

**City of Westwood, Kansas
City Council Meeting
August 11, 2022 – 7:00 p.m.**

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

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on August 11, 2022. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Approval of Agenda

Motion by Councilmember Harris to approve the August 11, 2022 City Council meeting agenda as submitted. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Public Comment

No comments by the public were made.

Public Hearings

No matters were subject to a public hearing for the evening's meeting.

Presentations and Proclamations

Westwood Foundation Scholarship Award

The Westwood Foundation awarded the 2022 Merit Scholarship to Mr. Ryan Ward. Mr. Ward graduated from Shawnee Mission East High School in May 2022 and will be attending Indiana University in the fall. Mr. Ward thanked the Foundation Board. Mayor Waters presented Mr. Ward with a certificate and scholarship check.

Kansas City Communities for All Ages

Cathy Boyer-Shesol, Mid America Regional Council, provided a presentation on the Communities for All Ages program.

Westwood Communities for All Ages Survey Findings

Councilmember Harris worked with staff to conduct a survey of Westwood residents regarding topics that relate to aging in place in Westwood.

Consent Agenda

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider July 14, 2022 City Council Meeting Minutes
- B. Consider Appropriations Ordinance 741

Motion by Councilmember Hannaman to approve the Consent Agenda as submitted. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion carried by a 5-0 vote.

Mayor's Report

Mayor Waters shared that the first day of classes at the new Westwood View Elementary School occurred earlier that day. Mayor Waters thanked all those involved throughout the years in the planning and building of the new school.

Mayor Waters provided an overview of events he attended and planned to attend as Mayor in the recent and upcoming weeks.

City Councilmember Reports

Councilmember Buckman shared that the GoGreen Environmental Fair will be held on Saturday, September 17th from 9am to Noon at the Powell Community Center in Mission.

Councilmember Wimer noted that there will be a Sprinklers & Squirtguns event on Saturday, August 27th from 4pm to 6pm. Councilmember Wimer noted that Oktoberfest will be held on October 1st starting at 4 pm.

Councilmember Steele noted that she and Mrs. Herring were invited to attend a workshop to encourage communities to become more bicycle friendly because of their work on the 47th Street road project in September.

Staff Reports

Administrative Report

Mrs. Herring provided an overview of the August 2022 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the August 2022 Public Works Report included in the agenda packet and offered to answer any questions.

Public Safety Report

Chief Mansell provided an overview of the August 2022 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

The July 2022 Treasurer's Report was included in the agenda packet for review. No questions or comments were made about the report.

City Attorney's Report

Mr. Denk said he was contacted by Larry Feree, Attorney for Woodside Club at Polisinelli Law Firm, a draft of a Consent to Modification of Leasehold Mortgage and Security Agreement in relation to the Woodside Club facility improvements. These documents concern Woodside Management's leasehold interest in the facilities located on City owned property on the south side of 47th Place. Mr. Denk said that these documents have been completed by the City each time the Woodside Development Team has come through with financing requests. Mr. Denk asked that a motion be added to authorize the Mayor to sign the two documents.

Motion by Councilmember Hannaman to authorize the Mayor to sign, subject to City Attorney review and approval, the Consent to Woodside Club's Modification of Leasehold Mortgage and Security Agreement and Estoppel Letter confirming they are not default on their lease and existence of the lease. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Old Business

No old business matters were considered.

New Business

The streets near schools, as well as those along primary walking routes to and from any school, are critical public infrastructure. Safety of children and others using school facilities is paramount. The new Westwood View Elementary is scheduled to open August 11, 2022. City staff has been working with school officials in developing safe traffic and pedestrian routes to and from the school. In doing so, it was determined that there would need to be new/modified ordinance(s) in regard to parking restrictions and required school zones.

Parking Restrictions:

Current No Parking ordinance 14-202 states "PARKING OR STOPPING PROHIBITED. No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device, in any of the following places:"

Per ordinance language, for the purposes of this action, when the term "No Parking" is used, it is implied or understood this also restricts both stopping and standing.

Belinder Ave.

Current City regulations restrict parking on the east side of the street from the Fairway city limit to W. 47th Street at all times. No changes recommended.

Current City regulations also restrict parking at all times on the west side of the street from W. 50th Street to a point 100 feet both to the north and south at all times. No changes recommended.

Current City regulations restrict parking on the remaining west side of Belinder Ave. from W. 47th Street to the Fairway city limit during specified times. Those restrictions are No Parking from 2 AM to 9 AM and 4 PM to 6 PM Seven Days a Week.

Recommended changes are to expand the evening time restrictions on the west side of the street by two hours, from the current 4 PM to 6 PM to 2 PM to 6 PM from a point at W. 49th Terr south to W.

50th Terr. The new time expansion will provide for less congestion and safer pedestrian travel during arrival and dismissal times at the elementary school.

West 50th Street

Current City regulations restrict parking on the north side of the street from Rainbow Boulevard to Belinder Avenue at all times. No changes are recommended.

Current City regulations restrict parking on W. 50th Street to a point 100 feet both to the east and to the west of Belinder Ave. at all times. No changes recommended.

