

City of Westwood, Kansas
City Council Work Session
4700 Rainbow Boulevard
May 12, 2022 – 6:00 PM

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

Council Absent: Andrew Buckman, Councilmember

Staff Present: Leslie Herring, CAO/City Clerk
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 May 12, 2022. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Governing Body Strategic Planning 2022-2023

Mrs. Herring provided a presentation and led a discussion regarding goals and priorities through the end of 2023.

In 2016 the Governing Body drafted a strategic action plan that paralleled the Master Plan that would provide actionable steps toward proactively executing the Master Plan. The 2016 drafted plan was not formally adopted by the Governing Body. During the 2021 Governing Body retreat with BOARDynamics, the Governing Body identified strategic planning as a critical immediate action.

The Governing Body indicated to City staff that current goals and priorities are not entirely different from those in the 2016 draft plan but that there are certain areas of the draft plan that are no longer priorities for the Governing Body. No actions were made or direction to staff was given.

Adjournment to Regular Meeting

The work session adjourned at 6:52 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
May 12, 2022 – 7:00 p.m.**

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

Council Absent: Andrew Buckman, Councilmember

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 May 12, 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

Mayor Waters referred to the meeting agenda and suggested Item X.G., a fence variance request, be considered after the Public Comment portion of the meeting, as the resident was in attendance for the evening's meeting. Motion by Councilmember Harris to approve the May 12, 2022, City Council agenda with the suggested change. Second by Councilmember Steele. Motion carried by a 4-0 voice vote.

Public Comment

No comments were made by members of the public.

Consider Fence Variance Application for 4944 Fairway Road

On April 28, 2022, City staff received an application for a fence variance at 4944 Fairway Rd. Property owners Jenna and Kouri Linder, though owner's agent Kayla Thompson, is proposing to replace a 4' wooden picket fence with a new 6' wood fence in the side yard and backyard. This application requires a variance for:

- A. Placement – on a corner lot, no fence or wall shall be closer than ten feet to the street side property line (Westwood zoning Ord. Section 4.3.9.C.3).

The Governing Body may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F.

The applicant desires to replace the existing fence but maintain the same location with the new fence. According to staff review, the existing 4' wooden picket fence was likely installed by a previous property owner and replaced a chain link perimeter fence that was most likely installed prior to the City establishing the fence regulations and variance procedure.

In order for the property owner to comply with the city's fence regulation, the new 6' fence would need to be installed ten feet into the streetside side yard from where it is currently located – on the property line.

Pursuant to previous Governing Body direction, City staff has evaluated the following factors:

- a. Neighbor acknowledgement was not sought as variance is only for street side of property
- b. Right of Way will not be impeded
- c. No trees will be impacted or removed
- d. No resulting sight line issues

Kouri and Jenna Linder, 4944 Fairway, attended via Zoom. Mr. Linder thanked the Governing Body for considering their variance request and Mrs. Linder thanked the Governing Body for reordering the evening's meeting to accommodate their request.

Motion by Councilmember Wimer to approve the requested fence variance at 4944 Fairway Rd. to allow a 6-foot-high wood fence to be placed on the streetside property line as described in the application. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion carried by a 4-0 vote.

Public Hearings

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

Presentations and Proclamations

Proclamation Designating the Month of May Bike Month in Westwood

Mayor Waters proclaimed May 2022 Bike Month in Westwood.

Proclamation Designating June 10, 2022, as MARC 50 – Forward Day in Westwood

Mayor Waters proclaimed June 10, 2022, as MARC 50 - Forward Day in Westwood.

Ron Achelpohl, Director of Transportation and Environment at the Mid America Regional Council, thanked the Governing Body for their partnership with MARC.

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 April 14, 2022, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 738

Motion by Councilmember Harris to approve the Consent Agenda as submitted. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote. Motion carried by a 4-0 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 noted budget season is approaching.

Business & Community Affairs Committee

Councilmember Buckman was unable to attend the evening's meeting.

Parks & Recreation Committee

Councilmember Wimer noted the Committee met recently to calendar City-hosted summer events.

