

**City of Westwood, Kansas
City Council Meeting
March 9, 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 March 9, 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 Harris to approve the March 9, 2023, City Council meeting agenda as submitted. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

Public Comment

Jayne Tebow, 4952 Norwood, stated she read the message from the Mayor that was distributed online the prior week regarding a proposal made by Karbank Holdings, LLC (Karbank) for the properties at 5050 Rainbow, Joe D. Dennis Park and the former Westwood View Elementary School property located at 2511 W 50th St. Mrs. Tebow asked for clarification about how much of the school property would be designated as park space. Mrs. Tebow said she read that there were no apartments in the plan proposed by Karbank, and asked if that included duplexes, fourplexes, townhomes, or other similar housing. Mrs. Tebow noted there was no mention of Westwood City Hall being involved in the proposed plan, and asked if City Hall will be factored into the development. Mrs. Tebow said she would like to know when and how her answers would be addressed. Mayor Waters said some of her questions might be addressed during the presentation by Karbank.

Presentations and Proclamations

Kansas Gas Service Informational Presentation

Margaret Steele, Sam Loganbill, and Jeff Salter with Kansas Gas Service gave a presentation about operations and offered to answer any questions.

Mayoral Proclamation of March as Youth Art Month in Westwood

Mayor Waters proclaimed the month of March 2023 Youth Art Month in Westwood.

Consent Agenda

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

- A. Consider February 9, 2023, City Council Work Session & Meeting Minutes
- B. Consider Appropriations Ordinance 748

Councilmember Hannaman noted a correction on item X.A. on the February 9, 2023 City Council Meeting Minutes, the minutes presented did not have a record of a second, and that Councilmember Wimer's second of the motion should be added.

Motion by Councilmember Hannaman to approve the Consent Agenda with suggested changes to the February 9, 2023 City Council Work Session & Meeting Minutes. Second by Councilmember Wimer. The City Clerk 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 Wimer noted the annual Easter Egg Scramble will be on Saturday, April 8th at 3:00 p.m. A Sprinklers and Squirtguns event will be on Thursday, June 1st from 4 p.m. to 6 p.m., and a Movie in the Park event will be on Friday, June 23rd. All events will be held in Joe D. Dennis Park.

Staff Reports

Administrative Report

Mrs. Herring provided an overview of the February 2023 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 2023 Public Works Report included in the agenda packet and offered to answer any questions.

Public Safety Report

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

Treasurer's Report

The February 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 had nothing to report.

Old Business

No Old Business items were considered.

New Business

Receive Presentation from Karbank Holdings, LLC of Proposal for Redevelopment of 5000 Rainbow Blvd., 5050 Rainbow Blvd., and 2511 W 50th St.

Mayor Waters said that over the past several years the City has done significant work to plan for the future. Much of this work is reflected in several studies, including the 2015 Urban Land Institute Technical Assistance Panel, the 2017 Comprehensive Plan, the 2021 Urban Land Institute Technical Assistance Panel, and the 2022 City Facilities Assessment and Feasibility Study. Mayor Waters said that through this work Westwood has grown and improved as a city. Some examples of the City's growth are the purchase of the property at 5050 Rainbow Boulevard, improved streetscapes, securing the future of Westwood View with the new school building, and progress has been made to receive a Communities for All Ages recognition.

Mayor Waters said he believes there is still more work to be done. During the 2022 City Facilities Assessment and Feasibility Analysis many residents provided feedback that they would like the City to continue to maintain and expand green spaces. Mayor Waters said this is easier said than done as land is at a premium in Westwood and parks and greenspaces do not pay for themselves. Mayor Waters said he has been in contact with the Shawnee Mission School District (SMSD) about the future of the former Westwood View Elementary School site at 2511 W 50th St. and the City's interest in acquiring the site for a park. Mayor Waters said he was approached by Karbank Holdings, LLC. (Karbank) with a proposal that they believe would allow Westwood to acquire the former Westwood View Elementary property for the park and develop it as such, and also pursue development that can financially enable the City to handle these types of improvements.

Mayor Waters said he invited the Karbank team to present the proposal to the Governing Body and general public. Mayor Waters emphasized that there is no plan approval being done during the evening's meeting. Mayor Waters said on the agenda for consideration is that if the Council generally likes what they see, the City would agree with Karbank to develop these ideas further and work through details over the next few months. If the funding and exclusivity agreement is approved, Karbank would be investing resources in planning and would also agree to cover the City's costs in exploring whether this proposal is something desired by the Governing Body and community.

