



CITY OF WESTWOOD, KANSAS
4700 RAINBOW BLVD.
WESTWOOD, KANSAS 66205

May 12, 2022

City Council Work Session: 6:00 PM
City Council Regular Meeting: 7:00 PM

Welcome to your Westwood City Council meeting. In an effort to mitigate the spread of COVID-19, this meeting may be attended remotely via Zoom:

Access Online:

<https://us02web.zoom.us/j/89908289796>

Access by Phone:

(312) 626-6799

Webinar ID: 899 0828 9796

CITY COUNCIL WORK SESSION AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

- I. **CALL TO ORDER**
- II. **WORK SESSION ITEMS/DISCUSSION OF UPCOMING MATTERS**
 - A. [Governing Body Strategic Planning, 2022 – 2023](#)
- III. **ADJOURNMENT TO REGULAR MEETING**

REGULAR MEETING AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

- I. **CALL TO ORDER**
- II. **APPROVAL OF THE AGENDA**
- III. **PUBLIC COMMENT**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.
- IV. **PRESENTATIONS AND PROCLAMATIONS**
 - A. [Proclamation Designating the Month of May Bike Month in Westwood](#)
 - B. [Proclamation Designating June 10, 2022 as MARC 50 – Forward Day in Westwood](#)
- V. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion (roll call vote). 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 No. 738](#)

VI. MAYOR'S REPORT

VII. COMMITTEE REPORTS

Reports on events, meetings, updates, and policy matters or proposals undertaken by the committee for future consideration by the City Council.

- A. Administration and Compensation Committee
- B. Business and Community Affairs Committee
- C. Parks and Recreation Committee
- D. Public Safety Committee
- E. Public Works Committee

VIII. STAFF REPORTS

- A. [Administrative Report \(City Clerk and Chief Administrative Officer Leslie Herring\)](#)
- B. [Public Works Report \(Public Works Director John Sullivan\)](#)
- C. [Police/Court Report \(Police Chief Curt Mansell\)](#)
- D. [City Treasurer Report \(City Treasurer Michelle Ryan\)](#)
- E. City Attorney Report (City Attorney Ryan Denk)

IX. OLD BUSINESS

- A. [Consider Charter Ordinance No. 19 Amending Chapter 1 – Administration of the Westwood Municipal Code](#)
- B. [Consider Ordinance No. 1026 Amending Chapter 1 – Administration of the Westwood Municipal Code](#)

X. NEW BUSINESS

- A. [Consider Ordinance No. 1027 Amending Chapter 2 – Animal Control and Regulation of the Westwood Municipal Code](#)
- B. [Consider Ordinance No. 1028 Amending Chapter 4 – Buildings and Construction of the Westwood Municipal Code](#)
- C. [Consider Ordinance No. 1029 Amending Chapter 5 – Business Regulations of the Westwood Municipal Code](#)
- D. [Consider Resolution No. 104-2022 Adopting the Climate Action KC Plan](#)
- E. [Consider Resolution No. 105-2022 Adopting the 2023 to 2027 City of Westwood CARS Program](#)
- F. [Consider Agreement with Leavcon II, Inc. for Public Sidewalk Installation Related to the Westwood View Elementary Building Construction](#)
- G. [Consider Fence Variance Application for 4944 Fairway Rd.](#)

XI. ANNOUNCEMENTS/GOVERNING BODY COMMENTS

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

UPCOMING MEETINGS

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, June 9th, at 7:00

PM at Westwood City Hall. The City Calendar may be accessed at www.westwoodks.org. To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: <https://bit.ly/3wA4DWx>

Facebook: [City of Westwood Kansas-Government](#)
[Westwood, KS Police Department](#)

Westwood Governing Body Strategic Planning

May 12, 2022

Westwood City Council Work Session



Work Session Objectives

Illustrate	Illustrate progress on previously-established goals and objectives
Establish	Establish a shared understanding of the Governing Body's goals and objectives between now and a formal, professionally-facilitated strategic planning process in early 2024, following the 2023 Governing Body election
Receive	Receive direction from Governing Body to inform 2022 work plan and 2023 budget

Westwood Strategic Planning Status

- 2016 Governing Body Strategic Action Plan
 - Drafted in concert with Master/Comprehensive Planning process to provide actionable steps toward proactively executing the Master Plan
 - Dated October but never formally adopted by the Governing Body
- 2021 Governing Body Retreat
 - Identified strategic planning as a critical immediate action of the Governing Body



2016 Strategic Action Plan Goal Statements



Goal A: Make sure properties are well-maintained throughout the community.

OBJECTIVE 1. MAINTAIN EXISTING PROPERTIES WHILE PROTECTING COMMUNITY CHARACTER AND RESOURCES.

STRATEGY	RESPONSIBILITY	TIMELINE
1 Proactively enforce codes in a consistent and compassionate way, focusing on the following priority areas in order of importance: 1) Structural issues; 2) Weeds/tall grass; and 3) Peeling paint	City	On-going
2 Encourage the development of a community vendor list to share preferred contractors and vendors, and other volunteer resources.	Block captains, residents	1-2 yrs.
3 Develop and implement education program focused on property maintenance rules and ordinances.	City, Block captains	1-2 yrs.
4 Establish a residential rehabilitation financing or grant program to assist with improvements to declining properties in the community.	Westwood Foundation	3-5 yrs.
5 Conduct annual community work day focused on assisting property owners that are unable to make needed improvements.	City	3-5 yrs.
6 Develop a recognition program for housing improvements made by residents.	Westwood Foundation	3-5 yrs.
7 Develop performance measures to examine effectiveness of property maintenance codes. (e.g., reduce number of code complaints by #)	City	1-2 yrs.



Goal B: Represent a sense of place and unique identity.

OBJECTIVE 1. CREATE ATTRACTIVE GATEWAYS AND CORRIDORS IN THE COMMUNITY.

STRATEGY	RESPONSIBILITY	TIMELINE
1 Develop design standards for public infrastructure in commercial corridors that reflect quality development.	Planning Commission/ City, community	1-2 yrs.
2 Develop signage and monumentation along major roadways to welcome people to Westwood.	City	3-5 yrs.
3 Convene volunteer arts committee to discuss how to incorporate public art in high profile areas of the community.	City	1-2 yrs.

OBJECTIVE 2. PROMOTE UNIQUE COMPONENTS OF THE COMMUNITY.

STRATEGY	RESPONSIBILITY	TIMELINE
4 Develop a brand for the community.	City	1-2 yrs.

Goal C: Increase engagement and collaboration.

OBJECTIVE 1. ALIGN RESOURCES TO COORDINATE COMMUNITY EFFORTS.

STRATEGY	RESPONSIBILITY	TIMELINE
1 Determine what projects, programs and improvements need to be financed, and identify funding mechanisms.	Westwood Foundation, City	1-2 yrs.
2 Identify examples of existing partnerships that are successful in other communities and use them as models.	City	1-2 yrs.
3 Develop a mentoring committee to educate community members, use them as resources and capitalize on their talents.	City	3-5 yrs.

OBJECTIVE 2. MAINTAIN CURRENT AND DEVELOP ADDITIONAL COMMUNITY EVENTS AND ACTIVITIES TO MEET THE NEEDS OF ALL RESIDENTS.




STRATEGY	RESPONSIBILITY	TIMELINE
4 Expand activities associated with Joe D. Dennis Park.	City	3-5 yrs.
5 Promote activities to bring neighbors together, including organizing neighborhood watch programs and community block parties.	City	3-5 yrs.

OBJECTIVE 3. IMPROVE COMMUNICATION BETWEEN CITIZENS, ELECTED OFFICIALS, AND CITY STAFF.

STRATEGY	RESPONSIBILITY	TIMELINE
6 Survey residents on their preferred communication needs.	City	3-5 yrs.
7 Develop a communications plan to inform residents about community activities, events, and meetings.	City	1-2 yrs.
8 Conduct annual citizen satisfaction survey to better understand citizens' level of satisfaction or dissatisfaction with city services as well as their priorities for improvement.	City	1-2 yrs.
9 Encourage residents to sign-up and use online neighborhood sites as another way to communicate with residents.	Block captains, City	1-2 yrs.
10 Conduct regular City Council listening sessions with residents.	City	1-2 yrs.

OBJECTIVE 4. KEEP WESTWOOD VIEW ELEMENTARY IN WESTWOOD.

STRATEGY	RESPONSIBILITY	TIMELINE
11 Continue to participate in school district processes and lobby for the continued inclusion of the school in the community.	Parents, PTA, City leadership	On-going

 Gold – Completed or Close to It
 Silver – Well Under Way
 Bronze – Started/Early Stages

Goal D: Support existing businesses and capitalize on redevelopment opportunities.

OBJECTIVE 1. MAINTAIN A STRONG, PROSPEROUS ECONOMY.




STRATEGY	RESPONSIBILITY	TIMELINE
1 Develop economic development policy. • Require any development receiving incentives to complement the character of the surrounding neighborhood. • Create financial packages to incent desirable development.	City	1-2 yrs.
2 Work with economic development agencies and organizations in northeast Johnson County and the Kansas City area to assess and identify development strategies that link Westwood to the metropolitan/regional economy.	City	On-going
3 Actively engage in regional planning process through attending meetings and sharing information.	City	On-going
4 Identify up and coming trends and recruit appropriate businesses to Westwood.	City	3-5 yrs.

OBJECTIVE 2. PROVIDE SUPPORT FOR LOCAL BUSINESSES.

STRATEGY	RESPONSIBILITY	TIMELINE
5 Enhance partnerships with commercial and non-profit land owners to gain their support and so the City is informed about the status of these properties.	City, Northeast Johnson County Chamber	On-going
6 Research programs and grant opportunities for businesses to fund exterior enhancements and energy efficiency upgrades.	City, Northeast Johnson County Chamber	3-5 yrs.
7 Participate in Northeast Johnson County Chamber and 47th Street Overlay Committee activities.	City	On-going

OBJECTIVE 3. CLUSTER COMMERCIAL DEVELOPMENT INTO DESIGNATED COMMERCIAL AREAS.

STRATEGY	RESPONSIBILITY	TIMELINE
8 Build relationships with parties who have development plans and potential developments.	City, Northeast Johnson County Chamber, developers, property owners	On-going

 Gold – Completed or Close to It
 Silver – Well Under Way
 Bronze – Started/Early Stages

Goal E: Ensure housing stock meets future demands.

OBJECTIVE 1. USE EXISTING HOUSING STOCK TO MEET FUTURE DEMANDS.

STRATEGY	RESPONSIBILITY	TIMELINE
1 Allow for flexibility in the building codes to allow homes to be updated according to the ever-changing home renovation needs and trends.	City	On-going
2 Review housing occupancy standards.	City	1-2 yrs.
3 Identify targeted areas where different housing stock is allowed/ incentivized.	City	1-2 yrs.
4 Explore use of the Kansas Neighborhood Revitalization Act (K.S.A. 12-17,115 - 17,120) in targeted areas to encourage rehabilitation or new construction which may not otherwise have occurred	City	1-2 yrs.
5 Strategically and voluntarily acquire property for redevelopment in medium-density areas.	City, Westwood Foundation	3-5 yrs.

OBJECTIVE 2. BUILD NEW HOUSING STOCK.

STRATEGY	RESPONSIBILITY	TIMELINE
6 Develop a strategy to support aging in place by participating in Mid-America Regional Council's Community for All Ages Program.	City	1-2 yrs.
7 Meet with developers to discuss market demands for new housing and determine if existing codes allow for anticipated changes in needs and trends.	City	On-going

Goal F: Increase investment in infrastructure and facilities.

OBJECTIVE 1. PROVIDE PUBLIC FACILITIES AND INFRASTRUCTURE THAT SERVE EXISTING AND FUTURE RESIDENTS.

STRATEGY	RESPONSIBILITY	TIMELINE
1 Host a recycling station at a municipal location that includes an area for glass.	City, Ripple Glass	1-2 yrs.
2 Develop a strategy to implement updates to parks and open spaces and potentially adjacent properties, which could include ADA upgrades, park facilities, and park infrastructure.	City	3-5 yrs.
3 Hold annual parks clean-up and beautification.	Block captains, residents, local businesses, City	3-5 yrs.
4 Conduct feasibility analysis or request for proposals (RFP) to determine the need and location of community buildings, including a community center and potentially moving the location of City Hall.	City	Coordinate with schedule of school
5 Work with electrical company to bury overhead utilities on a case-by-case basis when feasible.	City, KCP&L	On-going
6 Issue bonds to pay for targeted capital improvements.	City	1-2 yrs.
7 Take a systematic approach to manage infrastructure and facilities, and regularly coordinate with agencies: evaluate condition/costs; set priorities; develop a work order system; and develop financial plan	City (Public Works)	1-2 yrs.
8 Install pedestrian-scale lighting as capital improvement projects are made.	City	On-going

Goal F: Increase investment in infrastructure and facilities.

OBJECTIVE 2. ENHANCE WALKABILITY AND BIKEABILITY OF THE COMMUNITY.

STRATEGY	RESPONSIBILITY	TIMELINE
9 Conduct feasibility analysis or study to determine if Belinder Avenue could include targeted bicycle and pedestrian pathways.	City	3-5 yrs.
10 Construct bike racks and related facilities in the community.	City	3-5 yrs.
11 Repair broken sidewalks and connect gaps throughout the community.	City, property owners	3-5 yrs.
12 Implement Bike Share kiosks in Westwood.	City, BikeWalkKC, Woodside Village developer	1-2 yrs.
13 Become a League of American Bicyclists "Bike-Friendly Community"	City, BikeWalkKC	3-5 yrs.

OBJECTIVE 3. IMPROVE MOBILITY AND PARKING THROUGHOUT THE COMMUNITY.

STRATEGY	RESPONSIBILITY	TIMELINE
14 Conduct detailed traffic study to determine if 47th Street can benefit from a lane reduction and the feasibility of on-street parking or bicycle lanes.	City, Kansas City, KS, Roeland Park, 47th Street Overlay Committee	1-2 yrs.
15 Conduct traffic analysis of streets in Westport Annex to determine strategies to allow for on-street parking and reduce speeds (e.g., conversion to one-way)	City	1-2 yrs.
16 Increase the service frequency of transit on 47th Street and Rainbow Blvd. to provide better service in the region.	City, KCATA, Kansas City, Kansas, Roeland Park	1-2 yrs.
17 Enforce speed and parking violations.	City	On-going
18 Review existing parking policy and determine if revisions are necessary, including the addition of shared parking.	City	1-2 yrs.
19 Coordinate with KCATA on changes in transit service.	City	On-going

Strategic Planning Process and Components

- Best practices suggest a governing body's strategic plan should:
 - Be based on community input;
 - Include goals and objectives that align with SMART criteria:
 - Specific,
 - Measurable,
 - Attainable,
 - Relevant, and
 - Time-bound;
 - Provide direction to professional staff and be the basis for aligning staff and financial resources;
 - Have a relatively short planning period of three to five years; and
 - Be revisited and updated when new members come on board.



Next Steps



CITY OF WESTWOOD, KANSAS

PROCLAMATION

WHEREAS, Bike Month was established as a national celebration in 1956 and is supported by the League of American Bicyclists; and

WHEREAS, the designation is meant to showcase the many benefits of bicycling and encourage more people to give biking a try; and

WHEREAS, May 1, 2022 is National “Ride a Bike Day”; and

WHEREAS, May 4, 2022 is National “Bike to School Day”; and

WHEREAS, May is also the time of year for people to celebrate “Bike to Work Week” from May 16 to May 22, 2022 as well as “Bike to Work Day” on May 20, 2022; and

WHEREAS, bicycling offers an opportunity to invest in more equitable access to key resources for communities and households without a car; and

WHEREAS, investing in connected and protected bike lanes and related facilities can be beneficial for local businesses; and

WHEREAS, the emergence of electric-assist bicycles and cargo bicycles have vastly expanded the possibilities of bicycling as a utilitarian form of transportation capable of helping people to take fewer car trips; and

WHEREAS, greater support for biking policies, plans, and projects will be an integral part of addressing climate change;

NOW, THEREFORE, I, David E. Waters, Mayor of the City of Westwood, Kansas, do hereby proclaim the month of May 2022, as National Bike Month in the City of Westwood, Kansas

**PROCLAIMED BY THE MAYOR OF WESTWOOD, KANSAS
THIS 12TH DAY OF MAY, 2022.**

David E. Waters
Mayor

ATTEST:

Leslie Herring
Chief Administrative Officer/City Clerk

CITY OF WESTWOOD, KANSAS

PROCLAMATION

WHEREAS, for half a century, local governments in the Kansas City region have come together through the Mid-America Regional Council (MARC) to partner on regional initiatives and develop innovative solutions; and

WHEREAS, the region consists of nine counties and 119 cities which benefit from working across boundaries on a wide variety of issues and coordinating with diverse disciplines and sectors, including cities, counties, nonprofit organizations, social services, educational systems and special districts; and

WHEREAS, the region's leaders engage in informed decision-making through insightful data analysis and participate in a problem-solving forum to positively impact progress; and

WHEREAS, each jurisdiction and individual has a role in creating a strong regional community and enabling everyone to come together to achieve positive change for the next 50 years; and

WHEREAS, MARC is an organization that promotes regional cooperation through leadership, planning and action, and is guided by the core values of integrity, innovation, collaboration, diversity and inclusion, excellence in performance, and service leadership; and

WHEREAS, the City of Westwood, Kansas has participated or benefited from working across boundaries, allowing us to better serve residents because of our regional work regarding public safety, transportation, environment, early learning, aging and shared local government services; and

NOW, THEREFORE BE IT RESOLVED, members of the Westwood Governing Body celebrate the collaborative work that's been accomplished over the past 50 years and dedicate June 10, 2022, the day of MARC's annual Regional Assembly, as "MARC 50—Forward Day" in recognition of the enormous progress the region will continue to make over the next five decades; and

BE IT FURTHER RESOLVED, I, David E. Waters, Mayor of the City of Westwood, Kansas, do hereby proclaim June 10, 2022, as "MARC 50 — Forward Day" in Westwood, Kansas, and urge local leaders and community members to reflect on the great progress made in the past 50 years and join us in welcoming a future built upon strong regional collaboration, connections, relationships and accomplishments.

