



**CITY OF WESTWOOD  
City Council Meeting  
4700 Rainbow Blvd.  
Westwood, Kansas 66205**

**May 13, 2021 - 7:00 PM**

Note: 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**

(346) 248-7799

Webinar ID: 899 0828 9796

**Agenda Items**

- I. Call to Order – Mayor David E. Waters
- II. Public Comment
- III. Presentations/Appointments
  - A. [Consider Appointment of Andrew Buckman to Fill the Vacancy of City Councilmember Lisa Cummins](#)
  - B. [Consider Resolution No. 91-2021: Appointments to the Westwood Foundation](#)
- IV. Approval of Meeting Minutes
  - A. [Consider April 8, 2021 City Council Meeting Minutes](#)
  - B. [Consider April 21, 2021 City Council Strategic Planning Meeting Minutes](#)
- V. City Treasurer's Report
  - A. [Review April 2021 Treasurer's Report](#)
  - B. [Consider Appropriations Ordinance No. 726](#)
- VI. City Attorney Report – City Attorney Ryan Denk
  - A. [Consider Sixth Amendment to Land and Building Sublease Agreement with Woodside Racquet Club Management, Inc. d/b/a Woodside Health and Tennis Club](#)
- VII. [Administrative Report – City Clerk Leslie Herring](#)
  - A. [Consider Fence Variance Request – 2807 W. 50th Terrace](#)
  - B. [Consider Proposal for Services of BOARDynamics](#)

- C. [Consider Resolution No. 92-2021: Disposal of Surplus Property Policy](#)

VIII. [Police/Court Report – Chief Greg O'Halloran](#)

- A. [Consider Proposal of Turn-Key Mobile, Inc. for Replacement of In-car Computers](#)

IX. [Public Works Report – Public Works Director John Sullivan](#)

X. Committee Reports

- A. Administration & Compensation Committee Report
- B. Business & Community Affairs Committee Report
- C. Public Safety Committee Report
- D. Public Works Committee Report
- E. Parks & Recreation Committee Report
- F. Mayor's Report

XI. Adjournment

## **COUNCIL ACTION FORM**

Meeting Date: May 13, 2021

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

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Agenda Item: Consider Appointment of Andrew Buckman to Fill the Vacancy of City Councilmember Lisa Cummins

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### **Background / Description of Item**

Westwood City Councilmember Lisa Cummins notified the mayor of her relocation out of the Westwood in February 2021, effective April 2021. Following an open call for candidates to fill her seat, the mayor received letters of interest from two (2) residents. Following an interview process where Mayor Waters and City Council President Jeff Harris met with the interested individuals, Andrew Buckman was identified as the candidate to be recommended for approval to the Governing Body pursuant to Section 1-209 of the Westwood City Code.

1-209. VACANCIES IN GOVERNING BODY; HOW FILLED. In case of a vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of a majority of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election of that office. In case any person elected as a council member neglects or refuses to qualify within 30 days, after the filing of his or her certificate of election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of a majority of the remaining council members, appoint some suitable elector to fill said vacancy. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election of that office and a vacancy shall occur in the office of the council member becoming mayor.

Andrew Buckman, who resides at 3007 W. 49<sup>th</sup> Terrace, as a qualified appointee, is being nominated to fill the vacancy of Lisa Cummins on the Westwood City Council. Lisa Cummins' unexpired term runs until December 2021.

### **Staff Recommendation**

Confirm the appointment of Andrew Buckman to the vacant City Council seat.

### *Suggested Motion of the Mayor:*

*I move to appoint Andrew Buckman to fill the vacancy of City Councilmember Lisa Cummins' term on the Westwood City Council, which expires in December 2021, upon the election of her successor, and for City Clerk Leslie Herring to administer the oath of office.*

## COUNCIL ACTION FORM

Meeting Date: May 13, 2021

Staff Contact: Leslie Herring, CAO/City Clerk

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Agenda Item: Consider Resolution No. 91-2021: Appointments to the Westwood Foundation

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### Background

The Westwood Foundation is a Kansas not-for-profit corporation organized and existing as an instrumentality of the City of Westwood, Kansas and is governed in the conduct of its affairs by its Board of Directors, its articles of incorporation, and its bylaws. The Westwood Foundation bylaws as amended state that residents of the City of Westwood, Kansas may be appointed by the Mayor and confirmed by a resolution adopted by a majority of the members of the Westwood City Council to serve terms of four (4) years on the Westwood Foundation Board of Directors.

### Staff Comments

With the adoption of Resolution No. 91-2021, the Westwood Foundation Board of Directors would be as follows:

Westwood Foundation Board of Directors	Date Appointed	Term Expiration Date
David E. Waters, Mayor	January 2020	December 2023
Justin Bridges	May 2021	May 2025
Sean O'Brien	April 2013	May 2023*
Kumud Pyakuryal	September 2013	February 2023
Thomas Scott	May 2021	May 2025
Robert C.J. Thompson	April 2013	February 2024
Rita Zeller	May 2021	May 2025

\*Sean O'Brien was originally appointed in April 2013 to fill the vacancy of board member Lisa Cummins, for a term expiring in May 2015. There is no record of Mr. O'Brien's reappointment following his initial 2013 appointment to the Board of Directors. As such, had he been reappointed in 2015 and again in 2019 for four (4) year terms, his current term would expire in May 2023.

### *Suggested Motion*

*I move to adopt Resolution No. 91-2021 confirming mayoral appointments to the Westwood Foundation Board of Directors.*

**CITY OF WESTWOOD, KANSAS**  
**RESOLUTION NO. 91-2021**

WHEREAS, the Westwood Foundation is an Kansas not-for-profit corporation organized and existing as an instrumentally of the City of Westwood, Kansas and is governed in the conduct of its affairs by its Board of Directors, its Articles of Incorporation and its By Laws, and

WHEREAS, the Westwood Foundation By-Laws as amended state that residents of the City of Westwood, Kansas may be appointed by the Mayor and confirmed by a resolution adopted by a majority of the members of the Westwood City Council to serve terms on the Westwood Foundation Board of Directors.

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

1. That Justin Bridges, 2510 W. 51<sup>st</sup> Terrace, shall serve on the Westwood Foundation Board of Directors for a term that expires in May of 2025.
2. That Thomas Scott, 2811 W. 48<sup>th</sup> Street, shall serve on the Westwood Foundation Board of Directors for a term that expires in May of 2025.
3. That Rita Zeller, 2800 W. 50<sup>th</sup> Street, shall serve on the Westwood Foundation Board of Directors for a term that expires in May of 2025.
4. That Sean O'Brien, 4953 Norwood Street, shall serve on the Westwood Foundation Board of Directors for a term that expires in May of 2023.

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

PASSED by the Governing Body of the City of Westwood, Kansas and approved by the Mayor this 13<sup>th</sup> day of May 2021.

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David E. Waters, Mayor

ATTEST:

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Leslie Herring, City Clerk

APPROVED AS TO FORM:

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Ryan Denk, City Attorney

DRAFT

## **City of Westwood, Kansas**

**City Council Meeting  
4700 Rainbow Boulevard  
April 8, 2021 – 7:00 p.m.  
Held Remotely Via Zoom**

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

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk  
Greg O'Halloran, Chief of Police  
John Sullivan, Director of Public Works  
Michelle Ryan, City Treasurer  
Ryan Denk, City Attorney

### **Call to Order**

Mayor David E. Waters called the meeting to order at 7:00 p.m. on April 8, 2021. The City Clerk called the roll. A quorum was present.

### **Comment on Non-Agenda Items**

Any comments for the Governing Body on non-agenda items were able to be made by either virtually raising their hand on the Zoom platform or the public could provide a written statement to be submitted to Ms. Schneweis by 5:00 pm on Thursday, April 8, 2021 to be shared during the meeting. Comments were to be limited to five minutes in length.

No comments were made.

### **Approval of March 11, 2021 City Council Meeting Minutes**

Minutes from the March 11, 2021 Council Meeting were included in the agenda packet. Motion by Councilmember Cummins to approve minutes document as submitted. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

### **Treasurer's Report**

Mrs. Ryan provided a review of the March 2021 Treasurer's report and offered to answer questions.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 725 as presented. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

### **City Attorney Report**

**Consider Revised Government Enforcement Services Agreement for Johnson County Local Health Officer Orders and County Board Health Orders.**

On November 13, 2020, the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 (the "Original Health Order"). Among other things, the Health Order established certain social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Original Health Order became effective in all of Johnson County as of 12:01 A.M. on Monday, November 16, 2020, and remained in effect through March 31, 2021.

The Original Health Order was issued by the County pursuant to certain statutory authority, namely K.S.A. 65-119. This type of order could generally be enforced by the district attorney pursuant to K.S.A. 65-127 and, depending on the situation, K.S.A. 65-129. However, there had been concern over the practical ability to enforce such rules given the backlog of cases currently pending in district court (which has seen eliminations of or, at best, severe reductions in, trials).

However, pursuant to K.S.A. 19-101d, the Board of County Commissioners has the power to enforce certain of its "resolutions" by prosecution in the Johnson County Codes Court. To help alleviate district court pressures, and presumably to better allow the County to enforce its own Original Health Order, on November 19, 2020, the County adopted Resolution No. 108-20 establishing noncompliance with the Original Health Order as a violation of the Johnson County Code.

That notwithstanding, there is some question as to whether the County can enforce its own resolutions in Johnson County Codes Court within city limits, absent an agreement by the applicable city to allow for that (as cities generally have their own home rule powers within their borders). Accordingly, the County had requested that cities within Johnson County approve an agreement with the County allowing for County enforcement of the Health Order, as incorporated into the County Code. That Agreement was approved by the City Council on December 10, 2020.

With the expiration of the Original Health Order, on March 31, 2021, the County issued a new Public Health Order of the Johnson County Local Health Officer (the "New Health Order"). The New Health Order does not contain a mass gathering limitation, but does include social distancing requirements and also includes a face mask requirement. The New Health Order is effective through April 30, 2021, unless otherwise amended, revoked or replaced.

As the Original Agreement only allowed for County enforcement of the Original Health Order, a new agreement as to the New Health Order was presented to the City Council for consideration and approval (the "New Agreement"). The New Agreement is substantially similar to the Original Agreement, and merely updates the Original Agreement to reflect the terms of the New Health Order. As with the Original Agreement:

- The County, and not the City, will be responsible for enforcement of the New Health Order within the City limits. The City agrees to reasonably cooperate with the County in the sharing of information related to enforcement, and to also assist in educating its citizens as to the requirements of the New Health Order.
- The New Agreement is limited only to the New Health Order. No other orders would be covered by this New Agreement (there are not currently any in effect, but if there should be, the County and the City could amend the New Agreement appropriately).

Either party can terminate the Agreement at any time, if deemed in the best interests of the City or County.



As this agreement impacts Westwood's public safety contractual relationship with Westwood Hills and Mission Woods, City staff has coordinated with those communities, who both entered into similar agreements with Johnson County and who intend to enter into updated agreements under the New Health Order.

Motion by Councilmember Harris to approve the Government Enforcement Services Agreement for Johnson County Local Health Officer Orders and County Board Health Orders through the end of April as stated and, until the next meeting of the Governing Body, allow the Mayor to extend without any significant changes. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

#### **Consider Request from Woodside – 2021 Pool Season**

Due to concerns of Woodside Racquet Club Management relating to the declared pandemic of COVID-19, certain additional health and safety precautions and protocols were communicated to Club members and Westwood residents on March 17, 2021. As some of these additional health and safety precautions and protocols would impact Westwood residents' access to the swimming facilities (as they will impact all Woodside Club members), any modifications or restrictions to access to the swimming facilities would need to be agreed to between the City and the Club and formalized with an amendment to the sublease agreement between the parties.

Blair Tanner, Woodside Health & Tennis Club Owner, was in attendance and provided an overview of pool operations during the 2020 season and planned operations for the 2021 pool season. The management team at Woodside plans to only allow children at the pools during weekdays with a guardian as a general policy. This policy is a departure from other pools in the Johnson County area which plan to allow children throughout the week. Mayor Waters asked Mr. Tanner how other pools in the area can allow children throughout the week with social distancing in place and Woodside cannot. Mr. Tanner said the management team observed operations at neighboring pools during the 2020 season and social distancing was not observed. Mr. Tanner said the management team is currently developing a plan to ensure pool guests remain socially distant during their stay.

Councilmember Steele said not allowing children at the pools during the weekends is a disservice to households with two working parents who only have the weekends to visit the Woodside pools.

Councilmember Cummins said she is a member at Woodside and commended their operations during the COVID-19 pandemic and she hoped that some kind of resolution could be met regarding the pools that would make everyone feel safe and included.

Councilmember Harris noted the current Johnson County Public Health Order is scheduled to expire on April 30, 2021 and the Johnson County Board of Commissioners would need to take further action if the current Order is to effect Woodside pool operations.

Mr. Denk suggested he, Mayor Waters, and Mrs. Herring and Woodside management meet to gather public health information and try to come to an agreement to present to the Governing Body for consideration. Mr. Denk acknowledged Johnson County restrictions have been a moving target and the situation could evolve over the summer pool season. Councilmembers Hannaman, Harris, Cummins stated their support for Mr. Denk's suggested plan. Mayor Waters confirmed he will work with Mr. Denk, Mrs. Herring, and Woodside Management to come to a resolution for the 2021 pool season.

### **Administrative Report**

Mrs. Herring provided a review of the March 2021 Administrative report and offered to answer questions.

### **Consider Adopting Ordinance No. 1019 Repealing and Replacing Section 6-105 re: City Council Terms**

In 2014 the Kansas Legislature passed HB 2104, which required that municipal elections be moved from the spring, or April, election cycle to a November of odd-years election cycle. This action by the legislature required that all municipalities in Kansas implement various changes to existing city code provisions, amending the process for the election of local municipal officials so they are brought into compliance with the (then known) provisions of HB 2104.

With the 2014 shift to the November election cycle for municipal elections by the state of Kansas, the delineated commencement of terms for those newly elected to office was governed by K.S.A. 25-313 and K.S.A. 25-2120, which established that the regular term of office for newly elected officers shall begin on the second Monday in January after the election cycle.

