

**City of Westwood, Kansas
City Council Work Session
4700 Rainbow Boulevard
March 14, 2024 – 6:00 PM**

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

Council Absent: None

Staff Present: Leslie Herring, City Administrator
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Abby Schneweis, City Clerk

Call to Order

Mayor Waters called the meeting to order at 6:00 p.m. on March 14, 2024. The meeting was held in a hybrid manner with attendees being able to join in person and virtually via Zoom.

Community Survey Preparation

City Code Recodification Review: Chapter 1-7, 9

In January 2023, the City engaged CivicPlus (which acquired Municode) to begin the 12 – 18-month process of recodifying the City Code, which has not been done since 2008. Recodification is the process by which all adopted ordinances (and modern, current State and Federal laws, where applicable) are integrated into a City’s Codebook so that the Codebook reflects the current and comprehensive laws of the City.

In addition to recodification services, this scope of service includes the digitization and integration of the City Code into the City’s website for transparency, convenience, and easy updating when new ordinances are approved.

City staff received the full Code with legal review notes and embarked on an internal review of the documents. Over the past month, the City Administrator, City Clerk, Building Official, Public Works Director, and Police Chief have met weekly to review and annotate the Code chapters in preparation for Governing Body review and final legal review with the City Attorney and CivicPlus legal counsel.

Ms. Herring provided a review of suggested changes by CivicPlus and staff.

Adjournment to Regular Meeting

The work session adjourned at 6:56 p.m. to prepare for the regular City Council meeting.

**City of Westwood, Kansas
City Council Meeting
March 14, 2024 – 7:00 p.m.**

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

Council Absent: None

Staff Present: Leslie Herring, City Administrator
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Gabe Greenbaum, City Attorney
Abby Schneweis, City Clerk

Call to Order

Mayor Waters called the meeting to order at 7:00 p.m. on March 14, 2024. Ms. Schneweis called the roll. A quorum was present. The evening’s meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Approval of Agenda

Mayor Waters suggested moving New Business Item E to be considered after the Governing Body’s executive session. Motion by Councilmember Harris to approve the March 14, 2024 City Council meeting agenda with suggested changes. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Public Comment

James Walters, 2501 W 51st Terr, provided an overview of an event he would like to host at 5050 Rainbow Blvd.

Stephen Platt, 4910 Glendale, Westwood Hills, said he believes the citizens have a right to counter legislative changes made by the City by having an opportunity to vote on whether the City should sell Joe D. Dennis Park.

Presentations and Proclamations

Proclamation recognizing Westwood resident Adam Minto for achieving the rank of Eagle Scout

Mayor Waters read a proclamation recognizing resident Adam Minto for achieving the rank of Eagle Scout in the Boy Scouts program. Mr. Minto is a member of Troop 98.

Johnson County Board of County Commissioners update

Commissioner Fast provided an overview of Johnson County operations and an update on recent developments and future planning.

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 February 8, 2024 City Council Work Session & Meeting Minutes
- B. Consider Appropriations Ordinance 760

Motion by Councilmember Harris to approve the Consent Agenda as submitted. Second by Councilmember Hannaman. Ms. Schneweis conducted a roll call vote. Motion carried by a 5-0 vote.

Mayor's Report

Mayor Waters did not make a report.

Councilmember Reports

No reports by the City Council were made.

Staff Reports

Administrative Report

Ms. Herring provided an overview of the March 2024 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the February and March 2024 Public Works Report included in the agenda packet and offered to answer questions.

Public Safety Report

Chief Mansell provided an overview of the February 2024 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

The February 2024 Treasurer's Report was included in the agenda packet; no questions or comments were made about the report.

City Attorney's Report

Mr. Greenbaum, who served as City Attorney in Mr. Denk's absence, did not have any items to report.

Old Business

Review draft of community wide survey

The Governing Body will create a strategic plan this year which will be used to provide direction to staff for work activities and for budgeting, and for the development of performance metrics to ensure a framework for accountability, responsiveness, and efficient use of tax-payer resources. Performance metrics, communications objectives, and strategic priority identification are all anticipated outcomes of this process. The process is expected to conclude late in the second quarter or early in the third quarter of 2024.