**PROCLAIMED BY THE MAYOR OF WESTWOOD, KANSAS
THIS 12TH DAY OF MAY, 2022.**

David E. Waters
Mayor

ATTEST:

Leslie Herring
Chief Administrative Officer/City Clerk

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

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

Council Absent: None

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 April 14, 2022. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Discuss Recommended Changes to Westwood Municipal Code Chapter 2 – Animal Control and Regulations

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. As such, staff prepared a redlined version of the City's current Chapter 2 for discussion purposes and was included in the meeting packet. A general discussion ensued regarding the breed restriction, and the Governing Body came to a consensus to move forward with removing the breed specific restriction in the Westwood Municipal Code. This revision will be considered and voted on during a future regular City Council meeting.

The Governing Body also discussed clarifying the language in the Municipal Code regarding current limits on dogs and cats per household. The Governing Body came to a consensus to direct staff to work with the City Attorney to change the language in the Municipal Code to allow three animals in a home of any combination of cats or dogs over the age of three months and remove the language regarding the special permit requirement.

Discuss Recommended Changes to Westwood Municipal Code Chapter 5 – Business Regulations

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 city 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.

More recently, upon direction of the Mayor, this topic is being brought back for discussion amongst the Governing Body. To aid the discussion, the Mayor submitted for reference draft modifications he made to Chapter 5 – Business Regulations during his tenure as City Councilmember.

Mayor Waters led a general discussion regarding short-term rentals in Westwood. The Governing Body agreed to consider an ordinance at its next meeting, accepting the recommended draft changes to Chapter 5 with the exception of the regulation of the number of days a short-term rental could be occupied by renters.

Adjournment to Regular Meeting

The work session adjourned at 6:57 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
April 14, 2022 – 7:00 p.m.**

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Andrew Buckman, Councilmember
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 April 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

Mayor Waters noted Section 9.A of the evening's agenda would require a Charter Ordinance to be drafted for a future meeting. Motion by Councilmember Harris to accept the April 14, 2022 City Council agenda with the suggested change. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Public Comment

No comments were made by members of the public.

Public Hearings

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

Presentations and Proclamations

Proclamation of National Donate Life Month in Westwood

Mayor Waters proclaimed the month of April 2022 as Donate Life Month in Westwood.

Nicole Asquith with Midwest Transplant Network thanked the City for supporting National Donate Life Month.

Proclamation of Arbor Day in Westwood

Mayor Waters proclaimed Friday, April 29, 2022, as Arbor Day 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 March 10, 2022, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 737

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

Mayor's Report

Mayor Waters noted the Westwood Foundation approved a \$2,000 grant to the Westwood Women's Club for their Belinder Beautification project. Mayor Waters said the Foundation will be releasing information regarding the 2022 Merit Scholarship program to the public in the coming weeks.

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 provided an update on his research on third party delivery fees as requested by a local business owner and offered to discuss further with members of the Governing Body if they are interested.

Parks & Recreation Committee

Councilmember Wimer noted that the Community Easter Egg Scramble will be held on Saturday, April 16th. Councilmember Wimer noted a group of 6th grade volunteers will be helping set up the Easter Egg Scramble and thanked them for their efforts.

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 March 2022 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

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

Treasurer's Report

The March 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 need for a Charter Ordinance to modify Chapter 1 of the Municipal Code to appoint a City Administrator to carry out certain duties possessed by the Mayor per State Statute.

Old Business

No Old Business items were considered.

New Business

Consider Agreement with Gould Evans for City Facilities Assessment and Feasibility Analysis

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 expense was budgeted in the City's Capital Improvement Plan (CIP) for 2022 and is prepared for action at today's meeting.
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 RFPs for private development opportunities.

In executing this plan of action, the Mayor convened a steering committee of eight (8) individuals to:

- a. Review and approve a study scope and Request for Qualifications (RFQ), as prepared by City staff;
- b. Serve on the professional services firm interview and selection committee; and
- c. Guide the work of the retained professional services firm and provide input on their questions throughout the study period.

This steering committee is comprised of Westwood Mayor Waters, Councilmember Wimer, Planning Commissioner David Kelman, Westwood Foundation member Sean O'Brien, Westwood community at-large Lisa Fielden, Mrs. Herring, Mr. Sullivan and Chief Mansell.

A timeline of the steering committee's work to-date is as follows:

- February 4 – Convene to review draft RFQ and to provide direction to staff
- February 8 – Publish RFQ and invite respondents
- February 22 – Hold RFQ pre-proposal meeting to respond to questions from potential respondents
- March 2 – Host pre-proposal facilities tour for benefit of potential respondents
- March 11 – RFQ response period closes
- March 14 – Convene steering committee to review responses and to determine who to invite for interviews
- March 31 and April 4 – Hold firm interviews
- April 4 – Steering committee determines which firm to recommend to the City Council for consideration

In total, eight (8) responses to the RFQ were received and four (4) teams were interviewed. The entire process was conducted in a manner that encouraged competitive bidding, certainty and transparency, and structured analysis of each team's qualifications, experience, and approach to the objectives of the project. Ultimately, the steering committee recommends Gould Evans to the City Council for consideration of an agreement to perform the work to achieve the Governing Body's stated objective in the adopted plan of action and to build upon the work of the 2015 ULI TAP, the 2017 Master Plan, and the 2021 ULI TAP.

Gould Evans firm representatives were present at the Council meeting and Dennis Straight, Principal, introduced the team selected to work on the Facilities Assessment to the Governing Body and provided an overview of their qualifications and approach to the project. Upon consent of the Governing Body, City staff and the City Attorney will negotiate terms of an agreement for execution by the Mayor.

Gould Evans' fee proposal, included in its response to the RFQ, is within the project budget of \$75,000 as budgeted in the 2022 Capital Improvement Plan. They provide a couple optional additional services should the Governing Body or the steering committee wish to pursue them, and additional optional services may be requested as they are desired by us as the client.

Motion by Councilmember Wimer approve a services agreement with Gould Evans to perform a City Facilities Assessment and Feasibility Analysis in an amount not to exceed \$80,000, conditioned upon such agreement's approval by the City Attorney. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Wimer stated that the Consolidate Fire District #2 will be providing a hands only CPR training in the Community Room on June 1st at 6:30 pm.

Councilmember Hannaman noted that the Westwood View FUNnel Ball Event will be held on April 30th.

Executive Session

Preliminary Discussions Relating to the Acquisition of Real Property

Motion by Councilmember Harris to recess into Executive Session for a preliminary discussion relating to the acquisition of real property. Second by Councilmember Buckman. The Governing Body recessed at 8:00 pm to reconvene at 8:50 pm.

The Governing Body reconvened at 8:50 pm. Motion by Councilmember Hannaman to recess into Executive Session to continue a preliminary discussion relating to the acquisition of real property. Second by Councilmember Harris. The Governing Body recessed at 8:50 pm to reconvene at 9:20 pm.

No action by the Governing Body was taken.

The Governing Body reconvened at 9:20 pm.

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 9:20 pm.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk



Chief Administrative Officer/City Clerk Report

May 2022

To: Mayor and City Council
From: Leslie Herring, Chief Administrative Officer/City Clerk
Date: May 12, 2022
RE: Update on some of the key areas of focus of the Administration Department

Current Priorities

2nd Quarter (April) 2022 through 3rd Quarter (September) 2022

- *Execute the City's Long-term Land Use Strategy*
 - The Facilities Study is scheduled to take place throughout the 2nd and 3rd quarters of the year.
- *Create and adopt a Governing Body Strategic Plan*
 - Work session on tonight's agenda.
- *Conduct the Annual Financial Audit and Adopt the City's 2023 Fiscal Year Budget*
 - City staff have been working with the City Treasurer and Auditor and are on track for the annual financial audit to be presented to the Governing Body at its regular June meeting.
 - City staff is preparing for budget work sessions with the Governing Body, anticipated to take place in June and July ahead of public hearings on the 2023 municipal budget.
- *Update the City's Website*
 - Not yet started.
- *Study the Feasibility of Complete Streets Improvements to Mission Rd. and Rainbow Blvd.*
 - Mission Rd. – The Westwood and Roeland Park Public Works Committees have been working together and with staff to do public engagement on options for Complete Streets improvements to Mission Rd. as part of the scheduled 2024 joint project to resurface the road and to make other related improvements. A resident survey is being conducted through the end of May, at which time the City delegations will reconvene to discuss the community's feedback and to make a recommendation as to which enhancements to jointly pursue.
 - Rainbow Blvd. – A group of various stakeholders in Highway 169/7th St./Rainbow Blvd. are working together and with KDOT to explore possible Complete Streets improvements to this corridor. At this time, the joint stakeholders are in favor of pursuing matching funds through MARC's Planning Sustainable Places program to study the operations of the roadway and possible challenges and opportunities. The Governing Body allocated \$30,000 from the Special Highway Fund to go toward this project, which will likely take place beginning in Fall of 2022 through 2023, if the project is awarded MARC funding.
- *Create a Records Retention Policy*
 - Not yet started.

Other Topics and Updates

2022 Pool Season

Abby has worked diligently with Woodside staff and GovBuilt to move City pool pass issuance online. The link to the online application, where residents can submit documentation and payment online, is scheduled to go-live on Wednesday, May 11th, at westwood.govbuilt.com.

The 47 Foodie Fest

This event is back on the calendar for 2022, scheduled for Sunday, June 5th, from noon – 4 PM and slated to take place on the Retail Grocers Association lot. Special thanks to Melissa Stevens of Woodside Village North and Julie Zanone of Gus's Fried Chicken for being such great business partners in taking the lead on event planning. Thanks also to Erin Winn, Roeland Park Assistant City Administrator, and Sarah Waggoner, of Rosedale Development Association for their active support in event planning as well!

Building Permits

The following is a snapshot of select building permits of note issued last month:

Residential

New Construction: None

Additions:

- 2517 W. 50th Place – Backyard patio replacement
- 2113 W. 48th Street – Back deck replacement

Alterations:

- 3020 W. 47th Terrace – Remodel primary bathroom
- 4836 Booth Street – Garage alteration to accommodate future detached garage in rear yard

Demolition: None

Commercial

New Construction: None

Additions: None

Alterations: None

Demolition: None

Westwood Public Works Monthly Report

TO: GOVERNING BODY
FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS
RE: MONTHLY REPORT, APRIL 2022
DATE: MAY 10, 2022

Some of the activities for Public Works in April include:

1. Daily collection of trash from City Hall and City Parks.
2. Perform a weekly inspection of the playground equipment and park facilities.
3. Perform a weekly inspection of the traffic control signs throughout the city; replace poles and signs as required.
4. I prepared the Purchase Orders and documentation for those purchases.
5. Performed routine maintenance at the City Hall to include the servicing of the air handling equipment, re-lamping fixtures and repairing or installing appurtenances including plumbing fixtures.
6. I represented the city at various meetings to include:
Trench Safety Training – In Person – 4 hrs.
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch is attending monthly Safety Committee Meetings.
16. We swept the city streets of debris.
17. We loaded roll off containers from the street sweeping efforts.
18. We patched potholes.
19. We cleaned the gutters on the public buildings.
20. We moved the snowplows into storage, placed the salt spreaders in storage.
21. We serviced the fountains in preparation for activation.
22. We began weekly mowing of various City grounds.
23. We mulch various City grounds.
24. We rebuilt two area stormwater drains.

25. We replaced the sockets on the park walkway lights.
26. We replaced a contactor on the Tennis Court Lights at Joe Dennis Park.
27. We replaced the flagpole lights at Joe Dennis Park.
28. We removed damaged trees from the various windstorms.
29. We put out flip signs for Easter Egg Hunt.
30. We planted 10 donated trees from Southern Star Gas Company to honor first responders and Arbor Day.
31. We dyed the fountains green in recognition of Donate Life Week.
32. We put out the traffic count trailer for two consecutive weeks on Mission Road at two separate locations.
33. Removed and repaired the fountain pump motor at the fountain at 47th & Mission. Replaced a component in the motor as well as the filter basket housing.
34. We reinstalled the fountain motor and filter basket at 47th & Mission.

This concludes my activities report for some of the activities for Public Works in April.

To: Governing Body
From: John Sullivan, Director of Public Works
Date: May 10, 2022
Re: Monthly Status Report

- W. 47th Street Project: We have received two proposals for Construction Engineering/Inspection. We will be going through the interview process and making a selection. The gas main replacement is moving at a very slow pace. I had a meeting with Northern Pipeline and the Kansas Gas Service Co. on Monday. They are going to do their best to get 47th Street open by Friday. I will stay on them.
- 2021 Street Improvement Projects: This project will begin on May 11, 2022. The contractor tells me he will have the concrete work complete by May 20th. The Gas Company will be required to finish the sod work by May 27th. The paving operation will occur beginning May 30th and should be complete by June 3rd.
- State Line CARS Project: Completion expected by June 3rd.
- Westwood View School Project: In your council packets is an agreement with Leavcon II, Inc. for this project. I am waiting for the fire hydrant to be moved and a telephone pedestal and vault to be relocated.
- Pavement Evaluation: This project is expected to be completed on May 26th.

WESTWOOD					
Apr-22					
ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
<i>PART I CRIMES</i>					
MURDER					No Change
RAPE					No Change
ROBBERY			2		-2
BURGLARY					
BUSINESS		1	1	0.25	No Change
RESIDENTIAL	1	1	1	0.25	No Change
VEHICLE	10	12	4	3.00	8
MOTOR VEH THEFT		1	1	0.25	No Change
LARCENY / THEFT	2	4	5	1.00	-1
ASSAULT / BATTERY					No Change
ARRESTS					
FELONY			1		-1
MISDEMEANOR	1	2		0.50	2
TRAFFIC			1		-1
DRUG		2	7	0.50	-5
DUI			1		-1
WARRANTS	5	14	28	3.50	-14
CONFINED					No Change
SUMMONS					
HAZARD	18	52	66	13.00	-14
NON-HAZARD	65	206	224	51.50	-18
DUI			1		-1
ORD. VIOLATION	1	1	58	0.25	-57
ACCIDENTS					
NON-INJURY	4	11	6	2.75	5
INJURY	1	3	1	0.75	2
PRIVATE PROPERTY		4	3	1.00	1
ADMIN.DUTIES-PD	60	197	56	49.25	141
ADMIN.DUTIES - CITY	15	91	8	22.75	83
ALARM	8	18	35	4.50	-17
ANIMAL	2	6	21	1.50	-15
ASSIST - POLICE	13	41	28	10.25	13
ASSIST - PUB MOTOR	26	55	53	13.75	2
BLD. CHECK-SHAKE			23		-23
BLD. CHECK-PATROL	632	2170	5457	542.50	-3287
BUSINESS CHECK	8	51	1364	12.75	-1313
CIVIL MATTER	2	3	1	0.75	2
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ					No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

WESTWOOD					
Apr-22					
ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
CRIMINAL DAMAGE		1	1	0.25	No Change
DISTURBANCE		1	4	0.25	-3
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM					No Change
FIRE			5		-5
FOLLOW UP	15	33	31	8.25	2
INFO / INVEST	3	6	41	1.50	-35
JUVENILE		1	4	0.25	-3
MENTAL HEALTH					
SUICIDE					No Change
ATT SUICIDE					No Change
INVOLUNTARY COMMITTAL					No Change
ALL OTHER MENTAL HEALTH			2		-2
MEDICAL CALL	6	27	68	6.75	-41
NATURE UNKNOWN		1		0.25	1
NOISE COMPLAINT		1	4	0.25	-3
OPEN DOOR	5	7	5	1.75	2
ORD. COMPLAINT	5	7	5	1.75	2
ORD. VIOL WARNING					No Change
ORD. VIOL LETTER					No Change
OTHER	1	2	3	0.50	-1
PED. CHECK	1	2	3	0.50	-1
PUBLIC SERVICE	13	28	82	7.00	-54
RECOVERED PROP	2	3	2	0.75	1
RESIDENCE CHECK			135		-135
SUSPICIOUS SUBJECT	3	14	20	3.50	-6
VEH CHECK OCCUPIED	1	2	6	0.50	-4
VEH CHECK UNOCCUPIED	1	3	49	0.75	-46
TELE. CALL HARASS					No Change
TELE. CALL THREAT			2		-2
TRAFFIC COMPLAINT	5	16	10	4.00	6
TRAFFIC WARNING	46	12	6	3.00	6
UNATTENDED DEATH			3		-3
Total Activity	844		Last Year - YTD Activity		7552
Year to Date Activity	2822		Difference in Activity		-4730
Total Monthly Summons	84				
Hazardous Summons Percentage	21%				

WESTWOOD INCIDENT SUMMARY

RESIDENTIAL BURGLARY

CASE NO: 20220088 **LOCATION:** 4946 Belinder Ave
DATE : 04/18/2022
ACTIVITY: Unknown suspect entered the open garage door and got into the unlocked vehicle that was in the garage. The only loss reported was a registration document with the victim's name on it.