Current City regulations restrict parking from the west boundary of 2511 W. 50th Street (old WWV) to Rainbow Boulevard at all times. No changes recommended.

Other than the prohibition of overnight 2-hour parking from midnight to 6 AM, there are NO current restrictions on the south side of W. 50th St. from a point 100 feet east of Belinder Ave. to the west boundary of 2511 W. 50th St. Staff recommends additional restrictions of No Parking 7 AM to 9 AM and 2 PM to 6 PM for less congestion and safer pedestrian travel during arrival and dismissal times at the elementary school.

W 49th Terr

The only current parking restrictions on W. 49th Terrace both to the east and west of Belinder Ave., would be no parking within 30 feet of a stop sign and the prohibition of overnight 2-hour parking from midnight to 6 AM.

Staff proposes further restrictions be applied at this intersection. NO PARKING within 100 feet on W. 49th Terrace from a point both 100 feet east and west of Belinder Avenue on both sides of the street at all times. With the addition of the crosswalks at the intersection on Belinder and on W. 49th Terr this will ensure adequate sight distance by preventing vehicles from parking any closer than 100 feet from the corners of the intersection.

School Zones:

The Manual on Uniform Traffic Control Devices (MUTCD) recommends school zones extend two hundred (200) feet in all directions as measured from the nearest property line of the school. Staff recommendations are in relation to W. 50th Street and Belinder Ave. as outlined below will provide compliance with the MUTCD.

W. 50th Street

A school zone currently exists on W. 50th Street from Rainbow Boulevard to Belinder Ave. as established in Westwood City Code 14-102(c). With the old Westwood View serving Rushton Elementary School in the Spring of 2023, no changes are recommended until after Rushton has vacated that property.

The establishment of an added school zone on W. 50th St., west of Belinder to Norwood St. will be required to satisfy MUTCD recommendations.

Belinder Ave.

Establishment of an added school zone on Belinder Avenue from the north property line of the address at 4914 Belinder Avenue to the intersection of W. 50th Ter. will be required to satisfy MUTCD recommendations.

Maps illustrating all recommended changes are included in the meeting packet. The highlighted ordinance language indicates the areas of the municipal code language being modified.

Motion by Councilmember Steele to adopt Ordinance No. 1030 amending Section 14-202 and Section 14-102(c) of the Westwood Municipal Code. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote. Motion approved 5-0.

Consider Approving Change Order for JM Fahey for 2021 Street Project

In August 2021, the Governing Body approved a contract with JM Fahey Construction Company for an amount not to exceed \$381,083.70 for the 2021 streets program, which included improvements to:

- a. the existing alley between W. 48th Street and W. 48th Terrace,
- b. State Line Road from the North City limits of the City of Westwood to the South City limits of Westwood Hills jointly with Kansas City, Missouri, and
- c. W. 48th Street and W. 47th Terrace between Rainbow Boulevard and State Line Road as well as certain alley ways located within that area.

This work was delayed until May 2022 due to the installation of new gas mains and services on W. 47th Terrace, W. 48th Street, State Line Rd., Rainbow Blvd, and the associated alley ways, and the final invoice, including a change order and final quantity adjustments, was received by the City in July 2022.

The City's purchasing policy does not provide guidance for how to handle change orders when a contract has been approved by the Council with a not to exceed amount which the change order exceeds. Neither Change Order #1 nor the Final Quantity Adjustments were approved by the City Council and both exceed staff's independent purchasing authority. Change Order #1 includes the following:

- a. \$24,466.49 oil adjustment for increased materials costs, which is being reimbursed by Kansas Gas due to their delay of the project;
- b. \$2,050.00 underdrain excavation, which was caused due to hitting rock during the work;
- c. \$1,848.24 thermoplastic cost, which is being reimbursed by the City of Westwood Hills and Kansas City, MO since the work was performed in their jurisdictions; and
- d. \$4,235.90 concrete pavement patch, which was caused due to a sink hole developing on 48th Street.

City staff will conduct a review of multiple policies and procedures this fall in light of the change in organizational structure approved by the Governing Body this year. As part of this review, staff will make recommendations to the Governing Body for modifications to the purchasing policy to account for this situation in future contracts so certain pay adjustments to vendors can be made administratively to allow for the timely payment of vendors.

Motion by Councilmember Hannaman to approve payment of Change Order #1 in the amount of \$32,612.51 and the Final Quantity Adjustments in the amount of \$11,041.62 on the JM Fahey contract for the 2021 streets program. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

Consider Passing Authority to Award Contract Commitment of City Funds for 47th Complete Street Project

The City of Westwood and the Unified Government of Wyandotte County – Kansas City, KS (UG) have partnered to make certain improvements to 47th St./47th Ter./County Line Rd. between Mission Rd. and Rainbow Blvd. Each city has agreed and understands that the costs attributable to their respective cities shall be borne by that city, as memorialized in the interlocal agreement included for reference in the meeting packet.