Public Safety Committee

Councilmember Harris had nothing to report.

Public Works Committee

Councilmember Steele noted she has been reviewing past traffic count data for Mission Road in preparation for a joint meeting with Roeland Park for future planning.

Staff Reports

Administrative Report

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

Public Works Report

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

Treasurer's Report

The April 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

Consider Charter Ordinance No. 19 Amending Chapter 1 – Administration of the Westwood Municipal Code

At its October 2021 facilitated retreat, the city council discussed survey responses submitted amongst its members around the council's purpose, roles, goals and behaviors. Consensus outcomes from that work included:

1. Modify current agenda process to include a work session prior to beginning of city Council Meeting
2. Committees
 - a. Develop Committee Charter, outlining purpose of the committee
 - b. Define committee responsibilities

- c. Identify where committees get direction
 - d. Identify role of Chief Administrative Officer and City staff
- 3. Formally review the existing draft strategic plan and develop a plan for completion of a new strategic plan
- 4. Land use/disposition of city properties
- 5. Review handbook for changes and updates, based on retreat and strategic plan, including an organization chart

Item no. 2 was discussed at Work sessions of the city council in December 2021 and January of 2022 and, at the conclusion of the January work session, consensus direction was given to the Mayor and city staff to bring back a proposal to the City Council that would transition the CAO/City Clerk position to a formal City Administrator and to further explore the dissolution of City council standing committees.

As such, at the City Council's March 2022 meeting, related suggested amendments to Chapter 1 – Administration of the Westwood City Code were presented in draft form for the Governing Body's continued discussion, consideration, and further direction to the Mayor and staff. Following discussion amongst the Governing Body, staff was directed to bring forth an ordinance adopting the recommended changes to Chapter 1 of the Westwood City Code.

Staff worked with the City Attorney, Treasurer, financial advisor, and insurance broker as well as with the Public Works Director and Police Chief to review the recommended changes to the City Code. Following such review, charter Ordinance No. 19 and standard Ordinance No. 1026 was prepared by the City Attorney to reflect the modifications to the Code as discussed with the Governing Body in previous work sessions.

Charter Ordinance No. 19 – Establishing a City Administrator Position

The proposed charter ordinance will deviate from and substitute Kansas statutes relating to the officers of the City and powers of the mayor in Westwood, a city of the third class. Charter ordinances are fairly uncommon in Westwood (the last being passed in November 2015). A charter ordinance is required to adopt a local ordinance that is in conflict with a state law provision. The ordinance must be passed by a 2/3 vote of the Governing Body. The ordinance must be published once each week for two consecutive weeks in the official city newspaper. There is a 60-day period after publication to allow time for the public to petition for a referendum on the matter. If no petition is filed during this period, the charter ordinance becomes effective on the 61st day after publication. The City Clerk must send the Kansas Secretary of State a copy of all charter ordinances passed by a City. If a valid protest petition is filed by 10% of the number of electors who voted in the last regular city election, then an election must be held, and a majority of voters must approve the charter ordinance for it to become effective.

Standard Ordinance No. 1026 – All Other Changes to the Administration Chapter

All remaining changes to Chapter 1 – Administration of the City Code as presented in the March 2022 Governing Body work session are not considered inconsistent with/deviations from state statute relating to cities of the third class and, as such, fall under the City's home rule authority to create and enact law the Governing Body sees best for organizing and administering the duties of the City. This ordinance will become effective after publication once in the city's official newspaper.

It should be noted that following adoption of this Ordinance, the Governing Body will need to update its Governing Body Handbook, Personnel Policy, and Financial Policy to reflect not only the change in organizational roles but also to include certain operational responsibilities of the City including but not

limited to: approval of the City Administrator's expenses, annual designation of depositories, the keeping of a property inventory record, and pay records. Surety bonds for appointed officials will also be updated according to the new provisions. This work was contemplated as Action No. 5 from the consensus outcomes resulting from the October 2021 Governing Body retreat.