LARCENY / THEFT

CASE NO: 20220071 **LOCATION:** 1900 W 47th Pl
DATE : 04/07/2022
ACTIVITY: Unknown suspect took several copper coil packs and tools from the construction site without permission.

CASE NO: 20220081 **LOCATION:** 2250 W 47 Pl
DATE : 04/13/2022
ACTIVITY: Unknown suspect removed a metal coffee can and a coffee press from the business without paying for them.

BURGLARY TO AUTO

CASE NO: 20220068 **LOCATION:** 2000 W 47th Pl
DATE : 04/05/2022
ACTIVITY: Unknown suspect broke out the passenger side window and took a pair of sunglasses without permission.

CASE NO: 20220070 **LOCATION:** 4826 Booth
DATE : 04/06/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed items including two credit/debit cards without permission.

CASE NO: 20220073 **LOCATION:** 2322 W 48th T
DATE : 04/09/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed a gun from the center console without permission.

CASE NO: 20220075 **LOCATION:** 2016 W 48th S
DATE : 04/10/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed several items including money bags, checks, and a jacket without permission.

CASE NO: 20220076 **LOCATION:** 1907 W 47th T
DATE : 04/10/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed several items including checks and a jacket without permission.

CASE NO: 20220078 **LOCATION:** 2310 W 48 Tr
DATE : 04/11/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed a coat without permission.

CASE NO: 20220079 **LOCATION:** 2018 W 48th S
DATE : 04/11/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed money, tools, and household items without permission.

CASE NO: 20220085 **LOCATION:** 1900 W 47th Pl
DATE: 4/15/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed a wallet without permission.

CASE NO: 20220089 **LOCATION:** 2000 W 47th Pl
DATE: 4/18/2022
ACTIVITY: Unknown suspect broke out the passenger window and removed a backpack with contents and a wallet without permission.

CASE NO: 20220094 **LOCATION:** 4701 Mission Rd
DATE: 4/19/2022
ACTIVITY: Unknown suspect entered the unlocked vehicle and removed contents from the glove box and a purse with its contents without permission.

WESTWOOD
COURT SUMMARY
APRIL, 2022

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
April 01, 2022	30	01	\$ 2,409.00	22	20
April 15, 2022	10	08	\$ 4,016.00	00	00
TOTALS					
April 2022	40	09	\$ 6,425.00	22	20
April 2021	78	10	\$ 8,771.75	32	33
TOTAL (\$ 6,425.00) less					
				* Kansas DL fees:	\$162.00
				* Judges Training Fund:	\$ 10.00
				* LET Training Fund:	\$225.00
				* Seat Belt Fund:	\$ 0.00
April 2022 TOTAL:					\$6,028.00

Y.T.D. TOTALS 2022		Y.T.D. TOTALS 2021	
ARRAIGNMENTS:	153	ARRAIGNMENTS:	285
TRIALS	27	TRIALS:	55
LETTERS:	84	LETTERS:	146
WARRANTS:	65	WARRANTS:	124
FINES:	\$22,292.50	FINES:	\$33,619.25
KS DL FEES:	\$681.00	KS DL FEES:	\$691.00
JUDGES FUND:	\$48.50	JUDGES FUND:	\$87.50
L.E.T.FUND:	\$1,100.00	L.E.T FUND:	\$1,974.50
COMM CORRECTIONS:	\$0.00	COMM CORRECTIONS:	\$0.00
SEAT BELT FUND:	\$20.00	SEAT BELT FUND:	\$40.00

City of Westwood
Treasurer's Report
4/30/2022

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
 - a. Ending unencumbered cash through April of \$3,380,429 and remains up from year end by \$285,581. This still includes \$414,550 of 2021 Encumbrances that have not been paid.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
 - a. Revenue received for the month of \$154,607. Revenue received year to date of \$1,132,740 compared to the prior year to date of \$1,072,023 which is up by \$60K.
 - i. Taxes – overall up \$73K from prior year. Ad Valorem taxes are up \$18K from prior year. City and County sales tax revenue is up about \$49K compared to prior year, Liquor Tax up \$7K, Motor Vehicle down \$2K and Special Assessments up \$1K.
 - ii. Fees and Licenses – down year to date by \$2K overall. Utility Franchise Fees down by \$5K, Community Room Fees up by \$2K, Occupational Licenses up by \$1K.
 - iii. Building Permits – down by \$5K for the year.
 - iv. Intergovernmental Fees are even with last year.
 - v. Fines – are down \$9K from prior year to date.
 - vi. Reimbursements – are up by \$2K from prior year.
 - vii. Miscellaneous Income – Misc. Income is up about \$3K from prior.
 - b. Overall March Expenditures totaled \$205,681. Year to Date Expenditures through April total \$857,454, down \$31K compared to the prior year to date.
 - i. General Overhead total expenditures of \$85,368 for the month. Down from prior year by \$50K. Professional Fees has decreased by \$23K, Utilities are down \$20K due to a timing difference in trash billing, Capital Improvement Expense down \$6K.
 - ii. Administrative expenditures of \$19,656 for the month, down from prior year by \$27K. Overall decrease in the Salary & Benefits line item by \$8K from prior year, Employee Expenses down \$4K and Computer Expenses down \$14K.
 - iii. Public Works total expenditures of \$30,100 for the month, year to date is up \$2K from the prior year. Salary and Benefits up \$16k, Professional Fees down \$4K, Equipment down \$10K.
 - iv. Police expenditures are \$70,358 this month up from prior year by \$46K. Increases in Salary and Benefits by \$46K, Employee Expenses up \$2K, Professional Fees down \$8K, General Operating up \$2K, Equipment Maintenance up \$3K.
 - v. Parks and Rec total expenditures of \$196 for the month, spending is nominal to date.
 - c. Net Receipts Over (Under) Expenditures in the General Fund are (\$51,074) for the month, year to date Receipts Over Expenditures is positive at \$275,285 which is up from the prior year to date by \$87K.
4. Other Funds – Current Month and Year to Date
 - a. CIP – April was another good month of Sales Tax Revenue totaling \$24K. Sidewalk Engineering of \$5K this month. There were also \$1K of easement expense and \$11K of 47th Street expenses paid in April that were applied to the 2021 Encumbrances.
 - b. Equipment Reserve – paid \$12K for New Equipment and Fitting for New Unit
 - c. Debt Service – Bond Payment with interest expense of \$40K.

I am happy to answer any questions upon request.

Michelle Ryan
City of Westwood Treasurer



City of Westwood, Kansas
Balance Sheet by Fund
As of April 30, 2022

	General Fund 04/30/2022	Capital Improvements Fund 04/30/2022	Equipment Reserve Fund 04/30/2022	Stormwater Fund 04/30/2022	Special Highway Fund 04/30/2022	Woodside TIF/CID Fund 04/30/2022	Debt Service Fund 04/30/2022	All Funds 04/30/2022
Assets								
Current Assets								
Cash In Bank	1,340,941.86	898,672.23	228,503.23	243,240.84	147,365.56	378,005.47	107,578.73	3,344,307.92
Cash In Bank - Bond Fund	35,733.29	0.00	0.00	0.00	0.00	0.00	0.00	35,733.29
Cash In Bank - Woodside Village Acct	9.35	0.00	0.00	0.00	0.00	0.00	0.00	9.35
PayPal - City Account	120.77	0.00	0.00	0.00	0.00	0.00	0.00	120.77
Petty Cash	257.75	0.00	0.00	0.00	0.00	0.00	0.00	257.75
Total Current Assets	1,377,063.02	898,672.23	228,503.23	243,240.84	147,365.56	378,005.47	107,578.73	3,380,429.08
Total Assets	\$ 1,377,063.02	\$ 898,672.23	\$ 228,503.23	\$ 243,240.84	\$ 147,365.56	\$ 378,005.47	\$ 107,578.73	\$ 3,380,429.08
Liabilities and Fund Balance								
Current Liabilities								
Encumbrances	0.00	414,550.53	0.00	0.00	0.00	0.00	0.00	414,550.53
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	35,289.99	0.00	0.00	0.00	0.00	0.00	0.00	35,289.99
Great West 457 Payable	1,368.16	0.00	0.00	0.00	0.00	0.00	0.00	1,368.16
Total Current Liabilities	36,667.34	414,550.53	0.00	0.00	0.00	0.00	0.00	451,217.87
Total Liabilities	36,667.34	414,550.53	0.00	0.00	0.00	0.00	0.00	451,217.87
Fund Balance								
Fund Balance	1,065,110.33	380,357.50	245,440.39	164,344.15	118,218.51	381,142.20	145,754.11	2,500,367.19
Fund Balance - Current Year	275,285.35	103,764.20	(16,937.16)	78,896.69	29,147.05	(3,136.73)	(38,175.38)	428,844.02
Total Fund Balance	1,340,395.68	484,121.70	228,503.23	243,240.84	147,365.56	378,005.47	107,578.73	2,929,211.21
Total Liabilities and Fund Balance	\$ 1,377,063.02	\$ 898,672.23	\$ 228,503.23	\$ 243,240.84	\$ 147,365.56	\$ 378,005.47	\$ 107,578.73	\$ 3,380,429.08

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Cash Flow

For the One Month Ended April 30, 2022

	General Fund Month Ending 04/30/2022	Capital Improvements Fund Month Ending 04/30/2022	Equipment Reserve Fund Month Ending 04/30/2022	Stormwater Fund Month Ending 04/30/2022	Special Highway Fund Month Ending 04/30/2022	Woodside TIF/CID Fund Month Ending 04/30/2022	Debt Service Fund Month Ending 04/30/2022	All Funds Month Ending 04/30/2022
Unencumbered Cash, Beginning Period	1,426,768.92	465,517.11	241,104.79	243,308.65	133,182.83	377,793.78	148,509.99	3,036,186.07
Receipts								
Taxes	72,611.82	24,201.23	0.00	0.00	0.00	0.00	0.00	96,813.05
Fees and Licenses	28,329.47	0.00	0.00	0.00	0.00	0.00	0.00	28,329.47
Building Permits	4,680.38	0.00	0.00	0.00	0.00	0.00	0.00	4,680.38
Intergovernmental	39,928.96	0.00	0.00	0.00	0.00	0.00	0.00	39,928.96
Restricted Use	0.00	0.00	0.00	0.00	14,182.73	19,156.20	0.00	33,338.93
Fines	7,164.00	0.00	0.00	0.00	0.00	0.00	0.00	7,164.00
Reimbursements	1,692.00	0.00	0.00	0.00	0.00	0.00	0.00	1,692.00
Miscellaneous	200.51	0.00	0.00	0.00	0.00	0.00	0.00	200.51
Total Receipts	154,607.14	24,201.23	0.00	0.00	14,182.73	19,156.20	0.00	212,147.30
Expenditures								
Salary & Benefits	106,395.21	0.00	0.00	0.00	0.00	0.00	0.00	106,395.21
Employee Expenses	1,354.06	0.00	0.00	0.00	0.00	0.00	0.00	1,354.06
Professional Fees	79,819.04	4,760.00	0.00	0.00	0.00	0.00	0.00	84,579.04
General Operating Expenses	7,280.91	0.00	0.00	0.00	0.00	0.00	0.00	7,280.91
Utilities	6,040.68	0.00	0.00	0.00	0.00	0.00	0.00	6,040.68
Equipment and Maintenance	4,791.30	0.00	12,601.56	0.00	0.00	0.00	0.00	17,392.86
Street and Stormwater	0.00	836.64	0.00	67.81	0.00	0.00	0.00	904.45
Miscellaneous	0.00	0.00	0.00	0.00	0.00	18,944.51	40,931.26	59,875.77
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	205,681.20	5,596.64	12,601.56	67.81	0.00	18,944.51	40,931.26	283,822.98
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Payables	1,368.16	0.00	0.00	0.00	0.00	0.00	0.00	1,368.16
Increase / (Decrease) in Refundable Bond Deposits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unencumbered Cash, End of Period	\$ 1,377,063.02	\$ 898,672.23	\$ 228,503.23	\$ 243,240.84	\$ 147,365.56	\$ 378,005.47	\$ 107,578.73	\$ 3,380,429.08

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Four Periods Ended April 30, 2022 and 2021

	Month Ending 04/30/2022	Year To Date 04/30/2022	Year To Date 04/30/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Receipts					
Taxes	\$ 72,611.82	\$ 823,589.20	\$ 750,352.88	\$ 1,852,425.00	(1,028,835.80)
Fees and Licenses	28,329.47	153,770.90	156,183.20	446,200.00	(292,429.10)
Building Permits	4,680.38	15,415.88	20,955.50	70,000.00	(54,584.12)
Intergovernmental	39,928.96	111,478.89	111,335.34	328,100.00	(216,621.11)
Fines	7,164.00	21,630.25	31,153.00	90,000.00	(68,369.75)
Reimbursements	1,692.00	1,692.00	0.00	0.00	1,692.00
Miscellaneous	200.51	5,163.00	2,043.71	4,250.00	913.00
Total Receipts	154,607.14	1,132,740.12	1,072,023.63	2,790,975.00	(1,658,234.88)
Expenditures					
General Overhead					
Salary & Benefits	2,047.50	7,775.11	12,641.53	38,450.00	(30,674.89)
Employee Expenses	0.00	5,477.29	94.90	6,000.00	(522.71)
Professional Fees	77,722.10	123,715.97	147,193.33	202,550.00	(78,834.03)
General Operating Expenses	549.18	3,765.30	4,005.95	34,000.00	(30,234.70)
Utilities	5,050.04	56,948.75	77,125.77	252,850.00	(195,901.25)
Equipment and Maintenance	0.00	0.00	95.04	0.00	0.00
Street and Stormwater	0.00	0.00	6,668.75	0.00	0.00
Park and Events	0.00	2,021.43	1,500.00	14,750.00	(12,728.57)
Miscellaneous	0.00	0.00	200.00	15,000.00	(15,000.00)
Intergovernmental	0.00	0.00	0.00	20,000.00	(20,000.00)
Interfund Transfers	0.00	0.00	0.00	127,142.83	(127,142.83)
Total General Overhead	85,368.82	199,703.85	249,525.27	710,742.83	(511,038.98)
Administrative					
Salary & Benefits	19,322.90	104,184.87	111,781.64	289,482.36	(185,297.49)
Employee Expenses	185.00	968.33	5,245.99	14,500.00	(13,531.67)
Professional Fees	0.00	175.00	1,410.00	10,200.00	(10,025.00)
General Operating Expenses	148.57	1,003.72	15,162.92	8,000.00	(6,996.28)
Park and Events	0.00	0.00	0.00	2,000.00	(2,000.00)
Interfund Transfers	0.00	0.00	0.00	5,000.00	(5,000.00)
Total Administrative	19,656.47	106,331.92	133,600.55	329,182.36	(222,850.44)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Four Periods Ended April 30, 2022 and 2021

