



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

January 12, 2023

7:00 PM

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

**Access Online:**

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

**Access by Phone:**

(312) 626-6799

Webinar ID: 899 0828 9796

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**AGENDA**

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

**I. CALL TO ORDER**

**II. APPROVAL OF THE AGENDA**

**III. PUBLIC COMMENT**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.

**IV. PRESENTATIONS AND PROCLAMATIONS**

- A. [Swear-in Westwood Police Officer Chase Metcalf](#)
- B. [Receive Recognition from Mid-America Regional Council of Westwood for Becoming a Bronze Level Community for All Ages](#)

**V. CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion (roll call vote). There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. [Consider December 8, 2022 City Council Meeting Minutes](#)
- B. [Consider Appropriations Ordinance No. 746](#)

**VI. MAYOR'S REPORT**

**VII. CITY COUNCILMEMBER REPORTS**

**VIII. STAFF REPORTS**

- A. [Administrative Report \(City Administrator Leslie Herring\)](#)

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

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

- A. [Consider Approval of Ordinance 1034 for the Third Amendment to the Lease Purchase Agreement for the Property Located at 5050 Rainbow Blvd.](#)
- B. [Consider 2023 Addendum to the Public Works Service Agreement with the City of Westwood Hills](#)
- C. [Consider 2023 Addendum to the Public Works Service Agreement with the City of Mission Woods](#)

**XI. ANNOUNCEMENTS/GOVERNING BODY COMMENTS**

**XII. EXECUTIVE SESSION**

**XIII. ADJOURNMENT**

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**UPCOMING MEETINGS**

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, February 9<sup>th</sup>, at 7:00 PM at Westwood City Hall. The City Calendar may be accessed at [www.westwoodks.org](http://www.westwoodks.org). To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: <https://bit.ly/3wA4DWx>  
Facebook: [City of Westwood Kansas-Government](#)  
[Westwood, KS Police Department](#)

**COUNCIL ACTION FORM**

Meeting Date: January 12, 2023

Staff Contact: Curtis Mansell, Police Chief

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Agenda Item: Swear-in Westwood Police Officer Chase Metcalf

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**Background/Description of Item**

The Westwood Police Department currently budgets for eight full-time positions – a police chief, two sergeants, and five officers – and four part-time officers, who are called in to cover scheduled vacations and leave. Since September 2020, the Department has been down one full-time officer position. For the past two years, the City’s full-time officers and two part-time officers came together to cover the vacancy while Chief O’Halloran and then Chief Mansell worked to recruit to fill the open position. In August 2022, after successfully completing an extensive and thorough pre-employment process, Chase Metcalf was hired to fill the position. As Chase was not a certified law enforcement officer at the time of hire, he was enrolled in – and later successfully completed – the Johnson County Regional Police Academy from which he graduated on December 21, 2022. Since December 26<sup>th</sup>, Chase has been in field training with Westwood Officer Tim Filson, who graciously went through training himself earlier in 2022 to become certified to conduct Chase’s field training. Chase will be in field training through Spring 2023, when he is expected to be able to begin taking shifts independently.

Chase has already been acknowledged as a great addition to the Westwood team and we are excited to introduce him tonight to the Governing Body.

**Staff Comments/Recommendation**

As Chase was sworn-in and issued the oath of office on December 26<sup>th</sup> by Leslie Herring as City Clerk so that he could begin officially enforcing the laws of the City of Westwood, tonight we will conduct a ceremonial swearing-in for the benefit of the public and Chase’s friends and family to join in celebrating him.

No Governing Body action is required.

## STAFF REPORT

Meeting Date: January 12, 2023

Staff Contact: Leslie Herring, City Administrator

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**Action Item:** Receive Recognition from Mid-America Regional Council for Becoming a Bronze Level Community for All Ages

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### Background/Description of Item

From at least as early as 2016, the Westwood Governing Body has identified as a goal achieving recognition as a Community for All Ages through Mid-America Regional Council's Communities for All Ages initiative.

The KC Communities for All Ages Recognition Program was created by the Mid-America Regional Council (MARC) to recognize communities that take steps to be improve quality of life for residents of all ages while becoming more vibrant, healthy, and prosperous. Through this program, city and civic leaders identify and act upon issues and opportunities concerning the aging adult population. Further, they recognize the intrinsic value of the older generation, respect their wisdom and insight, and look to involve them in creating a high standard of living in the community in which they live. The City of Westwood is proud to have worked with KC Communities for All Ages to pursue Bronze level recognition in 2022, which focuses on increasing awareness.

The Bronze level recognition criteria include:

- ✓ Informing residents about the City's work toward becoming a Community for All Ages by:
  - Making available information on the City's webpage (**posted in July 2022**); and
  - Making available written materials (**posted to the City's website in July 2022 and remaining there until present**)
- ✓ Surveying residents to gather baseline information on the community's perceptions about how age-friendly Westwood is currently. (**July – August 2022**)
- ✓ Hosting a presentation by MARC on the Communities for All Ages program and discussing the findings of the community survey. (**August 11<sup>th</sup> City Council meeting**)
- ✓ Hosting a community meeting to discuss the age-friendliness of Westwood. (**October 8<sup>th</sup>**)
- ✓ Considering adoption of a resolution by the Governing Body to be a community for all ages. (**October 13<sup>th</sup> City Council meeting**)

### Staff Comments/Recommendation

Special thanks goes to Council President Jeff Harris for working with City staff to achieve Bronze Level recognition to-date. Council President Harris has also already begun working with City staff to embark on pursuit of Silver Level recognition – which is a City's assessment phase - and has committed to also leading the work toward achieving Gold Level recognition later this year in the action phase of the program.

MARC representatives will be present at the meeting to recognize the City of Westwood for its Bronze Level award.

No action required.

**City of Westwood, Kansas  
City Council Meeting  
December 8, 2022 – 7:00 p.m.**

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

Council Absent: None

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

**Call to Order**

Mayor Waters called the meeting to order at 7:00 p.m. on December 8, 2022. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

**Approval of Agenda**

Motion by Councilmember Hannaman to approve the December 8, 2022 City Council meeting agenda as submitted. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

**Public Comment**

No comments were made by the public.

**Presentations and Proclamations**

No presentations or proclamations were made.

**Consent Agenda**

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider November 10, 2022, City Council Work Session & Meeting Minutes
- B. Consider Appropriations Ordinance 745

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

### **Mayor's Report**

Mayor Waters shared a report on the events he attended and planned to attend as Mayor in the recent and upcoming weeks.

### **Councilmember Reports**

Councilmember Hannaman noted the Inflation Reduction Act was signed into law recently, and he is reviewing the law and related guidance to determine if there are any provisions that would benefit municipal governments.

### **Staff Reports**

#### **Administrative Report**

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

#### **Public Works Report**

Mr. Sullivan provided an overview of the November and December 2022 Public Works Report included in the agenda packet and offered to answer any questions.

#### **Public Safety Report**

Chief Mansell provided an overview of the November 2022 Public Safety Report included in the agenda packet and offered to answer questions.

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

The November 2022 Treasurer's Report was included in the agenda packet for review. No questions or comments were made about the report.

#### **City Attorney's Report**

Mr. Denk had nothing to report.

### **Old Business**

#### **Consider Resolution No. 15-2022 Updating the Economic Development Policy**

The Economic Development Policy was last amended in August of 2010 by Ordinance 910, available for review on the City's website at [westwoodks.org](http://westwoodks.org).

The Mayor and City Administrator recommend updates to this policy for the following reasons:

- The City is currently receiving interest from private developers in redevelopment Westwood;
- The development market has changed in the past twelve years since the adoption of the current policy; and
- Certain provisions of the existing policy are no longer accurate or are subject to be changed at the State level given that they are covered or defined by State Statute, which has been updated and amended since the adoption of the 2010 policy and will likely be amended in the future given the State's authority over certain aspects of incentives leveraging at the local level.

This amended policy draft was created by Mayor Waters, edited and prepared by City Administrator Leslie Herring, and reviewed and guided by the City Attorney and Bond Counsel, with additional input provided by trusted professional financial advisor colleagues.

The Governing Body reviewed the draft updates to the policy at its November 10, 2022 regular meeting. The policy was updated in the following ways following that review:

- a. Article 1 Section 10 modified to allow the Governing Body greater flexibility in directing community participation by an applicant for financial incentives; and
- b. Article 3 Section 7 modified for the addition of a fee schedule for the origination fee assessed by the City to applicants granted an IRB.

Councilmember Steele made a suggestion for a grammatical change to Section 8.D. of the draft document included in the evening's agenda packet.

Motion by Councilmember Buckman to approve Resolution No. 115-2022 adopting updates to the City's Economic Development Policy with such changes discussed that evening. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

**Consider Ordinance No. 1033 Repealing Ordinance No. 910 Relating to Economic Development Incentives in the City of Westwood**

The Economic Development Policy was originally adopted by Ordinance 910 in 2012. As this policy update is being recommended for adoption by resolution, the establishing ordinance must be repealed should Resolution No. 115-2022 be adopted by the Governing Body. It is a best practice for cities to adopt policy documents by resolution rather than ordinance as ordinances relate to laws and resolutions provide guidance.

Motion by Councilmember Buckman to approve Ordinance No. 1033 repealing Ordinance No. 910 relating to Economic Development Incentives in the City of Westwood. Second by Councilmember Steele. Mrs. Herring conducted a roll call vote. Motion carried by a 5-0 vote.

**New Business**

**Consider Renewal of Information Technology Services Agreement with Johnson County, KS for 2023 Services**

Since January 2016, the City of Westwood has contracted with Johnson County's Department of Technology and Innovation (DTI) for technology support services for the Police Department, alone. The Administration and Public Works Departments were not and have not been included in that agreement to-date and have managed tech needs independently of the Police Department.

As the need for more frequent and sophisticated technology supports increases and as external threats to our tech systems increase, City staff is unable to keep up with the demands of cyber security insurance carriers and is unable to provide a sufficient in-house solution to provide these supports to staff. As such, City staff has explored (since 2020) options available for support services for its technology needs.

City staff has worked with Johnson County DTI staff over the course of the past year to explore whether the County would be willing to provide support services to the Administration and Public Works Departments and at what cost. The final negotiated cost for these services is broken out below:

Police Department:	\$11,946.31 (annually)
Administration and Public Works Department:	\$10,683.85 (annually)
Administration of City's Microsoft Licenses and Services:	\$3,690.00 (annually)
Outlay to Integrate Admin and PW Systems into DTI:	\$16,087.50 (total one-time cost)

The 2023 budget provides for this increased allocation for Police Department support and also anticipates contracting with an IT services provider in the Professional Services – Other line of the General Overhead budget for Administration and Public Works support. However, what was not anticipated in the budget was the one-time outlay cost of \$16,087.50. For this, staff recommends using fund balance to cover that cost.