Councilmember Hannaman stated that the Governing Body took many months to consider these changes and did not take the topic lightly. Councilmember Hannaman said he believed this is a step toward professionalism in the City.

Motion by Councilmember Hannaman to adopt Charter Ordinance No. 19. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote. Motion carried by a 5-0 vote with Mayor Waters casting a vote to adopt Charter Ordinance 19.

Motion by Councilmember Hannaman to adopt Ordinance No. 1026 Amending Chapter 1 of the Westwood Municipal Code. Second by Councilmember Harris. Mrs. Herring performed a roll call vote. Motion carried by a 4-0 vote.

New Business

Consider Ordinance No. 1027 amending Chapter 2 – Animal Control and Regulation of the Westwood Municipal Code

In light of recent legal challenges to breed-specific vicious dog municipal regulations, the Mayor directed staff to work with the City Attorney to propose changes to Westwood's Municipal Code removing breed-specific provisions from the Code and to bring the matter to the Governing Body for discussion at a work session. Such work session was held ahead of the April 14th regular meeting of the City Council and staff was to bring forward an ordinance formalizing the changes discussed during the work session.

In addition to the removal of breed specific language in the Vicious Animals section, staff also asks the Governing Body to consider removing the requirement that residents obtain a special permit from the Governing Body to have more than two cats or two dogs, as provided with Section 2-210 limiting the number of dogs and cats permitted. Although staff supports capping the total number of dogs or cats at three (3), administering the ordinance has proven to be challenging for staff issuing pet tags in terms of effectively conveying the limit and requirements to residents and gaining their understanding and willingness to obtain a special permit at a public meeting.

Following discussion, the Governing Body accepted staff's recommendation to allow staff to administratively license up to three dogs or three cats per household. Ordinance No. 1027 in the meeting packet reflects the Governing Body's direction to staff at the April work session and, as such, staff recommends passage of the ordinance.

Motion by Councilmember Harris to adopt Ordinance No. 1027 amending Chapter 2 of the Westwood Municipal Code. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion carried by a 4-0 vote.

Consider Ordinance No. 1028 Amending Chapter 4 – Building and Construction of the Westwood Municipal Code

Last month, the Building Official and Public Works Director received a resident inquiry about moving her house from its Westwood property location to another location on property she owns in Kansas City, Kansas. In providing the resident direction and information about such a process, staff noted many parts

of the City Code in this Article that are out of date and no longer relevant as well as many regulations that should be included in the Article but are not present. As such, the Building Official and Public Works Director have worked with the City Attorney to review and revise this Article.

Modifications to Chapter 4 Article 11 are critical to properly direct and oversee the process of moving such a large structure through the City within our right-of-way and past our city limits. Critical updates to this section include but are not limited to:

- Contractor bonding and liability insurance;
- Authority of the Public Works Director within the process of moving the structure; and
- Provisions relating to utilities and trees in the right-of-way.

Ordinance No. 1028 in the meeting packet reflects the recommendations of staff and the City Attorney and, as such, staff recommends the Governing Body consider passage of the ordinance.

Motion by Councilmember Harris to adopt Ordinance No. 1028 amending Chapter 4 of the Westwood Municipal Code relating to the moving of buildings. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote. Motion carried 4-0.

Consider Ordinance No. 1029 Amending Chapter 5 – Business Regulations of the Westwood Municipal Code

In 2019, members of the Governing Body began research and conversation around short-term rentals operating within Westwood. Shortly after that work began, the Governing Body's attention and focus was pulled to other matters requiring more immediate attention as the Governing Body experienced changes in composition and leadership and the COVID-19 pandemic of 2020 and 2021 dramatically reduced the volume of activity at short-term rentals and, as such, the volume of neighbor concerns about their operations and regulation.

At the April 2022 work session of the Governing Body, upon direction of the Mayor, this topic was brought back for discussion. To aid the discussion, the Mayor submitted for reference a draft of modifications to Chapter 5 – Business Regulations that he presented for discussion during his tenure as a City Councilmember in 2019.