	Month Ending 04/30/2022	Year To Date 04/30/2022	Year To Date 04/30/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	23,389.43	140,410.19	124,492.92	424,712.89	(284,302.70)
Employee Expenses	236.52	3,293.09	2,308.90	7,900.00	(4,606.91)
Professional Fees	0.00	0.00	4,535.00	17,000.00	(17,000.00)
General Operating Expenses	3,662.42	8,896.35	6,949.38	22,550.00	(13,653.65)
Utilities	566.52	3,524.50	4,596.98	14,000.00	(10,475.50)
Equipment and Maintenance	2,246.03	13,270.46	24,104.90	56,000.00	(42,729.54)
Street and Stormwater	0.00	0.00	197.74	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	50,000.00	(50,000.00)
Total Public Works	30,100.92	169,394.59	167,185.82	592,162.89	(422,768.30)
Police					
Salary & Benefits	61,635.38	334,881.21	288,322.23	1,066,474.23	(731,593.02)
Employee Expenses	932.54	7,484.10	5,449.98	27,000.00	(19,515.90)
Professional Fees	2,096.94	13,666.46	21,295.41	61,425.00	(47,758.54)
General Operating Expenses	2,920.74	16,600.23	14,648.39	58,000.00	(41,399.77)
Utilities	227.94	776.32	729.25	4,500.00	(3,723.68)
Equipment and Maintenance	2,545.27	6,822.61	3,671.68	10,000.00	(3,177.39)
Park and Events	0.00	1,000.00	1,000.00	0.00	1,000.00
Interfund Transfers	0.00	0.00	0.00	30,000.00	(30,000.00)
Total Police	70,358.81	381,230.93	335,116.94	1,257,399.23	(876,168.30)
Parks & Rec					
General Operating Expenses	0.00	43.94	2,002.85	2,000.00	(1,956.06)
Utilities	196.18	482.82	1,612.93	30,000.00	(29,517.18)
Equipment and Maintenance	0.00	0.00	56.13	6,000.00	(6,000.00)
Park and Events	0.00	266.72	0.00	11,850.00	(11,583.28)
Total Parks & Rec	196.18	793.48	3,671.91	49,850.00	(49,056.52)
Total Expenditures	205,681.20	857,454.77	889,100.49	2,939,337.31	(2,081,882.54)
Prior Year Cancelled Encumbrances	0.00	0.00	4,776.26	0.00	0.00
Receipts Over (Under) Expenditures	\$ (51,074.06)	\$ 275,285.35	\$ 187,699.40	\$ (148,362.31)	423,647.66

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The One Period Ended April 30, 2022

	Other Funds					
	Capital Improvements Fund Month To Date 04/30/2022 Actual	Equipment Reserve Fund Month To Date 04/30/2022 Actual	Stormwater Fund Month To Date 04/30/2022 Actual	Special Highway Fund Month To Date 04/30/2022 Actual	Woodside TIF/CID Fund Month To Date 04/30/2022 Actual	Debt Service Fund Month To Date 04/30/2022 Actual
Receipts						
Taxes						
City Sales & Use Tax - Special	24,201.23	0.00	0.00	0.00	0.00	0.00
Total Taxes	\$ 24,201.23	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Restricted Use						
State Hwy Maintenance	0.00	0.00	0.00	3,654.25	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	10,528.48	0.00	0.00
WV CID-1	0.00	0.00	0.00	0.00	12,679.39	0.00
WV CID-2	0.00	0.00	0.00	0.00	6,476.81	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	24,201.23	0.00	0.00	14,182.73	19,156.20	0.00
Expenditures						
Professional Fees	4,760.00	0.00	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Machinery & Equipment Purchase	0.00	12,601.56	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	0.00	12,601.56	0.00	0.00	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	836.64	0.00	0.00	0.00	0.00	0.00
Stormwater Expense	0.00	0.00	67.81	0.00	0.00	0.00
Total Street and Stormwater	836.64	0.00	67.81	0.00	0.00	0.00
Miscellaneous						
UMB CID Payment	0.00	0.00	0.00	0.00	18,944.51	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	40,931.26
Total Miscellaneous	0.00	0.00	0.00	0.00	18,944.51	40,931.26
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	5,596.64	12,601.56	67.81	0.00	18,944.51	40,931.26
Receipts Over (Under) Expenditures	\$ 18,604.59	\$ (12,601.56)	\$ (67.81)	\$ 14,182.73	\$ 211.69	\$ (40,931.26)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The Four Periods Ended April 30, 2022

	Other Funds					
	Capital Improvements Fund Year To Date 04/30/2022 Actual	Equipment Reserve Fund Year To Date 04/30/2022 Actual	Stormwater Fund Year To Date 04/30/2022 Actual	Special Highway Fund Year To Date 04/30/2022 Actual	Woodside TIF/CID Fund Year To Date 04/30/2022 Actual	Debt Service Fund Year To Date 04/30/2022 Actual
Receipts						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	9,089.35
City Sales & Use Tax - Special	109,374.81	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	335.28
Total Taxes	\$ 109,374.81	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 9,424.63
Restricted Use						
Stormwater Utility Fee	0.00	0.00	76,950.40	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	7,389.70	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	21,757.35	0.00	0.00
WV CID-1	0.00	0.00	0.00	0.00	252,618.37	0.00
WV CID-2	0.00	0.00	0.00	0.00	25,969.43	0.00
Miscellaneous	0.00	30,500.00	968.80	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	109,374.81	30,500.00	77,919.20	29,147.05	278,587.80	9,424.63
Expenditures						
Professional Fees	4,760.00	0.00	0.00	0.00	0.00	0.00
General Operating Expenses	13.97	0.00	304.53	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Vehicles	0.00	530.60	0.00	0.00	0.00	0.00
Repairs & Maint Leaf Truck	0.00	0.00	(304.53)	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	46,906.56	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	0.00	47,437.16	(304.53)	0.00	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	836.64	0.00	0.00	0.00	0.00	6,668.75
Stormwater Expense	0.00	0.00	(977.49)	0.00	0.00	0.00
Total Street and Stormwater	836.64	0.00	(977.49)	0.00	0.00	6,668.75
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	203,176.93	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	78,547.60	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	40,931.26
Total Miscellaneous	0.00	0.00	0.00	0.00	281,724.53	40,931.26
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	5,610.61	47,437.16	(977.49)	0.00	281,724.53	47,600.01
Receipts Over (Under) Expenditures	\$ 103,764.20	\$ (16,937.16)	\$ 78,896.69	\$ 29,147.05	\$ (3,136.73)	\$ (38,175.38)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Appropriation Ordinance No. 738

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF APRIL 1, 2022 - APRIL 30, 2022 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General	Capital	Equipment			Woodside		
	Month Ending	Improvements	Reserve	Stormwater	Special Highway	TIF/CID	Debt Service	Total All Funds
	4/30/2022	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending
	4/30/2022	4/30/2022	4/30/2022	4/30/2022	4/30/2022	4/30/2022	4/30/2022	4/30/2022
Expenditures								
Salary & Benefits	106,395.21	0.00	0.00	0.00	0.00	0.00	0.00	106,395.21
Employee Expenses	1,354.06	0.00	0.00	0.00	0.00	0.00	0.00	1,354.06
Professional Fees	79,819.04	4,760.00	0.00	0.00	0.00	0.00	0.00	84,579.04
General Operating Expenses	7,280.91	0.00	0.00	0.00	0.00	0.00	0.00	7,280.91
Utilities	6,040.68	0.00	0.00	0.00	0.00	0.00	0.00	6,040.68
Equipment and Maintenance	4,791.30	0.00	12,601.56	0.00	0.00	0.00	0.00	17,392.86
Street and Stormwater	0.00	836.64	0.00	67.81	0.00	0.00	0.00	904.45
Miscellaneous	0.00	0.00	0.00	0.00	0.00	18,944.51	40,931.26	59,875.77
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	205,681.20	5,596.64	12,601.56	67.81	0.00	18,944.51	40,931.26	283,822.98

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. The Claims included herin are hereby approved and allowed.

SECTION 2. That the payment of all claims and charges against the respective accounts and funds provided in the budget for the year 2022 are consistent with that budget and are hereby authorized, ratified and approved.

SECTION 3. This Ordinance shall take effect from and after its passage.

ADOPTED this 12th day of May, 2022.

MAYOR

ATTEST: CITY CLERK

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: Leslie Herring, CAO / City Clerk

Action Item – Consider adopting charter Ordinance No. 19 and standard Ordinance No. 1026 amending Chapter 1 – Administration of the Westwood Municipal Code

Background

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 the following (excerpted from the Retreat Summary provided by facilitator BOARDynamics):



10/3/21 RETREAT SUMMARY



CONSENSUS OUTCOMES - continued

ACTIONS IDENTIFIED	WHO	WHEN
1. Modify current agenda process to include a work session prior to beginning of City Council meeting	DW	Nov. Council meeting
2. Committees		
a. Develop Committee Charter, outlining purpose of the committee	Committee chairs	Nov. work session
b. Define committee responsibilities	Committee chairs	Nov. work session
c. Identify where committees get direction (*evaluate and modify proposed statement below)	Jeff and Jason	11/11/21
d. Identify role of CAO and City staff	City Council and DW	Nov. work session
<i>Work session will include committee reports, with review of work completed, upcoming projects and progress toward achievement of strategic goals.</i>		
3. Formally review the existing draft strategic plan and develop a plan for completion of a new strategic plan	DW and CAO	1Q 2022
4. Land use/disposition of city properties	CAO, Planning Commission	1Q 2022
5. Review handbook for changes and updates, based on retreat and strategic plan, including an organization chart	Jeff	3Q 2022

* Proposed statement for 2.c. above:

General direction emanates from the Strategic Plan, with a majority of the 5 City Council members, the mayor, staff and residents providing timely and necessary modifications, and operating within all applicable laws

Item No. 2 was discussed at work sessions of the City Council in December 2021¹ 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 Comments/Recommendation

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 and is illustrated in the table above.

Consider adopting charter Ordinance No. 19 and standard Ordinance No. 1026.

¹ A presentation to guide this conversation was provided at the December work session, which is available for reference in the December 9, 2021 meeting packet accessible on the City's website.

Suggested Motion

I move to adopt charter Ordinance No. 19 and standard Ordinance No. 1026 amending Chapter 1 of the Westwood Municipal Code.

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE OF THE CITY OF WESTWOOD, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 15-204, AND 15-301 AND PROVIDING FOR SUBSTITUTE AND ADDITIONAL PROVISIONS THROUGH THE ENACTMENT OF THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: 1-206, 1-301 THROUGH 1-305, AND 1-307 TO ALLOW FOR THE CREATION OF A CITY ADMINISTRATOR.

WHEREAS, the Governing Body of the City desires to utilize professional staff through the position of a city administrator to govern the day to day activities of the City;

WHEREAS, the Governing Body deems it necessary and advisable to exempt itself from the non-uniform statutory provisions stated within K.S.A. 15-204 and 15-301 to allow for the creation and operation of the city administrator position;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. The City, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby enacts the following substitute provisions of the Westwood Municipal Code Sections 1-206, 1-301 through 1-305, and 1-307, (replacing K.S.A. 15-204, 15-301) amending such sections in their entirety to provide as follows:

1-206. **POWERS OF THE MAYOR.** The mayor shall preside at all meetings of the governing body. The mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:

- (a) Take care that the ordinances of the city are complied with;
 - (b) Sign the commissions and appointments of all officers elected or appointed;
 - (c) Endorse the approval of the governing body on all official bonds;
 - (d) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;
- Have the power to approve or veto any ordinance as the laws of the state shall prescribe. (K.S.A. 301:302, 305:306, 308:309; Code 1983, 1-205)

1-301. **APPOINTIVE OFFICERS.** The mayor, by and with the consent of the council, and after receiving recommendation from the city administrator, may appoint a city clerk, city treasurer, city attorney, municipal judge, city prosecutor, chief of police and public works director. Such officers shall hold their respective offices for an indefinite term and may be removed by a majority vote of the total membership elected or appointed to the council, and may be suspended at any time by the city administrator. All such appointments shall be entered on the journal of proceedings of the governing body.
(C.O. No. 9, Sec. 3; K.S.A. 15-204; Code 2008)

1-302. **APPOINTMENT OF CITY ADMINISTRATOR.** The mayor, by and with

the consent of the council, shall appoint a city administrator.

1-303. EMPLOYEES. (a) The city administrator shall have authority to hire all employees other than the appointive officers identified in 1-301, or such authority may be delegated to the respective department heads.

(b) The salary ranges of employee held offices shall be fixed by Resolution and the compensation of nonemployee held offices shall be fixed by agreement.

(c) The department head or authorized representative of any department within the city shall conduct a pre-employment investigation of all persons applying for or seeking a position as an employee of the city within such respective department. The Westwood Police Department shall aid the department head or authorized representative in fulfilling the requirements of this subsection by supplying any requested information it may possess regarding the person seeking employment to the requesting department head or authorized representative.
(Code 1970, 1-209; Ord. 601, Sec. 1; Ord. 665; Code 2008)

1-304. REMOVAL. (a) The city administrator may be removed either by the mayor, with the approval of a majority of the city council, or by the city council alone if at least four vote in favor of removal. If requested by the city administrator, the mayor and the city council shall grant the city administrator a public hearing within 30 days following notice of such removal. During the interim, the mayor, with the approval of a majority of the city council, may suspend the city administrator from duty, but shall continue their salary for two calendar months following the final removal date; provided, however, that if the city administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

(b) Subject to personnel system regulations, and after receiving a recommendation from the city administrator, all other appointive officers may be removed either by the mayor, with the approval of a majority of the city council, or by the city council alone if at least four members vote in favor of removal. For good cause, the city administrator may suspend at any time any appointed officer.

(c) Employees, other than appointed officers, may be removed by the city administrator upon recommendation of the respective department heads pursuant to the personnel policy adopted by the City Council by resolution. (K.S.A. 15-204; Code 2008)

1-305. VACANCY IN OFFICE. Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the mayor, with the consent of the council and after receiving recommendation from the city administrator. (K.S.A. 15-209; Code 1983, 1-304)

1-307. CITY ADMINISTRATOR; POWERS AND DUTIES. (a) Appoint and suspend or remove all city employees and recommend to the governing body the appointment and removal of all appointive officers provided for by or under this chapter, except as otherwise provided by law, this chapter or personnel rules

adopted pursuant to this chapter. The city administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency; direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law; attend all city council meetings. The city administrator shall have the right to take part in discussion but shall not vote; see that all laws, provisions of this chapter and acts of the city council, subject to enforcement by the city administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;

(b) Prepare and submit the annual (or biennial) budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;

(c) Submit to the city council and make available and accessible to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year and provide information needed by the council for its annual evaluation of performance;

(b) Make available and accessible such other reports as the city council may require concerning operations;

(c) Keep the city council fully advised as to the financial condition and future needs of the city;

(d) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;

(e) Provide staff support services for the mayor and council members;

(f) Assist the council to develop long term goals for the city and strategies to implement these goals;

(g) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;

(h) Promote partnerships among council, staff, and community members in developing public policy and building a sense of community; and

(i) Perform such other duties as are specified in this chapter or may be required by the city council.

SECTION 2. All previous ordinances and charter ordinance previously adopted which are inconsistent with the provisions of this charter ordinance are hereby repealed.

SECTION 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed requiring a referendum to be held on this ordinance as provided in Article 12, Section 5, Subdivision (e)(3) of the Constitution

of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the governing body, not less than two-thirds of the members elect voting in favor thereof, the 12th day of May, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

ORDINANCE NO. 1026

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: CHAPTER I, ARTICLE 2, SECTIONS 1-212, 1-213, 1-214 AND 1-215; CHAPTER I, ARTICLE 3, SECTIONS 1-306, 1-308, 1-309, 1-310, 1-311, 1-312, 1-313, 1-314, 1-315, 1-316, 1-317, 1-318, 1-319, AND 1-320; CHAPTER 1, ARTICLE 3A; CHAPTER I, ARTICLE 4; CHAPTER I, ARTICLE 5; CHAPTER 1, ARTICLE 6, SECTIONS 1-612, 1-613, 1-614 AND 1-615.

WHEREAS, the Governing Body finds it in the City's best interest to make changes to its Administration; and

WHEREAS, the Governing Body has held multiple work sessions to determine how best to structure its professional staff and the conduct of the business of the City;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1: That Chapter I, Article 2, Sections 1-212, 1-213, 1-214 and 1-215 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 2 remaining unamended except as amended by charter ordinance no. 19:

- 1-212. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor. (Ord. 1, Rule 21, Code 1970, 1-109; Ord. 733; Code 1993, 1-209)
- 1-213. INCORPORATING CODE OF PROCEDURE FOR KANSAS CITIES. There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city council meetings of the City of Westwood, Kansas, that certain code known as the "Code of Procedure for Kansas Cities," Edition of 2004, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Code of Procedure for Kansas Cities shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Westwood, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. Changes to said Code shall include, but not be limited to, the change to the quorum requirement set out in Charter Ordinance 13. (Code 2008)
- 1-214. CODE OF ETHICS. (a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent,

impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

(b) Responsibilities of Public Office - Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(c) Dedicated Service - All officials and employees of the city should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) Fair and Equal Treatment - (1) Interest in Appointments. Canvassing of members of the city council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the city council.

(2) Use of Public Property - No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

(3) Obligations to Citizens - No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) Conflict of Interest - No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of

officials and employees:

(1) Incompatible Employment - No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(2) Disclosure of Confidential Information - No elected or appointive city official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.

