

**City of Westwood, Kansas
City Council Meeting
July 13, 2023 – 7:00 p.m.**

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

Council Absent: None

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

Call to Order

Mayor Waters called the meeting to order at 7:00 p.m. on July 13, 2023. 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 July 13, 2023, City Council meeting agenda as submitted. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Public Comment

No comments were made by members of the public.

Presentations and Proclamations

Conduct Ceremonial Swearing-in of Police Officer Gianfranco Roque

Officer Roque has been a part time Westwood Police Officer since March 2023 and was officially sworn-in at that time. He became a full time Police Officer after another member of the Westwood Police Department retired in June 2023. Officer Roque is a graduate of the Johnson County Police Academy.

Mayor Waters ceremoniously administered the oath of office to Police Officer Gianfranco Roque.

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 June 8, 2023, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 752

Motion by Councilmember Harris to approve the Consent Agenda as submitted. Second by Councilmember Wimer. The City Clerk conducted a roll call vote. Motion carried by a 5-0 vote.

Mayor's Report

No report was made by Mayor Waters.

Councilmember Reports

Councilmember Buckman shared that the Go Green Environmental Fair will be held on Saturday, September 23rd from 9 a.m. to noon at the Powell Community Center in Mission. The planning Committee is still seeking volunteers for the event and encouraged anyone interested in volunteering to contact him.

Councilmember Wimer shared that Woodside will be hosting a Movie at the Pool event on Saturday, July 15th starting at 7:30 p.m. All residents are welcome to the event, and no pool pass is needed.

Staff Reports

Administrative Report

Ms. Herring provided an overview of the June 2023 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the June and July 2023 Public Works Report included in the agenda packet and offered to answer questions.

Public Safety Report

Chief Mansell provided an overview of the June 2023 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

The June 2023 Treasurer's Report was included in the agenda packet, no questions or comments were made about the report.

City Attorney's Report

Mr. Denk did not have any items to report.

Old Business

No Old Business items were considered.

New Business

Consider approval of Resolution No. 119-2023 establishing the date and time of a public hearing regarding the establishment of a redevelopment district for the 50th & Rainbow Development

Kevin Wempe, Gilmore & Bell, serves as Bond Counsel for the City and provided a presentation regarding Tax Increment Financing. The city is proposing as a financing vehicle for the feature park the use of Tax Increment Financing ("TIF"). Tax Increment Financing under Kansas law is generally a two-step process. The first substantial step is to establish a TIF redevelopment district. This step requires findings under the TIF Act necessary to determine that the redevelopment district exists in an eligible

area under the TIF Act, including a possible finding of a “conservation area,” which is defined by the TIF Act as follows:

(d) "Conservation area" means any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

- (1) Dilapidation, obsolescence or deterioration of the structures;
- (2) illegal use of individual structures;
- (3) the presence of structures below minimum code standards;
- (4) building abandonment;
- (5) excessive vacancies;
- (6) overcrowding of structures and community facilities; or
- (7) inadequate utilities and infrastructure.

The City is required to hold a public hearing prior to making findings required for the establishment of a TIF redevelopment district, including findings necessary for the declaration of a “conservation area.” Prior to holding such a public hearing, the City is required to adopt a resolution providing notice of the required public hearing. Such resolution is the action item before Council. The proposed resolution establishes a public hearing date of September 14, 2023. Pursuant to the TIF Act, notice of the public hearing will be directly provided to the county and school district, and the resolution will be published in the official City newspaper. Following the public hearing, the governing body will consider an ordinance to establish the TIF redevelopment district.

The second step required after the establishment of a redevelopment district under the TIF Act is the adoption of a TIF redevelopment plan(s). TIF project plan requirements include the following information:

- (1) A summary of the TIF feasibility study done as required by the TIF Act;
- (2) a reference to the district plan that identifies the redevelopment project area that is set forth in the project plan that is being considered;
- (3) a description and map of the redevelopment project area to be redeveloped;
- (4) a relocation assistance plan as applied to any displaced landowners within a district;
- (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and
- (6) any other information the governing body deems necessary to advise the public of the intent of the project plan. 32 Item A. Section X, Item

The feasibility study required for a project plan includes the following information:

- (1) A study which shows whether a redevelopment project's benefits and tax increment revenue and other revenue are expected to exceed or be sufficient to pay for the redevelopment project costs; and
- (2) For bonded projects, a feasibility study must also include:
 - (A) A statement of how the taxes obtained from the project will contribute significantly to the economic development of the jurisdiction in which the project is located;
 - (B) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the redevelopment project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:
 - (i) The percentage of sales and use taxes collected that are so committed; and

(ii) the date or dates on which the local sales and use taxes pledged to other uses can be pledged for repayment of special obligation bonds;

(C) an anticipated principal and interest payment schedule on the bonds;

At the time of consideration of a TIF project plan, similar procedural requirements apply, including a resolution setting public hearing, publishing notice, providing notice to the county and school district, public hearing and subsequent ordinance adoption of the project plan by a required 2/3rds vote of the governing body.

The TIF project plan will establish permitted uses and reimbursement for project costs from the proposed TIF project. The proposed TIF in question is a public TIF meaning that all revenues from the TIF would flow to the City for eligible redevelopment project costs under the TIF Act, and no TIF revenues would be used to reimburse a private developer. The intended primary use of these TIF revenues includes the development of the proposed feature City park.