Following discussion in the work session, the Governing Body directed staff to prepare an ordinance reflecting adopting the suggested language with the one exception of regulating how many days out of a year a property may be used as a short-term rental.

Ordinance No. 1029 in the meeting packet reflects the Governing Body's direction to staff at the April work session and, as such, staff recommends passage of the ordinance.

Mayor Waters noted an enumeration correction on the document included in the packet.

Motion by Councilmember Wimer to adopt Ordinance No. 1029 amending Chapter 5 of the Westwood Municipal Code. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion carried by a 4-0 vote.

Consider Resolution No. 104-2022 Adopting the Climate Action KC Plan

At the January 13, 2022 regular meeting of the Westwood Governing Body, Roeland Park Mayor Mike Kelly and MARC Environmental Programs Director Tom Jacobs presented an overview of the Climate Action KC Plan at the request of Mayor Waters. Pursuant to the Climate Action KC website, “the Kansas City Regional Climate Action Plan (CAP) aims to transform the metropolitan area into a more resilient, equitable and healthy community. An ambitious set of interrelated strategies will help to mitigate climate change by achieving net zero greenhouse gas emissions by 2050 and adapt to and bounce forward from the many risks climate change poses.” The group encourages local government jurisdictions within its planning area to commit to endorsing the plan and adopting a resolution to review and implement solutions and strategies within the plan as appropriate for each local government.

Staff is committed to working with the Governing Body to review the Climate Action KC Plan and implement solutions and strategies within the plan as appropriate and feasible for the City of Westwood.

Motion by Councilmember Harris to adopt Resolution No. 104-2022 endorsing the regional Climate Action Plan. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Consider Resolution No. 105-2022 Adopting the 2023 to 2027 City of Westwood CARS Program

The City of Westwood on an annual basis adopts by resolution a proposed five-year County Assistance Road System (CARS) Program Project Plan. The CARS Program is administered by Johnson County to allocate the distribution of motor fuel taxes within the County to be used on specific designated roads.

The recommended roadways for the City of Westwood for calendar years 2023 to 2027 is as follows:

Year	Project
2024	Mission Road, W. 53rd Street to W. 47th Street
2026	W. 47th Place, State Line Road to Rainbow Boulevard

Motion by Councilmember Steele to approve Resolution No. 105-2022 adopting a five-year program for road improvements for 2023 – 2027 within the City of Westwood. Second by Councilmember Hannaman. Motion carried by a 4-0 voice vote.

Consider Agreement with Leavcon II., Inc for Public Sidewalk installation related to the Westwood View Elementary Building Construction

With the building of a new Westwood View grade school, Shawnee Mission School District (SMSD) will be installing a sidewalk around the property adjacent to the street. As such, the City will need to construct new sidewalk, wheelchair ramps and driveway approaches connecting the new sidewalks at the school property to the nearest street corner at Booth Street and W. 49th Terrace.

The contractor being utilized by the school district is Leavcon II, Inc. They provided the City with a proposal based on engineered drawings by the City Engineer. The proposal received from Leavcon II, Inc. is for \$32,000.00.

Councilmember Hannaman pointed out the estimate from Leavcon II, Inc. included Kansas Sales Tax.

Motion by Councilmember Harris to authorize the Mayor to execute the Agreement between Leavcon II, Inc, and the City of Westwood, Kansas for the addition of sidewalk ramps, sidewalks and driveway approaches in an amount not to exceed a total cost of \$32,000.00 and with the exclusion of Kansas Sales Tax. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

Announcements/Governing Body Comments

Councilmember Steele wished those in attendance a happy Mother's Day weekend.

Councilmember Wimer shared that Consolidated Fire District No. 2 will be holding a hands-only CPR class on Wednesday, June 1st at 6:30pm in Westwood City Hall.


Councilmember Hannaman thanked the Governing Body for suspending the restriction on the possession and consumption of alcohol for the Westwood View fundraiser on April 30th.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Harris to adjourn the meeting. Second by Councilmember Steele. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:30 pm.

APPROVED: 
David E. Waters, Mayor

ATTEST: 
Leslie Herring, City Clerk