Staff has explored several options informally over the past two years to find an acceptable, comfortable, and affordable solution to the City's IT support needs and has inventoried how neighboring cities manage their IT support needs. Following this lengthy due diligence period, staff recommends contracting with Johnson County to provide these services, which has provided responsive and satisfactory services the Westwood Police Department for the past seven (7) years.

Pursuant to the City's Financial and Purchasing Policy, since this agreement commits more than \$25,000 – and since a portion of the funds are unbudgeted – staff is bringing it before the Governing Body for review and approval.

Councilmember Harris asked if expanding the scope of Johnson County DTI services will effect the process of updating the City's website. Mrs. Herring said she did not believe the two processes would interfere with each other.

Motion by Councilmember Hannaman to authorize the City Administrator to execute the Renewal of Information Technology Services Agreement between the Board of County Commissioners of Johnson County, Kansas and the City of Westwood for the 2023 calendar year, subject to final approval by the City Attorney. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

#### **Consider Authorization of Purchase of 2023 Ford 550 Truck and Equipment**

Staff recommended and the Governing Body approved the purchase of a Ford F-550 truck and related equipment in the 2022 Equipment Replacement Plan, which is budgeted within the Equipment Reserve Fund. This vehicle would replace the City's 2004 Ford F-550 Super Duty.

Once the truck is delivered to the City, an electric combo dump body/spreader and snow plow and all associated accessories will need to be installed. The full list of equipment to be installed is itemized on the attached quote from American Equipment Co.

\$83,000 was budgeted in the Equipment Reserve Fund for the purchase of both the truck and equipment.

Pursuant to the City's Financial and Purchasing Policy, staff obtained three (3) price quotes to consider for the vehicle purchase, which are as follows.



- Bob Allen Ford \$54,981.00 (Recommended for approval)
- Olathe Fleet Solutions \$54,817.00
- Shawnee Mission Ford \$52,193.00

Further pursuant to the City's Financial and Purchasing Policy, non-competitive bidding can be used when the use of competitive bidding is not feasible, such as when only one source is available. The equipment specified for the truck is compatible with the rest of the City's fleet and the vendor is the only supplier locally for the specified equipment. This vendor also stocks parts for all of the equipment specified. The equipment costs are quoted at \$47,439.00.

The total anticipated expenditure is \$102,420; \$19,420 (24%) higher than the amount budgeted. Following review of the 2022 Equipment Reserve Fund, revenue from the sale of the City's generator and other items in the first quarter of this year generated unbudgeted revenue to the Equipment Reserve Fund of \$30,500 and the other expenditures in the Equipment Replacement Plan have either come in under budget or have not been and will not be purchased.

While Shawnee Mission Ford has the lowest bid, they informed staff that they could not fulfill the order. Bob Allen Ford technically had the highest of the two remaining bids, however they guaranteed the order would be fulfilled whereas the same assurance was not provided by Olathe Fleet Solutions. The truck market is now unstable because there are more orders for Super Duty trucks than can be produced. This is the main reason staff is recommending the slightly higher bid because Bob Allen has committed to supplying the truck to the City from their allotment.

To immediately secure the order, on November 23, 2022, staff placed a deposit of \$500.00 with Bob Allen Ford for the purchase of the truck, which confirmed the order placement on Monday, November 28th, the only date available for the purchase of 2023 Ford F-550s.

Staff recommends that the City Council authorize the purchase of the Ford F-550 Super Duty truck from Bob Allen Ford in the amount of \$54,981.00 and to accept the quote for the equipment for the 2023 Ford F-550 from American Equipment Co. in the amount of \$47,439.00, to be paid from the Equipment Reserve Fund in 2022.

Motion by Councilmember Hannaman to authorize the purchase of the Ford F-550 Super Duty truck from Bob Allen Ford in the amount of \$54,981.00, to be paid from the Equipment Reserve Fund in 2022 and to accept the quote for the equipment for the 2023 Ford F-550 from American Equipment Co. in the amount of \$47,439.00, to be paid from the Equipment Reserve Fund in 2022. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

### **Announcements/Governing Body Comments**

Councilmember Steele encouraged all those in attendance to view the Redlining exhibit at the Johnson County Arts and Heritage Center.

### **Executive Session**

#### **Preliminary Discussion of the Acquisition of Real Property**

Motion by Councilmember Hannaman to move into executive session for a period of 59 minutes to discuss preliminary acquisition of real property pursuant to K.S.A 75-4319 B.6., and for the meeting to resume at 8:30 p.m. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

At 8:30 p.m. Mayor Waters and Councilmembers Steele, Buckman and Hannaman returned to the dais.

Motion by Councilmember Hannaman to move into executive session for a period of 15 minutes to discuss preliminary acquisition of real property pursuant to K.S.A. 75-4319 B.6., and for the meeting to resume at 8:45 p.m. Second by Councilmember Steele. Motion carried by a 3-0 voice vote.

At 8:45 p.m. Mayor Waters and Councilmembers Steele, Buckman and Hannaman returned to the dais.

**Adjournment**

Motion by Councilmember Steele to adjourn the meeting. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:45 p.m.

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

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

**City of Westwood, Kansas**  
**Appropriation Ordinance No. 746**

**AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF DECEMBER 1, 2022 - DECEMBER 31, 2022 AND SUMMARIZING SAID EXPENDITURE HEREIN.**

	<b>General</b>	<b>Capital</b>	<b>Equipment</b>			<b>Woodside</b>		
	<b>Month Ending</b>	<b>Improvements</b>	<b>Reserve</b>	<b>Stormwater</b>	<b>Special Highway</b>	<b>TIF/CID</b>	<b>Debt Service</b>	<b>Total All Funds</b>
	<b>12/31/2022</b>	<b>Month Ending</b>	<b>Month Ending</b>	<b>Month Ending</b>	<b>Month Ending</b>	<b>Month Ending</b>	<b>Month Ending</b>	<b>Month Ending</b>
	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>	<b>12/31/2022</b>
<b>Expenditures</b>								
Salary & Benefits	134,706.78	0.00	0.00	0.00	0.00	0.00	0.00	134,706.78
Employee Expenses	1,693.73	0.00	0.00	0.00	0.00	0.00	0.00	1,693.73
Professional Fees	16,040.13	45,691.31	0.00	0.00	0.00	0.00	0.00	61,731.44
General Operating Expenses	4,411.23	(13.97)	0.00	0.00	0.00	0.00	0.00	4,397.26
Utilities	40,565.16	0.00	0.00	0.00	0.00	0.00	0.00	40,565.16
Equipment and Maintenance	8,461.50	836.64	500.00	2,462.52	2,500.00	0.00	0.00	14,760.66
Street and Stormwater	(507.19)	(67,566.03)	0.00	14,071.01	50,049.08	0.00	0.00	(3,953.13)
Park and Events	3,475.13	0.00	0.00	0.00	0.00	0.00	0.00	3,475.13
Miscellaneous	14,951.75	0.00	0.00	0.00	0.00	16,624.70	0.00	31,576.45
Interfund Transfers	210,000.00	175,000.00	0.00	143,516.00	0.00	0.00	0.00	528,516.00
<b>Total Expenditures</b>	<b>433,798.22</b>	<b>153,947.95</b>	<b>500.00</b>	<b>160,049.53</b>	<b>52,549.08</b>	<b>16,624.70</b>	<b>0.00</b>	<b>817,469.48</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 2022 are consistent with that budget and are hereby authorized, ratified and approved.

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

**ADOPTED** this 12th day of January, 2023.

\_\_\_\_\_  
**MAYOR**

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



## City Administrator's Report

January 2023

To: Mayor and City Council  
From: Leslie Herring, City Administrator  
Date: January 12, 2023  
RE: Update on some of the key areas of focus of the Administration Department

### Current Priorities

3<sup>rd</sup> Quarter (October) 2022 through 1<sup>st</sup> Quarter (March) 2023

- *Public Property and Facilities Course of Action Establishment and Execution*
  - Following the public comment period occurring over the course of the Fall of 2022, the Governing Body discussed their current thoughts, observations, and opinions about the opportunities and decisions to be made. Possible next steps, review of active development opportunities, as well as the City's Option Agreement with Shawnee Mission School District, are being reviewed by the Mayor, City Attorney, and City Administrator to develop options for next steps for consideration by the Governing Body.
- *Rainbow Blvd. Complete Streets Traffic Management Plan*
  - The RFP for this project was posted to MARC's website for consultant selection on January 3, 2023. A rough outline of the project milestones/deadlines set forth in the RFP is as follows:
    - February 28<sup>th</sup> – Firm interviews
    - March 31<sup>st</sup> – Execute contract
    - April 30<sup>th</sup> – Firm receives and begins reviewing all data and documents from project stakeholders
    - May 12<sup>th</sup> – Project kick-off
    - June 9<sup>th</sup> – Conclude initial analysis by firm and begin public engagement
    - August 31<sup>st</sup> – Conclude public engagement
    - October 13<sup>th</sup> – Firm shares concept-level scenarios of recommendations and findings
    - November 10<sup>th</sup> – Final plan and deliverables provided by firm

The study advisory committee, which will conduct the consultant selection and guide the project through the steps listed above consists of representation from the following stakeholders:

- Westwood
- Westwood Hills
- Mission Woods

- UG
- KDOT
- KCATA
- KU Health Systems
- Rosedale Development Association

Additional updates will be provided to the Governing Body throughout the course of this project.

➤ *Communities for All Ages – Silver Level Recognition*

- ✓ Bronze level recognition was approved by the joint MARC First Suburbs Coalition and CFAA recognition review committee in November 2022. An official, public recognition will take place at tonight’s City Council meeting.
- Silver level recognition is a facilitated assessment of the City by a task force established by the City for this purpose. City staff, Council President Jeff Harris, and MARC staff are currently convening this task force and meetings are scheduled to be held at City Hall from 6:30 – 8 PM on the following dates:

January 25<sup>th</sup>

February 8<sup>th</sup>

March 8<sup>th</sup>

February 22<sup>nd</sup>

March 22<sup>nd</sup>

City staff and Council President Harris are aiming to complete the Silver Level work required for recognition at that level by the April 1, 2023 deadline for applications.