Upon staff recommendation, this strategic plan will be based upon the results of a city-wide survey, to be developed and deployed with the assistance of professional partners ETC Institute and PorchLight Insights. The survey will be sent by mail to all Westwood addresses – both residential and commercial – and responses will be accepted by pre-paid return mail or online. At its February 8th work session, the Governing Body was asked to share with PorchLight Insights what it would like to know and hear from Westwood residents and businesses. This input was used by City staff and the consultant team to create survey questions, which survey results will then be analyzed and discussed with the Governing Body moving into strategic priority and resource planning in the second quarter of 2024.

The timeline from here is anticipated as such:

- March 14 – 15 Survey questions finalized
- Early April ETC mails survey
- Early June ETC closes survey and delivers results to City
- Late June Governing Body retreat to review results and develop strategic plan
- August 8th Final report of survey findings and analysis; Governing Body Strategic Plan presented for adoption; operational performance metrics presented for consideration

Council suggested staff investigate allowing for more than one response per household, add another age group category to break up the 65 and older age group, to expand the housing option question, and to allow a reasonable amount of open-ended comment on the last question for general feedback.

No action was taken by the Governing Body but direction was provided to staff to complete the survey instrument using such direction.

New Business

Consider fence variance for 4815 Booth St

On March 7, 2024, City staff received an application for a fence variance for 4815 Booth St. Homeowner Jeff Hirleman is proposing to replace a 4' chain link fence with a new 4' black chain link fence in his side yard and a 4' cedar fence across the back. This application requires a variance for Westwood Zoning Ordinance 4.3.9.C.3., which stipulates that on a corner lot, no fence or wall shall be closer than ten (10) feet to the street-side property line. The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F.

The applicant desires to replace the existing fence, which encroaches 32" into the right-of-way on W. 48th Terrace. The new fence would be placed outside of the right-of-way and on the side yard property line. However, situating it on the property line would still result in a violation of Westwood Zoning Ordinance 4.3.9.C.3., which disallows fences from being closer than ten (10) feet to the street-side property line. The fence proposed to be situated on the property line would be seven (7) feet from the back of curb. A strict application of this Zoning Ordinance provision would require the fence be situated not closer than 17' from the back of curb, ten (10) feet into the resident's side yard.

Motion by Councilmember Hannaman to approve the requested fence variance at 4815 Booth St. to allow a 4' tall chain link fence in the side yard of the primary structure on a corner lot as described in the application. Second by Councilmember Wimer. Ms. Schneweis performed a roll call vote. Motion carried by a 5-0.

Consider Resolution No. 126-2024 authorizing binding property and liability insurance coverage with Midwest Public Risk

The City's commercial insurance policy runs through March 31, 2024. Geoff Gobble of Boulevard Insurance LLC, the City's insurance broker, has received quotes from two options this year: EMC Insurance (the City's historical carrier) and Midwest Public Risk (MPR).

EMC is a traditional carrier. MPR is a risk pool, meaning member entities – Kansas and Missouri cities, counties, school districts, and housing authorities in the case of MPR – self-insure its pool of members. There are benefits and drawbacks to risk pools (e.g. if the pool members have a year without a lot of claims, premiums would reflect the good health of the pool, but the alternative is also true). A traditional option like EMC has a much larger total insured value (TIV) than MPR's risk pool and so the variations between claim years (and resulting premium impacts) are often felt less.

As the City moved to MPR for its employee benefits program in 2022, staff requested a quote from them to compare the coverage and premiums against EMC, which has been without a competitor in the City's consideration of commercial insurance policies for years.

