte with GovBuilt is \$200 and, although this expense is not budgeted in the City's 2021 budget, this expense would, with GovBuilt's implementation/outlay costs, be covered by American Rescue Plan funding. Moving forward into 2022 and beyond, this expense would be budgeted.

Motion by Councilmember Hannaman to approve the Mayor to execute the Payment Processing Agreement with Forte. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

#### **Public Safety Report**

Chief O'Halloran referred to the March 2021 Public Safety report and offered to answer questions.



**Public Works Report**

Mr. Sullivan referred to the March 2021 Public Works report and offered to answer any questions.

**Consider Agreement with Johnson Couty, KS for Stormwater Best Management Practices (BMP) Cost Share**

The Stormwater Management Advisory Council determined that it is in the best interests of the residents of Johnson County for the County’s Stormwater Management Program to participate in a cost-share program with the City that promotes the use of rain barrels, rain gardens, native trees, and native plantings on residential property to reduce stormwater runoff as well as increase public awareness of stormwater-related issues, all as required by federal NPDES stormwater rules and regulations.

Motion by Councilmember Steele to authorize the Mayor to execute the 2021 Agreement for Stormwater BMP Cost Share Program with Johnson County. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

**Committee Reports**

**a. Administration & Compensation Committee**

Councilmember Hannaman had nothing to report.

**b. Business & Community Affairs Committee**

Councilmember Cummins noted she met with Councilmember Steele, Mrs. Herring, Mr. Sullivan and Chief O’Halloran met to further discuss street banner designs.

**c. Public Safety Committee**

Councilmember Harris had nothing to report.

**d. Public Works Committee**

Councilmember Steele noted the Committee is continuing work on gathering a task force for the Complete Streets plan in Westwood.

**e. Parks & Recreation Committee**

Councilmember Wimer noted the Committee is developing a form for residents to request to use the green space at 5050 Rainbow Boulevard or the City Hall parking lot and will finalize the form during the next Committee meeting.

**Mayor’s Report**

Mayor Waters

**Consider Renewing Terms of Planning Commission**

The members of the Westwood Planning Commission are appointed by the mayor, with the consent of the Governing Body, and serve a term of three (3) years each (16.1.4.2).

In March 2020, the City established a February term expiration date to better conform to the November local-election cycle as new appointments or reappointments are made to the Planning Commission.

Planning Commission & BZA	Date Appointed	Term Expiration Date
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Trent Robinett	Dec 2010	May 2021*
Matt Prout	May 2017	February 2022
Tony Atchity	Sept 2013	February 2022
Vacant**		February 2022
Samantha Kaiser	November 2020	February 2023
Sarah Page	May 2017	February 2023
Vacant***		February 2023
M Scott Weaver	May 2018	February 2024
Kevin Breer	May 2015	February 2024

\*Section 16.1.4.2 of the Westwood Zoning Ordinance provides for one non-resident, non-voting ex-officio member. As this provision has not been observed in recent past, it is recommended that the Planning Commission review this section of the Zoning Ordinance during its work currently underway to identify areas for review and suggested revision with the Zoning Ordinance. Until such time as this provision is either removed or formally revisited by the Planning Commission, Commissioner Robinett's term will be allowed to expire, and he has agreed to continue serving until such time that he fulfills his current plans to move outside the city limits of Westwood or the Zoning Ordinance is updated to reflect its current history of appointing only residents of Westwood.

\*\*Planning Commission Chair Rob Junk stepped down from the Planning Commission on April 5, 2021, effective as of April 6, 2021. This seat will remain vacant until a successor is identified and recommended for appointment. Vice Chair Sarah Page will serve as Chair at the May 3, 2021, at which meeting elections of Chair and Vice Chair are scheduled to take place.

\*\*\*Planning Commissioner Ken Low stepped down from the Planning Commission on April 6, 2021, effective immediately. This seat will remain vacant until a successor is identified and recommended for appointment.

Motion by Councilmember Harris confirm the appointment of the slate of candidates to the Planning Commission as presented. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

**Proclamation of National Bike Month in Westwood**

Mayor Waters proclaimed April 2021 National Bike Month in the City of Westwood.

**Proclamation of Arbor Day in Westwood**

Mayor Waters proclaimed Friday, April 30, 2021 Arbor Day in the City of Westwood.

**Proclamation of National Donate Life Month in Westwood**

Mayor Waters proclaimed April 2021 National Donate Life Month in the City of Westwood.

**Proclamation Thanking Councilmember Lisa Cummins**

Mayor Waters read a proclamation honoring and thanking Councilmember Cummins for her service to the City of Westwood on the City Council, Westwood Foundation and the 47<sup>th</sup> & Mission Development Committee.

**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 11:10 pm.

APPROVED:



David E. Waters, Mayor

ATTEST:



Leslie Herring, City Clerk