

**City of Westwood, Kansas
City Council Meeting
February 10, 2022 – 7:00 p.m.**

Council Present: Jeff Harris, Council President
 Andrew Buckman, Councilmember
 Jason Hannaman, Councilmember
 Laura Steele, Councilmember
 Holly Wimer, Councilmember

Council Absent: David E. Waters, Mayor

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

Call to Order

Councilmember Harris called the meeting to order at 7:00 p.m. on February 10, 2022. The meeting was held virtually via Zoom. Councilmember Harris presided over the evening’s meeting as Mayor Waters was unable to attend.

Approval of Agenda

Motion by Councilmember Buckman to approve the February 10, 2022 City Council agenda as stated. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Public Comment

Attendees who wished to make a comment were instructed to use the “raise hand” feature on Zoom.

Councilmember Hannaman noted that he received an email from a member of the public who was currently at City Hall and who would like to make a public comment. Councilmember Harris said he also received the email. With no other members of the audience indicating they wished to make a public comment, the Public Comment portion of the meeting was closed and would be revisited once the member of the public was able to join the meeting via Zoom.

Public Hearings

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

Presentations and Proclamations

Johnson county Commissioner Becky Fast provided an update to the Council about Johnson County activities and future plans.

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 January 13, 2022 City Council Work Session and Meeting Minutes
- B. Consider Appropriations Ordinance 735

Mrs. Herring noted the most current version of Appropriation Ordinance 735 was not included in the agenda packet. Mr. Denk suggested Appropriations Ordinance 735 be removed from the Consent Agenda and considered separately.

With one item remaining item on the Consent Agenda, Councilmember Harris asked that the Council consider and make a motion regarding the January 13th City Council Work Session & Meeting minutes as a standalone item. Motion by Councilmember Hannaman to approve the January 13, 2022 City Council Work Session and Meeting as presented in the agenda packet. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Motion by Councilmember Wimer to approve Appropriations Ordinance 735 with the change in Section II that the year 2021 be struck and replaced with the year 2022. Second by Councilmember Buckman. Mrs. Herring performed a roll call vote. Motion passed 5-0.

Public Comment Continued

Councilmember Harris noted the member of the public who wished to address the Council was in attendance via Zoom and reopened the Public Comment portion of the meeting.

Malisa Monyakula, 2821 W 51st Terrace and owner of Lulu's Thai Noodle Shop, thanked the Council for the opportunity to speak. Ms. Monyakula stated that the COVID-19 pandemic has been a challenging time as a business owner and stated that a recent addition of a temporary wind shield to the patio at her restaurant to allow diners to sit outside. Ms. Monyakula provided an overview of her experience establishing a business in Kansas City, Missouri, Lawrence, Kansas and Lenexa, Kansas to her experience establishing a business in Westwood. Ms. Monyakula expressed frustration regarding the approval processes she had to work through in the past, stating that Westwood has three approving bodies for project development where other communities do not have as many. Ms. Monyakula said she approached City Staff in the past about obtaining TIF funding for her business and was told it was not cost effective. Ms. Monyakula expressed concern about what the current processes in place may mean for future business development in Westwood.

Councilmember Harris thanked Ms. Monyakula for addressing the Council and encouraged her to contact the Westwood Planning Commission Chair with her concerns. Councilmember Harris noted that later in the meeting the Council would be considering significant changes to Westwood's Zoning Ordinance that have been based on community feedback.

Mayor's Report

Mayor Waters provided a written report as he was unable to attend the meeting. Councilmember Harris read the report in its entirety.

Committee Reports

Administration & Compensation Committee

Councilmember Hannaman had nothing to report.

Business & Community Affairs Committee

Councilmember Buckman noted Westwood is participating in the planning of a Northeast Johnson County Environmental Fair, which is planned to take place in September.

Parks & Recreation Committee

Councilmember Wimer had nothing to report.

Public Safety Committee

Councilmember Harris had nothing to report.

Public Works Committee

Councilmember Steele noted on Monday, February 7th she, Mrs. Herring and Mr. Sullivan met with various area agencies to consider future plans for Rainbow Boulevard.

Staff Reports

Administrative Report

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

Public Works Report

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

Treasurer's Report

The January 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 provided an explanation of the response Malisa Monyakula received for her TIF request.

Old Business

No Old Business items were considered.

New Business

Consider mayoral appointment to fill the Planning Commission vacancy being created by Tony Atchity

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). Planning Commissioners whose terms are expiring effective February 28, 2022 include Tony Atchity, Clay Fulghum and Matt Prout.

Commissioners Fulghum and Prout are seeking renewal of their terms; however, Commissioner Atchity is not seeking term renewal and has requested a replacement be identified for his seat on Planning Commission.