➤ *Update the City’s Website*

- City staff executed a services agreement with CivicPlus for the website redesign and the meetings management platform that integrates with CivicPlus’ design. City staff is working with the CivicPlus team to launch both platforms in early February 2023.

✓ *City Policy Updates*

- *Evaluation of Fees and Establishment of Master Fee Schedule*
  - Not yet started.

**Building Permits**

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

*Residential*

New Construction: None

Additions: None

Alterations: None

Demolition: None

Misc: None

*Commercial*

New Construction: None

Additions: None

Alterations: None

Demolition: None

Misc: None

## **Westwood Public Works Monthly Report**

**TO: GOVERNING BODY**  
**FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS**  
**RE: MONTHLY REPORT, DECEMBER 2022**  
**DATE: JANUARY 6, 2023**

Some of the activities for Public Works in December 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 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:  
WEBEOC Meeting – 1 hr. – Virtual  
FEMA Flood Study Meeting – 1 hr. – In person
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch is attending monthly Safety Committee Meetings.
16. We swept the city streets of debris.
17. We loaded roll off containers from the street sweeping efforts.
18. We patched potholes.
19. We cleaned the gutters on the public buildings.
20. We performed mowing and trimming of various City grounds.
21. We performed streetlight repairs, various locations.
22. We performed the annual curbside leaf program.

23. We loaded leaves collected from the leaf program into roll-off containers and coordinated the dumping.
24. We assisted with the City Hall Christmas Tree Lighting.
25. We removed leaves from various public properties.
26. Public Works Staff completed the Cyber Security Training.
27. We performed pavement de-icing operations on two separate occasions.
28. We plowed snow on one occasion.

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

To: Governing Body  
From: John Sullivan, Director of Public Works  
Date: January 6, 2023  
Re: Monthly Status Report

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- W. 47<sup>th</sup> Street Project: We are in a holding pattern until March. Material submittals and approvals are taking place.
- Westwood View School Project: We are working with the engineer on the pedestrian enhancement study needs if any. We have submitted some questions on the draft report.
- 2023 F-550 and Equipment: The order has been placed for the truck and equipment. We have not been given a build date as of yet.



WESTWOOD					
Dec-22					
ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
<i>PART I CRIMES</i>					
MURDER					No Change
RAPE					No Change
ROBBERY		1	2	0.08	-1
<b>BURGLARY</b>					
BUSINESS		2	2	0.17	No Change
RESIDENTIAL		3	3	0.25	No Change
VEHICLE	3	40	14	3.33	26
MOTOR VEH THEFT	1	12	5	1.00	7
LARCENY / THEFT	5	37	12	3.08	25
ASSAULT / BATTERY	1	7	1	0.58	6
<b>ARRESTS</b>					
FELONY		5	1	0.42	4
MISDEMEANOR		4	1	0.33	3
TRAFFIC		1	2	0.08	-1
DRUG		10	9	0.83	1
DUI		2	1	0.17	1
WARRANTS	2	45	50	3.75	-5
CONFINED					No Change
<b>SUMMONS</b>					
HAZARD	17	206	129	17.17	77
NON-HAZARD	42	584	346	48.67	238
DUI		2	1	0.17	1
ORD. VIOLATION	1	30	68	2.50	-38
<b>ACCIDENTS</b>					
NON-INJURY	2	24	15	2.00	9
INJURY		10	3	0.83	7
PRIVATE PROPERTY		10	7	0.83	3
ADMIN.DUTIES-PD	67	682	238	56.83	444
ADMIN.DUTIES - CITY	4	145	134	12.08	11
ALARM	6	80	64	6.67	16
ANIMAL	1	32	28	2.67	4
ASSIST - POLICE	21	198	83	16.50	115
ASSIST - PUB MOTOR	14	201	140	16.75	61
BLD. CHECK-SHAKE		31	64	2.58	-33
BLD. CHECK-PATROL	1325	11585	7912	965.42	3673
BUSINESS CHECK	304	2097	1410	174.75	687
CIVIL MATTER		68	3	5.67	65
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ		3	3		No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

# WESTWOOD

Dec-22

ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
CRIMINAL DAMAGE		5	3	0.42	2
DISTURBANCE	3	25	13	2.08	12
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM					No Change
FIRE	1	8	10	0.67	-2
FOLLOW UP	4	108	80	9.00	28
INFO / INVEST	4	34	53	2.83	-19
JUVENILE	2	13	9	1.08	4
<b>MENTAL HEALTH</b>					
SUICIDE					No Change
ATT SUICIDE					No Change
INVOLUNTARY COMMITTAL		1		0.083333333	1
ALL OTHER MENTAL HEALTH		1	5	0.083333333	-4
MEDICAL CALL	14	124	130	10.33	-6
NATURE UNKNOWN		2		0.17	2
NOISE COMPLAINT		4	8	0.33	-4
OPEN DOOR	1	19	15	1.58	4
ORD. COMPLAINT	1				No Change
ORD. VIOL WARNING		3		0.25	3
ORD. VIOL LETTER					No Change
OTHER	2				No Change
PED. CHECK	2	16	3	1.33	13
PUBLIC SERVICE	15	159	147	13.25	12
RECOVERED PROP	2	14	7	1.17	7
RESIDENCE CHECK	58	359	137		222
SUSPICIOUS SUBJECT	10	81	44	6.75	37
VEH CHECK OCCUPIED	2	30	11	2.50	19
VEH CHECK UNOCCUPIED		36	56	3.00	-20
TELE. CALL HARASS					No Change
TELE. CALL THREAT			3		-3
TRAFFIC COMPLAINT	4	53	19	4.42	34
TRAFFIC WARNING	38	517	248	43.08	269
UNATTENDED DEATH		3	3	0.25	No Change

<b>Total Activity</b>	1877	<b>Last Year - YTD Activity</b>	10896
<b>Year to Date Activity</b>	16363	<b>Difference in Activity</b>	5467
<b>Total Monthly Summons</b>	60		
<b>Hazardous Summons Percentage</b>	28%		

**WESTWOOD  
INCIDENT SUMMARY**

**BURGLARY TO AUTO**

**CASE NO:** 20220320      **LOCATION:** 2000 W 47th Pl  
**DATE :** 12/01/2022  
**ACTIVITY:** Unknown suspect(s) broke out the front passenger window and took a briefcase and its contents without permission.

**CASE NO:** 20220338      **LOCATION:** 2000 W 47th Pl  
**DATE :** 12/19/2022  
**ACTIVITY:** Unknown suspect(s) broke out the front passenger window and took a purse and its contents without permission.

**CASE NO:** 20220345      **LOCATION:** 2001 W 47th Pl  
**DATE :** 12/26/2022  
**ACTIVITY:** Unknown suspect removed a wallet and its contents from the unlocked vehicle without permission.

**MOTOR VEHICLE THEFT**

**CASE NO:** 20220341      **LOCATION:** 2906 W 47 Terr  
**DATE :** 12/21/2022  
**ACTIVITY:** Unknown suspect gained access to the unlocked and running vehicle in the driveway and left the scene without permission.

**CASE NO:**      **LOCATION:**  
**DATE :**  
**ACTIVITY:**

**LARCENY / THEFT**

**CASE NO:** 20220322      **LOCATION:** 1900 W 47th Pl  
**DATE :** 12/05/2022  
**ACTIVITY:** Unknown suspect removed a tool without permission.

**CASE NO:** 20220324      **LOCATION:** 2701 W 47 St  
**DATE :** 12/06/2022  
**ACTIVITY:** Unknown suspect took a purse and wallet from the vehicle without permission.

**CASE NO:** 20220326      **LOCATION:** 4701 Mission I  
**DATE :** 12/11/2022  
**ACTIVITY:** Unknown suspect left the store with groceries that were not paid for.

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<b>CASE NO:</b>	20220331	<b>LOCATION:</b>	2500 W 51Ter
<b>DATE :</b>	12/15/2022		
<b>ACTIVITY:</b>	Unknown suspect attempted to charge the victim's credit cards for charges that were fraudulent without permission.		

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<b>CASE NO:</b>	20220335	<b>LOCATION:</b>	2720 W 51st
<b>DATE :</b>	12/18/2022		
<b>ACTIVITY:</b>	Unknown suspect removed a license plate from the vehicle without permission.		

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<b>CASE NO:</b>		<b>LOCATION:</b>	
<b>DATE :</b>			
<b>ACTIVITY:</b>			

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<b>ASSAULT / BATTERY</b>
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<b>CASE NO:</b>	20220350	<b>LOCATION:</b>	4809 Belinder
<b>DATE :</b>	12/30/2022		
<b>ACTIVITY:</b>	Suspect pushed the victim during an argument.		

WESTWOOD  
COURT SUMMARY  
DECEMBER, 2022

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
December 02, 2022	44	01	\$ 2,470.00	29	10
December 16, 2022	16	12	\$ 1,040.00	05	05
<b>TOTALS</b>					
December, 2022	60	13	\$ 3,510.00	34	15
December, 2021	46	04	\$ 4,399.75	17	08
<b>TOTAL (\$ 3,510.00) less</b>					
* Kansas DL fees:					\$ 00.00
* Judges Training Fund:					\$ 11.00
* LET Training Fund:					\$ 247.50
* Seat Belt Fund:					\$ 20.00
<b>December, 2022 TOTAL:</b>					<b>\$3,231.50</b>

Y.T.D. TOTALS 2022		Y.T.D. TOTALS 2021	
ARRAIGNMENTS:	610	ARRAIGNMENTS:	765
TRIALS	97	TRIALS:	141
LETTERS:	331	LETTERS:	376
WARRANTS:	270	WARRANTS:	288
FINES:	\$73,010.00	FINES:	\$94,580.25
KS DL FEES:	\$1453.00	KS DL FEES:	\$1910.00
JUDGES FUND:	\$165.50	JUDGES FUND:	\$227.50
L.E.T.FUND:	\$3,687.50	L.E.T FUND:	\$5,167.50
COMM CORRECT FUND:	\$0.00	COMM CORRECT FUND:	\$0.00
SEATBELT SAFETY FUND:	\$60.00	SEATBELT SAFETY FUND:	\$240.00

