

**City of Westwood, Kansas**  
**City Council Work Session**  
**4700 Rainbow Boulevard**  
**July 14, 2022 – 6:00 PM**

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

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk – via Zoom  
Curt Mansell, Chief of Police  
John Sullivan, Director of Public Works  
Ryan Denk, City Attorney

**Call to Order**


Mayor David E. Waters called the meeting to order at 6:00 p.m. on July 14, 2022. The meeting was held virtually via Zoom.

**2023 Fiscal Year Budget Presentation**

Mrs. Herring provided an overview of a draft of the 2023 budget. A copy of the presentation was included in the evening's agenda packet.

**Adjournment to Regular Meeting**

The work session adjourned at 6:54 p.m. in order to prepare for the monthly City Council meeting at 7:00 p.m.

APPROVED:   
David E. Waters, Mayor

ATTEST:   
Leslie Herring, City Clerk

**City of Westwood, Kansas  
City Council Meeting  
July 14, 2022 – 7:00 p.m.**

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

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk – via Zoom  
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 July 14, 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 Wimer to approve the July 14, 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**

No presentations or proclamations were made.

**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 June 9, 2022, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 740

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

### **Committee Reports**

#### **Administration & Compensation Committee**

Councilmember Hannaman had nothing to report.

#### **Business & Community Affairs Committee**

Councilmember Buckman noted that he and Mrs. Herring are serving on the planning committee for the GoGreen Environmental Fair that will be held on Saturday, September 17<sup>th</sup> from 9 am to noon at the Powell Community Center in Mission.

#### **Parks & Recreation Committee**

Councilmember Wimer noted the Committee recently hosted a Sprinklers and Squirtguns event and will host a Music in the Park event on Thursday, July 21<sup>st</sup>.

#### **Public Safety Committee**

Councilmember Harris had nothing to report.

#### **Public Works Committee**

Councilmember Steele had nothing to report.

### **Staff Reports**

#### **Administrative Report**

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

#### **Public Works Report**

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

#### **Treasurer's Report**

The June 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 had nothing to report.

### **Old Business**

No old business matters were considered.

## **New Business**

### **Woodside Club Development Update**

Blair Tanner, Tanner & White Properties, provided a presentation on the history and future plans for Woodside Club. Mr. Tanner said he plans to move forward with a future expansion and improvement to the fitness facilities located north of 47<sup>th</sup> Place, and redeveloping the property south of 47<sup>th</sup> Place into Woodside Village South, he said the Club's current focus is to invest in existing facilities. Mr. Tanner shared planned improvements to the facilities north of 47<sup>th</sup> Place which include resurfacing three existing tennis courts and adding a fourth tennis court, updates to restrooms and the spa, and a new Pilates room. Mr. Tanner shared planned improvements to the facilities south of 47<sup>th</sup> Place which include converting the indoor tennis courts to fitness facilities as well as a general renovation to the building to better align with the Club's business plan. Mr. Tanner stated that renovations will begin in August 2022.

Councilmember Harris asked Mr. Tanner how the 2022 club improvements were determined. Mr. Tanner said Woodside management has based the improvements on member feedback and current market trends.

Councilmember Wimer asked Mr. Tanner if the 2022 club improvements for the south side of 47<sup>th</sup> Place would be demolished when Woodside Village South is developed. Mr. Tanner confirmed that they would and said Woodside management is selecting equipment and fixtures that can be relocated to the club facilities north of 47<sup>th</sup> Place.

Councilmember Harris asked Mr. Tanner if the 2022 club improvements would require an increase of staff, Mr. Tanner confirmed that more staff members would be needed.

### **Consider Request from Woodside for the Issuance of Industrial Revenue Bonds for Sales Tax Exemption for 2022 Club Improvements**

Woodside Health Club, through correspondence from their legal counsel, Bob Johnson of the Polsinelli Law Firm, has requested that the City issue Industrial Revenue Bonds (IRBs) in an amount not to exceed \$9,500,000. The requested IRB issuance would allow Woodside a sales tax exemption on construction materials and equipment relating to Woodside's proposed improvements to the Club as more particularly described in Mr. Johnson's correspondence. IRBs are special purpose issuance bonds meaning that the City does not stand behind the bonds and has no liability for repayment of the bonds. The \$9,500,000 issuance does not reflect the amount of money that Woodside will receive as a result of the bond issuance. The total project budget is between \$10-11 million. The \$9.5 million not to exceed number is the maximum total value of construction materials and equipment which Woodside may purchase as a result of the project. Depending upon the location where sales taxes would have been paid in the absence of a sales tax exemption, Woodside could realize between a 9% to an 11.5% sales tax savings on the construction materials and equipment purchased for the project.

The stated basis and rationale for the project is identified in Mr. Johnson's correspondence. A request was made to Woodside to provide detail of the financial need for the requested incentive. The attached correspondence stating that Club renovation was required due to "today's increasingly competitive environment for health and fitness facilities" is what has been provided. To date, no further financial information has been provided detailing why incentives are needed for the project.