Senate Bill 105 was enacted by the Kansas Legislature and became effective on July 1, 2019 wherein the Legislature amended K.S.A. 25-313 and K.S.A. 25-2120 to provide for the commencement of the term of office of city officers on a date established by a resolution of the City. The date is required to be on or after December 1st following the certification of the election and no later than the second Monday in January following the certification of the election, and further providing that if a city does not establish an alternative date for elected officials taking office, the term shall begin on the second Monday in January.

In November 2019, the City Council approved Resolution No. 77-2019 establishing that the term of office for the members of the Governing Body shall commence upon their swearing-in, which shall occur at the City's December City Council meeting following the certification of an election. Although the City passed a resolution modifying the commencement of terms, we have not until now updated our City Code to reflect this change. Ordinance No. 1019 would amend achieve this modification.

Motion by Councilmember Harris to adopt Ordinance No. 1019 amending Westwood Municipal Code 6-105 establishing the term of office and swearing-in of members of the City's Governing Body pursuant to K.S.A. 25-313 and K.S.A. 25-2120. Second by Councilmember Cummins. Mrs. Herring conducted a roll call vote, motion carried by a 5-0 voice vote.

### **Consider Site Plan for Westwood View Elementary, 4935 Belinder Avenue**

The applicant is requesting approval of a site plan to build an elementary school on property it owns at 4935 Belinder Avenue. This elementary school, if approved, would replace the existing Westwood View Elementary School currently located adjacent to the subject property, at 2511 W. 50th Street. Pursuant to Section 4.3.1 of the Westwood Zoning Ordinance, a public school is a use permitted by right in the current zoning district. As such, this application is subject to the conditions and criteria for site plan approval provided in Section 1.6.20-22 of the Westwood Zoning Ordinance relating to non-residential developments within an R-1 zoning district. The land use requested for the site – a civic use, which includes schools per Section 4.2.3(A) – is subject to review by the Planning Commission and approval by the Governing Body, pursuant to Section 4.2.3(D) of the Westwood Zoning Ordinance.

The Planning Commission has heard from the applicant on three occasions leading up to today's meeting. On February 1, 2021, the Shawnee Mission School District's Superintendent's Office addressed

the Planning Commission to introduce this project and to share the project development and engagement process leading up to site plan review. Following that meeting, the School District, through its agent, addressed the Planning Commission on March 1, 2021 to review the site plan submittal including technical studies performed pursuant to staff direction. At that time, the Planning Commission Chair also presented a report of the work of a subcommittee that had met with the applicant on several occasions leading up to the March 1st public meeting.

On April 5, 2021, the Planning Commission reviewed a revised site plan submittal and, at that meeting, recommended to the City Council approval of the site plan with the condition that a warrant analysis be performed at the intersection of W. 49th Terrace and Belinder Ave. by the School District during the first fall semester the new school is open. The Planning Commission further recommended to the City Council to do the following should the site plan be approved:

- Make any public improvements warranted/recommended by the warrant analysis;
- Install a crosswalk at the intersection of W. 49th Terrace and Belinder Ave.; and
- Extend public sidewalks on the north side of 50th Street from the school property to Booth Street and on the east side of Belinder Ave from the school property to 49th Terrace.

More complete background related to the Planning Commission's review of this site plan, are publicly available in the March 1, 2021 and April 5, 2021 Planning Commission meeting packets.

Aside from the height, material, and placement of the fencing shown on the site plan, staff concludes that this site plan meets the zoning regulations and the City's building code requirements. The fence will require a variance from the City Council, which will be considered commensurate with the site plan, by way of a separate agenda item and staff report.

Further, staff recommends that the public improvements identified by the Planning Commission be incorporated into the City's Capital Improvement Plan (CIP) should the City Council approve the applicant's site plan. City staff will create a project for these improvements and would also include additional items and costs, including but not limited to ADA ramps, new markings, and new signage, where needed to accommodate the site as a school.

Justin Durham, Hollis & Miller Architects, thanked the Governing Body for allowing the SMSD team to address the public and present the proposed Site Plan for the new Westwood View Elementary. Mr. Durham provided an overview of how the SMSD team provided opportunity for and received input from the community.

Mayor Waters opened the meeting to public comment. Any comments for the Governing Body on the proposed Westwood View Site Plan were able to by virtually raising their hand on the Zoom platform. Comments were limited to three minutes in length.

Jan Kyle, 4946 Belinder, stated she and her husband voted to approve the SMSD bond issuance in January 2021, but did not believe it belonged on Belinder and believed the new location should have been the 5050 Rainbow Boulevard property instead.

Jennifer Merrill, 4930 Belinder, stated she was concerned about the traffic on Belinder.

No other comments were made, Mayor Waters closed the public comment portion of the meeting.

Councilmember Harris thanked City staff for their work on the review of the proposed site plan. Councilmember Harris acknowledged there is concern about traffic on Belinder and that traffic flows may change, but the SMSD team conducted a traffic study that concluded that traffic from the new school site would not be a detrimental to the traffic flow on Belinder. Councilmember Harris stated the site plan being considered could be one of the biggest decisions the Governing Body will make and will affect the community for several generations.

Councilmember Hannaman said that with every design option that has been looked at design issues will still exist in some capacity, and that is the nature of a large project in a fully developed city. Councilmember Hannaman said the SMSD team has taken the time to address concerns that have been raised by the community and made changes where appropriate. Councilmember Hannaman acknowledged the community members who expressed concerns about the new school location and that living next to a school may not be perfect every second of every day, but they will come to realize that this is a positive development for the community. Councilmember Hannaman noted the new Westwood View building is designed for those that use it, the students. Councilmember Hannaman stated he would be voting to approve the proposed site plan.

Councilmember Steele said the planning process for a new school has been done very well and thoughtfully.

Councilmember Cummins noted when she first moved to Westwood, Westwood View was being considered for closure and the site plan vote is a long time coming and a product of community planning and support. Councilmember Cummins stated she is excited to see the new school.

Councilmember Wimer said she is excited and honored to be part of a hub in the community that will last for decades. Councilmember Wimer said she hoped that this project would unite the community.

Mayor Waters said there are so many involved in the planning and development of the new Westwood View. Mayor Waters said Westwood View is the heart and soul of the city. Mayor Waters expressed his appreciation to the SMSD for investing in Westwood and its children.

Motion by Councilmember Cummins to approve the submitted site plan for a new Westwood View Elementary School on property zoned R-1 (D) at 4935 Belinder Avenue with the condition that a warrant analysis be performed at the intersection of W. 49th Terrace and Belinder Ave. by the School District during the first fall semester the new school is open. Second by Councilmember Hannaman. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

#### **Consider Fence variance for Westwood View Elementary, 4935 Belinder Ave**

The Shawnee Mission School District's site plan provides for a 6' fence around the play areas made of vinyl-coated chain link on the north and east sides of the property and of aluminum on the south side of the property. This application requires a variance for:

A. Material – fences exceeding 4' in height are to be made of wood or live material (Westwood Zoning Ord. Section 4.3.9.A.2); and

B. Height – a 6' fence would only be allowed in the rear yard of the property (Westwood Zoning Ord. Section 4.3.9.B.2).

The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F.

Motion by Councilmember Harris to approve the requested fence variance at 4935 Belinder Ave. to allow a 6 foot high vinyl coated chain link fence in the rear and partial side yard, and 6 foot high ornamental aluminum fence in the side yard of the primary structure. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote, motion carried by a 5-0 vote.

Dr. Rick Atha, Shawnee Mission School District Deputy Superintendent, thanked the Westwood City Council, Planning Commission, and Mrs. Herring for their work and guidance on the Westwood View Elementary rebuild project.

At 9:46 p.m. Mayor Waters called a recess. At 9:55 p.m. Mayor Waters reconvened the meeting.

#### **Consider Master Services Agreement with GovBuilt**

The City's current process of permitting and licensing involves pdf forms published on the City's website, which then get emailed or brought in person to City Hall for review and processing. The review consists of multiple handoffs between members or staff and interdepartmental coordination conducted via email, phone, and in-person conversation and is paper-based. The applicant communication component of the process involves typically multiple emails, phone calls, or in-person visits to work through questions and coordinating to ensure that applications are complete and acceptable prior to final approval and permit issuance. Once approved, permits are issued in person at City Hall and payment is only accepted via cash or check; creating a common inconvenience for applicants and residents.

Given the changes in process the City adopted temporarily in 2020 in response to public health orders and guidance, providing a permanent contactless option for residents and contractors to apply for and receive permits and licenses from the City is a highly desirable course of action. Further, achieving process improvement while elevating and expanding our ability to provide excellent customer service is an added benefit to moving to a self-service online platform, like GovBuilt, which builds in a workflow function on the backend to allow for better coordination and communication amongst staff.

GovBuilt's solution is a Software as a Service (SaaS) subscription offerings that incorporate various software solutions for building, planning, inspections, and occupational licensing — all in a single system. This provides cities with an integrated solution that delivers citizens 24/7 access to government services and staff will have an automated system that eliminates manual processes and streamlines business processes enabling communication and collaboration across departments, citizens and third-party applications. GovBuilt applications are scalable to grow and adapt with the City.

GovBuilt has provided links to some of its sites active in other local governments and will be available at the meeting to provide a demonstration and also to answer any questions you may have.

In February, City Administration Department staff met with the GovBuilt team and received demonstrations and one-on-one conversations with GovBuilt development and sales staff and then introduced the platform to Police Department and Public Works Department staff. City staff has also performed a reference check with Saline County and received positive feedback about the company and product.

As the City of Westwood provides building official services to Westwood Hills and Mission Woods, Westwood staff has also been in contact with those communities to inform them of the City's conversations with GovBuilt and moving permitting services to that online platform.

On March 3rd, the Administration & Compensation Committee met with City staff and received a demonstration of the GovBuilt platform. Ultimately, the Administration and Compensation Committee arrived at consensus to recommend engaging with GovBuilt to the City Council for consideration.

If the City Council elects to move forward with GovBuilt, implementation would take two (2) months from kick-off and would include five (5) forms and workflows and City staff training. Following implementation, City staff would be able to build out unlimited additional forms, as needed, through the platform and ongoing tech support would be provided by GovBuilt as needed by City staff.

Although this expense is not budgeted in the City's 2021 budget, City staff understands this expense to be an eligible City expense under the American Rescue Plan and would budget for this ongoing expense in the fiscal year 2022 budget. In addition to the annual subscription to GovBuilt is the City's annual cost to engage directly with the credit card vendor, Forte, which cost is \$200/year and details of which relationship are detailed in a separate staff report and agenda item, directly following this report and item.

Motion by Councilmember Hannaman to accept the proposal of GovBuilt to provide online permitting and licensing for the City And to approve the Mayor to execute the Master Services Agreement. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

#### **Consider Agreement with Forte for Credit Card Processing**

A component of moving to GovBuilt for the City's permitting and licensing services is the acceptance of payment online, via credit card and electronic check. Forte is GovBuilt's preferred vendor for payment processing and the City has engaged directly with Forte to work out the terms of an agreement should the City Council elect to engage them.

Although Forte does not charge any annual fees, the annual cost to integrate Forte with GovBuilt is \$200 and, although this expense is not budgeted in the City's 2021 budget, this expense would, with GovBuilt's implementation/outlay costs, be covered by American Rescue Plan Act (ARPA) funding. Moving forward into 2022 and beyond, this expense would be budgeted.

Motion by Councilmember Hannaman to approve the Mayor to execute the Payment Processing Agreement with Forte. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

#### **Public Safety Report**

Chief O'Halloran referred to the March 2021 Public Safety report and offered to answer questions.



### **Public Works Report**

Mr. Sullivan referred to the March 2021 Public Works report and offered to answer any questions.

### **Consider Agreement with Johnson Couty, KS for Stormwater Best Management Practices (BMP) Cost Share**

The Stormwater Management Advisory Council determined that it is in the best interests of the residents of Johnson County for the County's Stormwater Management Program to participate in a cost-share program with the City that promotes the use of rain barrels, rain gardens, native trees, and native plantings on residential property to reduce stormwater runoff as well as increase public awareness of stormwater-related issues, all as required by federal NPDES stormwater rules and regulations.

Motion by Councilmember Steele to authorize the Mayor to execute the 2021 Agreement for Stormwater BMP Cost Share Program with Johnson County. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

### **Committee Reports**

#### **a. Administration & Compensation Committee**

Councilmember Hannaman had nothing to report.

#### **b. Business & Community Affairs Committee**

Councilmember Cummins noted she met with Councilmember Steele, Mrs. Herring, Mr. Sullivan and Chief O'Halloran met to further discuss street banner designs.

#### **c. Public Safety Committee**

Councilmember Harris had nothing to report.

#### **d. Public Works Committee**

Councilmember Steele noted the Committee is continuing work on gathering a task force for the Complete Streets plan in Westwood.

#### **e. Parks & Recreation Committee**

Councilmember Wimer noted the Committee is developing a form for residents to request to use the green space at 5050 Rainbow Boulevard or the City Hall parking lot and will finalize the form during the next Committee meeting.

### **Mayor's Report**

#### **Consider Renewing Terms of Planning Commission**

The members of the Westwood Planning Commission are appointed by the mayor, with the consent of the Governing Body, and serve a term of three (3) years each (16.1.4.2).

In March 2020, the City established a February term expiration date to better conform to the November local-election cycle as new appointments or reappointments are made to the Planning Commission.

Planning Commission & BZA	Date Appointed	Term Expiration Date
Trent Robinett	Dec 2010	May 2021*

Matt Prout	May 2017	February 2022
Tony Atchity	Sept 2013	February 2022
Vacant**		February 2022
Samantha Kaiser	November 2020	February 2023
Sarah Page	May 2017	February 2023
Vacant***		February 2023
M Scott Weaver	May 2018	February 2024
Kevin Breer	May 2015	February 2024

\*Section 16.1.4.2 of the Westwood Zoning Ordinance provides for one non-resident, non-voting ex-officio member. As this provision has not been observed in recent past, it is recommended that the Planning Commission review this section of the Zoning Ordinance during its work currently underway to identify areas for review and suggested revision with the Zoning Ordinance. Until such time as this provision is either removed or formally revisited by the Planning Commission, Commissioner Robinett's term will be allowed to expire, and he has agreed to continue serving until such time that he fulfills his current plans to move outside the city limits of Westwood or the Zoning Ordinance is updated to reflect its current history of appointing only residents of Westwood.