**City of Westwood**  
**Treasurer's Report**  
**12/31/2022**

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
  - a. Ending unencumbered cash through December of \$2,332,278. Encumbrances for 2022 totaling \$5,697 have been recorded as of year-end. Additional encumbrances will be identified and recorded through the end of January. The Capital Improvement Fund reflects a negative cash balance through December due to the timing of several reimbursements not being received prior to year-end. Current period financials do reflect reclassifications between accounts for better alignment with budget line items.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
  - a. Revenue received for the month totaling \$173,896. Revenue received year to date of \$3,027,757 compared to the prior year to date of \$2,992,818 which is up by \$35K.
    - i. Taxes – overall up \$128K from prior year. Ad Valorem taxes are up \$19K from prior year. City and County sales tax revenue is up about \$128K compared to prior year, Liquor Tax up \$19K, Motor Vehicle down \$36K and Special Assessments down \$2K.
    - ii. Fees and Licenses – up year to date by \$21K overall. Utility Franchise Fees up by \$11K, Community Room Fees up by \$2K, Pool Revenue decreased by \$2K and Occupational Licenses up by \$10K.
    - iii. Building Permits – Down by \$80K compared to the prior year. There was a large permit pulled last September totaling \$91K that is contributing to this decrease.
    - iv. Intergovernmental Fees are tracking up from prior year by \$6K with Police Services WWH up by \$7K and Police Other Services down by \$1K.
    - v. Fines – are down \$33K from prior year to date.
    - vi. Grants and Donations – equal to last year at \$125K due to the ARPA funding distributions.
    - vii. Reimbursements – are up by \$14K from prior year.
    - viii. Miscellaneous Income – Misc. Income is down by \$20K from prior due to decrease in other income.
  - b. Overall, December Expenditures totaled \$433,798. Year to Date Expenditures total \$2,689,174 down \$19K compared to the prior year to date. Total transfers in December were \$210K, prior year transfers totaled \$282K.
    - i. General Overhead total expenditures of \$190,348 for the month. Down from prior year to date by \$180K. Professional Fees has decreased by \$49K, Utilities are down \$25K, Miscellaneous Contingency is up \$14K, Intergovernmental Building Permit reimbursement in the prior year is also decreasing this by \$27K – this is being tracked in a different area now and Transfer are down by \$94K.
    - ii. Administrative expenditures of \$31,692 for the month, up by \$32K over prior year to date. Overall increase in the Salary & Benefits line item by \$52K from prior year partially due to increases in health insurance costs, Employee Expenses down \$3K, Professional Fees down \$1K, Computer Expenses down \$17K and Transfers are up \$2K.
    - iii. Public Works total expenditures of \$87,912 for the month, year to date is up \$15K from the prior year. Salary and Benefits up \$27K, Professional Fees down \$9K, Utilities is down \$5K, Equipment and Maintenance down \$4K and transfers up \$6K.
    - iv. Police expenditures are \$119,820 this month, up from prior year by \$105K for the year. Increases in Salary and Benefits by \$94K, Employee Expenses up \$6K, Professional Fees down \$13K, General Operating up \$7K, Equipment and Maintenance up \$3K and Transfers up \$10K.
    - v. Parks and Rec total expenditures of \$4,024 for the month, spending up by \$7K from prior year. Utilities down \$1K, Equipment and Maintenance increased by \$2K and Parks and Events expenses up \$6K.

- c. Net Receipts Over (Under) Expenditures in the General Fund are \$(259,901) for the month largely due to year end transfers of \$210K, year to date Receipts Over Expenditures is positive at \$338,583 which is up from the prior year by \$42K.
- 4. Other Funds – Current Month and Year to Date
  - a. All Funds Reflect some reclassification entries in the current period made to align with budget line items.
  - b. CIP –Sales tax remains high at \$29K, above the monthly average of about \$28K. Cost sharing reimbursement of \$170K was received from Wyandotte UG and \$24K from Kansas Gas. CIP expenses on the W 50<sup>th</sup> Street paid out this month totaling \$28K.
- 5. Actual to Budget Expenditures
  - a. Capital Improvement Funds is an internal use budget only. Due to the netting of some expenditures and reimbursement on the previous budget form this fund shows as over budget. Additional reimbursements are expected to come in after year end.
  - b. Woodside TIF/CID Fund – currently showing over budget. Revenue for this fund was higher than originally budgeted for, therefore proportionately higher payments had to be paid out for this. Due to this unexpected increase in revenue, budget credit should be available through the audit process to cover the budget overage.

I am happy to answer any questions upon request.

Michelle Ryan  
City of Westwood Treasurer



**City of Westwood, Kansas**  
**Balance Sheet by Fund**  
As of December 31, 2022

	General Fund 12/31/2022	Capital Improvements Fund 12/31/2022	Equipment Reserve Fund 12/31/2022	Stormwater Fund 12/31/2022	Special Highway Fund 12/31/2022	Woodside TIF/CID Fund 12/31/2022	Debt Service Fund 12/31/2022	All Funds 12/31/2022
<b>Assets</b>								
Current Assets								
Cash In Bank	1,407,362.53	(302,237.59)	256,571.35	182,022.82	120,656.58	457,313.22	170,342.00	2,292,030.91
Cash In Bank - Bond Fund	38,151.91	0.00	0.00	0.00	0.00	0.00	0.00	38,151.91
Cash In Bank - Woodside Village Acct	9.36	0.00	0.00	0.00	0.00	0.00	0.00	9.36
PayPal - City Account	120.77	0.00	0.00	0.00	0.00	0.00	0.00	120.77
Petty Cash	257.75	0.00	0.00	0.00	0.00	0.00	0.00	257.75
Undeposited Funds	1,708.00	0.00	0.00	0.00	0.00	0.00	0.00	1,708.00
Total Current Assets	1,447,610.32	(302,237.59)	256,571.35	182,022.82	120,656.58	457,313.22	170,342.00	2,332,278.70
<b>Total Assets</b>	<b>\$ 1,447,610.32</b>	<b>\$ (302,237.59)</b>	<b>\$ 256,571.35</b>	<b>\$ 182,022.82</b>	<b>\$ 120,656.58</b>	<b>\$ 457,313.22</b>	<b>\$ 170,342.00</b>	<b>\$ 2,332,278.70</b>
<b>Liabilities and Fund Balance</b>								
Current Liabilities								
Encumbrances	5,697.03	0.00	0.00	0.00	0.00	0.00	0.00	5,697.03
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	38,209.99	0.00	0.00	0.00	0.00	0.00	0.00	38,209.99
Total Current Liabilities	43,916.21	0.00	0.00	0.00	0.00	0.00	0.00	43,916.21
Total Liabilities	43,916.21	0.00	0.00	0.00	0.00	0.00	0.00	43,916.21
Fund Balance								
Fund Balance	1,065,110.33	380,357.50	245,440.39	164,344.15	118,218.51	381,142.20	145,754.11	2,500,367.19
Fund Balance - Current Year	338,583.78	(682,595.09)	11,130.96	17,678.67	2,438.07	76,171.02	24,587.89	(212,004.70)
Total Fund Balance	1,403,694.11	(302,237.59)	256,571.35	182,022.82	120,656.58	457,313.22	170,342.00	2,288,362.49
<b>Total Liabilities and Fund Balance</b>	<b>\$ 1,447,610.32</b>	<b>\$ (302,237.59)</b>	<b>\$ 256,571.35</b>	<b>\$ 182,022.82</b>	<b>\$ 120,656.58</b>	<b>\$ 457,313.22</b>	<b>\$ 170,342.00</b>	<b>\$ 2,332,278.70</b>

No assurance is provided. Substantially all disclosures omitted.



# City of Westwood, Kansas

## Cash Flow

For the One Month Ended December 31, 2022

	General Fund Month Ending 12/31/2022	Capital Improvements Fund Month Ending 12/31/2022	Equipment Reserve Fund Month Ending 12/31/2022	Stormwater Fund Month Ending 12/31/2022	Special Highway Fund Month Ending 12/31/2022	Woodside TIF/CID Fund Month Ending 12/31/2022	Debt Service Fund Month Ending 12/31/2022	All Funds Month Ending 12/31/2022
<b>Unencumbered Cash, Beginning Period</b>	<b>1,695,230.37</b>	<b>(571,609.80)</b>	<b>222,071.35</b>	<b>281,782.64</b>	<b>173,205.66</b>	<b>449,468.89</b>	<b>(63,174.00)</b>	<b>2,186,975.11</b>
<b>Receipts</b>								
Taxes	124,472.00	29,637.36	0.00	0.00	0.00	0.00	0.00	154,109.36
Fees and Licenses	13,160.53	0.00	0.00	0.00	0.00	0.00	0.00	13,160.53
Building Permits	4,111.68	0.00	0.00	0.00	0.00	0.00	0.00	4,111.68
Intergovernmental	25,699.71	0.00	0.00	0.00	0.00	0.00	0.00	25,699.71
Restricted Use	0.00	0.00	0.00	0.00	0.00	24,469.03	0.00	24,469.03
Fines	4,413.00	0.00	0.00	0.00	0.00	0.00	0.00	4,413.00
Miscellaneous	2,039.76	193,682.80	0.00	289.71	0.00	0.00	0.00	196,012.27
Interfund Transfers	0.00	200,000.00	35,000.00	60,000.00	0.00	0.00	233,516.00	528,516.00
<b>Total Receipts</b>	<b>173,896.68</b>	<b>423,320.16</b>	<b>35,000.00</b>	<b>60,289.71</b>	<b>0.00</b>	<b>24,469.03</b>	<b>233,516.00</b>	<b>950,491.58</b>
<b>Expenditures</b>								
Salary & Benefits	134,706.78	0.00	0.00	0.00	0.00	0.00	0.00	134,706.78
Employee Expenses	1,693.73	0.00	0.00	0.00	0.00	0.00	0.00	1,693.73
Professional Fees	16,040.13	45,691.31	0.00	0.00	0.00	0.00	0.00	61,731.44
General Operating Expenses	4,411.23	(13.97)	0.00	0.00	0.00	0.00	0.00	4,397.26
Utilities	40,565.16	0.00	0.00	0.00	0.00	0.00	0.00	40,565.16
Equipment and Maintenance	8,461.50	836.64	500.00	2,462.52	2,500.00	0.00	0.00	14,760.66
Street and Stormwater	(507.19)	(67,566.03)	0.00	14,071.01	50,049.08	0.00	0.00	(3,953.13)
Park and Events	3,475.13	0.00	0.00	0.00	0.00	0.00	0.00	3,475.13
Miscellaneous	14,951.75	0.00	0.00	0.00	0.00	16,624.70	0.00	31,576.45
Interfund Transfers	210,000.00	175,000.00	0.00	143,516.00	0.00	0.00	0.00	528,516.00
<b>Total Expenditures</b>	<b>433,798.22</b>	<b>153,947.95</b>	<b>500.00</b>	<b>160,049.53</b>	<b>52,549.08</b>	<b>16,624.70</b>	<b>0.00</b>	<b>817,469.48</b>
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Refundable Bond Deposits	925.00	0.00	0.00	0.00	0.00	0.00	0.00	925.00
<b>Unencumbered Cash, End of Period</b>	<b>\$ 1,447,610.32</b>	<b>\$ (302,237.59)</b>	<b>\$ 256,571.35</b>	<b>\$ 182,022.82</b>	<b>\$ 120,656.58</b>	<b>\$ 457,313.22</b>	<b>\$ 170,342.00</b>	<b>\$ 2,332,278.70</b>

No assurance is provided. Substantially all disclosures omitted.