Steve Karbank, Neil Karbank, Jennifer Cattano, and Adam Feldman, with Karbank, were in attendance. Steve Karbank provided a brief overview of Karbank's history and said the company's focus is quality of design and construction.

Mr. Karbank said Karbank is proposing to work with the City to acquire the former Westwood View Elementary School property, Karbank would pay for the demolition of the school building and then deed 3.5 of the total 4.5 acres of the school property to the City to develop as a park that suits the needs of the City. Mr. Karbank said Joe D. Dennis Park is about 0.85 acres.

Karbank would pay off the City's debt on 5050 Rainbow Blvd., and in exchange for this the City would convey 5050 Rainbow Blvd. and Joe D. Dennis Park to Karbank to develop offices and limited retail. The proposal includes four buildings that would be two or three stories. The four proposed buildings would be about 120,000 square feet combined. Mr. Karbank said the proposed buildings for this project have a lot of similarities to the properties owned by Karbank and 1900 and 2000 Shawnee Mission Parkway in Mission Woods, Kansas.

Mr. Karbank said Karbank does not plan to seek incentives for this project, but is open to the City arranging for public improvement financing to pay for the design and construction of the City park.

Karbank would pay for the City's incurred costs for financial, legal, or other professional services while doing its due diligence for this proposal, and in exchange the City would work exclusively with Karbank on these properties.

Councilmember Harris asked if the costs for a park design and construction would be the responsibility of the City or Karbank. Mayor Waters said the City would pay for these costs, and Mr. Karbank confirmed the same.

Councilmember Harris noted Karbank has a presence across the Kansas City metropolitan area, and asked Mr. Karbank why the Karbank team is interested in redeveloping this particular area. Mr. Karbank said he and the rest of the Karbank team believes Westwood and the immediate surrounding areas are the center of Kansas City.

Councilmember Hannaman said he views the renderings as a placeholder for the park design, and his goal would be a park designed for Westwood's use, not a walking trail around office buildings.

Councilmember Wimer said Westwood values its mature trees, and asked Mr. Karbank if there would be efforts to preserve them. Mr. Karbank said the Karbank team also values mature trees and works to preserve them when working on projects.

Councilmember Steele asked Mr. Karbank if there were any plans for having residential units in the proposed buildings, and if they were factored into the square footage calculations in the renderings. Mr. Karbank said residential units were not included in the renderings being shared during the evening's meeting. Mr. Karbank said that the development team is agnostic about having residential units in the buildings and is open to the community's or Council's preference on whether to include residential.

Mayor Waters asked if the Karbank team is including a possible City Hall component to the proposed buildings. Mr. Karbank said that if the City were interested, the Karbank team would work with the City to accomplish this, but the Karbank team is otherwise agnostic about having a City Hall in one of the buildings.

Consider Entering Into Funding and Exclusive Rights Agreement with Karbank Holdings, LLC to Explore Proposal

At this time, there is no fixed development agreement in place, and the City Council will not be asked to approve any plans or make any commitments to the Karbank team's proposal outside of a funding and exclusivity agreement that – if approved by the Council – would establish a general timeline for considering plans, allow for due diligence by both the City and Karbank, and require that Karbank deposit funds with the City to pay for the City's costs in working with financial consultants and other specialists to evaluate the Karbank proposal. The funding and exclusivity agreement would allow the City and Karbank to further define the arrangements and consider plans, but would not commit the City to actually approving any development.

Entering into the proposed Funding and Exclusive Rights Agreement with Karbank would result in nominal to no budget impact to the City, as the Agreement requires the City's outside costs and expenses be covered by Karbank. Any budget impact of an actual project that could come before the

City Council for consideration as a result of the due diligence period this proposed agreement provides would be determined during the course of this Agreement, should the city Council choose to enter into the Funding and Exclusive Rights Agreement with Karbank.

Of note is the retention of the services of Columbia Capital Municipal Advisors for professional economic development consulting services. These fees – along with the fees of MVP as legal counsel, Gilmore & Bell as bond counsel and Uhl Engineering as city engineer – are all payable through Karbank's initial deposit and retainer and will be managed by City Administrator Leslie Herring.

Councilmember Harris said there will be many questions to answer during this process, but he is generally in favor of moving forward with the Funding and Exclusivity Agreement.

Councilmember Hannaman said it is important that the City and Karbank figure out a way for a development and park that functions for the community. Councilmember Hannaman also said it will be important to preserve a small amount of park space while construction is in progress for the community to utilize. Councilmember Hannaman said he is generally in favor of moving forward with the Funding and Exclusivity Agreement.