\*\*Planning Commission Chair Rob Junk stepped down from the Planning Commission on April 5, 2021, effective as of April 6, 2021. This seat will remain vacant until a successor is identified and recommended for appointment. Vice Chair Sarah Page will serve as Chair at the May 3, 2021, at which meeting elections of Chair and Vice Chair are scheduled to take place.

\*\*\*Planning Commissioner Ken Low stepped down from the Planning Commission on April 6, 2021, effective immediately. This seat will remain vacant until a successor is identified and recommended for appointment.

Motion by Councilmember Harris confirm the appointment of the slate of candidates to the Planning Commission as presented. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

#### **Proclamation of National Bike Month in Westwood**

Mayor Waters proclaimed April 2021 National Bike Month in the City of Westwood.

#### **Proclamation of Arbor Day in Westwood**

Mayor Waters proclaimed Friday, April 30, 2021 Arbor Day in the City of Westwood.

#### **Proclamation of National Donate Life Month in Westwood**

Mayor Waters proclaimed April 2021 National Donate Life Month in the City of Westwood.

#### **Proclamation Thanking Councilmember Lisa Cummins**

Mayor Waters read a proclamation honoring and thanking Councilmember Cummins for her service to the City of Westwood on the City Council, Westwood Foundation and the 47<sup>th</sup> & Mission Development Committee.

#### **Adjournment**

Motion by Councilmember Cummins to adjourn the meeting. Second by Councilmember Harris. Motion carried by a 5-0 voice vote. The meeting adjourned at 11:10 pm.



APPROVED: \_\_\_\_\_  
David E. Waters, Mayor

ATTEST: \_\_\_\_\_  
Leslie Herring, City Clerk

DRAFT

## **City of Westwood, Kansas**

### **City Council Worksession**

**4700 Rainbow Boulevard**

**April 21, 2021 – 6:00 PM**

**Held Remotely Via Zoom**

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

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk  
Greg O'Halloran, Chief of Police  
John Sullivan, Director of Public Works

#### **Call to Order**

Mayor David E. Waters called the meeting to order at 6:00 p.m. on April 21, 2021. The City Clerk called the roll. A quorum was present.

#### **COVID-19 Reopening**

Mayor Waters led a discussion about returning to in-person meetings and how City operations will change as COVID-19 restrictions become less stringent. The Governing Body agreed to hold a hybrid Council meeting on May 13, 2021, with the Governing Body meeting in-person and a live stream of the meeting proceedings available online. Changes to other functions of the City will be determined once the Johnson County Public Health Order is extended, modified, or expires on April 30, 2021.

#### **Review 2016 Draft Governing Body Strategic Action Plan**

Mayor Waters led a discussion about the 2016 Governing Body Strategic Action Plan draft document developed by Shockey Consulting.

#### **2022 Budget: City Councilmember Project and Purchase Requests**

Mayor Waters led a discussion about preliminary planning for the 2022 budget.

#### **City Council Retreat to Establish Purpose, Roles, Goals and Behaviors**

Mayor Waters shared documents from BOARDynamics, an organization that assists leadership teams with defining effective behaviors and goals and led a discussion on the possibility of using BOARDynamics services for the Governing Body, Planning Commission and Westwood Foundation.

#### **Adjournment**

Mayor Waters adjourned the meeting at 7:50 p.m.

APPROVED: \_\_\_\_\_  
David E. Waters, Mayor

ATTEST: \_\_\_\_\_  
Leslie Herring, City Clerk

DRAFT

**City of Westwood**  
**Treasurer's Report**  
**4/30/2021**

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
  - a. Ending unencumbered cash through April is \$2,713,645 this remains up from year end by \$337,111.
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. Overall Revenue is up through April 2021 compared to April 2020 by \$15K.
    - i. Taxes – overall up about \$39K from prior year. Ad Valorem taxes are up \$27K from prior year. City and County sales tax revenue is up \$11K. Liquor Tax is down about \$1K. Special Assessments up about \$2K.
    - ii. Fees and Licenses – overall up \$2K this month Franchise Fees are up \$2K. Community Room rent down \$1K, Occupational Licenses up \$1K.
    - iii. Building Permits – up \$9K primarily due to increases in Westwood permits.
    - iv. Intergovernmental Fees decreased slightly through April by \$2K some increase in Public Works revenue with a decrease in Police Services and City Hall use.
    - v. Restricted Use – decreased by \$4K due to State Highway Maintenance funds that were deposited directly in that fund in the current year.
    - vi. Fines – continues at a lower level than prior year and is down \$28K.
    - vii. Miscellaneous income down \$1K.
  - b. Overall Expenditures are down slightly by \$3K through April compared to the prior year.
    - i. General Overhead total expenditures of \$46,352 for the month, up from prior year by \$8K so tracking in line with prior year, varied increases in Professional fees with offsetting decreases to salary lines with the Treasurer transition, also some expenditures for the Complete Streets project.
    - ii. Administrative expenditures of \$35,875 for the month, this is up from the prior year by \$20K. The previous April period only had \$18K of expenditures which is causing some issues with comparability, I expect there is some timing of payments causing this, will continue to monitor next month.
    - iii. Public Works expenditures of \$43,827 for April, to date spending is up by \$5K in this department. Primarily due to decreases in salaries of \$7K offset by \$1K increase in professional fees, General operating \$1K and \$10K in equipment/maintenance line from a mower purchase in Feb.
    - iv. Police expenditures are \$104,140 this month, down from prior by \$30K. This is due to decrease in Wages of \$28K, Employee Expenses \$4K and equipment and maintenance line by \$4K. Professional Fees up \$2K, General Operating expenses up \$4K.
    - v. Parks and Rec expenditures remain nominal at \$944 for the month which is down for the year by \$8K from the prior year.
    - vi. Cancelled Encumbrances totaling \$4K that is returning cash to the general fund balance.
  - c. Net Receipts Over (Under) Expenditures in the General Fund are \$(86,559) for the month, April is a minimal revenue month due to timing of tax distributions, so this is expected. Year to date through April we have positive receipts over expenditures of \$187,699 which is an increase over the prior year at this time of \$23K.
4. Other Funds – Current Month and Year to Date
  - a. General activity shown in all the funds.
    - i. CIP Sales Tax revenue down in April \$21K, \$26K in March, around \$23K for Jan and Feb.
    - ii. CIP expenditures for Engineering for 2021 Street Improvement Projects.
    - iii. Interest was remitted on the GO bonds from Debt service totaling \$43K.

I am happy to answer any questions and stand for any comments at the meeting or upon request.

Michelle Ryan  
City of Westwood Treasurer



**City of Westwood, Kansas**  
**Balance Sheet by Fund**  
As of April 30, 2021

	General Fund 04/30/2021	Capital Improvements Fund 04/30/2021	Equipment Reserve Fund 04/30/2021	Stormwater Fund 04/30/2021	Special Highway Fund 04/30/2021	Woodside TIF/CID Fund 04/30/2021	Debt Service Fund 04/30/2021	All Funds 04/30/2021
<b>Assets</b>								
Current Assets								
Cash In Bank	956,561.21	902,524.36	124,805.98	248,047.60	83,972.66	307,098.21	91,373.10	2,714,383.12
Cash In Bank - Bond Fund	36,615.48	0.00	0.00	0.00	0.00	0.00	0.00	36,615.48
Cash In Bank - Woodside Village Acct	9.35	0.00	0.00	0.00	0.00	0.00	0.00	9.35
Bill.com Money Out Clearing	191.90	0.00	0.00	0.00	0.00	0.00	0.00	191.90
Total Current Assets	993,377.94	902,524.36	124,805.98	248,047.60	83,972.66	307,098.21	91,373.10	2,751,199.85
<b>Total Assets</b>	<b>\$ 993,377.94</b>	<b>\$ 902,524.36</b>	<b>\$ 124,805.98</b>	<b>\$ 248,047.60</b>	<b>\$ 83,972.66</b>	<b>\$ 307,098.21</b>	<b>\$ 91,373.10</b>	<b>\$ 2,751,199.85</b>
<b>Liabilities and Fund Balance</b>								
Current Liabilities								
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	36,189.99	0.00	0.00	0.00	0.00	0.00	0.00	36,189.99
Total Current Liabilities	36,199.18	0.00	0.00	0.00	0.00	0.00	0.00	36,199.18
Total Liabilities	36,199.18	0.00	0.00	0.00	0.00	0.00	0.00	36,199.18
Fund Balance								
Fund Balance	768,123.80	850,050.47	125,319.46	175,237.98	56,119.53	275,697.32	125,984.85	2,376,533.41
Fund Balance - Current Year	187,699.40	52,473.89	(513.48)	72,809.62	27,853.13	31,400.89	(34,611.75)	337,111.70
Total Fund Balance	955,823.20	902,524.36	124,805.98	248,047.60	83,972.66	307,098.21	91,373.10	2,713,645.11
<b>Total Liabilities and Fund Balance</b>	<b>\$ 992,022.38</b>	<b>\$ 902,524.36</b>	<b>\$ 124,805.98</b>	<b>\$ 248,047.60</b>	<b>\$ 83,972.66</b>	<b>\$ 307,098.21</b>	<b>\$ 91,373.10</b>	<b>\$ 2,749,844.29</b>

No assurance is provided. Substantially all disclosures omitted.

# City of Westwood, Kansas

## Cash Flow

For the One Month Ended April 30, 2021

	General Fund Month Ending 04/30/2021	Capital Improvements Fund Month Ending 04/30/2021	Equipment Reserve Fund Month Ending 04/30/2021	Stormwater Fund Month Ending 04/30/2021	Special Highway Fund Month Ending 04/30/2021	Woodside TIF/CID Fund Month Ending 04/30/2021	Debt Service Fund Month Ending 04/30/2021	All Funds Month Ending 04/30/2021
<b>Unencumbered Cash, Beginning Period</b>	<b>1,077,932.30</b>	<b>884,797.65</b>	<b>124,805.98</b>	<b>248,056.05</b>	<b>70,361.82</b>	<b>306,907.22</b>	<b>134,579.36</b>	<b>2,847,440.38</b>
<b>Receipts</b>								
Taxes	64,009.55	21,151.71	0.00	0.00	0.00	0.00	0.00	85,161.26
Fees and Licenses	36,089.74	0.00	0.00	0.00	0.00	0.00	0.00	36,089.74
Building Permits	12,129.25	0.00	0.00	0.00	0.00	0.00	0.00	12,129.25
Intergovernmental	24,193.62	0.00	0.00	0.00	0.00	0.00	0.00	24,193.62
Restricted Use	0.00	0.00	0.00	0.00	13,610.84	15,453.06	0.00	29,063.90
Fines	7,909.00	0.00	0.00	0.00	0.00	0.00	0.00	7,909.00
Miscellaneous	251.40	0.00	0.00	0.00	0.00	0.00	0.00	251.40
<b>Total Receipts</b>	<b>144,582.56</b>	<b>21,151.71</b>	<b>0.00</b>	<b>0.00</b>	<b>13,610.84</b>	<b>15,453.06</b>	<b>0.00</b>	<b>194,798.17</b>
<b>Expenditures</b>								
Salary & Benefits	167,985.84	0.00	0.00	0.00	0.00	0.00	0.00	167,985.84
Employee Expenses	1,659.37	0.00	0.00	0.00	0.00	0.00	0.00	1,659.37
Professional Fees	34,819.37	0.00	0.00	0.00	0.00	0.00	0.00	34,819.37
General Operating Expenses	7,265.51	0.00	0.00	0.00	0.00	0.00	0.00	7,265.51
Utilities	17,643.62	0.00	0.00	0.00	0.00	0.00	0.00	17,643.62
Equipment and Maintenance	1,571.03	0.00	0.00	0.00	0.00	0.00	0.00	1,571.03
Street and Stormwater	197.74	3,425.00	0.00	8.45	0.00	0.00	0.00	3,631.19
Miscellaneous	0.00	0.00	0.00	0.00	0.00	15,262.07	43,206.26	58,468.33
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>231,142.48</b>	<b>3,425.00</b>	<b>0.00</b>	<b>8.45</b>	<b>0.00</b>	<b>15,262.07</b>	<b>43,206.26</b>	<b>293,044.26</b>
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Payables	1,355.56	0.00	0.00	0.00	0.00	0.00	0.00	1,355.56
Increase / (Decrease) in Refundable Bond Deposits	650.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
<b>Unencumbered Cash, End of Period</b>	<b>\$ 993,377.94</b>	<b>\$ 902,524.36</b>	<b>\$ 124,805.98</b>	<b>\$ 248,047.60</b>	<b>\$ 83,972.66</b>	<b>\$ 307,098.21</b>	<b>\$ 91,373.10</b>	<b>\$ 2,751,199.85</b>

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, 2021 and 2020

	Month Ending 04/30/2021	Year To Date 04/30/2021	Year To Date 04/30/2020	Year Ending 12/31/2021	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
<b>Receipts</b>					
Taxes	\$ 64,009.55	\$ 750,352.88	\$ 710,862.93	\$ 1,717,803.00	(967,450.12)
Fees and Licenses	36,089.74	156,183.20	154,051.85	474,200.00	(318,016.80)
Building Permits	12,129.25	20,955.50	12,203.50	30,000.00	(9,044.50)
Intergovernmental	24,193.62	111,335.34	113,939.67	336,100.00	(224,764.66)
Restricted Use	0.00	0.00	3,735.45	0.00	0.00
Fines	7,909.00	31,153.00	59,231.00	140,000.00	(108,847.00)
Miscellaneous	251.40	2,043.71	2,710.04	3,050.00	(1,006.29)
Total Receipts	144,582.56	1,072,023.63	1,056,734.44	2,701,153.00	(1,629,129.37)
<b>Expenditures</b>					
General Overhead					
Salary & Benefits	2,867.73	12,641.53	19,150.80	59,478.00	(46,836.47)
Employee Expenses	0.00	94.90	0.00	1,200.00	(1,105.10)
Professional Fees	28,102.99	147,193.33	112,266.34	184,716.00	(37,522.67)
General Operating Expenses	796.36	3,976.04	6,075.45	21,630.00	(17,653.96)
Utilities	14,585.77	77,155.68	86,982.63	242,258.00	(165,102.32)
Equipment and Maintenance	0.00	95.04	0.00	0.00	95.04
Street and Stormwater	0.00	6,668.75	0.00	264,670.00	(258,001.25)
Park and Events	0.00	1,500.00	3,582.00	14,750.00	(13,250.00)
Miscellaneous	0.00	200.00	0.00	0.00	200.00
Interfund Transfers	0.00	0.00	12,692.33	296,730.00	(296,730.00)
Total General Overhead	46,352.85	249,525.27	240,749.55	1,085,432.00	(835,906.73)
Administrative					
Salary & Benefits	33,276.65	111,781.64	94,423.46	286,562.00	(174,780.36)
Employee Expenses	1,144.00	5,245.99	3,780.90	6,100.00	(854.01)
Professional Fees	1,135.00	1,410.00	0.00	0.00	1,410.00
General Operating Expenses	320.10	15,162.92	14,846.04	18,030.00	(2,867.08)
Park and Events	0.00	0.00	210.47	2,000.00	(2,000.00)
Interfund Transfers	0.00	0.00	0.00	3,000.00	(3,000.00)
Total Administrative	35,875.75	133,600.55	113,260.87	315,692.00	(182,091.45)