# City of Westwood, Kansas

## Statement of Operations

General Fund

For The One Period and Twelve Periods Ended December 31, 2022 and 2021

	Month Ending 12/31/2022 Actual	Year To Date 12/31/2022 Actual	Year To Date 12/31/2021 Prior Year	Year Ending 12/31/2022 Current Budget	Over/(Under) Budget
<b>Receipts</b>					
Taxes	\$ 124,472.00	\$ 1,945,871.53	\$ 1,817,843.26	\$ 1,852,425.00	93,446.53
Fees and Licenses	13,160.53	473,862.25	452,866.64	446,200.00	27,662.25
Building Permits	4,111.68	73,878.37	154,262.37	70,000.00	3,878.37
Intergovernmental	25,699.71	316,790.83	310,717.55	328,100.00	(11,309.17)
Fines	4,413.00	66,801.25	100,352.75	90,000.00	(23,198.75)
Grants and Donations	0.00	125,215.81	125,215.81	0.00	125,215.81
Reimbursements	0.00	15,007.45	1,101.00	0.00	15,007.45
Miscellaneous	2,039.76	10,330.31	30,458.63	4,250.00	6,080.31
Total Receipts	173,896.68	3,027,757.80	2,992,818.01	2,790,975.00	236,782.80
<b>Expenditures</b>					
General Overhead					
Salary & Benefits	2,856.11	35,899.27	33,507.34	38,450.00	(2,550.73)
Employee Expenses	(2,018.00)	5,830.59	5,173.60	6,000.00	(169.41)
Professional Fees	8,403.75	182,223.22	231,487.10	202,550.00	(20,326.78)
General Operating Expenses	2,635.17	16,772.70	18,645.99	989,793.00	(973,020.30)
Utilities	36,004.02	234,182.53	259,309.41	252,850.00	(18,667.47)
Equipment and Maintenance	(107.39)	0.00	451.11	0.00	0.00
Street and Stormwater	(507.19)	0.00	3,734.27	0.00	0.00
Park and Events	3,130.64	8,998.61	5,593.40	14,750.00	(5,751.39)
Miscellaneous	14,951.75	14,951.75	0.00	15,000.00	(48.25)
Intergovernmental	0.00	0.00	27,119.30	20,000.00	(20,000.00)
Interfund Transfers	125,000.00	125,000.00	219,000.00	125,000.00	0.00
Total General Overhead	190,348.86	623,858.67	804,021.52	1,664,393.00	(1,040,534.33)
Administrative					
Salary & Benefits	26,797.81	316,465.12	264,557.09	289,482.36	26,982.76
Employee Expenses	1,057.60	5,199.44	8,171.57	14,500.00	(9,300.56)
Professional Fees	(506.00)	350.00	1,460.00	10,200.00	(9,850.00)
General Operating Expenses	(657.15)	1,507.30	18,777.77	8,000.00	(6,492.70)
Park and Events	0.00	501.85	221.26	2,000.00	(1,498.15)
Interfund Transfers	5,000.00	5,000.00	3,000.00	5,000.00	0.00
Total Administrative	31,692.26	329,023.71	296,187.69	329,182.36	(158.65)

No assurance is provided. Substantially all disclosures omitted.

# City of Westwood, Kansas

## Statement of Operations

General Fund

For The One Period and Twelve Periods Ended December 31, 2022 and 2021

	Month Ending 12/31/2022	Year To Date 12/31/2022	Year To Date 12/31/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	28,626.91	402,541.96	375,968.77	424,712.89	(22,170.93)
Employee Expenses	260.94	5,077.96	3,941.60	7,900.00	(2,822.04)
Professional Fees	0.00	1,165.00	10,545.42	17,000.00	(15,835.00)
General Operating Expenses	(1,682.27)	22,902.37	22,341.58	22,550.00	352.37
Utilities	2,022.11	12,879.37	18,220.76	14,000.00	(1,120.63)
Equipment and Maintenance	8,684.74	45,885.95	50,027.69	56,000.00	(10,114.05)
Interfund Transfers	50,000.00	50,000.00	44,000.00	50,000.00	0.00
Total Public Works	87,912.43	540,452.61	525,045.82	592,162.89	(51,710.28)
Police					
Salary & Benefits	76,425.95	990,632.85	896,348.57	1,066,474.23	(75,841.38)
Employee Expenses	2,393.19	19,611.93	13,288.48	27,000.00	(7,388.07)
Professional Fees	8,142.38	46,382.99	60,175.37	61,425.00	(15,042.01)
General Operating Expenses	2,728.76	55,276.65	47,904.68	58,000.00	(2,723.35)
Utilities	245.82	2,625.79	3,249.38	4,500.00	(1,874.21)
Equipment and Maintenance	(115.85)	10,610.16	7,984.78	10,000.00	610.16
Park and Events	0.00	0.00	1,045.08	0.00	0.00
Interfund Transfers	30,000.00	30,000.00	20,000.00	30,000.00	0.00
Total Police	119,820.25	1,155,140.37	1,049,996.34	1,257,399.23	(102,258.86)
Parks & Rec					
Professional Fees	0.00	0.00	161.00	0.00	0.00
General Operating Expenses	1,386.72	2,746.81	2,507.13	2,000.00	746.81
Utilities	2,293.21	14,895.52	16,038.97	30,000.00	(15,104.48)
Equipment and Maintenance	0.00	7,241.90	4,709.60	6,000.00	1,241.90
Park and Events	344.49	15,814.43	9,973.92	11,850.00	3,964.43
Total Parks & Rec	4,024.42	40,698.66	33,390.62	49,850.00	(9,151.34)
Total Expenditures	433,798.22	2,689,174.02	2,708,641.99	3,892,987.48	(1,203,813.46)
Prior Year Cancelled Encumbrances	0.00	0.00	12,810.51	0.00	0.00
<b>Receipts Over (Under) Expenditures</b>	<b>\$ (259,901.54)</b>	<b>\$ 338,583.78</b>	<b>\$ 296,986.53</b>	<b>\$ (1,102,012.48)</b>	<b>1,440,596.26</b>

No assurance is provided. Substantially all disclosures omitted.

**City of Westwood, Kansas**  
**Statement of Operations**  
Other Funds  
For The One Period Ended December 31, 2022

	Other Funds					
	Capital Improvements Fund Month To Date 12/31/2022 Actual	Equipment Reserve Fund Month To Date 12/31/2022 Actual	Stormwater Fund Month To Date 12/31/2022 Actual	Special Highway Fund Month To Date 12/31/2022 Actual	Woodside TIF/CID Fund Month To Date 12/31/2022 Actual	Debt Service Fund Month To Date 12/31/2022 Actual
<b>Receipts</b>						
Taxes						
City Sales & Use Tax - Special	29,637.36	0.00	0.00	0.00	0.00	0.00
Total Taxes	\$ 29,637.36	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Restricted Use						
State Hwy Maintenance	0.00	0.00	0.00	(8,223.89)	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	8,223.89	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	189,103.08	0.00
WV CID-1	0.00	0.00	0.00	0.00	(171,705.00)	0.00
WV CID-2	0.00	0.00	0.00	0.00	7,070.95	0.00
Miscellaneous	193,682.80	0.00	289.71	0.00	0.00	0.00
Interfund Transfers	200,000.00	35,000.00	60,000.00	0.00	0.00	233,516.00
Total Receipts	423,320.16	35,000.00	60,289.71	0.00	24,469.03	233,516.00
<b>Expenditures</b>						
Professional Fees	45,691.31	0.00	0.00	0.00	0.00	0.00
General Operating Expenses	(13.97)	0.00	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Vehicles	0.00	0.00	(161.45)	0.00	0.00	0.00
Repairs & Maint Leaf Truck	0.00	0.00	2,093.03	0.00	0.00	0.00
Repairs & Maint Streets	836.64	0.00	0.00	2,500.00	0.00	0.00
Repairs & Maint Storm Sewers	0.00	0.00	530.94	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	500.00	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	836.64	500.00	2,462.52	2,500.00	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	(67,566.03)	0.00	0.00	0.00	0.00	0.00
Special Highway Expense	0.00	0.00	0.00	50,049.08	0.00	0.00
Stormwater Expense	0.00	0.00	(3,213.02)	0.00	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	17,284.03	0.00	0.00	0.00
Total Street and Stormwater	(67,566.03)	0.00	14,071.01	50,049.08	0.00	0.00
Miscellaneous						
UMB CID Payment	0.00	0.00	0.00	0.00	16,624.70	0.00
Total Miscellaneous	0.00	0.00	0.00	0.00	16,624.70	0.00
Interfund Transfers	175,000.00	0.00	143,516.00	0.00	0.00	0.00
Total Expenditures	153,947.95	500.00	160,049.53	52,549.08	16,624.70	0.00
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 269,372.21</b>	<b>\$ 34,500.00</b>	<b>\$ (99,759.82)</b>	<b>\$ (52,549.08)</b>	<b>\$ 7,844.33</b>	<b>\$ 233,516.00</b>

No assurance is provided. Substantially all disclosures omitted.