(3) Gifts and Favors. - No elected or appointive city official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.

(4) Representing Private Interest Before City Agencies or Courts - No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of this city. He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.
(Code 2008)

1-215 Repealed.

SECTION 2: That Chapter I, Article 3, Sections 1-306, 1-308, 1-309, 1-310, 1-311, 1-312, 1-313, 1-314, 1-315, 1-316, 1-317, 1-318, 1-319, and 1-320 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 3 remaining unamended except as amended by charter ordinance no. 19:

1-306. TERM OF OFFICE. All appointive officers shall hold office for an indefinite term. (C.O. No. 9, Sec. 3; Code 1993, 1-305)

1-308. APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION. The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments. (Code 2008)

1-309. CONFLICT OF INTEREST. (a) No city officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:

(1) In which the officer or employee owns a legal or equitable interest exceeding \$5,000 or five percent, whichever is less, individually, or collectively with his or her spouse; or

(2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation or remuneration having a dollar value of \$1,000 or more; or

(3) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

(b) The prohibitions contained in subsection (a) of this section shall not apply to the following:

(1) Contracts let after competitive bidding has been solicited by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

(K.S.A. 75-4301; Code 2008)

1-310 through 1-320 REPEALED.

SECTION 3: That Chapter 1, Article 3A, of the Westwood City Code is hereby amended to read as follows:

1-3A01. OATH. All officers and employees of the city, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

Oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position). So help me God."

Affirmation: "I do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of _____ (enter name of office or position). This I do under the pains and penalties of perjury.

(K.S.A. 75-4308, 54-104, 54-106; Code 2008)

1-3A02. OATHS FILED. All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed with the city clerk. (Code 1983, 1-316)

1-3A03. SURETY BONDS; APPOINTIVE OFFICERS. The following appointive city officers shall each, before entering upon duties of their offices, give a good and sufficient surety company bond to the city, duly approved, conditioned upon the faithful performance and discharge of their respective duties, and for the proper application and payment of all money or property coming into his or her hands by virtue of his or her office, in the following amounts:

- (a) City treasurer - \$100,000;
- (b) City administrator - \$50,000;
- (c) City clerk - \$50,000;
- (d) Building official - \$50,000;
- (e) Municipal court clerk - \$50,000;.

(K.S.A. 15-208, 78-111; Ord. 2, Sec. 6; Ord. 674; Code 1983, 1-318)

1-3A04. SURETY BONDS; PREMIUMS. All premiums on surety bonds shall be paid by the city out of the general fund. (Code 1970, 1-304; Code 1993, 1-319)

1-3A05. SURETY BONDS; APPROVAL. All surety bonds given to the city shall be approved as to their form by the city attorney and as to their sufficiency by the governing body unless otherwise provided by the laws of the state. However, this provision shall not apply to appearance bonds for municipal court cases which have been ordered or approved by the judge and the municipal court. (Code 1970, 1-305; Code 1993, 1-320)

1-3A06. SURETY BONDS; FILING. All surety bonds shall be filed with the city clerk except the city clerk's bond which shall be filed with the city treasurer. (Code 1970, 1-306; Code 1993, 1-321)

1-3A07. BLANKET BOND. The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate. (Code 1970, 1-307; Code 1993, 1-322)

1-3A08. REPEALED.

SECTION 4: That Chapter I, Article 4, of the Westwood City Code is hereby amended to read as follows:

1-401. AUTHORITY TO INVEST.

(a) Public moneys or funds of the city which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by other Kansas General Laws, may be invested in all investments prescribed by K.S.A. 12-1675 and

amendments thereto.

(b) The governing body shall, from time to time, adopt policies that will describe which investments may be purchased with temporarily idle funds of the city; provided, however, that no policy shall allow an investment that is contrary to the provisions of K.S.A. 12-1675 and amendments thereto or any other Kansas State Statute.

1-402. INCOME FROM INVESTMENTS. The interest and other earnings from investments made pursuant to this chapter shall be credited to the general fund of the city and shall be used, insofar as possible, to relieve the ad valorem tax levies of the city. A complete and detailed record of all investments made pursuant to this chapter shall be maintained at all times. The provisions of this section shall not apply where the credit and allocation is prohibited by state or federal statutes or law; provided, however, all interest earned from the investment of the solid waste management fund at the city shall be returned to the fund to reduce any special assessments to participants who receive solid waste collection service from the city.

1-403 through 1-408 REPEALED.

SECTION 5: That Chapter I, Article 5, of the Westwood City Code is hereby amended to read as follows:

1-501. PERSONNEL POLICIES AND GUIDELINES. The city will promulgate administratively a personnel policy, which shall be adopted by resolution and provided to all employees. (Code 2008)

1-502. SOCIAL SECURITY. Ordinance No.308 passed by the governing body of the city and signed by the mayor on January 12, 1961, which ordinance extends the benefits of the Social Security Act to the city employees of Westwood, is incorporated by reference herein and made a part thereof as if the same had been set out in full herein. (K.S.A. 40-2301:2307; Ord. 308; Code 1993, 1-501)

1-503. COMPENSATION. The salary ranges of employee held offices shall be fixed by Resolution and the compensation of nonemployee held offices shall be fixed by agreement. (Code 1983; Code 2008)

1-504 through 1-507 REPEALED.

SECTION 6: That Chapter 1, Article 6, Sections 1-612, 1-613, 1-614 and 1-615 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 6 remaining unamended:

1-612. FEES TO BE CHARGED. When a request has been made for inspection of any public record or any record to which the requestor may by law have access, a fee shall be charged as established by the Governing Body of the City of

Westwood, Kansas. (Ord. 827, Sec. 1; Code 2008)

1-613. PREPAYMENT OF FEES. (a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$50.00.

(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

(Code 1993, 1-613; code 2008)

1-614. PAYMENT. All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the city. (Code 1993, 1-614)

1-615 REPEALED.

SECTION 7: Any ordinances previously adopted which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 8: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the Governing Body this 12th day of May, 2022.

APPROVED by the Mayor this 12th day of May, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: Leslie Herring, CAO / City Clerk

Action Item – Consider adopting Ordinance No. 1027 amending Westwood Municipal Code Chapter 2 – Animal Control and Regulation

Background

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.

Staff Comments/Recommendation

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.

Suggested Motion

I move to adopt Ordinance No. 1027 amending Chapter 2 of the Westwood Municipal Code.

ORDINANCE NO. 1027

AN ORDINANCE PROVIDING FOR THE DELETION OF SUBSECTION (5) OF WESTWOOD MUNICIPAL CODE CHAPTER II., ARTICLE 1., SECTION 2-108(b) INCLUDING PIT BULLS IN THE DEFINITION OF VICIOUS ANIMALS AND AMENDING ARTICLE 2-210.

WHEREAS, Subsection (5) of the Westwood Municipal Code Chapter II., Article 1., Section 2-108(b) includes pit bull dogs within the definition of “vicious animal” which accordingly prohibits persons from possessing pit bulls within the City of Westwood; and,

WHEREAS, the Governing Body of the City desires to remove pit bull dogs from the definition of vicious animals;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1: Subsection (5) of the Westwood Municipal Code Chapter II., Article 1, Section 2-108(b) provided as follows is deleted and rescinded in its entirety:

“(5) Any pit bull dog. Pit bull dog is defined to mean any and all of the following dogs:

- (A) The Staffordshire Bull Terrier breed of dog;
- (B) The American Staffordshire Bull Terrier breed of dog;
- (C) The American Pit Bull Terrier breed of dog;
- (D) Dogs which have the appearance and characteristics of being predominantly of the breed of dogs known as Staffordshire Bull Terrier; American Staffordshire Terrier; or American Pit Bull Terrier;
- (E) Presa Canario.”

The remainder of Westwood Municipal Code Chapter II., Article 1, Section 2-108 shall remain in full force and effect.

SECTION 2: Article 2, Section 2-210 is hereby amended to read as follows:

2-210 “It shall be unlawful to have more than three dogs or three cats over the age of three (3) months, or more than three of any combination of numbers of dogs and cats, living or residing in or on any residence or lot within the City.”

The remainder of Westwood Municipal Code Chapter II., Article 1, Section 2-210 shall be repealed in its entirety.

SECTION 3: All prior ordinances inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall take effect upon its adoption, execution by the Mayor and publication in the official city newspaper.

APPROVED by the Governing Body of the City of Westwood this 12th day of May,
2022.

David E. Waters, Mayor

Attest:

Leslie Herring, City Clerk

Approved as to form:

Ryan Denk, City Attorney

COUNCIL ACTION FORM

Meeting Date: May 12, 2022
Staff Contact: John Sullivan, Public Works Director

Action Item – Consider adopting Ordinance No. 1028 amending Westwood Municipal Code Chapter 4 – Buildings and Construction

Background

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.

Staff Comments

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.

Suggested Motion

I move to adopt Ordinance No. 1028 amending Chapter 4 of the Westwood Municipal Code relating to the moving of buildings.

ORDINANCE NO. 1028

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: CHAPTER 4, ARTICLE 11, SECTIONS 4-1101 THROUGH 4-1111.

WHEREAS, the City of Westwood finds it in the City's best interests to update Chapter 4, Article 11 relating to the moving of structures into, out of, and within the City; and

WHEREAS, the City of Westwood finds it in the best interests of the public to ensure safe and proper procedures are created and followed for the moving of structures into, out of, and within the City;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1: That Chapter 4, Article 11 of the Westwood City Code is hereby amended in its entirety to read as follows:

- 4-1101. PUBLIC WORKS DIRECTOR; AUTHORITY. The Public Works Director or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204 through 4-209 of this chapter, which apply in a like manner to this article. (Code 2008)
- 4-1102. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 2008)
- 4-1103. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and time said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved. If the house, building, derrick or other structure is being moved outside the city, notice shall also be sent to the County Clerk for Johnson County, Kansas and the County Clerk for any other Kansas County through which the house, building, derrick or other structure will be moved. Notice shall state whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if

so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. Documentation of approved disconnection from each utility provider providing service to the house, building, derrick, or other structure shall be submitted by the applicant to the city clerk . (K.S.A. 17-1915; Code 2008)

4-1104. SAME; BOND, INSURANCE REQUIRED. It shall be the duty of any person at the time of making application for a permit as provided in this article to provide public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of not less than \$1 million. (Code 2008)

4-1105. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee established administratively to the city clerk; plus any additional costs for the time for any city personnel involved in such moving, including, but not limited to, any public works or law enforcement personnel needed to accomplish the move safely. All said fees shall be paid to the city clerk. (Code 2008)

4-1106. CONTRACTOR; LIABILITY INSURANCE, PERFORMANCE AND MAINTENANCE BOND REQUIREMENT.

(a) The applicants shall provide to the City the name of the contractor who will move the house, building, derrick, or other structure, along with evidence of that contractor's liability insurance with an insurance company licensed to do business in Kansas. The amount of liability insurance will be not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. The insurance will protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent or wrongful acts or omissions of the applicant or the contractor. The contractor shall also have coverage for automobile liability in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. The City shall be an additional insured on all policies of permittee, to the extent permitted by law, unless waived in writing by the City. If the contractor is self-insured, it shall provide the City proof of compliance regarding its ability to self insure and proof of its ability to provide coverage in the above amounts, and shall agree to indemnify and hold the City harmless for any losses associated with permittee's activities in the right-of-way. All contractors actually performing work for any permittee hereunder shall be subject to the same insurance requirements set forth herein.

(b) The contractor shall at all times during the term of the permit, and for two years thereafter, maintain a performance and maintenance bond in a form approved by the City Attorney. The amount of the bond will be \$50,000 or the

value of the restoration, whichever is greater, for a term consistent with the term of the permit plus two additional years, conditioned upon the contractor's faithful performance of the provisions, terms and conditions conferred by this Article. In the event the City shall exercise its right to revoke the permit as granted herein, then the City shall be entitled to recover under the terms of the bond the full amount of any loss occasioned.

(c) A copy of the Liability Insurance Certificate and Performance and Maintenance Bond must be on file with the City Clerk.

4-1107. ROUTE; DUTIES OF PUBLIC WORKS DIRECTOR. The city clerk shall, upon filing of the above application, refer the same to the public works director or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then the public works director may designate such other route as the one to be used and shall notify the applicant of the same. The public works director may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto, the cost of which shall be borne by the applicant. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. The chief building official is also responsible for ensuring that removal of the house, building, derrick or other structure is performed in a safe manner. The public works director or the designee thereof has the authority to stop or halt the moving of any house or other structure if it is being moved in violation of the plan established therefore or in the interest of public health and safety. (Code 2008)

4-1108. NOTICE TO OWNERS.

(a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

(b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation. (K.S.A. 17-1916; Code 1993, 4-205)

4-1109. DUTY OF OWNERS.

(a) It shall be the duty of any public or municipally owned utility owning or operating such wires, cables, or other aerial equipment after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the applicant to each public or municipally owned utility. The public or municipally owned utility may require the applicant to furnish it with appropriate bond or other surety agreement insuring the payment of all expenses incurred as a result of the applicant's moving operations.

(b) The owner of any wires, cables or other aerial equipment shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations. (K.S.A. 17-1917; Code 2008)

4-1110. TREES. If any trees or foliage must be trimmed, cut, or otherwise moved to facilitate the moving operations, the applicant must arrange for an ISA Certified Arborist, or some other licensed arborist service to perform such trimming at the applicant's expense. The applicant must provide notice to the property owner on which any such trees will be trimmed prior to any trimming activities. The public works director shall also be notified of any tree trimming and can require an alternative route if the trimming exceeds what the public works director finds to be reasonable.

4-1110. INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment. (K.S.A. 17-1918; Code 2008)

4-1111. DISPLAY OF WARNING LIGHTS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display warning lights thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2008)

SECTION 2: Any ordinances previously adopted which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the Governing Body this 12th day of May, 2022.

APPROVED by the Mayor this 12th day of May, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: Leslie Herring, CAO / City Clerk

Action Item – Consider adopting Ordinance No. 1029 amending Westwood Municipal Code Chapter 5 – Business Regulations

Background

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.

Staff Comments

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.

Suggested Motion

I move to adopt Ordinance No. 1029 amending Chapter 5 of the Westwood Municipal Code.

ORDINANCE NO. 1029

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: CHAPTER 5, ARTICLE 1, SECTIONS 5-101, 5-103, 5-105, 5-108, 5-110, 5-112, 5-117, 5-119, AND 5-120; AND CHAPTER 5, ARTICLE 11, SECTIONS 5-1101 – 5-1105.

WHEREAS, the Governing Body finds it in the City's best interest to make changes to its business regulations; and

WHEREAS, the Governing Body has held a work sessions to determine how best to regulate short-term rentals in the City;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1: That Chapter 5, Article 1, Sections 5-101, 5-103, 5-105, 5-108, 5-110, 5-112, 5-117, 5-119, and 5-120 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter 5, Article 1 remaining unamended except as amended:

5-101. DEFINITIONS.

Terms as used in this chapter shall be defined as follows:

(a) Person - means any individual, partnership, corporation, firm, or gas station, association, joint stock company or syndicate who or which is engaged in any business, trade, occupation or profession, or rendering or furnishing any service for profit or livelihood and subject to the provisions of this article. Provided, that any individual in the direct employ of any person licensed under the provisions of this article is not a person unless such individual operates as a subcontractor; but if such individual performs any service or practices his or her skill for compensation for any person other than his or her licensed employer, he or she is a person and must pay the fee and obtain a license if such be required by the terms of this article.

(b) Business - means and includes businesses, trades, occupations, and professions, and also the rendering or furnishing of a service; provided, that the name of a business, trade, occupation or profession may be used, and when so used, shall refer to the particular business, trade, occupation or profession. The term shall also mean and include the renting or leasing (or the offering for rent or lease) of property for residential or business use, whether for long-term or for short-term, as further set forth in Article 11 of this Chapter.

(c) Business Property - Any property subject to licensure herein or upon which any commercial, business or professional activity is conducted, except as may be exempt by state law or other authority.

(d) Home Business - Any business or activity operated out of the home, a material purpose for which is the conduct of commerce or some other business of commercial enterprise for profit or gain. Any declaration of income on any government tax form generated from a home-based enterprise is prima facie evidence of the establishment and operation of a business on the premises.

(e) Fee - means an occupation or license fee for city revenue without regulations upon and for the privilege of engaging in business as herein defined.

(f) License - means the documents issued by the city acknowledging payment of the required amount of license fee, and stating the name of the licensee, the kind of business and where located, the period which the license fee covers, such other matter as may be required and signed by the proper officer or officers.

(g) Dwelling – shall have the meaning given to such term in Article 11 of this Chapter V.

5-103. PURPOSE.

Except as otherwise provided in Article 11 of this Chapter V, the licenses provided for herein are solely for the purpose of providing revenue to defray a part of the expenses of the city, and not for the purpose of regulation.