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, 2021 and 2020

	Month Ending 04/30/2021	Year To Date 04/30/2021	Year To Date 04/30/2020	Year Ending 12/31/2021	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	38,099.37	124,492.92	132,109.83	389,236.00	(264,743.08)
Employee Expenses	22.00	2,308.90	1,422.74	6,900.00	(4,591.10)
Professional Fees	675.00	4,535.00	3,415.00	15,000.00	(10,465.00)
General Operating Expenses	2,050.14	6,700.30	6,849.11	22,050.00	(15,349.70)
Utilities	1,866.06	4,596.98	3,220.66	23,500.00	(18,903.02)
Equipment and Maintenance	917.59	24,353.98	14,810.42	44,000.00	(19,646.02)
Street and Stormwater	197.74	197.74	0.00	0.00	197.74
Interfund Transfers	0.00	0.00	0.00	40,000.00	(40,000.00)
Total Public Works	43,827.90	167,185.82	161,827.76	540,686.00	(373,500.18)
Police					
Salary & Benefits	93,742.09	288,322.23	316,407.79	1,053,180.00	(764,857.77)
Employee Expenses	493.37	5,449.98	9,388.03	26,500.00	(21,050.02)
Professional Fees	4,906.38	21,295.41	19,219.04	65,800.00	(44,504.59)
General Operating Expenses	4,098.91	14,648.39	10,419.31	58,500.00	(43,851.61)
Utilities	246.80	729.25	1,088.62	5,000.00	(4,270.75)
Equipment and Maintenance	653.44	3,671.68	8,491.55	17,974.00	(14,302.32)
Park and Events	0.00	1,000.00	0.00	0.00	1,000.00
Interfund Transfers	0.00	0.00	0.00	20,000.00	(20,000.00)
Total Police	104,140.99	335,116.94	365,014.34	1,246,954.00	(911,837.06)
Parks & Rec					
Professional Fees	0.00	0.00	0.00	10,000.00	(10,000.00)
General Operating Expenses	0.00	2,002.85	23.74	2,000.00	2.85
Utilities	944.99	1,612.93	5,294.62	31,000.00	(29,387.07)
Equipment and Maintenance	0.00	56.13	6,029.55	6,000.00	(5,943.87)
Park and Events	0.00	0.00	374.74	11,850.00	(11,850.00)
Total Parks & Rec	944.99	3,671.91	11,722.65	60,850.00	(57,178.09)
Total Expenditures	231,142.48	889,100.49	892,575.17	3,249,614.00	(2,360,513.51)
Prior Year Cancelled Encumbrances	0.00	4,776.26	0.00	0.00	4,776.26
<b>Receipts Over (Under) Expenditures</b>	<b>\$ (86,559.92)</b>	<b>\$ 187,699.40</b>	<b>\$ 164,159.27</b>	<b>\$ (548,461.00)</b>	<b>736,160.40</b>

No assurance is provided. Substantially all disclosures omitted.



**City of Westwood, Kansas**  
**Statement of Operations**  
Other Funds  
For The One Period Ended April 30, 2021

	Other Funds					
	Capital Improvements Fund Month To Date 04/30/2021 Actual	Equipment Reserve Fund Month To Date 04/30/2021 Actual	Stormwater Fund Month To Date 04/30/2021 Actual	Special Highway Fund Month To Date 04/30/2021 Actual	Woodside TIF/CID Fund Month To Date 04/30/2021 Actual	Debt Service Fund Month To Date 04/30/2021 Actual
<b>Receipts</b>						
Taxes						
City Sales & Use Tax - Special	21,151.71	0.00	0.00	0.00	0.00	0.00
Total Taxes	\$ 21,151.71	\$ 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	9,956.59	0.00	0.00
WV CID-1	0.00	0.00	0.00	0.00	10,786.71	0.00
WV CID-2	0.00	0.00	0.00	0.00	4,666.35	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	21,151.71	0.00	0.00	13,610.84	15,453.06	0.00
<b>Expenditures</b>						
Street and Stormwater						
Capital Improvement Expense	3,425.00	0.00	0.00	0.00	0.00	0.00
Stormwater Expense	0.00	0.00	8.45	0.00	0.00	0.00
Total Street and Stormwater	3,425.00	0.00	8.45	0.00	0.00	0.00
Miscellaneous						
UMB CID Payment	0.00	0.00	0.00	0.00	15,262.07	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	43,206.26
Total Miscellaneous	0.00	0.00	0.00	0.00	15,262.07	43,206.26
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	3,425.00	0.00	8.45	0.00	15,262.07	43,206.26
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 17,726.71</b>	<b>\$ 0.00</b>	<b>\$ (8.45)</b>	<b>\$ 13,610.84</b>	<b>\$ 190.99</b>	<b>\$ (43,206.26)</b>

No assurance is provided. Substantially all disclosures omitted.

**City of Westwood, Kansas**  
**Statement of Operations**  
Other Funds  
For The Four Periods Ended April 30, 2021

	Other Funds					
	Capital Improvements Fund Year To Date 04/30/2021 Actual	Equipment Reserve Fund Year To Date 04/30/2021 Actual	Stormwater Fund Year To Date 04/30/2021 Actual	Special Highway Fund Year To Date 04/30/2021 Actual	Woodside TIF/CID Fund Year To Date 04/30/2021 Actual	Debt Service Fund Year To Date 04/30/2021 Actual
<b>Receipts</b>						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	8,656.24
City Sales & Use Tax - Special	93,183.89	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	125.27
Total Taxes	\$ 93,183.89	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 8,781.51
Restricted Use						
Stormwater Utility Fee	0.00	0.00	76,780.24	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	7,379.50	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	20,737.01	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	194,048.65	0.00
WV CID-1	0.00	0.00	0.00	0.00	46,602.67	0.00
WV CID-2	0.00	0.00	0.00	0.00	20,158.96	0.00
Miscellaneous	0.00	0.00	688.78	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	93,183.89	0.00	77,469.02	28,116.51	260,810.28	8,781.51
<b>Expenditures</b>						
Equipment and Maintenance						
Repairs & Maint Leaf Truck	0.00	0.00	235.06	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	513.48	0.00	0.00	0.00	0.00
Special Highway Maintenance	0.00	0.00	0.00	263.38	0.00	0.00
Total Equipment and Maintenance	0.00	513.48	235.06	263.38	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	40,710.00	0.00	0.00	0.00	0.00	0.00
Stormwater Expense	0.00	0.00	8.45	0.00	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	4,415.89	0.00	0.00	0.00
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	193,593.43	187.00
UMB CID Payment	0.00	0.00	0.00	0.00	35,815.96	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	43,206.26
Total Miscellaneous	0.00	0.00	0.00	0.00	229,409.39	43,393.26
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	40,710.00	513.48	4,659.40	263.38	229,409.39	43,393.26
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 52,473.89</b>	<b>\$ (513.48)</b>	<b>\$ 72,809.62</b>	<b>\$ 27,853.13</b>	<b>\$ 31,400.89</b>	<b>\$ (34,611.75)</b>

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas  
Appropriation Ordinance No. 726

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF APRIL 1, 2021 - APRIL 30, 2021 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General Month Ending 04/30/2021	Capital Improvements Month Ending 04/30/2021	Equipment Reserve Month Ending 04/30/2021	Stormwater Month Ending 04/30/2021	Special Highway Month Ending 04/30/2021	Woodside TIF/CID Month Ending 04/30/2021	Debt Service Month Ending 04/30/2021	Total All Funds Month Ending 04/30/2021
<b>Expenditures</b>								
Salary & Benefits	167,985.84	0.00	0.00	0.00	0.00	0.00	0.00	167,985.84
Employee Expenses	1,659.37	0.00	0.00	0.00	0.00	0.00	0.00	1,659.37
Professional Fees	34,819.37	0.00	0.00	0.00	0.00	0.00	0.00	34,819.37
General Operating Expenses	7,265.51	0.00	0.00	0.00	0.00	0.00	0.00	7,265.51
Utilities	17,643.62	0.00	0.00	0.00	0.00	0.00	0.00	17,643.62
Equipment and Maintenance	1,571.03	0.00	0.00	0.00	0.00	0.00	0.00	1,571.03
Street and Stormwater	197.74	3,425.00	0.00	8.45	0.00	0.00	0.00	3,631.19
Miscellaneous	0.00	0.00	0.00	0.00	0.00	15,262.07	43,206.26	58,468.33
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>231,142.48</b>	<b>3,425.00</b>	<b>0.00</b>	<b>8.45</b>	<b>0.00</b>	<b>15,262.07</b>	<b>43,206.26</b>	<b>293,044.26</b>

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 2021 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 13th day of May, 2021.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ATTEST: CITY CLERK

## **COUNCIL ACTION FORM**

Meeting Date: May 13, 2021

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

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Agenda Item: Consider Sixth Amendment to Land and Building Sublease Agreement with Woodside Racquet Club Management, Inc. d/b/a Woodside Health and Tennis Club

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### **Background / Description of Item**

Due to concerns of Woodside Racquet Club Management relating to the continued declared pandemic of COVID-19, certain additional health and safety precautions and protocols are deemed necessary to implement at its facilities to ensure the health and safety of Woodside Club ("the Club") members and Westwood residents using the Club's swimming facilities. As some of these additional health and safety precautions and protocols impact Westwood residents' access to the swimming facilities (as they will impact all Woodside Club members), the City and the Club agree to formalize both the temporary impact to Westwood resident access to the Club's swimming facilities and also Westwood residents' ongoing of access.

### **Staff Comments/Recommendation**

The draft agreement is enclosed for review and consideration. The main impacts to Westwood residents that the Agreement seeks to memorialize include:

1. During the 2021 pool season, Woodside may use a reservation system to ensure comfortable capacity limits aren't exceeded. These reservations are to be equally offered to Westwood residents and Club members and if reservations are no longer required for Club members, they should likewise not be required for Westwood residents. To ensure accountability of reservations, the Club may revoke or charge Westwood residents and Club members for failing to show up for a reservation. This policy/practice is expected to be consistently applied to Woodside members and Westwood residents and not based on age.
2. Standard expected City pool season dates and hours.
3. The Club will issue pool passes during the 2021 as well as future seasons in order to enroll Westwood residents into their online member system for pool access. The Club will then remit the collected pool pass revenues and an accounting to the City.
4. The Club may adopt reasonable rules and regulations which shall be binding upon City resident pool pass holders and repeated and knowing violation of those rules and regulations could result in revocation of an individual resident's pool pass; however, revocation may be appealed to the City. The City's determination shall be final and binding.

*Suggested Motion*

*I move to authorize the Mayor to execute the Sixth Amendment to Land and Building Sublease Agreement with Woodside Racquet Club Management, Inc. d/b/a Woodside Health and Tennis Club.*

**SIXTH AMENDMENT TO LAND AND BUILDING  
SUBLEASE AGREEMENT**

**DATE: MAY \_\_\_\_, 2021**

**LANDLORD:**

**CITY OF WESTWOOD, KANSAS,  
A MUNICIPAL CORPORATION OF THE STATE OF KANSAS**

**TENANT:**

**WOODSIDE RACQUET CLUB MANAGEMENT, INC.,  
D/B/A WOODSIDE HEALTH AND TENNIS CLUB,  
A KANSAS CORPORATION**

**THIS SIXTH AMENDMENT TO LAND AND BUILDING SUBLEASE AGREEMENT** (this "**Sixth Amendment**") is made and entered into as of this \_\_\_\_ day of May, 2021, by and among the City of Westwood, Kansas, a municipal corporation of the State of Kansas ("**Landlord**" or "**City**") and Woodside Racquet Club Management, Inc., a Kansas corporation ("**WRCM**" or "**Sub-Tenant**"). Landlord and WRCM may be referred to herein together as the "**Parties**".