**City of Westwood, Kansas**  
**Statement of Operations**  
Other Funds  
For The Twelve Periods Ended December 31, 2022

	Other Funds					
	Capital Improvements Fund Year To Date 12/31/2022 Actual	Equipment Reserve Fund Year To Date 12/31/2022 Actual	Stormwater Fund Year To Date 12/31/2022 Actual	Special Highway Fund Year To Date 12/31/2022 Actual	Woodside TIF/CID Fund Year To Date 12/31/2022 Actual	Debt Service Fund Year To Date 12/31/2022 Actual
<b>Receipts</b>						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	15,698.36
City Sales & Use Tax - Special	339,282.50	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	573.55
Total Taxes	\$ 339,282.50	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 16,271.91
Restricted Use						
Stormwater Utility Fee	0.00	0.00	121,291.77	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	14,820.00	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	45,744.62	0.00	0.00
JoCo CARS Program	30,242.30	0.00	0.00	0.00	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	378,206.37	0.00
WV CID-1	0.00	0.00	0.00	0.00	203,168.69	0.00
WV CID-2	0.00	0.00	0.00	0.00	87,866.20	0.00
Miscellaneous	432,262.37	35,700.00	1,258.51	0.00	0.00	0.00
Interfund Transfers	200,000.00	35,000.00	60,000.00	0.00	0.00	233,516.00
Total Receipts	1,001,787.17	70,700.00	182,550.28	60,564.62	669,241.26	249,787.91
<b>Expenditures</b>						
Professional Fees	73,891.31	4,840.00	0.00	0.00	0.00	0.00
General Operating Expenses	42.13	0.00	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Vehicles	0.00	530.60	0.00	0.00	0.00	0.00
Repairs & Maint Leaf Truck	0.00	0.00	2,292.09	0.00	0.00	0.00
Repairs & Maint Streets	836.64	0.00	0.00	8,077.47	0.00	0.00
Repairs & Maint Storm Sewers	0.00	0.00	530.94	0.00	0.00	0.00
Stone Wall Repairs	3,000.00	0.00	0.00	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	54,198.44	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	3,836.64	54,729.04	2,823.03	8,077.47	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	1,431,612.18	0.00	0.00	0.00	0.00	13,337.50
Special Highway Expense	0.00	0.00	0.00	50,049.08	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	18,532.58	0.00	0.00	0.00
Total Street and Stormwater	1,431,612.18	0.00	18,532.58	50,049.08	0.00	13,337.50
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	379,577.72	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	213,492.52	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	81,862.52
Principal on GO Bond	0.00	0.00	0.00	0.00	0.00	130,000.00
Total Miscellaneous	0.00	0.00	0.00	0.00	593,070.24	211,862.52
Interfund Transfers	175,000.00	0.00	143,516.00	0.00	0.00	0.00
Total Expenditures	1,684,382.26	59,569.04	164,871.61	58,126.55	593,070.24	225,200.02
<b>Receipts Over (Under) Expenditures</b>	<b>\$ (682,595.09)</b>	<b>\$ 11,130.96</b>	<b>\$ 17,678.67</b>	<b>\$ 2,438.07</b>	<b>\$ 76,171.02</b>	<b>\$ 24,587.89</b>

No assurance is provided. Substantially all disclosures omitted.

**City of Westwood, Kansas**  
Summary of Expenditures - Actual and Budget  
Regulatory Basis  
For The Year Ended December 31, 2022

	<b>Certified Budget</b>	<b>Expenditures Chargeable to Current Year</b>	<b>Difference Over/(Under)</b>
<b>Expenditures</b>			
General Fund	3,892,987.48	2,689,174.02	(1,203,813.46)
Capital Improvements Fund **	782,812.15	1,684,382.26	901,570.11
Equipment Reserve Fund	186,500.00	59,569.04	(126,930.96)
Stormwater Fund	229,516.00	164,871.61	(64,644.39)
Special Highway Fund	80,000.00	58,126.55	(21,873.45)
Woodside TIF/CID Fund	530,965.00	593,070.24	62,105.24
Debt Service Fund	398,776.00	225,200.02	(173,575.98)
<b>Total Expenditures</b>	<b>6,101,556.63</b>	<b>5,474,393.74</b>	<b>(627,162.89)</b>

\*\* CIP Fund is Internal Use Budget Only

No assurance is provided. Substantially all disclosures omitted.

**COUNCIL ACTION FORM**

Meeting Date: January 12, 2023

Staff Contact: Leslie Herring

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Agenda Item: Consider Approval of Ordinance 1034 for the Third Amendment to the Lease Purchase Agreement for the Property Located at 5050 Rainbow Blvd.

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**Background/Description of Item**

The City of Westwood purchased the property located at 5050 Rainbow Blvd in 2014 at a purchase price of \$400,000. The funding agreement for the purchase of this property is a short-term lease purchase arrangement with Security Bank of Kansas City, as an interest-only loan with full principal due originally on or before February 2017. With passage of Westwood Ordinance No. 970 in July 2016, the terms were first extended three years to an end date of February 2020. Then, with the passage of Westwood Ordinance No. 1001, the terms were extended for an additional three years to an end date of February 2023 and a principal payment of \$100,000 due February of 2020.

The proposed ordinance is to authorize the City of Westwood to amend the lease-purchase agreement to finance the purchase of this property for an additional three (3) years plus a principal payment of \$50,000.

Listed below is the general payment schedule based on the \$425,000 note that was secured for the property.

<b><i>Taxable Lease Purchase Agreement</i></b>			
<b>Issue Structure</b>			
Principal Amount		\$425,000.00	
Interest Rate		7.00%	
Tax Treatment		Taxable	
Interest		Semi-Annually	
Maturity		2/1/2026	
Closing Date:		1-April-14 / 20-July-16	
<b>Schedule of Lease Payments</b>			
<b>Date*</b>	<b>Interest Due</b>	<b>Principal Due</b>	<b>Balance</b>
4/9/2014			\$425,000.00
8/1/2014	\$5,222.78		\$425,000.00
2/1/2015	\$8,393.75		\$425,000.00
8/1/2015	\$8,393.75		\$425,000.00
2/1/2016	\$8,393.75		\$425,000.00
8/1/2016	\$8,393.75		\$425,000.00
2/1/2017	\$8,393.75		\$425,000.00
8/1/2017	\$8,393.75		\$425,000.00
2/1/2018	\$8,393.75		\$425,000.00
8/1/2018	\$8,393.75		\$425,000.00
2/1/2019	\$8,393.75		\$425,000.00
8/1/2019	\$8,393.75		\$425,000.00
2/1/2020	\$8,393.75	\$100,000.00	\$325,000.00

8/1/2020	\$6,418.75		\$325,000.00
2/1/2021	\$6,418.75		\$325,000.00
8/1/2021	\$6,418.75		\$325,000.00
2/1/2022	\$6,418.75		\$325,000.00
8/1/2022	\$6,418.75		\$325,000.00
2/1/2023	\$6,418.75	\$50,000.00	\$275,000.00
8/1/2023	9,625.00		
2/1/2024	9,625.00		
8/1/2024	9,625.00		
2/1/2025	9,625.00		
8/1/2025	9,625.00		
2/1/2026	9,625.00	\$275,000.00	\$0.00

### **Budget Impact**

In anticipation of a refinance of this property, staff budgeted in the Debt Service Fund sufficient funds to cover a \$50,000 principal payment, interest due over the course of the year and costs associated with the refinancing, which are anticipated to be around \$3,000 for the City's contracted bond counsel's assistance in coordinating the refinance.

### **Staff Comments/Recommendation**

Over the past ten years the Governing Body has planned for the future of 5050 Rainbow Blvd., through the 2013 Parks Master Planning process, the ultimate acquisition of the property in 2014, with the 2015 ULI TAP, the 2017 Master Plan, the 2021 ULI TAP, and the 2022 Facilities Assessment and Feasibility Analysis. With the Shawnee Mission School District's announcement in 2020 of its intent to rebuild Westwood View on the former Entercom property, the City is free to explore other uses outside of its past potential use as a home for Westwood View Elementary. As the future of the building and property at 2511 W. 50<sup>th</sup> St. (formerly Westwood View and now Rushton) is still yet undetermined, City staff recommends that the Governing Body consider refinancing the adjacent 5050 Rainbow Blvd. property rather than paying off the remaining principal from General Fund revenues or transfers in anticipation of the School District's ultimate disposition of its property in 2024. This approach creates an opportunity to maximize community benefits on that corner which could also result in saving the City future principal payments.

Staff recommends the Governing Body pass Ordinance No. 1034 for the third amendment to the lease purchase agreement for the property located at 5050 Rainbow Blvd.

### ***Suggested Motion***

*I move the City Council approve Ordinance No. 1034 authorizing the City enter into a third amended lease purchase agreement for the property located at 5050 Rainbow Blvd.*



## **ORDINANCE NO. 1034**

### **AN ORDINANCE AUTHORIZING THE CITY OF WESTWOOD, KANSAS TO ENTER INTO A THIRD AMENDED LEASE PURCHASE AGREEMENT, AS LESSEE; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

---

**WHEREAS**, the City of Westwood, Kansas (the “City”), is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the third class; and

**WHEREAS**, on March 13, 2014, the governing body of the City passed Ordinance No. 946 authorizing and approving the Taxable Lease Purchase Agreement between the City and Security Bank of Kansas City (the “Bank”) to provide funds for the acquisition of certain real property commonly referred to as 5050 Rainbow Boulevard, Westwood, Kansas (the “Real Property”) and authorizing the execution and delivery of certain documents in connection therewith; and

**WHEREAS**, in order to facilitate the foregoing and to pay the cost thereof, the City took the following actions:

1. The Mayor executed and delivered a Site Lease (the “Site Lease”) pursuant to which the City, as lessor, leased the Real Property to the Bank for a term not to exceed 20 years, the other terms of which are set forth therein; and
2. The Mayor executed and delivered a Taxable Lease Purchase Agreement (as amended, the “Original Lease”), pursuant to which the City, as lessee, leased the Real Property with an option to purchase for a lease term ending not later than February 1, 2017.

**WHEREAS**, on July 14, 2016, the governing body of the City passed Ordinance No. 970 authorizing and approving a First Amended Taxable Lease Purchase Agreement, dated as of July 1, 2016, pursuant to which the City, as lessee, leased the Real Property with an option to purchase for a lease term expiring not later than February 1, 2020.

**WHEREAS**, on September 12, 2019, the governing body of the City passed Ordinance No. 1001 authorizing and approving a Second Amended Taxable Lease Purchase Agreement, dated as of September 1, 2019, pursuant to which the City, as lessee, leased the Real Property with an option to purchase for a lease term expiring not later than February 1, 2023.

**WHEREAS**, the governing body has found and determined that it is in the public interest to extend the maturity of the Original Lease by entering into a Third Amended Taxable Lease Purchase Agreement (the “Third Amended Lease”), pursuant to which the City, as lessee, will lease the Real Property with an option to purchase for a lease term expiring not later than February 1, 2026.

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

**Section 1. Authorization and Approval of the Third Amended Lease.** The Third Amended Lease is hereby approved in substantially the form submitted to and reviewed by the governing body on the date hereof, with such changes therein as shall be approved by the Mayor, the Mayor's execution of the Third Amended Lease to be conclusive evidence of such approval. The obligation of the City to pay Rental Payments (as defined in the Original Lease) under the Third Amended Lease is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Original Lease, the Site Lease and Third Amended Lease shall be construed so as to give effect to such intent.