This project was awarded federal funds through the Kansas Department of Transportation's (KDOT) Surface Transportation Program (STP) and is being administered by KDOT on behalf of the cities. KDOT held a bid opening/letting for the construction on July 20, 2022 and received a total of four (4) bids through its competitive process. Westwood staff has since confirmed with UG staff that they are willing and able to proceed with accepting the low bid, which authorization and remittance of funds to KDOT is due by September 8, 2022. The UG will remit its half of the local match to KDOT independent of the City of Westwood.

Budget Impact

The March 2018 engineer's estimate of construction costs, on which the federal match was based is \$1,301,722.69. The federal match was awarded in the amount of \$1,047,000, which reflects the 80%/20% federal/local match on which the STP is based. The City's local contribution to the project – which is due to KDOT as project administrator – is \$962,500, which is 50% of the \$1,924,106 total local match (aka City Funds) and is broken out as follows:

Totals				
	City Funds	Federal Funds	State Funds	Total Funds
Federal Non-Participating Construction	\$83,624			\$83,624
Federal Non-Participating CE	\$18,308			\$18,308
Fund 1- 80% Federal Funds		\$1,047,000		\$1,047,000
Fund 1- 20% City Funds	\$261,750			\$261,750
City Funds Due to Max Funding	\$1,560,424			\$1,560,424
Total	\$1,924,106	\$1,047,000	\$0	\$2,971,106

Amount to Bill City (Rounded Up)	\$1,925,000
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This \$962,500 expense constitutes the total City cost in the 2022 CIP for this project. 2021 CIP expenses incurred were for design engineering and right-of-way (ROW) acquisition and have now been fully invoiced. The City of Westwood's portion of the design engineering costs is \$145,058 and our ROW acquisition costs totaled \$19,350. Any differences in the final actual amount of construction costs and/or construction engineering would be reconciled by KDOT in 2023 following project completion.

In order to fund this project, City staff recommends the following approach:

- Wait to install the streetlights on the Belinder Ct. and Booth St. cul-de-sacs until 2023 to delay that expense. With the delays in construction due to utility work on 47th St., the streetlights won't be installed on 47th St. until 2023 and so installation on the cul-de-sacs could still be coordinated to occur simultaneously.
- Divert the budgeted 2022 transfer from the Stormwater Utility Fund to the Equipment Reserve Fund. The 2022 adopted budget calls for a transfer of \$60,000 from the Stormwater Utility Fund to the

Equipment Reserve Fund. This transfer was budgeted to plan ahead for the 2024 FY purchase of a new street sweeper. However, operational changes planned for the City's leaf pick-up program would extend the meaningful life of the existing street sweeper and result in an equipment expense/purchase in 2024 of significantly less. Staff will reduce the 2024 Public Works expense in the Equipment Reserve Fund from \$264,000 to \$100,000. This change in operational planning allows the City to divert that 2022 \$60,000 transfer from the Stormwater Utility Fund to the CIP Fund to help cover the increased cost of the 47th Street Complete Streets project. This adjustment effectively increases the 2022 transfer to the CIP Fund from the Stormwater Utility Fund from \$100,000 to \$160,000.

- Delay the Mission Rd. Complete Streets Project one year. This project has been planned for design in 2023 and construction in 2024 and is a joint project with Roeland Park and is partially funded by Johnson County through its CARS program. This will allow the fund balance in the CIP to rebuild in 2023 and 2024 to accommodate the expense of that project. Roeland Park staff has agreed to adjust its CIP should the City of Westwood desire to delay one year.

After making these adjustments to accommodate the cost of the 47th St. Complete Streets project, City staff anticipates a very low CIP Fund balance/cash carryforward in FY 2023, less than \$50,000. However, the City's General Fund balance and fund balance in other funds are healthy enough to make limited unscheduled transfers in the case the CIP Fund requires it to maintain a positive fund balance. An updated 2022 – 2027 CIP is included in the meeting packet for review.

Motion by Councilmember Hannaman to authorize the Kansas Department of Transportation to award the contract for the 47th Street Complete Street Project to Miles Excavating, Inc. in the amount of \$2,437,477 and to authorize payment to KDOT of the City of Westwood's share of project costs in the amount of \$962,500. Second by Councilmember Wimer. Motion carried 5-0 by a voice vote.

Announcements/Governing Body Comments

No announcements were made by the Governing Body.

Executive Session

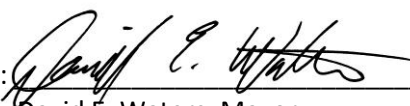
Motion by Councilmember Wimer to move into an Executive Session for a period of 20 minutes, to discuss personnel matters of non-elected personnel to discuss contract terms for the appointment of the position of City Administrator. Second by Councilmember Buckman. Motion carried with a 5-0 voice vote. The Governing Body left the dais at 9:00 p.m. to conduct the Executive Session.

At 9:20 the Governing Body reconvened. Motion by Councilmember Harris to move into an Executive Session for a period of 20 minutes, to discuss personnel matters of non-elected personnel to discuss contract terms for the appointment of the position of city Administrator. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote. The Governing Body left the dais at 9:20 p.m. to conduct the Executive Session.

At 9:40 p.m. the Governing Body reconvened. No action was taken.

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 9:40 p.m.

APPROVED: 
David E. Waters, Mayor

ATTEST: 
Leslie Herring, City Clerk