**WITNESSETH:**

**WHEREAS**, Landlord (as successor-in-interest to Westwood Foundation, Inc.) and Sub-Tenant entered into a Land and Building Sublease Agreement, dated December 6, 2010, as the same was amended pursuant to that certain First Amendment to Land and Building Sublease Agreement, dated January 12, 2012, as the same was further amended pursuant to that certain Second Amendment to Land and Building Sublease Agreement, dated May 14, 2013, as the same was further amended pursuant to that certain Third Amendment to Land and Building Sublease Agreement, dated February 13, 2014, as the same was amended pursuant to that certain Fourth Amendment to Land and Building Sublease Agreement, dated August 19, 2014, as the same was further amended pursuant to that certain Fifth Amendment to Land and Building Sublease Agreement, dated June 15, 2020 and as the same was assigned to, and assumed by, Landlord pursuant to that certain Assignment and Assumption of Lease and Sublease Rights and Obligations, dated February 13, 2014 (as amended and assigned, the "**Sublease**");

**WHEREAS**, pursuant to the terms of the Sublease, WRCM leases from Landlord Lots 1 and 2, Woodside Club Complex, a subdivision in the City of Westwood, Johnson County, Kansas (the "**Property**");

**WHEREAS**, Section 4.6 of the Sublease provides as follows, "Use of Property by Residents of the City of Westwood. The Property, improvements situated thereon and the Facility shall be operated for the benefit of (1) the residents of the City (the "**Residents**") with and only with respect to the swimming facilities and the outdoor tennis facilities which such residents are permitted to use under the terms of (i) a Declaration of Restrictions by the City dated June 21, 1976, and (ii) the membership agreements of the Members and (2) the Members with respect to the swimming, athletic training facilities, indoor and outdoor tennis, dining facilities, exercise facilities and all other facilities now or hereafter constituting part of the Property. Accordingly, during the term of this Sublease, all outdoor tennis facilities and swimming facilities shall be furnished to the City for the benefit of the Residents without charge by the Sub-Tenant, however City shall charge Residents an amount it deems appropriate and require Residents to register with the City;"

**WHEREAS**, as a result of the Covid-19 pandemic of 2020-2021, Landlord and WRCM have identified additional practices and procedures for the efficient operation of the above-described swimming facilities (the "**Swimming Facilities**") for the benefit of the Residents of the City, as provided in the Sublease; and

**WHEREAS**, the Parties are entering into this Sixth Amendment for the purposes of adjusting their rights and obligations under the Sublease relative to the operation of the Swimming Facilities at the Property.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the sum of One and 00/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties hereto, it is agreed as follows:

1. Reservations for 2021 City Pool Season. Subject to the terms and conditions of the Sublease, as amended by this Sixth Amendment, and to better manage capacity and staffing as a result of best

practices related to the Covid-19 pandemic, during the 2021 City Pool Season (as defined below) only, WRCM may require reservations or "check-in" procedures for use of the Swimming Facilities, provided that any such procedures must allow or account for the following:

- (a) Reservations shall be equally available to WRCM Members and City residents. WRCM shall be permitted to request or encourage advance reservations, provided, that to the extent that open reservation slots are actually available on any given day, and at any given time, WRCM shall allow such reservations to be made or reserved on a "walk-up" basis;
- (b) Except to the extent limitations on capacity are required under any applicable fire code, building code, public health order, or similar code or regulation (collectively, "**Applicable Laws**"), WRCM shall not artificially limit capacity at the Swimming Facilities (including but not limited to on the basis of lounge chairs or similar measures) so as to preclude City residents or WRCM Members from the use and enjoyment of the Swimming Facilities;
- (c) Except to the extent necessary to comply with capacity requirements under Applicable Laws, and subject to the Swimming Facility's standard operating hours, WRCM shall not impose any time limitations on reservations or use by City residents of the Swimming Facilities;
- (d) If (i) a City resident fails to show for a reservation for the Swimming Facilities, or fails to timely cancel a reservation for the Swimming Facilities, or any combination of the foregoing, on two or more occasions during any City Pool Season (as defined below), and (ii) such failure actually causes WRCM to lose a reservation that WRCM is not otherwise able to fill (whether by a another reservation, waiting list, walk-up, or otherwise), then such resident's pool pass for that City Pool Season shall be subject to revocation by the City, but only if and to the extent WRCM Members are also subject to standards and revocation penalties that are at least as strict as set forth in this subsection. For purposes of this subsection, failing to "timely cancel a reservation" shall mean the failure to have canceled a reservation within at least thirty (30) minutes of such reservation starting time. For purposes of this subsection, a failure "to show" shall mean a failure to have physically checked-in at the front desk of the Swimming Facilities within ten (10) minutes after the scheduled reservation starting time. The City, at its sole option, may adopt a policy for refunding pool fees to City residents in the event of a revocation. In the alternative to the foregoing "no show" policy, City residents shall be permitted at the time that they sign up for a pool pass to be covered by WRCM's no-show policy as applied to WRCM Members.

Nothing herein or in the Sublease shall otherwise permit WRCM to require the use of a reservation system as to City residents during any other City Pool Season without written consent of the City. To the extent that WRCM makes the Swimming Facilities available without reservation during the 2021 City Pool Season, the foregoing provisions within this Section 1 shall not apply and the Swimming Facilities shall be equally available to City residents and WRCM Members, subject to the other provisions of the Sublease, as amended by this Sixth Amendment.

## 2. City Pool Season, Hours, and Schedules.

- (a) Notwithstanding the foregoing, but subject to weather, maintenance, Applicable Laws, or other reasonable causes for delay in opening a season or shortening a City Pool Season (as defined below) (which causes must apply equally to WRCM Members), WRCM shall use its best efforts to open the Swimming Facilities to City residents from Memorial Day of each year through Labor Day of each year (each period of time, a "**City Pool Season**").



- (b) Subject to subsection (c) below, and subject to delayed openings, or temporary closings as a result of weather, water/chemical conditions, injury, *force majeure*, or other reasonable reasons, WRCM shall use its best efforts during each City Pool Season to have the Swimming Facilities available to City residents, as provided in the Sublease, during at least the following days and hours:

Labor Day through (approximately) Second Week of August (Peak Season):

Monday through Friday, 11:00 AM until 9:00 PM

Saturday and Sunday, 10:00 AM until 7:00 PM

Second Week of August (approximately) through Memorial Day (Extended Season):

Monday through Friday, 4:00 PM until 8:00 PM

Saturday and Sunday, 10:00 AM until 7:00 PM

Provided, that to the extent WRCM makes the Swimming Facilities available to WRCM Members prior to or beyond such dates established above, WRCM shall also provide such Swimming Facilities to City residents as of and until such dates (subject to the above-described hours of operation applicable as to City residents).

- (c) During each City Pool Season, WRCM shall be permitted to close certain of the Swimming Facilities to the general public for special events, organized swim meets, or similar reasons, provided:
- (i) WRCM shall use its best efforts to provide the City and City residents with at least one (1) week's prior notice of such events and closings;
  - (ii) To the extent only a portion of the Swimming Facilities are being utilized for such events or practices, and other portions of the Swimming Facilities remain available for WRCM Members, then subject to other rules or regulations permitted by this Sixth Amendment, such open portion of the Swimming Facilities shall also remain open to City residents;
  - (iii) WRCM shall not schedule such number of special events that would, collectively, substantially burden or limit the rights of City residents to the Swimming Facilities as established by the Sublease, as amended.

3. Pool Pass. Upon request of the City as to any City Pool Season, WRCM shall administer resident pool passes for such City Pool Season. If the City elects to have WRCM administer pool passes, then:

- (a) WRCM shall provide instructions to the City, which the City will then communicate to City residents, for the issuance of pool passes;
- (b) WRCM shall be permitted to require proof of City residency or other qualification. In the event that WRCM denies a pool pass based upon a determination that an applicant is not a resident of the City, or is not otherwise qualified as provided in this Sixth Amendment, WRCM shall communicate the basis for such denial, in writing, to the applicant and to the City, providing an explanation of the basis for the denial. WRCM shall inform such applicant that they have a right to appeal WRCM's lack of qualification determination to the City. In the event of such an appeal, the City's determination of qualification shall be final and binding. To the extent that any issues other than residency preclude the issuance

of a pool pass to a City resident, WRCM shall inform the City of the issue precluding issuance and the parties agree to work cooperatively to resolve the issue.

- (c) Notwithstanding the foregoing, WRCM shall permit at least one (1) caretaker, "nanny", or similar daycare provider (per family, and even if a non-City resident) to obtain a pool pass and to access the Swimming Facilities on the same terms and conditions as a City resident.
- (d) WRCM shall collect pool pass fees in accordance with such schedule of fees as the City may provide to WRCM from time to time. The initial schedule of fees is set forth on Exhibit A, attached hereto. WRCM shall remit all fees (as established by such schedule) to the City within a reasonable time after collection by WRCM. The City shall be permitted to revise the fee schedule from time to time and notify Woodside of the revised fee schedule. WRCM shall keep an accounting of resident pool pass fees received identifying the fees received by resident and shall make this accounting available to the City for review and inspection.
- (e) WRCM shall be permitted to require that all City resident pool pass applicants execute a liability waiver waiving all liability against both WRCM and the City, but only to the extent that WRCM requires and enforces a similar waiver as to WRCM Members. Such waiver shall be in substantially the same form as attached hereto as Exhibit B.

4. Pool Use Rules and Regulations.

- (a) WRCM shall be permitted to adopt other reasonable rules and regulations related to safety which shall be binding upon City resident pool pass holders, provided that such rules and regulations are not in conflict with the express terms of the Sublease, as amended by this Sixth Amendment, and further provided that such rules and regulations shall not have the practical effect of prohibiting City residents (including children) from accessing and utilizing the Swimming Facilities as contemplated by the Sublease, as amended. Such rules and regulations shall be equally applicable to WRCM Members.
- (b) In the event that a City resident pool pass holder knowingly and repeatedly violates such rules and regulations, WRCM shall be permitted to immediately revoke the issued pool pass (if WRCM is administering pool passes), or to otherwise require that the City revoke any City-issued pool pass. WRCM shall communicate any such revocation (or request for revocation) in writing to the City, providing an explanation for such revocation. Such revocation may be appealed by the resident to the City. WRCM shall notify residents of their right to appeal such revocation to the City. City shall uphold such pass holder's pool pass revocation, or take such action as is necessary to revoke any City-issued pool pass, unless the pass holder provides clear and convincing evidence that the alleged knowing and repeated rule and regulation violations did not occur. In the event of such an appeal, the City's determination shall be final and binding.

5. All Other Terms Remain Unchanged and Applicable. All other terms and provisions in the Sublease shall remain in full force and effect and the parties hereto acknowledge and reaffirm the applicability and enforceability thereof.

6. Counterparts and Execution. This Sixth Amendment may be executed in counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument. Each party may rely upon e-mail counterparts of this Sixth Amendment signed by the

other party with the same effect as if such party had received an original counterpart signed by such other party.

*[Remainder of Page Intentionally Blank. Signature Pages Follow Directly]*

DRAFT

IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment as of the date first set forth above.

**LANDLORD:**

**CITY OF WESTWOOD, KANSAS**

By: \_\_\_\_\_  
Name: David E. Waters  
Title: Mayor

**ATTEST:**

By: \_\_\_\_\_  
Name: Leslie Herring  
Title: City Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: Ryan B. Denk  
Title: City Attorney

**ACKNOWLEDGEMENT**

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF JOHNSON        )

On this \_\_\_\_ day of May, 2021, before me, the undersigned, a notary public in and for said county and state, appeared David E. Waters, Mayor of the City of Westwood, Kansas, known to me to be the person who executed the within Sixth Amendment to Land and Building Sublease Agreement on behalf of the City of Westwood, Kansas and acknowledge to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have unto subscribed my name and affixed my official seal the day and year last written.

\_\_\_\_\_  
Notary Public

My commission expires:

IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment as of the date first set forth above.

**SUB-TENANT:**

**WOODSIDE RACQUET CLUB MANAGEMENT, INC.**

By: \_\_\_\_\_  
Name: Blair C. Tanner  
Title: President

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of May, 2021, before me, the undersigned, a notary public in and for said county and state, appeared Blair C. Tanner, President of Woodside Racquet Club Management, Inc., known to me to be the person who executed the within Sixth Amendment to Land and Building Sublease Agreement on behalf of Woodside Racquet Club Management, Inc. and acknowledge to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have unto subscribed my name and affixed my official seal the day and year last written.

\_\_\_\_\_  
Notary Public

My commission expires:

## **EXHIBIT A**

### **Full Season Rate**

- Individual Membership (including Caretaker/Nanny) @ \$40.00
- Family Membership (up to 4 members, maximum of 2 adults 21 years or older) @ \$85.00
- Additional family members after 4 family members \$5.00 per person

### **Half Season Rate – after July 15<sup>th</sup>**

- Individual Membership (including Caretaker/Nanny) @\$25.00
- Family Membership (up to 4 members, maximum of 2 adults 21 years or older) @ \$45.00
- Additional family members after 4 family members \$5.00 per person

**EXHIBIT B**

[Attach Woodside Waiver]

DRAFT



## Chief Administrative Officer/City Clerk Report

May 2021

To: Mayor and City Council

From: Leslie Herring, Chief Administrative Officer/City Clerk

Date: May 13, 2021

RE: Update on some of the key areas of focus of the Administration Department

### Current Priorities

2<sup>nd</sup> Quarter (April) through 3<sup>rd</sup> Quarter (September) 2021

- *Update the City's personnel policy*
  - Staff finalized the first draft of this policy and is preparing it to send to the City Attorney and the Administration & Compensation Committee before bringing it to the full City Council for consideration of adoption.
- *Develop the 2022 City budget*
  - City staff and the City Treasurer have begun reviewing the budget and developing recommendations for the 2022 budget. City council committee involvement in the process is expected to begin in mid-to-late June.
- *Review and consider updates to the Comprehensive Plan and the City's zoning ordinance*
  - The Planning Commission's work on this priority was paused in February to allow the Planning Commission to focus on review of the Westwood View site plan. Following approval in April of the site plan, this work is set to resume.
- *Create City Council handbook and review strategic planning priorities*
  - On tonight's agenda is a first step at embarking on this work. The proposal of BOARDynamics to conduct an individualized City Council board process to establish the Council's purpose, roles, goals, and expected behaviors would help to create the content for a future City Councilmember handbook.
  - At its April 21<sup>st</sup> strategic planning meeting, the City Council discussed the draft (but not yet adopted) 2016 Governing Body Strategic Action Plan. No direction was provided relating to adoption of the document nor to the development of a modified nor alternate strategic plan; however, councilmembers expressed interest in working at the committee and staff level on some of the action items identified but not yet completed.
- *Support the development of a future facilities plan and plan for future use of City-owned/optioned property*
  - Initial staff input and recommendations have been provided to the Mayor and councilmembers identified to help develop the City's approach.



➤ *Facilitate Complete Streets Implementation*

- W. 47<sup>th</sup> St./Ave. – Public engagement activities conducted by GBA/Vireo are planned for June 5<sup>th</sup> and a virtual engagement opportunity is in the works to gather feedback on the 2020 paint only/demonstration project and to inform residents that construction activities are planned for 2022.
- W. 47<sup>th</sup> Pl. – The MARC PSP study consultants will be holding a project kickoff with the Westwood project steering committee (the same group as the consultant interview committee) on May 17<sup>th</sup>. This project is expected to run through August/September and will include a multi-day demonstration project/charette and will result in Complete Streets recommendations for consideration by the City of Westwood.
- Complete Streets Task Force – The eleven-member task force had its first meeting on May 5<sup>th</sup> and will meet weekly on Wednesdays through June 16<sup>th</sup>. The task force's Complete Streets Plan, including metrics for ongoing progress evaluation, will be presented to the Westwood Planning Commission and City Council later this summer, following the conclusion of the task force's work. Although the task force will hold its first two meetings virtually, it hopes to meet in person beginning May 19<sup>th</sup>.