Finally, most of the proposed investment which is the subject of the requested IRB issuance relates to improvements on the Club facility on the South side of 47th Place. These South side Club improvements

pursuant to the Redevelopment Agreement between the City and the development entity controlling the construction of the Woodside Village project, were to be demolished to make way for the Woodside Village South project. The Woodside Village South project is already seriously delinquent for commencement of construction based upon the agreed upon timelines within the Redevelopment Agreement. The Club's reinvestment in the South side Club improvements further likely signal or ensure a far greater delay in the Woodside Village South project.

Approving the use of IRBs for sales tax exemption is typically a two-step City process: (1) adoption of a resolution of intent, and (2) passage of an ordinance issuing the bonds. The adoption of an IRB resolution of intent is the key City approval to grant this incentive, as it allows the developer to access the sales tax exemption certificate. If the City Council adopts the resolution of intent for this project, it will be expected that, if the developer has otherwise performed on the project, the City would later pass the ordinance to authorize the issuance of the IRBs.

Mr. Tanner stated that if the IRB were approved, Woodside would use the funds saved for the 2022 club improvements toward improvements to the pool amenities used by Westwood pool pass holders including adding a kitchen to the pool house and adding and improving features to the family pool.

Councilmember Steele suggested utilizing the funds saved to benefit the Westwood community as a whole, not just the residents that purchase a seasonal pool pass. Councilmember Wimer asked Mr. Tanner if he would be open to a conversation with the City about how to utilize the funds saved, Mr. Tanner said he would. Councilmember Wimer asked when he would be ready to have a conversation about how to use the funds saved, Mr. Tanner said he would be open to that conversation at any time.

Councilmember Hannaman said he would have preferred more time to consider the request for IRB approval. Councilmember Hannaman said he liked the master plan for Woodside, and hoped the current plan to improve the south building does not push the development of Woodside Village South further into the future.

Councilmember Harris stated he was also impressed with the Woodside master plan. Councilmember Harris stated he initially questioned investing in a project that would ultimately be demolished, but believed it was not his role to question that decision.

Councilmember Wimer thanked Mr. Tanner for his presentation and stated she would like to see more collaboration between Woodside management and the City.

Motion by Councilmember Harris to pass Resolution No. 107-2022 with the modification of Section 4, Clause 5 as follows: (v) conditions set forth in the Application relating to the Company's investment in public pool facilities or community improvement as agreed between the Company and Issuer. Second by Councilmember Buckman. Mrs. Herring performed a roll call vote, motion passed by a 5-0 vote.

**Consider Resolution No. 108-2022 to Exceed the Revenue Neutral Rate, Establish the Date and Time of a Public Hearing, and Provide for the Giving of Notice of Such Public Hearing**

Over the last several months staff have worked to develop the 2023 budget and provided a preliminary budget overview to the Governing Body at its last meeting, on June 9, 2022. The 2023 budget maintains the same level of services as the 2022 budget and keeps operating expenses relatively flat but provides for increased expenditures related to personnel and certain professional services. Funding the

recommended 2023 budget does not require an increase to the mill levy rate, but it does exceed the revenue neutral rate due to increased revenue that will be received from increased property valuations.

The 2023 proposed budget has a total mill rate of 21.197, flat with the 2022 rate. Per Senate Bill 13, the proposed budget will require a Revenue Neutral Rate hearing to exceed the revenue neutral rate provided by the County Clerk. During the 2021 legislative session, the tax lid was removed and the legislature enacted SB13 and HB2104, establishing new notice and public hearing requirements if the proposed budget will exceed the property tax levy's revenue neutral rate. The revenue neutral rate is the tax rate in mills that will generate the same property tax in dollars as the previous tax year using the current tax year's total assessed valuation. In Westwood, the revenue neutral rate would be 19.402 mills. Since the proposed budget requires 21.197 mills, a public hearing is required.

Notice of intent to exceed the revenue neutral rate must be provided to the County Clerk before July 20th. The hearing must occur between August 20th and September 20th . The public hearing is proposed for the City Council's regular meeting on Thursday, September 8, 2022. The budget public hearing and adoption of the 2023 budget will follow the revenue neutral rate hearing on that meeting agenda.

Motion by Councilmember Hannaman to approve Resolution 108-2022 to exceed the Revenue Neutral Rate, establish the date and time of a public hearing, and provide for the giving of notice of such public hearing. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

**Consider Approving Final Plat of Westwood View School, located at 4935 Belinder Ave.**

A plat is a document recorded with a property parcel that establishes property intended for public use. The property located at 4935 Belinder Ave., Westwood, KS is under construction as a new elementary school and is currently unplatted. Shawnee Mission School District, the current owner of record, has applied for a final plat of the property with the aid of its project engineer, MKEC. Section 1.5 of the City's Zoning Ordinance specifies the procedures and requirements for the consideration of a final plat, which includes submission to the Planning Commission for review and approval and then submission to the Governing Body for acceptance/approval. Following approval by both the Planning Commission and Governing Body, the plat shall be recorded with the County Register of Deeds.