Following Commissioner Atchity's notice to vacate his seat, the Mayor issued an open call for candidates. Letters of interest from three (3) residents were received. Following an interview process where Mayor David Waters and Planning Commission Chair Sarah Page met with the interested individuals, the Mayor is recommending the Governing Body consent to the appointment of Ann Holliday for a three-year term.

Ms. Holliday is a 14-year resident of Westwood and holds both a Master of Planning degree from the University of Virginia (also holding a certificate from that school in Historic Preservation) and a Master of Business Administration from UMKC's Bloch School of Business and Public Administration. She is currently the Vice President of Strategic Initiatives for the Downtown Council of Kansas City, Missouri (DTC), for which organization she has worked for almost 30 years. She is also involved with both the Urban Land Institute (on its Kansas City District Council) as well as the International Downtown Association.

The following candidates, who all reside in Westwood are qualified appointees and are hereby recommended by the Mayor to serve on the Westwood Planning Commission for terms or three years each.

Candidate	Residential Address	Term
Clay Fulghum	4837 Booth Street	March 1, 2022 – February 28, 2025
Ann Holliday	2714 W. 49th Terrace	March 1, 2022 – February 28, 2025
Matt Prout	5106 Belinder Avenue	March 1, 2022 – February 28, 2025

Motion by Councilmember Wimer to confirm the appointment of Clay Fulghum, Ann Holliday, and Matt Prout to the Westwood Planning Commission, each for a three-year term to expire February 28, 2025, and for City Clerk Leslie Herring to administer the oath of office at the next regular meeting of the Planning Commission. Second by Councilmember Steele. Motion carried with a 5-0 voice vote.

Consider Ordinance No. 1024 Adopting Text Amendments to the Westwood Zoning Ordinance

At its November 2020 regular meeting, the Planning Commission began establishing a scope and process to review and amend the City's Zoning Ordinance. This process was initiated largely in response to questions and concerns from residents directed at Westwood elected and appointed officials about architectural trends in new infill housing. However, there were also other sections of the Zoning Ordinance identified by staff, Planning Commissioners, and City Councilmembers outside of new infill housing that, over the course of this process, have been identified for consideration of updating, especially following current regional and local conversations about housing product availability, environmental sustainability, and localized land use issues as illuminated by the Urban Land Institute's October 2021 Technical Assistance Panel performed for the City of Westwood. Conversations about proposed amendments to the Zoning Ordinance have been held at several meetings during the past 15 months, with minutes of those meetings, staff reports, and redlined versions of the Zoning Ordinance being made available to the public on the City's website.

Text amendments to the Zoning Ordinance are governed by the process laid out in Section 1.6.13 of the City's Zoning Ordinance, which is restated below for convenience:

1.6.13 Consideration of Text Amendments, Rezoning Requests, and Special Use Permits – Process.

A. Public Hearing Required. Consideration of zoning text amendments, rezoning requests, and special use permits shall require a public hearing before the Planning Commission following publication notice as provided in Section 1.6.8 through 1.6.11. Applications for communication facilities or applications for special use permits for communication facilities for wireless services shall be processed within the applicable timeframes set forth in Article Ten, Section 10.4.C.

B. Action by Planning Commission. A vote either for or against a zoning text amendment, rezoning request, or special use permit by a majority of all of the Planning Commissioners present and voting shall constitute a recommendation of the Planning Commission. If a motion for or against the zoning text amendment, rezoning request, or special use permit fails to receive a majority vote of the Planning Commission, the Planning Commission may entertain a new motion. A tie vote of the Planning Commission on any motion shall be deemed to be a failure of the Planning Commission to make a recommendation. The Planning Commission's recommendation to approve or disapprove shall be submitted to the Governing Body for action, accompanied by an accurate written summary of the hearing proceedings. A recommendation to approve a zoning text amendment shall be submitted in the form of an ordinance.

C. Governing Body Action upon Planning Commission Recommendation of a Zoning Text Amendment, Rezoning Request, or Special Use Permit. The Governing Body may (1) approve such recommendations by the adoption of the same by ordinance or resolution; (2) override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body; or (3) return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

D. Applications returned to Planning Commission. Upon receipt of an application returned by the Governing Body, the Planning Commission may resubmit its original recommendation giving the reasons therefor or submit a new or amended recommendation. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after the receipt of the Governing Body's report, the Governing Body may consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

E. Reconsideration by Governing Body. Upon receipt of the Planning Commission's recommendation after reconsideration, the Governing Body, by a simple majority thereof, may take such action as its deems appropriate, including approval, disapproval or amendment of the application and adoption as amended, or the Governing Body may return the same to the Planning Commission for further consideration. Unless the Governing Body returns the application to the Planning Commission for further consideration or continues its consideration of the matter to another date, the Governing Body's action on the application shall constitute a final decision.