The Mayor is hereby authorized and directed to execute and deliver the Third Amended Lease and any documents in connection therewith on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to affix the City's seal to the Third Amended Lease and any documents in connection therewith and attest said seal.

**Section 2. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Site Lease, Original Lease, and the Third Amended Lease.

**Section 3. Governing Law.** This Ordinance, the Site Lease, the Original Lease and the Third Amended Lease shall be governed by and construed in accordance with the applicable laws of the State of Kansas.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of this Ordinance or a summary thereof in the official City newspaper.

**PASSED** by the governing body of the City on January 12, 2023 and **APPROVED AND SIGNED** by the Mayor.

**CITY OF WESTWOOD, KANSAS**

(SEAL)

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

By: \_\_\_\_\_  
Ryan Denk, City Attorney

(PUBLISHED IN *THE LEGAL RECORD* ON JANUARY 17, 2023)

**SUMMARY OF ORDINANCE NO. 1034**

On January 12, 2023, the governing body of the City of Westwood, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CITY OF WESTWOOD, KANSAS TO ENTER INTO A THIRD AMENDED LEASE PURCHASE AGREEMENT, AS LESSEE; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

The Third Amended Lease Purchase Agreement approved by the Ordinance is being entered into in order to extend the maturity of a lease purchase agreement previously entered into by the City. The obligation of the City to pay Rental Payments (as defined in the Original Lease) under the Third Amended Lease Purchase Agreement is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 4700 Rainbow Boulevard. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.westwoodks.org](http://www.westwoodks.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 12, 2023.

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Ryan Denk, City Attorney

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**THIRD AMENDED TAXABLE LEASE PURCHASE AGREEMENT**

**between**

**SECURITY BANK OF KANSAS CITY**

**and**

**CITY OF WESTWOOD, KANSAS**

**Dated as of January 1, 2023**

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## **THIRD AMENDED TAXABLE LEASE PURCHASE AGREEMENT**

**THIS THIRD AMENDED TAXABLE LEASE PURCHASE AGREEMENT** (the “Third Amended Lease”), dated as of January 1, 2023, is entered into between **SECURITY BANK OF KANSAS CITY**, a state banking corporation organized and existing under the laws of the State of Kansas (the “Lessor”), and the **CITY OF WESTWOOD, KANSAS**, a City of the third class duly created, organized and existing under the laws of the State of Kansas (the “Lessee”), amending and supplementing the Taxable Lease Purchase Agreement dated as of April 1, 2014, between the Lessor and the Lessee, as previously amended and supplemented (collectively, the “Original Lease”).

### **WITNESSETH:**

**WHEREAS**, the Lessee and the Lessor have entered into a Site Lease dated as of April 1, 2014 (the “Site Lease”), pursuant to which the Lessee has leased to the Lessor certain real property (the “Real Property”) as described on **Schedule 1** hereto; and

**WHEREAS**, the Lessee and the Lessor have entered into the Original Lease, pursuant to which the Lessor has leased the Real Property to the Lessee, subject to the terms and conditions and for the purposes set forth in the Original Lease; and

**WHEREAS**, the Lessor desires to continue to lease the Real Property to the Lessee, all subject to the terms and conditions and for the purposes set forth in the Original Lease, as amended and supplemented by this Third Amended Lease; and

**WHEREAS**, the Lessee is authorized under the constitution and laws of the State of Kansas to enter into this Third Amended Lease for the purposes set forth herein; and

**NOW, THEREFORE**, for and in consideration of the premises hereinafter contained, the parties hereby agree as follows.

## **ARTICLE I**

### **DEFINITIONS**

**Section 1.01. Definitions.** Unless the context otherwise specifically requires or indicates to the contrary, all capitalized words and terms used in this Third Amended Lease shall have the meanings set forth in **Section 1.1** of the Original Lease, except provided that the following terms are hereby amended to have the following meanings:

“**Lease**” means the Original Lease, as amended and supplemented by this Third Amended Lease.

“**Lease Term**” means April 1, 2014 to February 1, 2026.

“**Original Lease**” means the Taxable Lease Purchase Agreement, dated as of April 1, 2014, between the Lessor, as lessor, and the Lessee, as lessee, as amended and supplemented from time to time in accordance with its terms.

**“Third Amended Lease”** means this Third Amended Taxable Lease Purchase Agreement, dated as of January 1, 2023, between the Lessor, as lessor, and the Lessee, as lessee, as amended and supplemented from time to time in accordance with its terms and the terms of the Original Lease.

**Section 1.02. Rules of Construction.** Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words importing the singular number shall include the plural and vice versa, and words importing person shall include firms, associations and corporations, including public bodies, as well as natural persons.

The words “herein,” “hereby,” “hereunder,” “hereof,” “hereto,” “hereinbefore,” “hereinafter” and other equivalent words refer to this Lease and not solely to the particular article, section, paragraph or subparagraph hereof in which such word is used.

Reference herein to a particular article, section, exhibit, schedule or appendix shall be construed to be a reference to the specified article or section hereof or exhibit, schedule or appendix hereto unless the context or use clearly indicates another or different meaning or intent.

Whenever an item or items are listed after the words “including,” such listing is not intended to be a listing that excludes items not listed.

The section and article headings herein are for convenience only and in no way define, limit or describe the scope or intent of any of the provisions hereof.

**Section 1.03. Execution of Counterparts.** This Third Amended Lease may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument.

**Section 1.04. Severability.** If any provision of this Third Amended Lease shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever.

The invalidity of any one or more phrases, sentences, clauses or sections in this Third Amended Lease contained shall not affect the remaining portions of this Third Amended Lease, or any part thereof.

**Section 1.05. Governing Law.** This Third Amended Lease shall be governed by and construed in accordance with the laws of the State of Kansas.



## ARTICLE II

### REPRESENTATIONS

**Section 2.01. Representations of the Lessee.** The Lessee hereby ratifies and confirms the representations, warranties and covenants set forth in **Section 2.1** of the Original Lease, and in addition, makes the following representations as the basis for its undertakings herein:

(a) Lessee is a public body corporate and politic duly organized and existing under the constitution and laws of the State with full power and authority to enter the Third Amended Lease and the transactions contemplated hereby and to perform all of its obligations hereunder.

(b) The lease of the Project by Lessor to Lessee, as provided in the Site Lease, the Original Lease, and this Third Amended Lease, is necessary, desirable and in the public interest, and Lessee hereby declares its current need for the Project.

(c) Lessee has duly authorized the execution and delivery of this Third Amended Lease by proper action by its governing body at a meeting duly called, regularly convened and attended throughout by the requisite majority of the members thereof or by other appropriate official approval, and all requirements have been met and procedures have occurred in order to ensure the validity and enforceability of this Third Amended Lease.

(d) Neither the execution and delivery of this Third Amended Lease, nor the fulfillment of or compliance with the terms and conditions thereof, nor the consummation of the transactions contemplated thereby, conflicts with or results in a breach of the terms, conditions or provisions of any restriction or any agreement or instrument to which Lessee is a party or by which Lessee is bound.

(e) There is no proceeding pending or threatened in any court or before any governmental authority or arbitration board or tribunal challenging the validity of the authorization or the power or authority of Lessee to enter into this Third Amended Lease or the validity or enforceability thereof or which, if adversely determined, would adversely affect the transactions contemplated by this Third Amended Lease or the interest of Lessor or its assigns under this Third Amended Lease.

(f) Lessee has not made, done, executed or suffered, and warrants that it will not make, do, execute or suffer, any act or thing whereby Lessee's interests in any property now or hereafter included in the Project will be or may be impaired, changed or encumbered in any manner whatsoever, except as contemplated by the Site Lease, the Original Lease, and this Third Amended Lease.

(g) No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default exists at the date hereof.

(h) Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current Fiscal Year to make the Rental Payments scheduled to come due, and such funds have not been expended for other purposes.

(i) Lessee will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a body corporate and politic.

(j) Lessee has complied, or will comply, with such public bidding requirements as may be applicable to this Third Amended Lease or the transactions contemplated therein.

(k) During the Lease Term, the Project will be used by Lessee only for the purpose of performing essential governmental or proprietary functions of Lessee consistent with the permissible scope of Lessee's authority.

(l) The capital cost that would be required to purchase the Project if paid for by cash would be \$425,000.

(m) The annual average effective interest cost of this Lease is 7.00% per annum as set forth on **Exhibit A**.

(n) No amount is included in Rental Payments (assuming continuation of this Lease through the Maximum Lease Term) for service, maintenance, insurance and other charges exclusive of capital cost and interest.

### **ARTICLE III**

#### **AMENDMENTS TO THE ORIGINAL LEASE**

**Section 3.01. Amendment to Exhibit A of Original Lease.** The schedule of Rental Payments set forth in **Exhibit A** to the Original Lease is hereby deleted and the schedule set forth in **Exhibit A** hereto is hereby substituted in lieu thereof.

### **ARTICLE IV**

#### **MISCELLANEOUS**

**Section 4.01. Effect of this Third Amended Lease.** The provisions of the Original Lease, including without limitation the representations, warranties and covenants included therein, are hereby ratified and confirmed as hereby modified and amended, and the respective rights, duties and obligations under the Lease of the Lessee and the Lessor shall hereafter be determined, exercised and enforced under the Lease subject in all respects to such modification and amendment, and the terms and conditions of this Third Amended Lease shall be deemed to be part of the terms and conditions of the Original Lease for any and all purposes.

**Section 4.02. Binding Effect.** This Third Amended Lease shall inure to the benefit of and shall be binding upon the Lessor and the Lessee and their respective successors and assigns.

[The remainder of this page intentionally left blank.]

**IN WITNESS WHEREOF**, the Lessor and the Lessee have caused this Third Amended Lease to be executed in their names by their duly authorized representatives as of the date first above written.