Motion by Councilmember Harris to approve Resolution 119-2023 Establishing the Date and Time of a Public Hearing Regarding the Establishment of a Redevelopment District Pursuant to K.S.A. 12-1770 et seq. Second by Councilmember Buckman. The City Clerk called a roll call vote. Motion carried 5-0.

The Public Hearing will be held on Thursday, September 14, 2023 at 7 p.m. at Westwood City Hall as part of the regular City Council meeting.

Consider Resolution No. 120-2023 Approving Amended and Restated Bylaws of Westwood Foundation

The Westwood Foundation (the Foundation) is a not-for-profit corporation duly organized in 1974 and existing under the corporation law of the State of Kansas for the purpose of providing such charitable, educational, eleemosynary and health opportunities and purposes as will benefit the residents of the City.

Pursuant to the existing Bylaws of the Foundation, the Mayor of the City of Westwood serves on the board of directors in a central, official capacity and makes appointments – confirmed by resolution of the City Council – to the board of directors. Historically, the Mayor acts as Chairman of the Board of the Foundation.

Mayor Waters and the Foundation Board conducted a review of the Bylaws – not amended since Westwood Foundation Board of Directors Resolution 8-9-90 in 1990 increased the number of directors to seven (7) – and have agreed upon the restated and amended Bylaws presented this evening in your meeting packet.

Amendments to the Bylaws of the Foundation may be made by a majority of the Board of Directors at any meeting of the Board. The Board met on June 29, 2023 and voted to amend the Bylaws as presented in tonight's meeting packet, with six (6) of the seven (7) members in favor and one (1) not present. As the Governing Body of the City of Westwood approves appointments to the Board and as one of the approved amendments to the Bylaws is that future alterations, amendments, or repeal of the Bylaws is not effective unless and until approved by formal action of the Governing Body of the City of Westwood, the amended and restated Bylaws are presented to the City Council tonight for consideration.

Under this proposal, the annual meeting would be held in June of each year (and this would be timed for the scholarship applications). Other regular meetings would be as the Board decides. At the annual

meeting, officers (President, Vice President, Treasurer, and Secretary) would be appointed for the upcoming year.

Motion by Councilmember Hannaman to adopt Resolution No. 120-2023 approving Amended and Restated Bylaws of Westwood Foundation. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Fiscal Year 2024 Budget Presentation

Ms. Herring provided a presentation for FY2024 budget for Westwood.

City staff has worked to produce a budget based on the priorities provided by the Governing Body. These priorities are:

1. Begin chipping away at deferred maintenance needs at City facilities,
2. Accelerate implementation of the streets, sidewalks, stormwater and streetlights program
3. Increase the City's competitiveness in the labor market with employee wages and benefits.

Consider approval of Resolution No. 121-2023 to Exceed the Revenue Neutral Rate, Establish the Date and Time of a Public Hearing, and Provide for the Giving of Notice of Such Public Hearing

Over the last several months staff have worked to develop the 2024 budget. The 2024 budget maintains the same level of services as the 2023 budget and keeps operating expenses relatively flat but provides for increased expenditures related to personnel and certain professional services and contracts, as well as increased utility costs. Funding the recommended 2024 budget does not require an increase to the mill levy rate, but it does exceed the revenue neutral rate due to increased revenue that will be received from increased property valuations.

The 2024 proposed budget has a total mill rate of 21.198, flat with the 2023 rate. Per Senate Bill 13, the proposed budget will require a Revenue Neutral Rate hearing to exceed the revenue neutral rate provided by the County Clerk. During the 2021 legislative session, the tax lid was removed and the legislature enacted SB13 and HB2104, establishing new notice and public hearing requirements if the proposed budget will exceed the property tax levy's revenue neutral rate. The revenue neutral rate is the tax rate in mills that will generate the same property tax in dollars as the previous tax year using the current tax year's total assessed valuation. In Westwood, the revenue neutral rate would be 18.679 mills. Since the proposed budget requires 21.198 mills, a public hearing is required.

Notice of intent to exceed the revenue neutral rate must be provided to the County Clerk before July 20th. The hearing must occur between August 20th and September 20th. The public hearing is proposed for the City Council's regular meeting on Thursday, September 14, 2023 at 7 p.m. The budget public hearing and adoption of the 2024 budget will follow the revenue neutral rate hearing on that meeting agenda.

Motion by councilmember Harris to approve Resolution No. 121-2023 to exceed the Revenue Neutral Rate, establish the date and time of a public hearing, and provide for the giving of notice of such public hearing. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Harris thanked staff for their work on the FY2024 budget.

Executive Session

Motion by Councilmember Wimer to recess into Executive Session until 8:55 p.m. to discuss the acquisition of real property with the City Attorney under K.S.A. 75-4319 B.6., Second by Councilmember Hannaman. At 8:33 p.m. the Governing Body recessed into Executive Session.

At 8:55 p.m. the Governing Body returned to the dais from Executive Session.

Adjournment

Motion by Councilmember Steele to adjourn the meeting. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:55 p.m.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Abby Schneweis, City Clerk

DRAFT