5-105. OCCUPATION FEES LEVIED.

There are hereby levied occupation fees in the amounts and for the periods stated upon the business as hereinafter stated:

(a) Any occupation of a service character conducted in a residence which occupation is clearly secondary to the main use of the premises as a dwelling place and does not change the character thereof, and does not change the appearance with signs, material, equipment, noise, odor or other nuisance or unusual pedestrian by vehicular traffic pertinent to such home occupation which shall be carried on by members of a family residing in the dwelling, and in connection with which there is kept no stock in trade or commodity for sale upon the premises shall pay an occupational fee of \$25.00 per year.

(b) All indoor/outdoor recreational facilities shall pay an occupational fee of \$350.00 per location.

(c) All callings, trades, professions, occupations, manufacturers, stores, industries, processors, wholesalers and similar activities, the occupation fee of which is not set forth in subsections (a) or (b) of this section, shall pay an occupation fee computed on the basis of five cents (\$.05) per square foot of the floor which it occupies

which has the greatest area without regard to use; five cents (\$.05) per square foot of other floor areas when used for retail sales and five-tenths of one cent (\$.005) per square foot of outside display or drive-in service area occupied. When a business occupies multiple floors (except retail sales as provided herein above) the fee shall be calculated upon the floor which has the greatest area, the minimum occupation fee computed as herein provided shall not be less than \$50.00 per year.

(d) Cereal malt beverages; alcoholic liquor.

(1) Sales of cereal malt beverages in original containers for consumption off the premises shall pay an occupational fee of \$50.00 per year, which shall be in addition to any other occupation licenses required in connection with any other business of the applicant.

(2) Cereal malt beverages at retail for consumption on the premises shall pay an occupational fee of \$100.00 per year.

(3) Sale of alcoholic liquor by the package at retail or for consumption on the premises shall pay an occupational fee of \$300.00 per year.

(e) Rental/Leasing Businesses. - Persons engaged in the business of owning residential properties in the city for renting or leasing, whether as long-term rentals, short-term rentals, or otherwise, shall pay an annual occupational fee of \$30.00 per structure rented or leased, or offered for rent or for lease; provided, that as to any multi-tenant residential property, the annual occupational fee shall be paid as to each unit rented or leased, or offered for rent or for lease. Short-term rental and leasing businesses shall be further subject to the provisions of Article 11 of this Chapter V.

If any person fails or refuses to pay any fee or penalties as provided by this section, the city may collect the amount due in the same manner as a personal debt of the property owner to the city by bringing an action in the District Court of Johnson County. Such actions may be maintained, prosecuted, and all proceedings taken, including any award of post-judgment interest to the same effect and extent as for the enforcement of any action for debt. All provisional remedies available in such actions shall be and are hereby made available to the city in the enforcement of the payment of such obligations. In such actions, the city also shall be entitled to recover interest at the rate provided in K.S.A 79-2968, and amendments thereto from and after the date a delinquency occurs in the payment of the fee. The amount owing may be assessed against the property and the city clerk may at the time of certifying other taxes to the county clerk, certify the aforesaid fees and penalties owing by the proper owner; and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner of a civil action as described herein, but only until the full cost and any applicable interest has been paid in full.

Any person shall, before engaging in any business or before continuing such business after a license has expired, make application for a license and pay the proper fee. Application shall be made to the city clerk giving the name of the person, the kind of business, location and such other information as may be necessary, or directed by the city clerk, to determine the amount to be paid. All such information furnished the city clerk shall be true, to the knowledge of the person making such application and any such false information as to the kind of business, location, use of the property and such other information as is required by the city clerk, shall subject such license to be declared void and subject such person to the penalty as set out in section 5-116 hereof. The city clerk may, in his or her discretion, cause an investigation to be made to determine the accuracy of such statements furnished the city clerk.

5-110. EXPIRATION OF LICENSE.

All annual licenses shall expire on January 15 of each year: Provided, that when a business begins operation on or after July 1 of any year, the amount charged shall be one-half of the annual amount.

5-112. LATE PAYMENT, PENALTY.

Any person who, under the provisions of this article, is required to pay a fee, and who does not pay the fee within thirty (30) days after it becomes due, shall pay, in addition to the fee, a penalty of ten percent (10%) of the amount of the fee; and 10% of the fee shall be added as a penalty for each additional thirty (30) days' delinquency.

5-117. PENALTY.

Any person, as defined by this article who shall conduct, pursue, carry on or operate within the corporate limits of the city any business as defined by this article, and any individual who shall assist directly or indirectly, in so doing in any manner or to any extent, either as owner, proprietor, manager, superintendent, partner, agent, servant, or employee of any person after a fee should have been paid and a license obtained to conduct, pursue, carry on or operate such business and the fee has not been paid and a license obtained, shall be deemed to do so unlawfully and upon conviction thereof in the municipal court shall be punished by a fine of not more than \$500.00, or by imprisonment in the city jail for a period not exceeding one hundred eighty (180) days, or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or at which a violation occurs or continues.

5-119. NEW GOODS PUBLIC AUCTION: LICENSE FEE.

The license fee for the conduct of a new goods public auction shall be \$25.00 per day as provided in K.S.A. 58-1019, as amended.

5-120. RIGHT TO INSPECT BUSINESS PROPERTY AND RENTAL PROPERTY.

(a) To the extent permitted by law, including but not limited to K.S.A. 12-16,138, as amended, the city shall have the right to enter upon any business property or rental property or dwelling to determine:

(1) The use of the property is in compliance with the applicable zoning laws.

(2) The property meets the requirements of the city's building and safety codes.

(3) No condition exists in the structure or on the property upon which it is located constituting a violation of any other code or ordinance of the city.

Inspections shall be undertaken with the consent of the lawful occupant or other person exercising control of the business property or dwelling, or by issuance of an administrative search warrant. Any lawful occupant residing in a rental dwelling located within the corporate limits of the City may request an interior inspection of the property at any time by the City.

(b) Whenever the City building official or designated representative determines that any business property or dwelling fails to meet the requirements set forth in this Article or set forth in such laws, codes, or ordinances, he or she shall suspend the license previously issued and shall issue a notice that such failure must be corrected. This notice shall:

(1) Be in writing;

(2) Set forth the alleged violations;

(3) Describe the business property or dwelling where the violation or violations are alleged to exist or have been committed;

(4) Provide a reasonable time, not to exceed sixty (60) days, for the correction of any alleged violations;

(5) Be served on the owner of the business or dwelling personally, or by certified mail, addressed to the last known place of residence of the business owner or property owner, or the address of the owner provided on the application for license. If upon a diligent effort to locate the owner, the owner cannot be found, notice may be posted on or near the business located on the property described in the notice.

(c) A license suspended pursuant to the provisions hereof shall be reinstated upon correction of the violation set forth in the notice within the time provided in the notice.

(d) Whenever an owner of a business or dwelling neglects or refuses to make repairs or take other corrective action called for by order or notice of violation issued by

the City building official within the time allowed by the notice, the City building official shall revoke the license previously issued and shall post a notice on the business, dwelling, or other property stating the nature of the violation and that the license to operate the business is revoked.

(e) Notwithstanding the foregoing, nothing in this Article shall be deemed to prohibit or limit the ability of the City abate or remedy any nuisance, any unsafe, dangerous, or abandoned structure, or any immediate hazards under City Code or other applicable law, including but not limited to K.S.A. 12-1751 *et seq.*, K.S.A. 12-1671e, and/or K.S.A. 12-1617g, as amended.

SECTION 2: That Chapter 5, Article 11, of the Westwood City Code is hereby added and reads as follows,

ARTICLE 11. RENTAL PROPERTIES

5-1101. RENTAL HOUSING; PURPOSE.

The purpose of this article is to protect the public health, safety and general welfare of the people of the City with regard to short-term rental housing, including protecting the character and stability of residential areas, and preserving the value of land and buildings throughout the City.

5-1102. DEFINITIONS.

(a) Owner - means any person, partnership, company, trust, firm, corporation, or other entity who, alone, or jointly or severally with others, is the title holder of any property upon which a dwelling is located. For purposes of the article, owner shall include the titleholder, any employee or agent of the titleholder, a trustee serving for the benefit of any titleholder, a conservator of the estate of any titleholder, or an executor or administrator of the estate of any deceased titleholder.

(b) Property - means the lot, tract, or parcel of real estate upon which a dwelling is located.

(c) Single family dwelling – means any dwelling located on property which has been zoned as R-1 Single Family Residential District pursuant to the zoning laws of the City.

(d) Dwelling – means any building or portion thereof, which is designed or used for residential dwelling purposes.

(e) Duplex, Two-Family House - means a dwelling having quarters with separate entrances for two families, the design of which may have two stories, with a separate dwelling on each floor, or adjacent accommodations on the same level(s).

(f) Multi-family dwelling – means a dwelling in which more than two (2) families or households live independently of each other and cook within their own living quarters.

(g) Short-term rental - means any dwelling, dwelling unit, rooming unit, room or portion of any dwelling unit, rooming unit or room rented or leased for valuable consideration for periods of time less than thirty (30) days and where the rental may only serve as an accessory use; provided, that the term shall not include a "group home" as defined under K.S.A. 12-736(b)(1), as amended.

5-1103. LICENSE REQUIRED.

It shall be unlawful for the owner of a single-family dwelling, duplex, or multi-family dwelling to lease or rent such dwelling, or offer to rent or lease such dwelling, whether as a long-term rental, short-term rental, or otherwise, without first obtaining a license as provided in Article 1 of this Chapter V. If the rental property is offered for lease by a leasing agent of the owner, then the fee required shall be made and paid by the leasing agent, unless paid by the owner. If any rental property is offered for lease by the owner of a property who is not a resident of Johnson County, Kansas, the owner must designate a resident agent who resides in Johnson County. The agent shall be responsible for the payment of all fees and penalties as provided herein and in Article 1 of this Chapter V.

5-1104 SHORT-TERM RENTAL REQUIREMENTS.

Properties rented or leased, or offered for rental or lease, on a short-term rental basis, and the owners thereof, shall comply with the following requirements:

(a) Any owner hosting short-term rentals must provide written courtesy notices to the owners of all properties sharing an adjacent border or corner with the property upon which the short-term rental is or will be located, and to the owners of property across the street (or streets, if located on a corner lot). Evidence of this notification must be provided to the City prior to approval of a license under Article 1 of this Chapter V.

(c) Any short-term rental operating within the City must include the City license number on marketing materials and online platforms the owner or its agents are using to advertise the short-term rental. No exterior evidence that the property is being used as a short-term rental shall be allowed, including signs.

(d) Owners shall post prominently in the short-term rental dwelling the City's rules and regulations regarding noise limits and on-street parking, limitations on numbers of pets and animals, the days and times of trash service/pick-up for the short-term rental property, and such other applicable regulations as the City may require.

(e) No more than two (2) persons per each bedroom being rented, plus one additional person per dwelling, not to exceed six (6) guests per dwelling, may occupy the dwelling.

(f) The dwelling may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests. No food service (e.g., bed and breakfast) may be provided by the host.

5-1105. RIGHT TO INSPECT RENTAL PROPERTY.

The City shall have the right to enter upon any rental property or dwelling in accordance with the provisions of Section 5-120 of this City Code.

SECTION 3: Any ordinances previously adopted which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the Governing Body this 12th day of May, 2022.

APPROVED by the Mayor this 12th day of May, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: Leslie Herring CAO/City Clerk

Agenda Item: Consider Resolution No. 104-2022 endorsing the Regional Climate Action Plan.

Background / Description of Item

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](#)¹ 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 Comments / Recommendations

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.

Suggested Motion

I move to adopt Resolution No. 104-2022 endorsing the regional Climate Action Plan.

¹ The presentation provided to the Governing Body is accessible in the January 13, 2022 City Council meeting packet, available on www.westwoodks.org.

**CITY OF WESTWOOD, KANSAS
RESOLUTION NO. 104-2022**

A RESOLUTION ENDORSING THE REGIONAL CLIMATE ACTION PLAN

WHEREAS, Climate Action KC (“CAKC”) is a regional nonprofit formed to promote strategies and solutions that drawdown greenhouse emissions and promote economic opportunity and quality of life; and

WHEREAS, the Mid-America Regional Council (“MARC”) is a nonprofit association of city and county governments and the metropolitan planning organization for the bistate Kansas City region; and

WHEREAS, CAKC and MARC partnered together to complete a Regional Climate Action Plan containing a regional emissions inventory and climate risk and vulnerability assessment; and

WHEREAS, The Climate Action Plan creates a voluntary framework to guide and align local action in ways that make a difference for the entire Kansas City region; and

WHEREAS, The Climate Action Plan contains a comprehensive set of goals and strategies that can be tailored to meet local community needs and priorities; and

WHEREAS, the strategies in the Climate Action Plan build stronger, healthier, more vibrant and economically vital communities; and

WHEREAS, The Climate Action Plan serves 10 counties, 123 municipalities in two states, with a population of 2.14 million. In Kansas, these include Douglas, Johnson, Leavenworth, Miami and Wyandotte counties; in Missouri, the planning area includes Cass, Clay, Jackson, Platte and Ray counties; and

WHEREAS, Over 1,000 regional residents participated in the planning, prioritization, and drafting of the Climate Action Plan; and

WHEREAS, success will only be achieved if there is equitable access to the benefits among the entire population of the metropolitan area without regard to race, gender, ethnicity, religion, nationality, sexual orientation, income, age, disability or any other classification;

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, AS FOLLOWS:

Section 1. Endorsement. We endorse the KC Regional Climate Action Plan and further resolve to review and implement, as appropriate, the solutions and strategies enumerated therein.

Section 2. Effective Date. This Resolution shall take effect and be in full force immediately upon its adoption by the City.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, ON
MAY 12, 2022.**

(Seal)

By: _____

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Ryan B. Denk, City Attorney

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: John Sullivan, Public Works Director

Agenda Item: Consider Resolution No. 105-2022 adopting the 2023 to 2027 City of Westwood CARS Program

Background / Description of Item

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:

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

Staff Recommendation

Adopt Resolution No. 105-2022 approving the 2023 to 2027 County Assistance Road System Program for road improvements with the City of Westwood

Suggested Motion

I move to approve Resolution No. 105-2022 adopting a five-year program for road improvements for 2023 – 2027 within the City of Westwood.

**CITY OF WESTWOOD, KANSAS
RESOLUTION NO 105-2022**

**A RESOLUTION APPROVING A FIVE-YEAR PROGRAM FOR ROAD
IMPROVEMENTS FOR 2023-2027 WITHIN THE CITY OF WESTWOOD**

WHEREAS, the Board of County Commissioners of Johnson County Kansas has established by resolution a County Assistance Road System (CARS) program, and

WHEREAS, the Board of County Commissioners requires each participating City to establish a five-year program for proposed improvements to roads eligible under the CARS program, and

WHEREAS, certain roads eligible for funding under the program fall within the City Limits of Westwood, Kansas;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, AS FOLLOWS:

Section 1. The Governing Body of the City of Westwood, Kansas, has hereby reviewed and approved the following roads for inclusion in the CARS program:

2024 Mission Road, West 53rd Street to West 47th Street
2026 W. 47th Place, Rainbow Blvd. to State Line Road

Section 2. This Resolution shall take effect and be in force from and after its adoption by the Governing Body.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD,
KANSAS, ON MAY 12, 2022.**

(Seal)

ATTEST:

David E. Waters, Mayor

Leslie Herring, City Clerk

APPROVED AS TO FORM:

Ryan Denk, City Attorney

Council Action Form

Meeting Date: May 12, 2022

Staff Contact: John Sullivan, Public Works Director

Agenda Item: Consideration of an Agreement with Leavcon II, Inc. for installation of a sidewalk on Belinder Ave. and on W. 50th Street associated with the new Westwood View School.

Background / Description of Item

With the building of a new Westwood View grade school the school district 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 at W. 49th Terrace.

Staff Comments/Recommendation

The contractor being utilized by the school district is Leavcon II, Inc. They provided us a proposal based on engineered drawings by out City Engineer. The proposal received from Leavcon II, Inc. is for \$32,000.00. The Engineers estimate is for \$32,171.00

Suggested Motion

I move 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.