**SECURITY BANK OF KANSAS CITY, as Lessor**

By: \_\_\_\_\_  
Name: Matthew D. McLaughlin  
Title: Senior Vice President

**ACKNOWLEDGMENT**

**STATE OF KANSAS                    )**  
**) SS.**  
**COUNTY OF WYANDOTTE )**

On this \_\_\_\_\_ day of January, 2023, before me, the undersigned, a Notary Public, appeared Matthew D. McLaughlin, who being before me duly sworn did say that he is a Senior Vice President of **SECURITY BANK OF KANSAS CITY**, a state banking corporation organized under the laws of the State of Kansas, and that the seal affixed to the foregoing instrument is the seal of said Bank, and that said instrument was signed and sealed on behalf of said Bank by authority of its Board of directors, and said official acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said Bank.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

(SEAL)

My commission expires:

**CITY OF WESTWOOD, KANSAS, as Lessee**

(SEAL)

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

ATTEST:

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

**ACKNOWLEDGMENT**

STATE OF KANSAS            )  
  ) SS.  
COUNTY OF JOHNSON        )

On this \_\_\_\_\_ day of January, 2023, before me, the undersigned, a Notary Public, appeared David E. Waters, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the **CITY OF WESTWOOD, KANSAS**, a body politic and corporate duly authorized, incorporated and existing under and by virtue of the laws of the State of Kansas, and that the seal affixed to the foregoing instrument is the corporate seal of said Lessee, and that said instrument was signed and sealed in behalf of said Lessee by authority of its Governing Body, and said officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said Lessee.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

(SEAL)

My commission expires:

## **SCHEDULE 1**

### **REAL PROPERTY**

#### **Tract I:**

Lots 13 and 14, Block 1, KLASSEN PLACE, a subdivision in Johnson County, Kansas.

#### **Tract II:**

All that part of Lot 12, Block 1, KLASSEN PLACE, a subdivision of land in Johnson County, Kansas described as follows: Beginning at the Northeast corner of said Lot 12; thence Southeasterly, along the Easterly line of said Lot 12, to the Southeast corner thereof; thence Southwesterly, along the Southerly line of said Lot 12, a distance of 16.87 feet; thence Northwesterly, to the Point of Beginning.

#### **Tract III:**

East 286.58 feet of the North one-half of Lot Eight (8), HOLMESLAND, a subdivision in Johnson County, Kansas, the Easterly 23 feet thereof being subject to rights of the State Highway Commission under condemnation for road purposes;

EXCEPT All that part of the East 286.58 feet of the North half of Lot 8, HOLMESLAND, a subdivision of land in Johnson County, Kansas, more particularly described as follows: Beginning at a point on the North line and 286.58 feet West of the Northeast corner of said Lot 8; thence South, along a line 286.58 feet West of and parallel to the East line of said Lot 8, a distance of 165.39 feet, to the South line of the North half of said Lot 8; thence East, along the South line of the North half of said Lot 8, a distance of 1.28 feet, to the Northeast corner of Lot 12, Block 1, KLASSEN PLACE, a subdivision of land in Johnson County, Kansas; thence Northeasterly, to a point on the North line and 271.28 feet West of the Northeast corner of said Lot 8; thence West, along the North line of said Lot 8, a distance of 15.30 feet, to the Point of Beginning.

**EXHIBIT A****SCHEDULE OF BASIC RENT PAYMENTS**

<b><u>Rental Payment Date</u></b>	<b><u>Total Rental Payment</u></b>	<b><u>Principal Portion</u></b>	<b><u>Interest Portion</u></b>	<b><u>Purchase Price</u></b>
4/9/2014		--		\$425,000.00
8/1/2014	\$5,222.78	--	\$5,222.78	425,000.00
2/1/2015	8,393.75	--	8,393.75	425,000.00
8/1/2015	8,393.75	--	8,393.75	425,000.00
2/1/2016	8,393.75	--	8,393.75	425,000.00
8/1/2016	8,393.75	--	8,393.75	425,000.00
2/1/2017	8,393.75	--	8,393.75	425,000.00
8/1/2017	8,393.75	--	8,393.75	425,000.00
2/1/2018	8,393.75	--	8,393.75	425,000.00
8/1/2018	8,393.75	--	8,393.75	425,000.00
2/1/2019	8,393.75	--	8,393.75	425,000.00
8/1/2019	8,393.75	--	8,393.75	425,000.00
2/1/2020	108,393.75	\$100,000.00	8,393.75	325,000.00
8/1/2020	6,418.75	--	6,418.75	325,000.00
2/1/2021	6,418.75	--	6,418.75	325,000.00
8/1/2021	6,418.75	--	6,418.75	325,000.00
2/1/2022	6,418.75	--	6,418.75	325,000.00
8/1/2022	6,418.75	--	6,418.75	325,000.00
2/1/2023	56,418.75	50,000.00	6,418.75	275,000.00
8/1/2023	9,625.00	--	9,625.00	275,000.00
2/1/2024	9,625.00	--	9,625.00	275,000.00
8/1/2024	9,625.00	--	9,625.00	275,000.00
2/1/2025	9,625.00	--	9,625.00	275,000.00
8/1/2025	9,625.00	--	9,625.00	275,000.00
2/1/2026	284,625.00	275,000.00	9,625.00	--

## COUNCIL ACTION FORM

Meeting Date: January 12, 2023

Staff Contact: John Sullivan, Public Works Director

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Agenda Item: Consider 2023 Addendum to the Public Works Service Agreement with the City of Westwood Hills

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

Each year the Public Works Service Agreement with the City of Westwood Hills is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2023 wages and benefit rates. No other adjustments are recommended.

### **Staff Comments/Recommendation**

Staff recommends Council authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2023 with the City of Westwood Hills, which was approved by the Westwood Hills Governing Body at its January 9, 2023 meeting.

### *Suggested Motion*

*I move to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2023 with the City of Westwood Hills.*

**PUBLIC WORKS SERVICE AGREEMENT ADDENDUM  
WESTWOOD HILLS, KANSAS  
CHARGES AND TERMS FOR SERVICE**

**EFFECTIVE DATE OF THIS ADDENDUM JANUARY 1, 2023  
(to apply until a subsequent Addendum is executed)**

**For Service provided and attributable to Westwood Hills:**

- 1. Snow Removal**  
95.33 per hour
- 2. De-icing**  
95.33 per hour  
Current market price to Westwood per ton for material  
19.64 per ton loading fee
- 3. Other requested services**  
Hourly reimbursement for time spent by the following individuals:  
78.42 per hour straight time; -Director of Public Works  
42.70 per hour straight time; 64.05 per hour overtime-Superintendent of Public Works  
38.14 per hour straight time; 57.21 per hour overtime-Maintenance Worker III  
36.98 per hour-Loader  
40.97 per hour-Chipper  
33.51 per hour-Truck  
8.38 per hour-Car  
10.50 per hour-Miscellaneous Tool Charges  
10.50 per hour-Trailer

**Costs of Materials are at cost to the City of Westwood**

- 4. Any costs may be adjusted on an item-by item basis and mutual agreement as appropriate under the circumstances.**
- 5. Payment will be due after receipt of itemized invoice. Normally, if an invoice is received by the Wednesday before the second Monday of the month, a warrant for payment will be presented and approved by the Westwood Hills Council on that second Monday; and payment will be made within 7 days thereafter.**
- 6. If an invoice remains unpaid 90 days after presentation, Westwood may decline further service under this Agreement until the delinquency is cured.**

**IN WITNESS WHEREOF, the Mayor of Westwood, Kansas, has signed this Agreement on behalf of the City of Westwood, Kansas and the Mayor of Westwood Hills, Kansas, has signed this Agreement on behalf of the City of Westwood Hills, Kansas.**

**CITY OF WESTWOOD, KANSAS**

**CITY OF WESTWOOD HILLS, KANSAS**

**By: \_\_\_\_\_**  
David Waters, Mayor

**By: \_\_\_\_\_**  
Rosemary Podrebarac, Mayor

**ATTEST:**

**ATTEST:**

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

\_\_\_\_\_  
Beth O'Bryan, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ryan Denk, City Attorney

\_\_\_\_\_  
James Orr, City Attorney



## COUNCIL ACTION FORM

Meeting Date: January 12, 2023

Staff Contact: John Sullivan, Public Works Director

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Agenda Item: Consider 2023 Addendum to the Public Works Service Agreement with the City of Mission Woods

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

Each year the Public Works Service Agreement with the City of Mission Woods is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2023 wages and benefit rates. No other adjustments are recommended.

### **Staff Recommendation**

Staff recommends Council authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2023 with the City of Mission Woods. The Mission Woods will consider this Addendum at its February regular meeting.

### *Suggested Motion*

*I move to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2023 with the City of Mission Woods.*

**PUBLIC WORKS SERVICE AGREEMENT ADDENDUM  
MISSION WOODS, KANSAS  
CHARGES AND TERMS FOR SERVICE**

**EFFECTIVE DATE OF THIS ADDENDUM, JANUARY 1, 2023  
(to apply until a subsequent Addendum is executed)**

**For Service provided and attributable to Mission Woods:**

- 1. Street Cleaning**  
120.36 per hour,  
19.64 per ton loading fee  
51.00 per ton for disposal of material
- 2. Snow Removal**  
95.33 per hour
- 3. De-icing**  
95.33 per hour  
Current market price to Westwood per ton for material  
19.64 per ton loading fee
- 4. Other requested services**  
Hourly Reimbursement for Time Spent by the Following Individuals:  
78.42 per hour straight time -Director of Public Works  
42.70 per hour straight time; 64.05 per hour overtime-Superintendent of Public Works  
38.14 per hour straight time; 57.21 per hour overtime-Maintenance Worker III  
36.98 per hour-Loader  
40.97 per hour-Chipper  
33.51 per hour-Truck  
8.38 per hour-Car  
10.50 per hour-Miscellaneous Tool Charges  
10.50 per hour-Trailer

**Costs of Materials are at cost to the City of Westwood**

- 5. Any costs may be adjusted on an item-by item basis and mutual agreement as appropriate under the circumstances.**
- 6. Payment will be due after receipt of itemized invoice. Normally, if an invoice is received by the Wednesday before the first Tuesday of the month, a warrant for payment will be presented and approved by the Mission Woods Council on that first Tuesday; and payment will be made within 7 days thereafter.**
- 7. If an invoice remains unpaid 90 days after presentation, Westwood may decline further service under this Agreement until the delinquency is cured.**

**IN WITNESS WHEREOF, the Mayor of Westwood, Kansas, has signed this Agreement on behalf of the City of Westwood, Kansas and the Mayor of Mission Woods, Kansas, has signed this Agreement on behalf of the City of Mission Woods, Kansas.**

**CITY OF WESTWOOD, KANSAS**

**CITY OF MISSION WOODS, KANSAS**

**By: \_\_\_\_\_**  
David Waters, Mayor

**By: \_\_\_\_\_**  
Darrell Franklin, Mayor

**ATTEST:**

**ATTEST:**

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

\_\_\_\_\_  
Shelley Floyd, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ryan Denk, City Attorney

\_\_\_\_\_  
Steven Mauer, City Attorney