The Westwood Planning Commission unanimously and unconditionally approved the final plat at its July 11, 2022 regular meeting.

The submitted final plat maintains one, single lot on the subject property. By approving the subject plat, the following will be dedicated:

- a. Seven foot (7') sidewalk easement along the western and southern borders of the property;
- b. Ten foot (10') electric utility easement in the southeastern corner of the property;
- c. Twenty foot (20') sanitary sewer easement along the eastern border of the property; and
- d. Stormwater and detention facility easements in the northeastern corner of the property.

No additional right of way or public streets are being dedicated on the property.

Further, there is a complementing Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement setting out rights and responsibilities related to the dedicated stormwater detention facility, which was drafted by Westwood City Staff and has been agreed

upon in form by the attorneys of both SMSD and the City, and which will be recorded with the plat on the property.

Staff review of the application submittal concludes that all elements required to be included on the plat are shown and that the submitted final plat conforms to all provisions of Section 1.5. of the Zoning Ordinance.

Motion by Councilmember Wimer to approval the final plat for Westwood View School, at 4935 Belinder Avenue, as submitted, and to direct the Governing Body's approval be affixed thereto for the dedication of land for public purposes. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

**Consider Approving Agreement with JLL Valuation and Advisory Services for 4700 Rainbow Blvd., 5000 Rainbow Blvd., and 5050 Rainbow Blvd.**

In September 2021, the Governing Body held a work session to discuss a plan of action for determining the future of public lands in Westwood. As a result of that work session the following plan achieved consensus from the Governing Body and provided direction to staff to execute:

1. Engage the Urban Land Institute to conduct a follow-up [to the 2015] Technical Assistance Panel (TAP) to: (a) evaluate highest and best use for the corners of 47th & Rainbow and 50th & Rainbow Blvd. to maximize long-term economic and social impact for the community, (b) recommend the best location of municipal facilities, and (c) recommend ways in which Westwood could further the objectives of providing quality accessible and affordable housing. This was conducted and concluded in Fall 2021.
2. Conduct a City facilities analysis of existing buildings, including an assessment and cost estimate of deferred maintenance and optimal site selection, if different from the current location of City facilities. This is currently taking place.
3. Reconvene at the conclusion of the City facilities analysis in the Fall of 2022 to determine strategic direction for the southwest corner of 50th & Rainbow and the southwest corner of 47th & Rainbow.
4. Execute the plan of action, possibly including issuing RFP's for private development opportunities.

Working with the Multistudio (f/k/a Gould Evans) consultant team, two local appraisal firms were identified and asked to submit proposals for the City's needs. One proposal (from JLL Valuation and Advisory Services, LLC) was received, which is acceptable to both Multistudio and City staff.

JLL Managing Director Ken Jagers will be present at the Council meeting to introduce himself to the Governing Body and to provide an overview of his firm's qualifications and approach to the project. Upon consent of the Governing Body, City staff will submit the proposed agreement to the City Attorney for review and then will arrange for the Mayor's signature once final terms have been reached.

JLL Valuation and Advisory Services' fee proposal is not included within the approved facilities study project budget of \$75,000, as budgeted in the 2022 Capital Improvement Plan. This fee will be expensed to the General Fund's General Overhead budget. Including this expenditure in 2022 year-end forecasts, the 2022 General Overhead budget is still expected to come in at/under budget for this department.

Councilmember Harris asked for clarification about which properties are included in the scope of work and questioned why the Public Works Office property wasn't included for appraisal. Mayor Waters responded that neither sale nor any possibilities for a disposition other than its current use have been discussed as options to-date and so an appraisal isn't warranted at this time.

Motion by Councilmember Harris to approve a services agreement with JLL Valuation and Advisory Services to perform valuation services in an amount not to exceed \$9,500, conditioned upon such agreement's approval by the City Attorney. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

**Consider Allowing the Consumption of Alcoholic Beverages in the city Park During the Music In the Park Event, To Be Held on Thursday, July 21, 2022**

Music in the Park is scheduled to be held on Thursday, July 21, 2022 from 7 to 8 PM in Joe D. Dennis Park, located at 5000 Rainbow Blvd. City staff has been directed by member(s) of the Governing Body to prepare and bring forward an action for Council consideration to allow the possession and consumption of alcoholic beverages during this event, to comply with the provisions of Westwood Municipal Code Section 12-206(3), which requires approval by the Governing Body for the allowance of alcoholic beverages in the park.

Motion by Councilmember Harris to approve the possession and consumption of alcoholic beverages on Thursday, July 21, 2022 from 6 to 9 PM on City-owned property at 5000 Rainbow Blvd. for the City's Music in the Park event. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

**Announcements/Governing Body Comments**

Councilmember Harris shared that the City currently has a Communities for All Ages available online and in paper form and encouraged community members to complete and submit the survey.

**Executive Session**

No matters required an Executive Session during this meeting.

**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 9:19 p.m.

APPROVED:   
David E. Waters, Mayor

ATTEST:   
Leslie Herring, City Clerk