**COVID-19 Health & Safety Protocols**

Following direction provided by the City Council at the April 21<sup>st</sup> strategic planning meeting, City staff has developed a way to accommodate hybrid public meetings, which is being tested at tonight's City Council meeting. Following tonight's meeting, unless alternate direction is provided, City staff will begin accepting reservations for the community room and outdoor city facilities and will ask that those reserving the facilities adhere to current CDC public health guidelines at the time of their event. City staff will also notify those groups historically requesting regular use of the City Council chambers to let them know that it is now available for their use, again providing that those groups adhere to current CDC public health guidelines. These groups include but are not limited to: Westwood Planning Commission, Westwood Hills and Mission Woods, and community groups. Municipal court has been operating in person since the fall of 2020.

**GovBuilt**

The cities of Westwood, Westwood Hills, and Mission Woods have begun working with GovBuilt to convert, initially, the cities' building permit process, right-of-way process, and Westwood's massage therapy license process to the GovBuilt system. Implementation is going well so far and is expected to conclude in June 2021.

## **Building Services**

The following is a snapshot of select building permits of note issued in April:

### *Residential*

New construction –

- 2902 W. 50<sup>th</sup> Terrace

Additions – None

Alterations –

- 2016 W. 47<sup>th</sup> Terrace – Basement finish
- 3006 W. 51<sup>st</sup> Terrace – Kitchen remodel, second floor remodel, bathroom addition
- 2500 W. 48<sup>th</sup> Street – In-ground swimming pool installation
- 2929 W. 49<sup>th</sup> Street – Convert screened-in porch to home office
- 2923 W. 50<sup>th</sup> Street – Interior remodel with deck and retaining wall replacement

Demolition – None

### *Commercial –*

New construction – None

Additions – None

Alterations –

- 2707 W. 47<sup>th</sup> Street – Sign for new business: The House

Demolition – None

## COUNCIL ACTION FORM

Meeting Date: May 13, 2021

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

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Agenda Item: Consider Fence Variance Request – 2807 W. 50<sup>th</sup> Terrace; variance requested for height and placement.

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### Background / Description of Item

On May 3, 2021, City staff received an application for a fence variance for 2807 W. 50<sup>th</sup> Terrace. Homeowner Andrea Boswell-Burns is proposing to replace a 4' steel fence with a new 6' wood fence in her backyard. This application requires a variance for:

- A. Height – a 6' fence would only be allowed in the rear yard of the property; side yard fences may not exceed 4' (Westwood Zoning Ord. Section 4.3.9.B.2).
- B. Placement – No rear yard fence or wall shall be closer to the front property line than the rear line of the primary structure (Westwood Zoning Ord. Section 4.3.9.C.3).

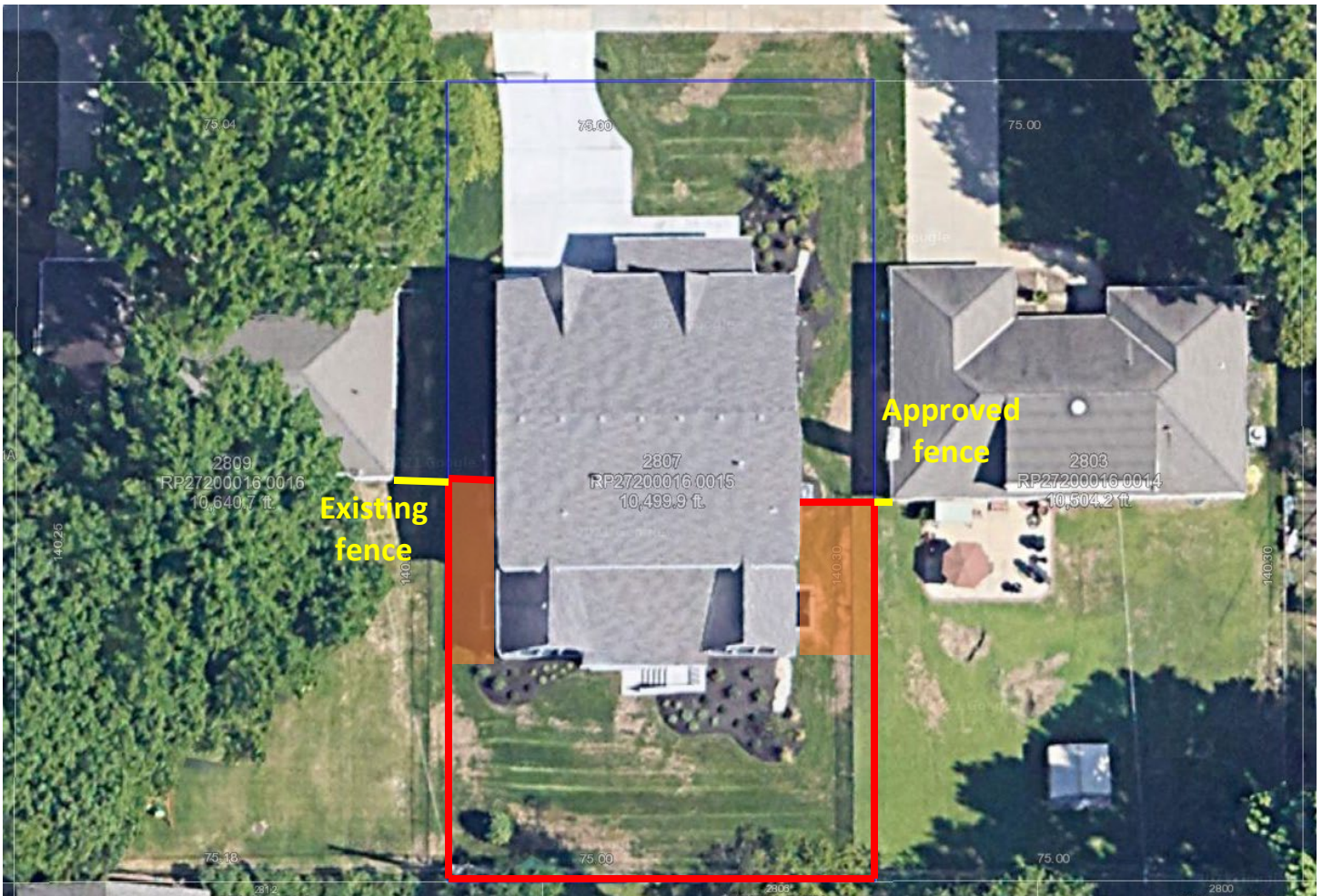
The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F, and as set forth below.

#### 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

An illustration of the proposed fence is provided below.



An image of a similar style of the proposed fence materials are shown below.





## Staff Comments

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

- a. Neighbor acknowledgement/consent – This is a coordinated project with the adjoining neighbor to the east, 2808 W. 50<sup>th</sup> Terrace. The applicant has also confirmed that both the adjoining neighbors to the west and south have consented to the project.
- b. ROW impediment – No;
- c. Established tree impact/removal – No; and
- d. Resulting sight lines issues - No.

The applicant desires to align the 6' horizontal wood fence with both east and west adjoining neighbors' fences, as shown below. Per the illustration above, this would result in the applicant's fence being placed in the side yard of the house.



## Suggested Motion

*I move to approve the requested fence variance at 2807 W. 50th Terrace to allow a 6' foot high wood fence in the side yard of the primary structure as described in the application.*

## Application for a Fence Variance



RECEIVED

MAY 03 2021

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: **City of Westwood KS**

The undersigned hereby affirms:

- That he/she is the owner/duly authorized agent of the owner of the following described real property located at 2807 W. 50th Terrace in the City of Westwood, with the Legal Description of private  
~~non-commercial, residence.~~ RESURVEY OF LOT 16 HOMESLAND LT 15 WNC 217 15. <sup>6m</sup>

- That said premises are now located in a R-1 (D) <sup>6m</sup> District, and zoned accordingly under the Zoning Ordinances of the City of Westwood.
- That said premises are now being used as follows: SINGLE-FAMILY RESIDENCE. <sup>6m</sup>

- 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):

Our initial request to install a 6 ft privacy fence was denied because the gate portion was located in what is considered a "side yard" in the ordinance. This area was previously "back yard," and only recently became "side yard" when the house was rebuilt and ended up extending deeper into the property than the earlier house (and our two neighbors' houses). As such, if we are forced to proceed according to the ordinance's requirement, our fence will be substantially uneven with our neighbors' fences. Alternatively, if a variance is permitted, the fencing line will match up much better and be more aesthetically pleasing.

Wherefore, petitioner hereby applies for a variance to allow erection of a fence as follows: We would like to apply for a  
variance, allowing us to build a 6ft fence in place of our current fence.

Date Filed	<u>6-3-21</u>
Accepted by	<u>[Signature]</u> City Clerk
Date of Hearing	_____
Decision	_____
CITY OF WESTWOOD USE	

Andrea Boswell-Burns  
Owner-Agent Printed Name  
[Signature]  
Owner-Agent Signature  
816.286.9897  
Phone Number



City of Westwood  
Building Permit Application

4700 Rainbow Boulevard  
Westwood KS 66205  
Phone: (913)362-1550 Fax: (913)362-3308  
westwoodks.org/buildingplanning  
info@westwoodks.org

RECEIVED

APR 22 2021

City of Westwood KS

Permit # \_\_\_\_\_

Project Address: 2807 W 50<sup>th</sup> Ter

Owner: Andrea Boswell - Burns Phone: 816-286-9897

Email: aboswellburns@gmail.com

General Contractor: Slagle Fence Phone: 816-534-0665

Email: sales@slaglefence.com

Contractor License #: \_\_\_\_\_

Sub Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Sub Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Sub Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Project Type: ☒ New Construction ☐ Alteration ☐ Addition ☐ Replacement ☐ Repair  
☐ Maintenance ☐ Removal ☐ Demolition ☒ Fence ☐ Sign ☐ Other

Description of Work:

Removing existing fence & installing a new 6' cedar  
horizontal fence

Valuation: \$ 6200<sup>00</sup>

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type type of work will be complied with whether specified herein or not. I further certify that I am the owner or the owner's authorized agent and that the owner authorizes the proposed work. I understand that work shall not begin until the permit is issued by this department, that I am responsible for calling for all required inspections, that work shall be accessible for inspection, that a final inspection, approval and Certificate of Occupancy are required prior to occupying this building. This permit application is only for the work described above. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

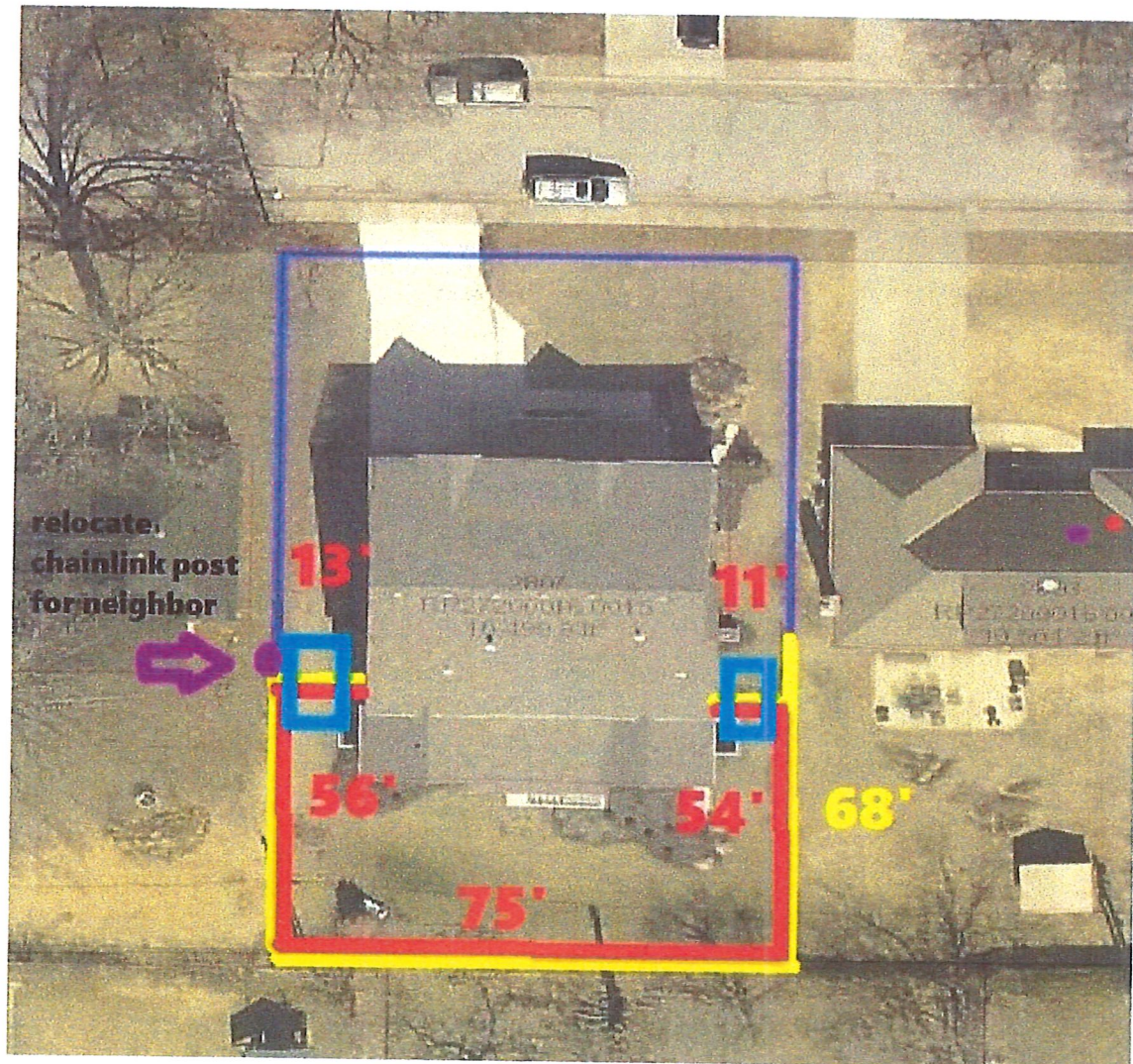
Signature: [Signature]

Printed Name: Kayla Thompson Date: \_\_\_\_\_



Yellow line = existing fence

Red line = proposed fence installation





## Eddie McNeil

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**From:** Eddie McNeil  
**Sent:** Thursday, April 22, 2021 9:24 AM  
**To:** 'Kayla Thompson'  
**Subject:** RE: 2807 W 50th Ter Fence Permit App

This permit application is denied. The maximum height allowed for a fence in a side yard is four feet per WMC 16.4.3.9.B.