PRELIMINARY ESTIMATE OF COSTS

SITE IMPROVEMENTS Westwood Sidewalks Extension Westwood View Elementary School WESTWOOD , KANSAS

DATE: 24 MAR 2022

PHASE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
Plan Estimate of Quantities - North					
1	Remove Concrete Curb	L.F.	62	\$16	\$992
2	Remove Concrete Sidewalk	S.F.	100	\$18	\$1,800
2	Remove Concrete Driveway	S.F.	92	\$20	\$1,840
3	Concrete Curb and Gutter (driveway/residential/ada)	L.F.	62	\$35	\$2,170
4	Concrete Driveway	S.F.	119	\$16	\$1,904
5	Concrete Sidewalk	S.F.	645	\$8	\$5,160
6	ADA Duralast panels (10' Radii Panels)	Each	7	\$300	\$2,100
Plan Estimate of Quantities - East					
7	Remove Concrete Curb	L.F.	56	\$16	\$896
8	Remove Concrete Driveway	S.F.	142	\$20	\$2,840
9	Concrete Curb and Gutter (driveway/residential/ada)	L.F.	56	\$35	\$1,960
10	Concrete Driveway	S.F.	194	\$16	\$3,104
11	Concrete Sidewalk	S.F.	485	\$8	\$3,880
12	ADA Duralast panels (24"x24" panels)	Each	2	\$300	\$600

Construction Estimate	\$	29,246
Contingency (10%)		\$2,925
Total Estimated Construction Costs	\$	32,171



AGREEMENT FOR CONTRACTING SERVICES
City of Westwood Project NO. 01-22

This agreement ["Agreement"], dated as of May 12, 2022 ["Effective Date"] is by and between the City of Westwood, Kansas, [hereinafter "City"], and Leavcon II, Inc. [hereinafter referred to as "Contractor"].

RECITALS

WHEREAS, Contractor represents that it is a duly qualified Construction Firm, experienced in replacement of curbs and gutters, ADA ramps, sidewalks, and driveway approaches; and

WHEREAS, in the judgment of the City of Westwood, it is necessary and desirable to employ the services of Contractor for replacement of the City's curb and gutters, ADA ramps, sidewalks, and driveway approaches.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1.0 Term of Agreement.

The term of this Agreement shall be from May 13, 2022 to July 15, 2022 unless a different term is specified within the Scope of Services as described on Exhibit A or unless terminated earlier in accordance with the provisions of Article 2 below. In the event that the services rendered under this Agreement may extend beyond any one budget year, the continuation of this Agreement from year to year is contingent upon the approval of sufficient budgetary authority for the continuation of this Agreement by the governing body of the City in the establishment of its annual budget.

2.0 Termination.

2.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, City shall have the right, in its sole discretion, to terminate this Agreement by giving 10 days written notice to Contractor.

2.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Contractor fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, City may immediately terminate this Agreement by giving Contractor written notice of such termination, stating the reason for termination.

2.3 Delivery of Work Product and Final Payment Upon Termination. In the event of termination, Contractor, within 14 days following the date of termination, shall deliver to City all materials and work product subject to Section 11 (Ownership of Documents) and shall submit to City an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

- 2.4 Payment Upon Termination. Upon termination of this Agreement by City, the City shall pay Contractor the reasonable value of Services rendered by Contractor prior to termination; provided, however, City shall not in any manner be liable for lost profits that might have been made by Contractor had the Agreement not been terminated or had Contractor completed the Services required by this Agreement. In this regard, Contractor shall furnish to City such financial information as in the judgment of the City is necessary for City to determine the reasonable value of the Services rendered by Contractor. In determining the reasonable value of Services, appropriate consideration shall be given to the defective or deficient nature of the Services rendered. The foregoing is cumulative and does not affect any right or remedy that City may have in law or equity.
- 2.5 Authority to Terminate. The City Council has the authority to terminate this Agreement on behalf of the City. In addition, the Public Works Department Director, in consultation with the City Attorney, shall have the authority to terminate this Agreement on behalf of the City.

3.0 Scope of Services.

- 3.1 Contractor's Specified Services. The Scope of Services to be performed by Contractor under this Agreement is as described in Exhibit A to the Agreement, attached and incorporated by reference. Specifically, the work includes the replacement of concrete curb and gutter, ADA ramps, sidewalks and driveway approaches as shown in the plan sheet C-1 in exhibit A. All concrete used in this project shall be KCMMB 4K. All steel required in this project shall be epoxy coated. The Standard Details as shown in the plan sheet C-2 in Exhibit A shall be followed in the construction of the concrete curb and gutter, ADA ramps, sidewalks and driveway approaches.
- 3.2 Performance Standard. Contractor shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Contractor's profession. City has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by City shall not operate as a waiver or release of liability. If City determines that any of Contractor's work is not in accordance with such level of competency and standard of care, City, in its sole discretion, shall have the right to do any or all of the following: (a) require Contractor to meet with City to review the quality of work and resolve matters of concern; (b) require Contractor to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 2; or (d) pursue any and all other remedies at law or in equity.
- 3.3 Assigned Personnel.
- 3.3.1 Contractor shall only assign competent personnel to perform work hereunder. In the event that at any time City, in its sole discretion, desires the removal of any person or persons assigned by Contractor to perform work hereunder, Contractor shall remove such person or persons immediately upon receiving written notice from City.

- 3.3.2 With respect to this Agreement, the Contractor does not need to employ any specific key personnel.
- 3.3.3 In the event that any of Contractor's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Contractor's control, Contractor shall be responsible for timely provision of adequately qualified replacements.
- 3.3.4 The Contractor shall designate a Principal on the Project. As principal on this project, this person shall be the primary contact with the Project Representative and shall have authority to bind Contractor. So long as the individual named above remains actively employed or retained by Contractor, she shall perform the function of principal on the Project, unless otherwise agreed to in writing signed by both parties. The Contractor will supply a direct name, phone number and email and will notify the City if this contact information changes during the contract period.
- 3.3.5 City shall designate John Sullivan (913) 432-1550 as the Project Representative to represent the City in coordinating this project with Contractor/Contractor, with authority to transmit instructions and define policies and decisions of City. The written consent of the Department Director, and if applicable, Governing Body, shall be required to approve any increase in Project cost as provided in the Scope of Services included as Exhibit A.

4.0 Time of Performance.

The services described herein shall be provided during the period, or in accordance with the schedule, set forth in the Scope of Services.

5.0 Payment.

- 5.1 Payment shall be made by City only for services rendered and upon submission of a payment request upon completion and City approval of the work performed. In consideration for the full performance of the services set forth in Exhibit B, City agrees to pay Contractor a fee of which the total shall not exceed \$32,000.00.
- 5.2 Contractor shall bill City monthly for all work performed. The bill submitted by Contractor shall itemize the work for which payment is requested. City agrees to pay Contractor within thirty (30) days of approval. Contractor agrees to submit herewith such financial information as shall be required by City to enable the City to properly report such payments as required by state or federal law.
- 5.3 All invoices should be sent to John Sullivan, Director of Public Works, 2545 W. 47th Street, Westwood, KS, 66205 or by email to john.sullivan@westwoodks.org. The City will provide a Project Tax Exempt Certificate issued by the State of Kansas. No taxes will be paid on this project.

6.0 Indemnification.

To the fullest extent permitted by law, with respect to the performance of its obligations in this Contract or implied by law, and whether performed by Contractor or any permitted subcontractors hired by Contractor, the Contractor agrees to indemnify City, and its

agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent or intentional acts, errors, or omissions of the Contractor or its subcontractors. Contractor shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim.

7.0 Insurance.

7.1 The Contractor shall procure and maintain, at its expense, throughout the duration of this Agreement, insurance of such types and in at least such amounts as required herein from an insurance company licensed to do business in the State of Kansas. The following insurance coverages:

(a) Workers' Compensation - Demonstrate compliance with K.S.A. 44-532(b) including maintenance of insurance providing for the statutory limits under the Kansas Workers Compensation Act;

(b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and

(c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles.

(d) Professional Liability - The Contractor/Contractor shall maintain throughout the duration of this Agreement Professional Liability Insurance in an amount not less than Five Hundred Thousand Dollars (\$500,000.00), and shall provide the City with certification thereof.

7.2 The City shall be a named insured on such policies. Satisfactory certificates of insurance shall be filed with the City prior to starting any work on this Contract. The certificates shall state that thirty (30) days written notice will be given to the City before any policy coverage thereby is changed or canceled.

7.3 Industry Ratings - The City will only accept coverage from an insurance carrier who offers proof that it:

1) Is licensed to do business in the State of Kansas;

2) Carries a Best's policyholder rating of A or better;

AND

3) Carries at least a Class X financial rating.

OR

Is a company mutually agreed upon by the City and Contractor.

7.4 All property damaged shall be repaired or replaced to a condition immediately prior to the time of damage, and to the satisfaction of the City.

7.5 All loss or damage arising out of the nature of the work to be done, or from the action of the elements, or from floods or overflows, or from ground water, or from unusual obstructions or difficulties, or any other natural or existing circumstances either known or unforeseen, which may be encountered in the prosecution of the said work shall be sustained and borne by the Contractor at its own cost and expense.

8.0 Conflict of Interest.

Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Agreement no person having any such interests shall be employed.

9.0 Nondiscrimination.

Contractor must comply with the Kansas Act Against Discrimination and if applicable, execute a Certificate of Nondiscrimination and Affirmative Action as provided in K.S.A. §44-1030.

10.0 Facilities and Equipment.

Contractor shall furnish at its own cost and expense all labor, tools, equipment, materials, transportation, and any other accessories, services and facilities required to complete the Project as designated, described in accordance with this Agreement, including any attached exhibits and any addendums to this Agreement. The City expressly denies responsibility for or ownership of any item purchased until the same is delivered to and accepted by the City.

11.0 Ownership of Documents.

All documents prepared by Contractor in the performance of this Agreement, although instruments of professional service, are and shall be the property of City, whether the project for which they are made is executed or not.

12.0 Independent Contractor.

It is the express intent of the parties that this Contract shall not create an employer-employee relationship. Employees of the Contractor shall not be deemed to be employees of the City and employees of the City shall not be deemed to be employees of the Contractor. The Contractor and the City shall be responsible to their respective employees for all salary and benefits. Neither the Contractor's employees nor the City's employees shall be entitled to any salary, wages, or benefits from the other party, including but not limited to overtime, vacation, retirement benefits, workers' compensation, sick leave or injury leave. Contractor shall also be responsible for maintaining worker's compensation insurance, unemployment insurance for its employees, and for payment of all federal, state, local and any other payroll taxes with respect to its employee's compensation.

13.0 Compliance with Laws.

13.1 The Contractor shall observe and comply with all applicable federal, state, and local laws, regulations, standards, ordinances or codes and shall be in compliance with all applicable licensure and permitting requirements at all times.

13.2 Pursuant to K.S.A. 16-113, if the Contractor does not have a resident agent in the State of Kansas, it shall execute and file "Certificate of Appointment of Process of Agent" with the Clerk of the District Court of Johnson County, Kansas Courthouse. These forms may be obtained at the Office of the Clerk of the District Court. Contractor shall be responsible for the filing fee. This certificate is pursuant to the General Statutes of Kansas, and shall be filed prior to the formal execution of the Contract Documents. Failure to comply with these requirements shall disqualify the Contractor for the awarding of the Contract.

14.0 Assignment.

Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented. The subcontracting, assignment, delegation or transfer of the Services shall in no way relieve the Contractor of its primary responsibility for the quality and performance of such Services.

15.0 Confidentiality.

All reports and documents prepared by Contractor in connection with the performance of this Agreement are confidential until released by City to the public. Contractor shall not make any such documents or information available to any individual or organization not employed by Contractor or City without the written consent of City before any such release.

16.0 Notices.

All notices hereunder shall be given in writing and sent as follows:

To City: John Sullivan, Director of Public Works
2545 W. 47th Street,
Westwood, KS 66205

To Contractor: Leavcon II, Inc.
108 American Avenue
Lansing, KS 66043

17.0 Amendments.

17.1 This document represents the entire and integrated agreement between City and Contractor and supersedes all prior negotiations, representations, and agreements, either written or oral.

17.2 Attached as Exhibit B is the Proposed Bid from Leavcon II, Inc.. To the extent that there are any inconsistent terms between Exhibit B and this document, this document shall be controlling upon all parties.

17.3 This document may be amended only by written instrument, signed by both City and Contractor.

18.0 No Third Party Beneficiaries.

City and Contractor specifically agree that this Agreement is not intended to create any third party beneficiary relationship nor to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement; the duties, obligations and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed by law.

19.0 Titles.

The titles in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

20.0 Negotiations.

City and Contractor agree that disputes relative to the project should first be addressed by negotiations between the parties. If direct negotiations fail to resolve the dispute, the party initiating the claim that is the basis for the dispute shall be free to take such steps as it deems necessary to protect its interests; provided, however, that notwithstanding any such dispute Contractor shall proceed with the work as per this Agreement as if no dispute existed; and provided further that no dispute will be submitted to arbitration without both parties' express written consent.

21.0 Costs and Attorneys Fees.

If on account of a continued default or breach by either party of such party's obligations under the terms of this agreement after any notice and opportunity to cure as may be required hereunder, it shall be necessary for the other party to employ one or more attorneys to enforce or defend any of such other party's rights or remedies hereunder, then, in such event, any reasonable amounts incurred by such other party, including but not limited to attorneys' fees, experts' fees and all costs, shall be paid by the breaching or defaulting party.

22.0 Severability.

If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

23.0 Authority to Enter into Agreement.

Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

24.0 Governing Law and Venue.

This Agreement shall be governed by the laws of the State of Kansas and, in the event of litigation, the sole and exclusive venue shall be within the District Court of Johnson County, Kansas.

CITY OF WESTWOOD, KANSAS

Leavcon II, Inc.



David Waters, Mayor

Its Authorized Agent

Brent Leintz - Leavcon

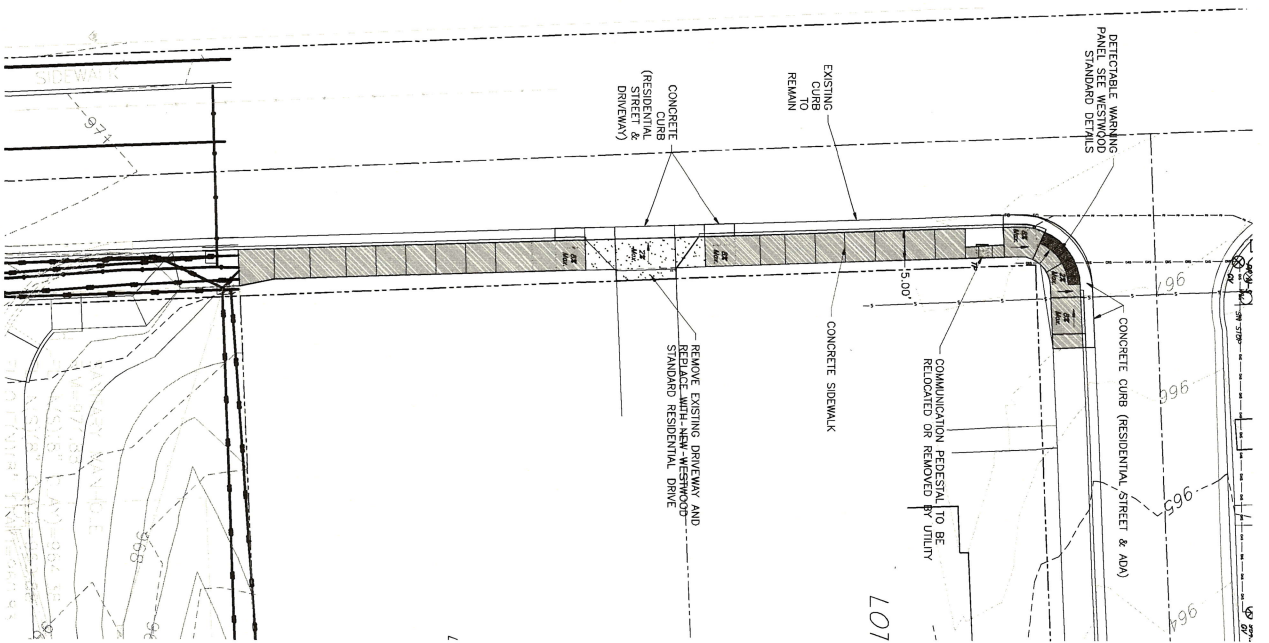
ATTEST:

Leslie Herring, City Clerk

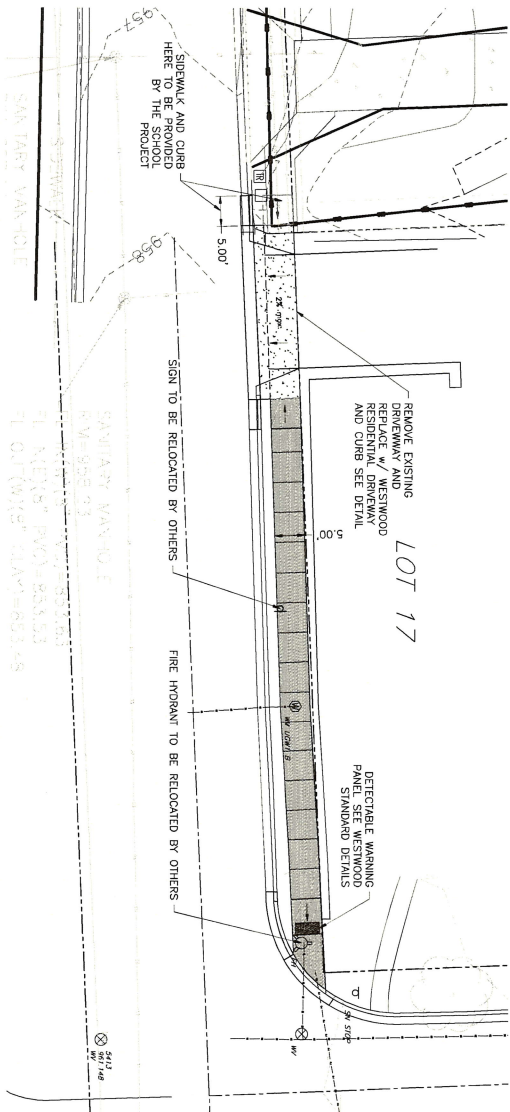
APPROVED AS TO FORM:

Ryan Denk, City Attorney

Exhibit A



SIDEWALK NORTH OF SCHOOL ON BELINDER.
SCALE: 1" = 10'-0"



SIDEWALK NORTH OF SCHOOL ON 50th STREET.
SCALE: 1" = 10'-0"

Plan Estimate of Quantities - North			
1	Remove Concrete Curb	L.F.	62
2	Remove Concrete Sidewalk	S.F.	100
3	Remove Concrete Driveway	S.F.	92
4	Concrete Curb and Gutter (driveway/residential/ada)	L.F.	62
5	Concrete Driveway	S.F.	119
6	Concrete Sidewalk	S.F.	645
7	ADA Duralast panels (10' Radii Panels)	Each	7
Plan Estimate of Quantities - East			
7	Remove Concrete Curb	L.F.	56
8	Remove Concrete Driveway	S.Y.	142
9	Concrete Curb and Gutter (driveway/residential/ada)	L.F.	56
10	Concrete Driveway	S.Y.	194
11	Concrete Sidewalk	S.Y.	485
12	ADA Duralast panels (24"x24" panels)	Each	2

NOTE: CONTRACTOR TO CONFIRM ALL QUANTITIES

PRICING SET - NOT FOR CONSTRUCTION

REVISION/DESCRIPTION	DATE
1 Sidewalk City Est. Update	24 MAR 2022

OWNER:

City of Westwood Kansas
ATTN: John Sullivan PWD
2545 W. 47th Street
Westwood, Kansas
(913) 432.1550

PROJECT:

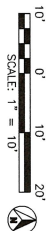
SIDEWALK EXTENSIONS
WESTWOOD VIEW SCHOOL
BELINDER BLVD. AND 51st STREET
WESTWOOD, KANSAS

COMPANY:



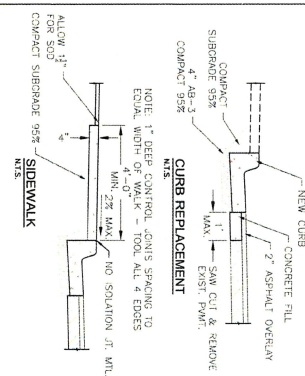
UHL ENGINEERING, INC.
7211 W. 89th Terrace, Suite 110
Overland Park, Kansas 66212
(913) 386-2870
www.uhlengineering.com

PROFESSIONAL SEAL:

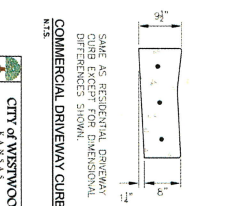
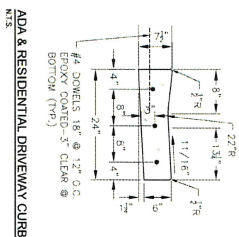
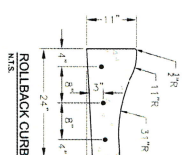
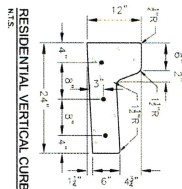
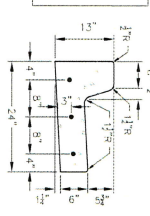


10' 0' 10' 20'
SCALE: 1" = 10'

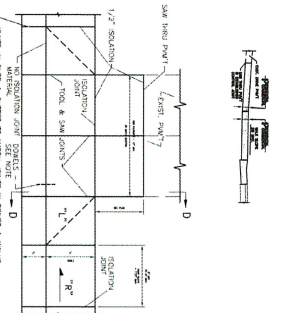
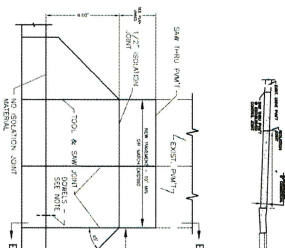
SHEET NUMBER:
C1



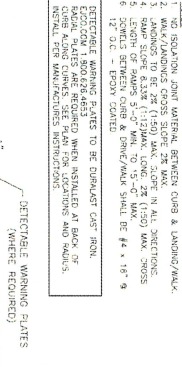
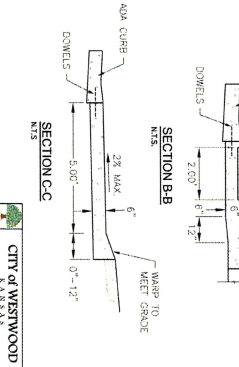
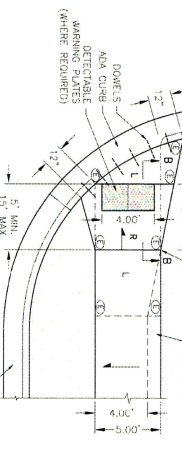
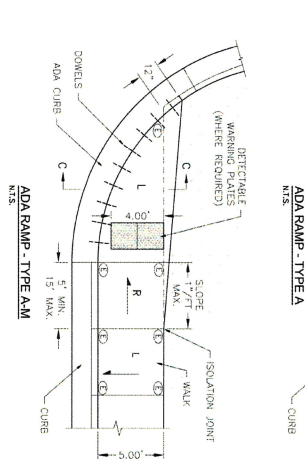
- NOTES:**
1. REINFORCEMENT SHOWN IS CLEARANCE FOR REINFORCEMENT
2. ALL CONCRETE TO BE APPROVED EQUAL



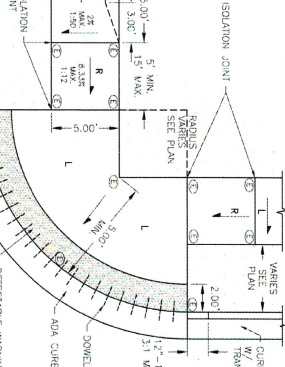
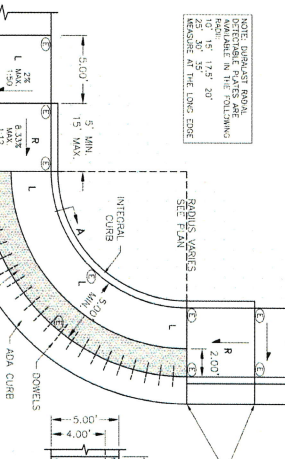
CITY OF WESTWOOD	KANSAS
DESIGNED BY	ENGINEER
DATE	3/16/2022
03	



CITY OF WESTWOOD	KANSAS
DESIGNED BY	ENGINEER
DATE	3/16/2022
04	



CITY OF WESTWOOD	KANSAS
DESIGNED BY	ENGINEER
DATE	3/16/2022
01	



CITY OF WESTWOOD	KANSAS
DESIGNED BY	ENGINEER
DATE	3/16/2022
02	

PRICING SET - NOT FOR CONSTRUCTION

ISSUE DATE:	18 MAR 2021
SHEET NAME:	SITE DETAILS
SHEET NUMBER:	C2
REVISION/DESCRIPTION	DATE

OWNER:
City of Westwood Kansas
ATTN: John Sullivan PWD
2545 W. 47th Street
Westwood, Kansas
(913) 432,1550

PROJECT:
SIDEWALK EXTENSIONS
WESTWOOD VIEW SCHOOL
BELINDER BLVD. AND 51st STREET
WESTWOOD, KANSAS

COMPANY:

UHL ENGINEERING, INC.
7211 W. 89th Terrace, Suite 110
Overland Park, Kansas 66212
(913) 385-2670
www.uhlengineering.com

PROFESSIONAL SEAL:

Exhibit A

Exhibit B

LEAVCON II, INC

108 American Avenue
Lansing, KS 66043

Glenn A. Leintz
President

(913) 351-1430
fax (913) 351-1597

April 5, 2022

TO: John Sullivan – City of Westwood Director of Public Works
FROM: Brent Leintz
RE: City Sidewalks Extensions North and East of New Westwood View Elementary

We have prepared a bid to furnish all labor, material, equipment and insurance necessary to perform concrete construction on the above referenced project. This proposal is based upon a site and plans provided by the City of Westwood. We acknowledge no addenda for this project. Items specifically not mentioned under this scope of work may not be included. This proposal is firm for thirty days.

SCOPE OF WORK:

Work Included: New City Sidewalks, Curb Replacement and Drive Replacement

- Provide concrete saw cutting, removal and haul off of existing curb and drives
- Provide and maintain barricades, cones and signage for lane closures and public safety. Resident drive entrances will have to be closed and not used during construction
- Provide excavation and haul off of grass areas for new sidewalks
- Provide formwork and fine grading for new sidewalks, entrance drives and city curbs
- Provide, place and finish concrete sidewalk with hand tooled joints (4000 psi KCMMB concrete)
- Provide and install ADA detectable panels at new sidewalk ramps as shown
- Provide form removal, backfill and clean up of our work
- Modifications to landscaping, irrigation lines, grass seeding or sodding is NOT included
- KS Sales tax is included. KS Use and Remodel tax is not included

Exclusions: Testing and inspection fees, bonds and permits, night work or shift work, moving of existing equipment, waterproofing, asphalt patching, utility removal or relocation, temporary enclosures, shoring or bracing of existing structures, epoxy coatings, specialty coatings, floor sealing, infill / patching of MEP penetrations, grass seeding or sodding, landscaping, work not specifically listed above.

CITY of WESTWOOD SIDEWALK EXTENSIONS: \$32,000.00

COUNCIL ACTION FORM

Meeting Date: May 12, 2022

Staff Contact: Leslie Herring, Chief Administrative Officer / City Clerk

Agenda Item: Consider Fence Variance Request – 4944 Fairway Rd.

Background / Description of Item

On April 28, 2022, City staff received an application for a fence variance at 4944 Fairway Rd. Property owners Jenna and Kouri Linder, through 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 (10) feet to the street-side property line (Westwood Zoning Ord. Section 4.3.9.C.3).

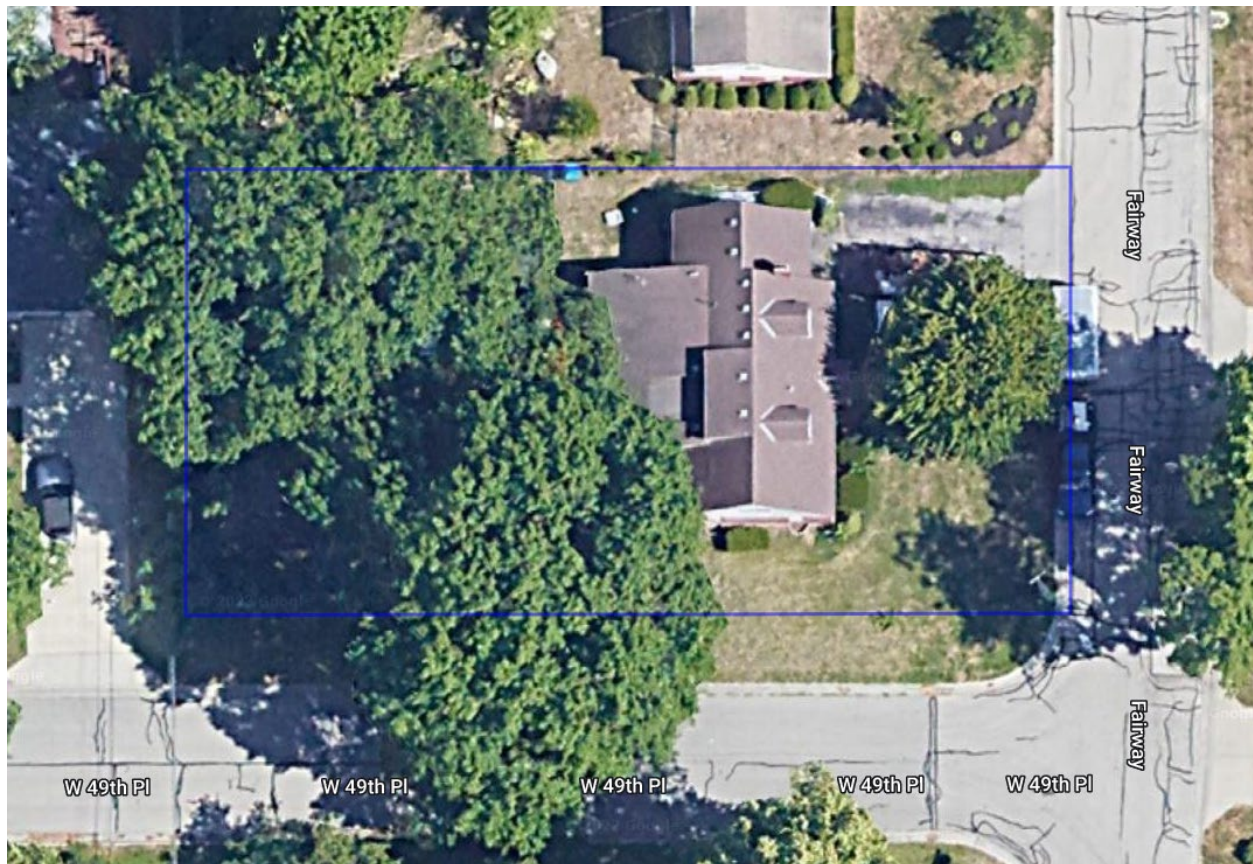
The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F, and as set forth below.

4.3.9 Fence and Wall Standards

- F. *Fences or walls which would fail to comply with any other requirement of this Ordinance may be constructed and maintained, contingent upon the following:*
 - 1. *Application shall be made to the Governing Body, which shall study said application to determine the following:*
 - a. *the fence or wall will not adversely affect the general welfare of the immediate neighborhood in which the fence or wall is to be erected, taking into consideration factors including, but not limited to, the value of the property and the safety of residences in said neighborhood;*
 - b. *the appearance, location, and purpose of the proposed fence or wall;*
 - c. *the effect on adjoining properties;*
 - d. *the size of the area to be enclosed; and*
 - e. *the desirability of open views with regard to beauty, value and safety of the neighborhood; and*
 - f. *with respect to any fence on a lot adjacent to a street, a variance shall not be granted if the proposed fence would interfere with a safe view of the street for vehicular traffic, or would impair the view from any nearby driveway, or would extend closer to the street than the adjacent front yard setbacks.*
 - 2. *Said application must be approved by at least four of the five members of the Governing Body.*

Proposed Fence

The replacement fence is proposed to be placed in exactly the same location as the existing fence, which is on the property line, per the photos below.



Staff Comments/Recommendation

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

- a. Neighbor acknowledgement – Not sought as only variance is for street side;
- b. ROW impediment – No;
- c. Established tree impact/removal – No; and
- d. Resulting sight lines issues - No.

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 10 feet into the streetside side yard from where it is currently located – on the property line – shown in blue in the map above. Staff does not have any objections to the requested variance.

Suggested Motion

I move to approve the requested fence variance at 4944 Fairway Road to allow a 6' foot high wood fence to be placed on the streetside property line as described in the application.

Application for a Fence Variance



City of Westwood
4700 Rainbow Blvd
Westwood, Kansas 66205
Phone: (913) 362-1550
www.westwoodks.org

TO THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

The undersigned hereby affirms:

- That he/she is the owner/duly authorized agent of the owner of the following described real property located at 4944 Fairway Rd. in the City of Westwood, with the Legal Description Lloyd Avenue West Lot 2 WNC-0324
- That said premises are now located in a R-1(c) District, and zoned accordingly under the Zoning Ordinances of the City of Westwood.
- That said premises are now being used as follows: current fence is a 4' picket.
SINGLE-FAMILY RESIDENTIAL.
- That the petitioner desires to erect a fence on said premises, as follows (also give reasons which, in the opinion of the petitioner, justify issuance of a fence variance): The new fence will be in the same location as the current existing fence.

Wherefore, petitioner hereby applies for a variance to allow erection of a fence as follows: 6' cedar shadowbox fence.

Date Filed	<u>4-28-22</u>
Accepted by	<u>[Signature]</u> City Clerk
Date of Hearing	<u>5-12-22</u>
Decision	
CITY OF WESTWOOD USE	

Kayla Thompson
Owner-Agent Printed Name
[Signature]
Owner-Agent Signature
816-534-0665
Phone Number