Mr. Gobble created a coverage deductible comparison, which is included in the meeting packet. The coverage comparison provided by Boulevard Insurance also covers policies outside the scope of the EMC renewal but which Boulevard monitors on behalf of the City; these include:

- Independence Day fireworks event coverage
 - Secured by a separate policy (this amount is an estimate until coverage is sought closer to the event date)
- Worker's compensation insurance
 - Provided through KMIT
 - 2024 policy paid in January in the amount of \$27,605 (\$29,344 in 2022, \$34,090 in 2023)
- Fidelity bonds for City staff and officials
 - Renewed on a rolling basis dependent on coverage start date for each individual
 - Fidelity bonds issued only for employees and officers who are responsible for money
- Cyber Liability/Data Breach coverage
 - Renewed December 2023 for term of 1/1/2024 – 12/31/2024
 - 2024 policy paid in January in the amount of \$11,072 (\$6,158 in 2022, 10,865 in 2023)

City staff focused on the following factors in developing this recommendation:

- the City's claim history,
- premium comparison and market insights relating to future premium variation,
- difference in access to organizational leadership,
- breadth and depth of loss control services,
- insights and forethinking of City Public Works and Police staff, and
- direct experience and professional references.

Following analysis, staff recommends the City move to bind coverage with MPR for policy period July 1, 2024 – June 30, 2025, plus coverage from April 1 – June 30, 2024.

Motion by Councilmember Buckman to approve Resolution No. 126-2024 binding coverage for the City's commercial insurance program with Midwest Public Risk. Second by Councilmember Wimer. Motion

carried by a 5-0 voice vote.

Consider authorization of purchase of 2023 Police Dodge Durango and related equipment

Staff recommends the Governing Body approve an expenditure to purchase of a 2023 Dodge Durango Police Cruiser and related equipment in the listed in the 2024 Equipment Replacement Plan. Funds used are identified within the Equipment Reserve Fund. This vehicle would replace an existing 2017 Ford Police Interceptor.

The car will be delivered & upfitted by Superior Emergency Response Vehicles (SERV, LLC), a company located in Andover, KS. The list of equipment to be installed was included in the meeting agenda packet.

SERV, LLC has pre-negotiated contracts for upfitting and equipment for numerous public safety agencies in Kansas. They also act as a “pass-through” for delivering police vehicles based on contract pricing. Most notably for the Dodge Durango via the Kansas Highway Patrol contract.

Funds for the purchase have been allocated in the 2024 Equipment Reserve Fund in the amount of \$68,250, representing \$52,500 for the vehicle purchase and another \$15,750 for related equipment.

Motion by Councilmember Hannaman authorize the purchase of the Dodge Durango Police Cruiser and related equipment from Superior Emergency Response Vehicles in the amount of \$56,413.63, to be paid from the Equipment Reserve Fund in 2024. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Consider agreement with Johnson County, KS for Stormwater Best Management Practices (BMP) Cost-Share Program for March 18, 2024 – January 31, 2025 period

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

Motion by Councilmember Harris to authorize the Mayor to execute the 2024 Agreement for Stormwater BMP Cost-Share Program with Johnson County. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

No announcements were made.

Executive Session

Consultation with the City Attorney on matters relating to that property located at and around 5000 Ranbow Blvd. which would be deemed privileged in the attorney client relationship under K.S.A. 75-1319(b)2

Motion by Councilmember Harris to recess into Executive Session for 33 minutes for consultation with the City Attorney on matters relating to real property located at and around 5000 Rainbow Blvd. which would be deemed privileged in the attorney-client relationship under K.S.A. 75-4319(b)2 present will be the members of the Governing Body, the City Administrator, and the City Attorney for, the regular

meeting will resume at 9:15 p.m. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

At 9:15 p.m. the Governing Body returned to the dais. Mayor Waters announced no actions were taken during Executive Session.

New Business Continued

Provide direction to staff on Spring 2024 expenses at 5050 and 5000 Rainbow Blvd

As 5050 and 5000 Rainbow Boulevard are currently under contract to be sold and redeveloped, staff is seeking direction from the Governing Body pertaining to various maintenance and repair expenses on both properties. The Development Agreement between the City and Karbank acknowledges that the School District's property will be in use by them through July 2024; however, Karbank could take possession of the City's parcels before that date depending on when the sale closes, which could occur at any time between April and July 2024.