## Eddie McNeil

Building Official/Codes Administrator  
City of Westwood, Kansas  
(913) 942-2130



**WESTWOOD**

[www.westwoodks.org](http://www.westwoodks.org)

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**From:** Kayla Thompson <kayla@slaglefence.com>  
**Sent:** Wednesday, April 21, 2021 5:07 PM  
**To:** Eddie McNeil <eddie.mcneil@westwoodks.org>  
**Subject:** 2807 W 50th Ter Fence Permit App

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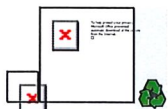
*Thank you,*

*Kayla Thompson*

*Office Manager*

*816-534-0665*

*Always be kind! And recycle!*



## **COUNCIL ACTION FORM**

Meeting Date: May 13, 2021

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

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Agenda Item: Consider proposal for services of BOARDynamics to provide individualized board development to the Westwood City Council, Planning Commission, and Foundation Board.

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### **Background**

Since 2020,

- the Westwood City Council has gained three new members and a new mayor,
- the Westwood Planning Commission has/is gaining three new members and a new chair and vice-chair,
- the Westwood Foundation Board has gained four new members and a new chair, and
- City staff has/is gaining two new department heads.

As a result of these recent elections and appointments to leadership, questions related to purpose, roles, goals, and expected behaviors have arisen. To aid the City in evaluating these questions and establishing a shared understanding of how to respond, a professionally-facilitated conversation amongst these individual boards would be helpful.

BOARDynamics has developed a process to:

lead a board toward unified and agreed upon purpose, roles, goals and behaviors: (a) to review current perceptions and practices and identify areas of concurrence and differences, and the resulting impacts; (b) to reimagine how they carry out their responsibilities, agree upon improvements and commit to implementation; and (c) realize the modifications and commit to periodic review and improvement.

BOARDynamics finds that:

Purpose, roles, and goals develop in a linear fashion. Prior to understanding roles, the purpose of the board must be clarified and apparent. In order to develop appropriate goals, boards must understand their role. The behavior of a board is driven by all three – purpose, roles and goals.

If the purpose of a board is misunderstood, not clearly stated, or ignored, board members will assume differing roles to fulfill their idea of purpose. Individualistic and personal roles and goals leads to board inefficiency and dysfunction.

BOARDynamics states that:

[It] coaches boards toward concurrence of their roles, goals and behaviors through professional development. Unlike traditional consultants, we COACH, we don't direct. We coach boards for the betterment of the organization, instead of simply providing "best practices" and hoping that inertia will lead to change.

Our passion is helping boards improve. We are board members who understand and empathize with boards, who have sat in your seats and understand what you do. All boards want to do good work and every board member should strive to improve in a deliberate and continuous manner. We provide an objective viewpoint which facilitates boards to effect thoughtful improvement.

#### **Staff & Mayoral Comments/Recommendation**

Following a preliminary conversation with BOARDynamics, Mayor David Waters and CAO/City Clerk Leslie Herring recommend the City Council, the Planning Commission, and the Westwood Foundation all individually participate in the BOARDynamics facilitated, proposed process with the following objectives:

- The City Council will determine its purpose, as well as identify the purpose of the Planning Commission and the Westwood Foundation Board
- The Planning Commission and Foundation Board will have a clear understanding of their respective purposes and their relationship to the City
- City staff will have a clear understanding of their respective purposes and their relationship to the City Council, Planning Commission, and Westwood Foundation
- The City will be prepared to act on existing and evaluate new strategic planning objectives
- Existing, prospective, and new City Council, Planning Commission, and Foundation Board members will have a clear understanding of expected roles, goals, and behaviors.

Mayor Waters and CAO/City Clerk Leslie Herring recommend engaging BOARDynamics for services 1 – 4 but not services 5 – 6 as outlined in the Proposal for Services.

#### **Budget Impact**

Mayor Waters is seeking alternate funding for this Proposal for Services as this would be an unbudgeted 2021 expenditure and this work is intended to take place in the summer of 2021.

#### *Suggested Motion*

*I move to accept the proposal of BOARDynamics to provide individualized board development to the Westwood City Council, Planning Commission, and Foundation Board and to approve the Mayor to execute the Proposal for Services for services 1 – 4 and excluding services 5 – 6.*



# PROPOSAL FOR SERVICES

**Prepared for The City of Westwood, Kansas**

**David Waters, Mayor, and City Council**

**May 12, 2021**

## OVERVIEW

BOARDynamics is pleased to submit this Proposal for Services to support the City of Westwood in providing deliberate and continuous professional development to its City Council, Planning Board and Foundation Board. We have developed a unique and specific plan that will provide coaching and a customized experience.

## OBSERVATIONS

- The City Council has 2 new members and a new Mayor.
- Covid has caused a pause in planning and orientation of new Council members.
- Two of three City Department heads are new.
- The Planning Board has a new chair and 2 new members. Some of the experienced members will be leaving shortly. Additionally, there is a need for continuing education for the board, particularly around legal requirements.
- The Westwood Foundation currently has 6 current board members with seats remaining unfilled. The current Foundation Board members have extensive experience. Opportunity exists for the board to review their practices and engage in professional learning, especially around fiduciary requirements. There is an additional need to ensure that the goals of the Foundation are in concert with the strategic plan for the city.
- With the SMSD decision to rebuild Westwood View Elementary School, strategic planning is needed for the city.
- Westwood's form of government has not changed since its inception. The amount of operational involvement by council members and mayor is greater than other cities.
- The identification of candidates for positions on the Planning Board and Foundation Board is perceived as random.

## OBJECTIVES

- The City Council will determine its purpose, as well as identify the purpose of the Planning Board and the Foundation Board
- The Planning Board and Foundation Board will have a clear understanding of their respective purposes and their relationship to the city
- The City will be prepared to begin strategic planning
- Existing, prospective, and new City Council, Planning Board and Foundation Board members will have a clear understanding of expected roles, goals, and behaviors
- Vacancies on the Planning and Foundation Boards will be filled based on the Strategic Plan objectives

## SUGGESTED SEQUENCE

1. City Council determines the purpose of the City Council, Planning Board and Foundation Board with the assistance of *BOARDynamics*
2. City Council, Planning Board and Foundation Board participate in separate ***BOARDynamics Conversations*** agreeing on roles, goals, and behaviors
3. Strategic Planning at city level
4. City Council and Mayor assess the needed expertise on Planning Board and Foundation Board, based on the new Westwood Strategic Plan

## PROPOSAL

1. **Purpose Discussion** – *BOARDynamics* will assist the council members in establishing the purpose for the Council, as well as the Planning Board and Foundation Board.
2. **BOARDynamics Conversation – City Council**
  - *BOARDynamics* will identify City Council needs with the Mayor and city leadership
  - *BOARDynamics* will survey all City Council members to gain their perception of roles, goals, and behaviors
  - *BOARDynamics* will lead a customized retreat with entire council to identify impacts and improvement strategies
  - *BOARDynamics* will provide a customized ***BOARDynamics Concurrence Index\****
  - Post-***BOARDynamics Conversation***, *BOARDynamics* will provide documentation outlining results of survey, decisions made and action plans
3. **BOARDynamics Conversation – Planning Board**
  - *BOARDynamics* will identify board needs with the Mayor, city leadership and Planning Board Leadership
  - *BOARDynamics* will survey all Planning Board members to gain their perception of roles, goals, and behaviors
  - *BOARDynamics* will lead a customized retreat with entire board to identify impacts and improvement strategies
  - *BOARDynamics* will provide a customized ***BOARDynamics Concurrence Index\****
  - Post-***BOARDynamics Conversation***, *BOARDynamics* will provide documentation outlining results of survey, decisions made and action plans

4. **BOARDynamics Conversation - Foundation Board**

- BOARDynamics will identify board needs with the Mayor, city leadership and Foundation Board Leadership
- BOARDynamics will survey all Foundation Board members to gain their perception of roles, goals, and behaviors
- BOARDynamics will lead a customized retreat with entire board to identify impacts and improvement strategies
- BOARDynamics will provide a customized **BOARDynamics Concurrence Index\***
- Post-**BOARDynamics Conversation**, BOARDynamics will provide documentation outlining results of survey, decisions made and action plans

\* The **BOARDynamics Concurrence Index** is a measure of a board's unity and agreement in relation to its purpose, roles, goals, and behaviors. It measures processes that the board uses (Structural) in governance, and board members' perceptions, understanding and adherence to the specified board purpose, roles, goals, and behaviors (Behavioral).

5. **Strategic Planning** - BOARDynamics would be pleased to provide a separate proposal to lead the city's strategic planning efforts after further discussion. STRATEGIC PLANNING IS NOT INCLUDED IN THE CURRENT PROPOSAL FOR SERVICES but is suggested and available to upon request.

6. **Planning Board and Foundation board member needs assessment** - BOARDynamics can lead the mayor and council in development of a matrix of current board member capabilities and cross reference those abilities to the future needs of the respective boards based on the completion of the Strategic Plan. This will assist in focused board member recruitment. BOARD MEMBER NEEDS ASSESSMENT IS NOT INCLUDED IN THE CURRENT PROPOSAL FOR SERVICES but is suggested and available to upon request.



## PRICING

The following table details the pricing for delivery of the services outlined in this proposal. This pricing is valid for 45 days from the date of this proposal:

SERVICE	PRICE
1. Purpose Discussion with City Council	\$1,000
2. Service BOARDynamics Conversation - City Council	\$7,500
BOARDynamics Concurrence Index	\$1,000
3. BOARDynamics Conversation - Planning Board	\$7,500
BOARDynamics Concurrence Index	\$1,000
4. BOARDynamics Conversation – Foundation Board	\$7,500
BOARDynamics Concurrence Index – Foundation Board	\$1,000
PROPOSAL TOTAL	\$26,500
MULTI-SERVICES DISCOUNT - 25%*	(\$6,625)
<b>TOTAL ALL SERVICES</b>	<b>\$19,875</b>

\*Discount based on acceptance of total proposal



## CONCLUSION

We believe that it is vital to determine purpose, roles, goals and behaviors for the Westwood City Council, Planning Board and Foundation Board before beginning your strategic planning effort. This proposal does not include a proposal for your new Strategic Plan nor Board Member Needs assessment but is suggested as part of your overall plan, as we have questions regarding your needs, methodology and timing requirements. We would be happy to provide a separate Proposal for Services for these items at a later date.

We look forward to working with the City of Westwood and supporting your efforts to embrace continued professional development. We are confident that we can collaborate and help you meet the challenges ahead. We stand ready to partner with you in delivering an effective and supportive continuous learning model by providing a customized framework that will assist you in maximizing your success.

Should you have any questions about this proposal, please contact either Deb Zila at 913-229-4554 or Mike Seitz at 913-735-4039.

We appreciate your consideration and look forward to a successful partnership.

Agreed to in whole,

**City of Westwood**

***BOARDynamics***

Name \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**Every board needs a trusted coach. Who is yours?**



**COUNCIL ACTION FORM**

Meeting Date: May 13, 2021

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

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Agenda Item: Consider Resolution No. 92-2021 adopting a disposal of surplus property policy

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**Background / Description of Item**

The City of Westwood does not currently have any formal policies relating to the disposal of surplus personal property. From time to time, questions arise from City employees about the proper way to dispose of personal (not real) property in a way that is professional and consistent/standardized across employees and departments.

**Staff Comments/Recommendation**

Resolution 92-2021 details procedures for disposing of City-owned surplus property in an efficient and fiscally responsible manner. The policy seeks to promote transparency, ensure all assets are efficiently utilized to the best of their ability, and protect the financial interest of the City by formalizing best disposal practices.

***Suggested Motion***

*I move the City Council adopt Resolution No. 92-2021 adopting a Disposal of Surplus Property Policy for the City of Westwood.*

## RESOLUTION 92-2021

### A RESOLUTION ESTABLISHING POLICIES RELATING TO THE DISPOSAL OF SURPLUS PERSONAL PROPERTY IN THE CITY OF WESTWOOD, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, JOHNSON COUNTY, KANSAS:

#### SECTION I: Definitions

For the purposes of this Resolution, the following words and phrases shall have the meaning given herein.

“Personal Property” – Means movable property; belongings exclusive of land and buildings.

“City” – Means the City of Westwood, Kansas.

#### SECTION II: Disposal of Surplus Personal Property

##### A. Guidelines for Disposal

- i. Department Managers may, from time to time, identify surplus, abandoned, or confiscated property that no longer has useful life in the department.
- ii. Departments shall obtain approval of the City Council to dispose of property with an individual value believed to be \$5,000 or greater. Property with a value believed to be \$5,000 or greater shall be disposed of via auction or sealed bid.
- iii. Departments may dispose of surplus property with an individual value believed to be less than \$5,000 via any of the methods listed under Item B of this Policy. Property with a value believed to be less than \$5,000 may be disposed of without approval by the City Council and without competitive bidding.
- iv. Departments disposing of surplus property shall work with the City’s Clerk’s Office to collect sales tax on the sale, as appropriate.
- v. Prior to the disposal of any electronic device, the Department Manager is responsible for ensuring the device is wiped clean of sensitive information.

##### B. Methods of Disposal

- i. Transfer: Departments shall notify the City Clerk and other Department Managers when surplus property is available in the event that another department has use for the item. If another department does not have use for the item, it may be disposed of via the methods below.
- ii. Sale: Methods include:
  - a. Auctions - The City may contract with an auctioning service or auction via online internet service to sell items to the highest bidder.