At its February 7, 2022 regular meeting, the Planning Commission held a public hearing virtually, via Zoom, to accept public comment on the recommended text amendments. Although members of the public were in attendance, no public comment was offered for the record during the hearing. The Planning Commission thereafter unanimously approved the text amendments as identified in the meeting packet be recommended to the Westwood Governing Body for consideration by way of Ordinance 1024, included in the meeting packet.

The following discrepancies were discussed and clarified:

- 4.2.8.C – No use shall provide more than 125% of the minimum required parking without documented evidence of actual parking demand based on studies of uses in similar context.
- 4.3.2.J.1.C – the maximum lot width coverage at front yard setback shall be 80%.
- 4.3.2.J.2.C – the maximum lot width coverage at front yard setback shall be 80%
- 4.3.2.J.3.C – the maximum lot width coverage at front yard setback shall be 70%.
- 4.3.2.J.4.C – the maximum lot width coverage at front yard setback shall be 70%
- 4.3.5.G – No structure may be more than sixteen feet, and one story, in height, except as provided in 4.3.6 Garages
- 5.4.2.E – Any parking permitted over 125% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar context.

Councilmembers Harris, Hannaman and Steele thanked those involved for all their work on the text amendment to the Zoning Ordinance.

Motion by Councilmember Hannaman to approve Ordinance 1024 with the clarifications noted in the record. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion passed 5-0.

Consider 2022 Addendum to the Public Works Service Agreement with the City of Mission Woods

Each year the Public Works Service Agreement with the City of Mission Woods is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2022 wages and benefit rates. No other adjustments are recommended.

Motion by Councilmember Wimer to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 for the City of Mission Woods. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

Consider Resolution 103-2022 declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Street from Mission Road to Rainbow Boulevard

47th Street will undergo resurfacing and geometric improvements in 2022. The road Right of Way along 47th Street contains parcels along the dedication that are irregular and inconsistent with some existing public improvements not wholly contained within the established Right of Way. The Engineer, through surveying, has identified several tracts that either need temporary construction easements or permanent construction easements. The City has engaged a right of way agent to act on its behalf to negotiate easements with affected property owners. Any easements which are not able to be successfully negotiated may require the City Council to initiate eminent domain proceedings in the District Court of Johnson County and undertake all other necessary actions to complete acquisition of such parcels.

The proposed resolution authorizes the City Attorney and the City Public Works Director to cause a survey and description of such parcels to be undertaken and filed with the City Clerk and to prepare and submit to the City Council an Ordinance authorizing the exercise of eminent domain with respect to such parcels.

Motion by Councilmember Buckman to adopt Resolution No. 103-2022. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Consider Adopting Ordinance 1025 condemning lands or interests in land for the reconstruction of 47th Street from Mission Road to Rainbow Boulevard

The proposed ordinance authorizes the City Attorney to commence proceedings for the acquisition of the described property in Exhibit A and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property

Mr. Denk noted Parcels 3 and 11 have come to an agreement with the land acquisition specialist and recommended they be removed from proposed Ordinance 1025. Mr. Denk recommended that Ordinance 1025 be revised to reflect a change in ownership for Parcel 13 and should list PHM VIII, LLC as fee simple owner.

Motion by Councilmember Hannaman to adopt Ordinance No. 1025 with the changes noted for the record by Mr. Denk. Second by Councilmember Buckman. Mrs. Herring performed a roll call vote. Motion passed 5-0.

Consider Dedication of Permanent Road Rights of Way Easement for 47th Street Improvement Project from Mission Road to Rainbow Boulevard

The Road Right of Way along W 47th Street contains parcels along the dedication that are irregular and inconsistent with some existing public improvements not wholly contained within the established Right of Way. One such parcel belongs to the city of Westwood. The City Council is being asked to consider dedicating a permanent easement as described in the following documents:

1. Dedication of Permanent Road Right of Way Easement
2. Exhibit A, Permanent Right of Way

The proposed easement lays along W 47th Street along the north 5 feet for nearly the length of the property along W 47th. Street.

Motion by Councilmember Wimer to authorize the Mayor to execute the granting of the permanent easement as presented. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Hannaman said to revise a considerable portion of the Zoning Ordinance took a lot of hard work and commended and thanked the Planning Commission members and City Staff for their time and effort on the revision. Councilmember Wimer agreed with Councilmember Hannaman's sentiment.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Wimer to adjourn the meeting. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:09 pm.

APPROVED: 
David E. Waters, Mayor

ATTEST: 
Leslie Herring, City Clerk