As the City's original closing date was January 4, 2024, since approval of the Development Agreement and Development Plan for these sites in October 2023, staff anticipated the City would no longer own 5050 and 5000 Rainbow Blvd. As the sale has not yet closed but could close at any point within the next few months, staff is looking for direction from the Governing Body before entering contracts and beginning labor-intensive work by City Public Works crews to prepare the grounds for another full warm weather season.

The items Public Works would typically be preparing for and performing starting now include:

- A. Contract execution for turf fertilization and weed control at both 5000 and 5050 Rainbow;
- B. Contract execution for irrigation system start-up and backflow inspections;
- C. Decorative fountain start-up, performed by Public Works staff; and
- D. Routine inspection and maintenance of equipment such as play equipment, drinking fountain & tennis court, performed by Public Works staff.

Staff has weighed the following factors and is looking for basic direction in how much expense should be incurred and staff time spent on these properties to keep them useful in this interim and uncertain time.

- A. The turf fertilization and weed control contract for both properties must be executed by March 15, 2024, and is anticipated to be approximately \$3,500 for the contract term.
- B. The irrigation system start-up and backflow inspections contract must be executed by March 15, 2024, and is anticipated to be approximately \$600.
- C. The decorative fountain developed a leak at the end of the season last year. Staff is not sure exactly where the leak is occurring or exactly what will be needed to correct the issue and will need to start the fountain to investigate and diagnosis the issues to develop a solution. Because of the wet environment in which the motor and pump operate, staff have at times had to remove the equipment for rebuilding, which is an annually recurring unknown.

Public Works staff time is estimated to be between 10 and 20 hours to investigate, diagnose, resolve the issue. In the past if a rebuild is needed it has generally run \$3,000 to \$5,000.

- D. The play equipment is obsolete, and parts are unavailable. Should a repair be required staff may not be able to restore a given function for it to be used, which may result in having to remove it from service. The drinking fountain would be turned on with the irrigation system and decorative fountain, if they are turned on this year. It was functioning last year when it was winterized.

Currently the tennis court is in service with no repairs required at this time. You may remember that we spent several thousand dollars last year to get the court in a usable condition, however, these repairs were not permanent solutions.

Councilmember Wimer and Buckman said they would be in favor of foregoing maintenance items A and B on the property. Councilmember Wimer asked Mr. Sullivan if Public Works staff would still mow the property, Mr. Sullivan confirmed that they would.

Councilmember Harris said he supports moving forward with maintenance items A and D. Councilmember Wimer said she would be in favor of diagnosing and repairing the fountain within reason so it would be on for Westwood's 75th anniversary celebration this summer. Councilmember Buckman said he would be in favor of diagnosing the fountain and getting a cost estimate before moving forward with a repair.

Councilmember Hannaman said the City has been planning for park improvements and has received a redevelopment proposal, conducted a public input process and a received a judge's ruling to move forward with the proposed plan and is not really in favor of spending any money on routine park expenses. Councilmember Hannaman said he will acquiesce to repairing the playground equipment for safety. Councilmember Steele agreed with Councilmember Hannaman.

Councilmember Wimer said she felt compelled to voice some frustration that the Governing Body and staff are spending time and resources on these properties when the City could instead be moving forward with a new park that could be a great place for the community. Councilmember Harris concurred with Councilmember Wimer.

The Governing Body directed staff to (a) forego turf fertilization, weed control and irrigation start-up on the 5000 and 5050 Rainbow Blvd. properties, to (b) diagnose the leak in the fountain and if it appears to be a major repair the Governing Body will consider how or if to repair it, and (c) repair the playground equipment to ensure safety as needed.

Adjournment

Motion by Councilmember Hannaman to adjourn the meeting. Second by Councilmember Harris. Motion carried by a 5-0 voice vote. The meeting adjourned at 9:37 p.m.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Abby Schneweis, City Clerk