- b. Sealed Bids - The department may determine that items shall be sold at sealed bid sale. Public notice of the sale shall be published on the City's website or in the local newspaper.
  - c. Sale of Scrap - Items that are no longer usable may have a residual value. The department may arrange for the sale of scrap items.
  - d. Posted Prices - From time to time, where there is no regular market and demand is erratic, an item may be marked with a pre-established price and sold to the public on a first-come basis. Public notice of the sale shall be published on the City's website.
- iii. Destruction: Surplus property of no or minimal monetary value may be destroyed or disposed as trash. Care shall be taken to destroy or dispose of items with regard to environmental impact and cost. The City's Public Works Director shall direct disposal of hazardous materials. Departments shall contact the Public Works Director before moving, transferring or selling any hazardous materials.
- iv. Other methods:
  - a. Trade-in - The department may determine that it is advantageous to the City to seek bids on replacement items with the vendors allowing/offering trade allowances.
  - b. Cannibalization - Disassembling an item to use its components for repair or maintenance of a similar item is permitted only if cannibalization is expected to create greater value than disposal or trade-in of the item.
  - c. Donation - Donation of items believed to have a value of more than \$5,000 must be approved by the City Council. Donation of items believed to have a value of \$5,000 or less shall be approved by the Department Manager.

#### **C. Terms and Conditions of Sale**

- i. Surplus equipment is sold without warranty or guarantee. It is sold "as is", "where at", and "without recourse". The buyer shall be required at their own risk and expense to remove any items purchased. The City reserves the right to accept or reject any or all offers of purchase.

#### **D. Report of Disposition and Allocation of Proceeds**

- i. The City Clerk's Office must be advised of the disposition of all items with an original value of \$5,000 or more in order to update general fixed asset records.
- ii. All proceeds resulting from the sale of surplus, abandoned, or confiscated property shall be deposited in the Equipment Reserve Fund or another fund as directed by the City Treasurer.

**E. Sales to Employees**

- i. When deemed appropriate, with approval of the Department Manager and the City Clerk, an item believed to be valued at less than \$2,500 in wholesale value, may be sold to an employee of the City. The sale price should be balanced against the wholesale value of the item, the item's condition and the time and effort it would take to post, receive, and evaluate bids.

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

PASSED by the Governing Body of the City of Westwood, Kansas and approved by the Mayor this 13th day of May 2021.

**APPROVED:**

By: \_\_\_\_\_  
David E. Waters, Mayor

**ATTEST:**

\_\_\_\_\_  
Leslie Herring, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Ryan B. Denk, City Attorney

# WESTWOOD

April 2021

ACTIVITIES / OFFENSE	THIS MONTH	21-YTD	20-YTD	21-Avg	CHANGE
<u>PART I CRIMES</u>					
MURDER					No Change
RAPE					No Change
ROBBERY	1	2		0.50	2
<u>BURGLARY</u>					
BUSINESS		1		0.25	1
RESIDENTIAL	1	1	2	0.25	-1
VEHICLE	1	4	2	1.00	2
MOTOR VEH THEFT		2	2	0.50	No Change
LARCENY / THEFT	2	5	9	1.25	-4
ASSAULT / BATTERY			1		-1
<u>ARRESTS</u>					
FELONY		1		0.25	1
MISDEMEANOR					No Change
TRAFFIC		1	2	0.25	-1
DRUG	2	7		1.75	7
DUI		1		0.25	1
WARRANTS	8	28	9	7.00	19
CONFINED			4		-4
<u>SUMMONS</u>					
HAZARD	16	66	211	16.50	-145
NON-HAZARD	47	224	549	56.00	-325
DUI		1		0.25	1
ORD. VIOLATION	19	58	2	14.50	56
<u>ACCIDENTS</u>					
NON-INJURY	1	6	5	1.50	1
INJURY		1	2	0.25	-1
PRIVATE PROPERTY	2	3		0.75	3
ADMIN.DUTIES-PD	3	56	64	14.00	-8
ADMIN.DUTIES - CITY		8		2.00	8
ALARM	5	35	13	8.75	22
ANIMAL	6	21	4	5.25	17
ASSIST - POLICE	11	28	8	7.00	20
ASSIST - PUB MOTOR	7	53	16	13.25	37
BLD. CHECK-SHAKE	20	23		5.75	23
BLD. CHECK-PATROL	1275	5457	4340	1364.25	1117
BUSINESS CHECK	271	1364	102	341.00	1262
CIVIL MATTER		1		0.25	1
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ					No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

# WESTWOOD

April 2021

ACTIVITIES / OFFENSE	THIS MONTH	21-YTD	20-YTD	21-Avg	CHANGE
CRIMINAL DAMAGE		1	1	0.25	No Change
DISTURBANCE	3	4	4	1.00	No Change
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM					No Change
FIRE	1	5	3	1.25	2
FOLLOW UP	4	31		7.75	31
INFO / INVEST	10	41	13	10.25	28
JUVENILE	1	4	1	1.00	3
<b>MENTAL HEALTH</b>					
SUICIDE					No Change
ATT SUICIDE					No Change
INVOLUNTARY COMMITMENT					No Change
ALL OTHER MENTAL HEALTH		2		0.5	2
MEDICAL CALL	17	68	20	17	48
NATURE UNKNOWN			1		-1
NOISE COMPLAINT	3	4	2	1.00	2
OPEN DOOR	1	5	15	1.25	-10
ORD. COMPLAINT	1	5		1.25	5
ORD. VIOL WARNING					No Change
ORD. VIOL LETTER					No Change
OTHER	2	3		0.75	3
PED. CHECK	2	3		0.75	3
PUBLIC SERVICE	13	82	37	20.50	45
RECOVERED PROP	1	2		0.50	2
RESIDENCE CHECK	44	135	87	33.75	48
SUSPICIOUS SUBJECT	10	20	9	5.00	11
VEH CHECK OCCUPIED	2	6	4	1.50	2
VEH CHECK UNOCCUPIED	15	49	14	12.25	35
TELE. CALL HARASS					No Change
TELE. CALL THREAT		2		0.50	2
TRAFFIC COMPLAINT	3	10	3	2.50	7
TRAFFIC WARNING	39	6	79	1.50	-73
UNATTENDED DEATH	2	3		0.75	3

Total Activity

1740

Last Year - YTD Activity

4784

Year to Date Activity

7553

Difference in Activity

2769

Total Monthly Summons

82

Hazardous Summons Percentage

20%

**WESTWOOD  
INCIDENT SUMMARY**

**ROBBERY**

**CASE NO:** 21-0089      **LOCATION:** 4701 Mission Rd  
**DATE :** 04/24/2021  
**ACTIVITY:** Known suspect struck the victim in the face and stole a handgun that was sitting in the victim's lap.

**RESIDENTIAL BURGLARY**

**CASE NO:** 21-0068      **LOCATION:** 2103 W 47th Terr  
**DATE :** 04/02/2021  
**ACTIVITY:** Unknown suspect(s) entered open garage and removed a edge trimmer and leaf blower.

**BURGLARY TO AUTO**

**CASE NO:** 21-0087      **LOCATION:** 4842 Booth  
**DATE :** 04/24/2021  
**ACTIVITY:** Unknown suspect(s) removed the catalytic converter from the victims vehicle.

**LARCENY / THEFT**

**CASE NO:** 21-0072      **LOCATION:** 4701 Mission Rd  
**DATE :** 04/05/2021  
**ACTIVITY:** Unknown suspect(s) removed several items from the victim's locked bicycle. The seat, bags, head light, and tail light were *removed without permission.*

**CASE NO:** 21-0079      **LOCATION:** 4701 Mission Rd  
**DATE :** 04/15/2021  
**ACTIVITY:** An employee failed to ring up and pay for several items over a months time.

WESTWOOD  
COURT SUMMARY  
APRIL, 2021

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
April 02, 2021	11	00	\$ 1,524.00	04	00
April 16, 2021	24	03	\$ 3,767.00	08	12
April 30, 2021	43	07	\$ 3,480.75	20	21
<b>TOTALS</b>					
April 2021	78	10	\$ 8,771.75	32	33
April 2020	121	06	\$ 5,452.50	211	00
<b>TOTAL (\$ 8,771.75) less</b>					
* Kansas DL fees:					\$366.00
* Judges Training Fund:					\$ 28.00
* LET Training Fund:					\$630.00
* Seat Belt Fund:					\$40.00
<b>April 2021 TOTAL:</b>					
					\$7,707.75

Y.T.D. TOTALS 2021		Y.T.D. TOTALS 2020	
ARRAIGNMENTS:	285	ARRAIGNMENTS:	604
TRIALS	55	TRIALS:	71
LETTERS:	146	LETTERS:	626
WARRANTS:	124	WARRANTS:	65
FINES:	\$33,619.25	FINES:	\$65,579.65
KS DL FEES:	\$691.00	KS DL FEES:	\$813.00
JUDGES FUND:	\$87.50	JUDGES FUND:	\$190.50
L.E.T.FUND:	\$1,974.50	L.E.T FUND:	\$4,272.50
COMM CORRECTIONS:	\$00.00	COMM CORRECTIONS:	\$0.00
SEAT BELT FUND:	\$40.00	SEAT BELT FUND:	\$120.00



**COUNCIL ACTION FORM****Public Safety Item**

Meeting Date: May 13<sup>th</sup>, 2021

Staff Contact: Greg O'Halloran, Chief of Police

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**Agenda Item:** Authorize the purchase of replacement in-car computers for the police fleet.

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**Description of Item:**

The in-car computers are over five (5) years old and need to be replaced

**Background:**

Our current in-car computers are aging out and have a reduced capacity to receive regular updates. The vendor is no longer supporting them. Years of use and exposure to the elements have also had a detrimental impact on them. The Jo Co Sheriff's Office has been gracious in their work on our existing computers. They transition out their in-car computers every three (3) to four (4) years as they are a major component in the communication between the officers on the street and the dispatchers. We had hoped to make it another year but that no longer seems possible to keep our computers reliable and current with secure software.

**Impact Items:**

Purchase four (4) in-car computers out of the Equipment Reserve fund at a total expenditure of \$12,060.00. We are utilizing the same model and vendor that Jo Co Sheriff's Office uses. This will help with future updates and maintenance.

**Recommendation:**

Approve the purchase the four (4) new in-car computers.



## Turn-Key Mobile, Inc.

210 Prodo Drive  
Jefferson City, MO 65109

573-893-9888 Office 314-754-9794 Fax

## Proposal

Date	Proposal #
4/26/2021	26591

Name / Address
Westwood Police Dept 4700 Rainbow Blvd. Westwood, KS 66205

Sales Rep	Prepared By	PO #	Accepted By
BH	Terry		

Item	Description	Qty	Rate	Total
FZ-55C0-02VM	Panasonic Public Sector Specific, Win10 Pro, Intel Core i5-8365U 1.6GHz, vPro, 14.0" FHD 1000 nit Gloved Multi Touch, 512GB SSD, 8GB, Intel Wi-Fi, Bluetooth, TPM 2.0, 4G LTE Band 14 (EM7511), dGPS, Dual Pass (Ch1:dGPS/Ch2:WWAN), Infrared Webcam, Emissive Backlit Keyboard, Flat, CF-SVCPDEP3Y - Toughbook and Toughpad Premier Deployment - Unit Un-Packaging And Assembly (Battery, Stylus/Tether, Case, And Holder). 48 Hour Burn-In, Windows Disk Image Management, Windows Image Validation, Windows Device Imaging, Custom Bios/Cmos Settings, Asset Tagging, Logo Badge Installation (If Purchased), Cellular Sim Insertion, Multi- Location Shipping With Custom Shipping Labels, Multiple Ship Dates, Packaging Inserts, Deployment Reporting, Customer Portal Access, Up To 5 Minutes Of Post Imaging Configuration, Multiple Images, Service Updates/Engineering Changes, Charge Battery, Up To 59 Days Storage Insured (One Month End) For Years 1,2,3, CF-SVCLTNF3YR - Protection Plus Warranty - Laptop (Years 1, 2, 3), CF-S	4	3,015.00	12,060.00
CF-SVCPSY5	Panasonic Service Bundle 4th and 5th years Public Safety Service Bundle Add on (Year 4 & 5 only). Must be purchased in conjunction with PS bundle base unit. Includes Premier, Protection Plus, Customer Portal, Disk Image Management, HDD No Return	0	589.00	0.00

**Proposals are good for 30 days. Please ask your rep for updated pricing and availability.**

**Total**

\$12,060.00

**Shipping is included.**

**Signature** \_\_\_\_\_

## **Westwood Public Works Monthly Report**

**TO: GOVERNING BODY**  
**FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS**  
**RE: MONTHLY REPORT, APRIL 2021**  
**DATE: MAY 11, 2021**

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: No meetings this month.
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood with regard to 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 patched potholes in various locations.
15. I attended briefings related to COVID 19 pandemic via Zoom.
16. We are performing COVID 19 related sanitation at City Hall related to court.
17. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
18. Mitch is attending monthly Safety Committee Meetings.
19. We trimmed trees at various locations.
20. We ground out tree stumps from trees we removed last month.
21. We mulched various locations on City properties.
22. We staked, watered and mulched the trees planted by the student volunteers.
23. We repaired the flooring in the holding cells at City Hall.
24. We installed new light fixtures in the front hallway at City Hall.
25. We repaired and painted some walls at the Police Department.

26. We started the decorative fountains.

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 11, 2021  
Re: Monthly Status Report

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- 2019 (formerly 2018) Street and Storm water Improvement Projects: We are scheduling a meeting with the contractor to present a punch list for replacement of faulty work.
- W. 47<sup>th</sup> Street Project: GBA is finished with the survey. We had a meeting with GBA and both Westwood and Unified Government representatives to discuss next steps.
- Annex Street Preliminary Design: The plans are finished. I have finally received information from KCMO about the Interlocal Agreement. It is going to the legal department and once reviewed will go to the Council which will take another 4 to 6 weeks. Once received it will have to go to the AG's office in Topeka for review and signature. At this rate I am anticipating bidding to occur in June at the earliest.
- State Line CARS Project: I have finally received information from KCMO about the Interlocal Agreement. It is going to the legal department and once reviewed will go to the Council which will take another 4 to 6 weeks. Once received it will have to go to the AG's office in Topeka for review and signature. At this rate I am anticipating bidding to occur in June at the earliest.