Mayor Waters said it is worthwhile to further explore the Karbank proposal as it meets the community's desire for more greenspace. Additionally, the proposal meets the Governing Body's need to increase greenspace in a way that is financially responsible.

Councilmember Wimer said she is eager to explore the proposal further. Councilmember Wimer said she values working with partners that work on a high level of integrity and community mindedness and are focused not just on the bottom line, but on how the spaces that are built impact the people around them.

Motion by Councilmember Hannaman to approve the Funding and Exclusive Rights Agreement with Karbank Holdings, LLC to Explore Proposal for Redevelopment of 5000 Rainbow Blvd, 5050 Rainbow Blvd., and 2511 W 50th St. and the Mayor to execute the Agreement. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

At 8:55 p.m. the Governing Body took a 5-minute break. The Governing Body reconvened on the dais at 9:00 p.m.

Consider Renewal of EMC Insurance Commercial Policy for April 1, 2023 – March 31, 2024

The City's commercial insurance policy runs through March 31, 2023. Geoff Gobble with Boulevard Insurance LLC provided an overview of the insurance renewal for the City of Westwood for the next policy coverage year. The package for consideration is the EMC Insurance Policy, which Boulevard brokers for the City of Westwood.

Overall, insurance rate premium costs within this policy have increased mostly due to increases in property valuations, adjusted property limits, rising auto rates, and an additional Public Safety vehicle for a full year.

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:

- 4th of July fireworks event coverage
 - Secured by a separate policy but estimated to stay around previous year, \$1,538
- Worker's compensation insurance
 - Provided through KMIT
 - 2023 policy paid in January in the amount of \$34,090 (\$34,487 in 2021 and \$29,344 in 2022)
- 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 handle money
- Cyber Liability/Data Breach coverage
 - Renewed December 2022 for term of 1/1/2023 – 12/31/2023
 - 2023 policy paid in January in the amount of \$10,865 (\$1,250 in 2021 and \$6,158 in 2022)

The adopted FY 2023 General Overhead Budget provides for \$145,000 in expenditures for these City operating expenses (the fireworks premium is charged separately to the Parks & Recreation Fund). The total of all insurance – not including the fireworks premium is estimated to come in under budget, at \$132,389.

Motion by Councilmember Wimer to approve the renewal of the City's insurance coverage with EMC Insurance as reflected in the conditional premium quote dated March 2023 for the term of April 1, 2023 – March 31, 2024. Second by councilmember Buckman. Motion carried by a 5-0 voice vote.

Consider Agreement with Johnson County, KS for Stormwater Best Management Practices (BMP) Cost-Share Program for April 1,2023 – March 31, 2024 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 cost-share program with the City that promotes the use of rain barrels, rain gardens, native trees, and native plantings on residential property to reduce stormwater runoff as well as increase public awareness of stormwater-related issues, all as required by federal NPDES Stormwater rules and regulations.

Motion by Councilmember Harris to authorize the Mayor to execute the 2023 Agreement for Stormwater BMP Cost-Share Program with Johnson County. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Consider Renewing Johnson County Mental Health Co-Responder Cooperative Memorandum of Understanding

The Northeast Johnson County cities (Merriam, Mission, Roeland Park, Fairway, Westwood, Westwood Hills and Mission Woods) currently have a Memorandum of Understanding (MOU) in place for sharing the cost of the mental health co-responder provided by Johnson County. This cost share is based on population. With the addition of a second co-responder to the Northeast Johnson County co-responder program last year, MOU updates are needed.

The first year of the additional responder is funded by a grant obtained by the City of Merriam. This grant will expire in September 2023. An audit of the grant in January 2023 revealed wording regarding the second co-responder being added for compliance. This amendment to the MOU adds the second co-responder and outlines the same cost share formula in the event the grant expires and is not renewed.

The MOU is authorized by K.S.A. 12-2908, it requires approval by the Governing Body regardless of staff purchasing authority. The MOU has been reviewed by the City Attorney.

Motion by Councilmember Hannaman to approve the Johnson County Mental Health co-Responder Cooperative Memorandum of Understanding and authorize the Mayor to sign such MOU. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Wimer shared that she and Ms. Schneweis will be meeting with the Woodside General Manager to collaborate on summer events.

Councilmember Hannaman said he was grateful for the Governing Body’s intention to look in to the Karbank proposal, and is also thankful for previous Governing Body members that helped with things like the purchase of the 5050 Rainbow Blvd. property that have put Westwood in its current position. Councilmember Hannaman also thanked the members of the public that attended the evening’s meeting.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Buckman to adjourn the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote. The meeting adjourned at 9:22 p.m.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Abby Schneweis, City Clerk