

**City of Westwood, Kansas  
City Council Meeting  
August 10, 2023 – 7:00 p.m.**

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

Council Absent: Andrew Buckman, Councilmember

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 August 10, 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 Harris to approve the August 10, 2023, City Council meeting agenda as submitted. Second by Councilmember Steele. Motion carried by a 4-0 voice vote.

**Public Comment**

Ellen Marsee, 4957 Adams, said she objects to the most recent building renderings for the properties at 5000 and 5050 Rainbow Boulevard by Karbank Holdings LLC (Karbank). Ms. Marsee said she believes the proposed terra cotta buildings do not look like they belong in Westwood. Ms. Marsee also said she opposes the entire proposal by Karbank because she lives right across the street from the properties that are being considered for redevelopment.

Mike Coffman, 2217 W 50<sup>th</sup> Street, Westwood Hills, read a statement to the Governing Body regarding the Karbank proposal. The statement is included in Exhibit A of this document.

Patti Coffman, 2217 W 50<sup>th</sup> Street, Westwood Hills, said she and her husband are former residents of Westwood. Ms. Coffman said she is not in favor of the changes being proposed. Ms. Coffman said she wrote a letter to Steve Karbank and said she would not read the entire letter but wanted to share some points she made in it. In Ms. Coffman's letter to Steve Karbank, she said if the proposed development were approved, Ms. Coffman suspects there will be a lot of conflict. In order to avoid conflict, Ms. Coffman suggested to Mr. Karbank to keep the fountain, flagpole and surrounding trees at 50<sup>th</sup> Street and Rainbow Boulevard as is. Ms. Coffman suggested Mr. Karbank softening the architecture of the building, she said she believes the proposed buildings are too modern looking for the area.

Jamie Harkar, 2212 W 50<sup>th</sup> Terrace, Westwood Hills, said she is concerned about pedestrian safety on Rainbow Boulevard. Ms. Harkar said she thought it was tragic that the City is considering the Karbank development in the midst of a residential area. Ms. Harkar said Westwood Hills is a historic district, and noted that Westwood is not, and she does not think change is bad, but believes it is a little grotesque to put three and four story buildings in the midst of a residential neighborhood.

### **Presentations and Proclamations**

#### **Award Westwood Foundation Scholarship to Elizabeth Benes**

Mayor Waters presented Ms. Benes with the 2023 Westwood Foundation Scholarship. Ms. Benes is a member of the National Honors Society, the Music Honors Society, is a team captain for varsity cross country and track, and is the recipient of the Gold Award in Girl Scouts. Ms. Benes is a licensed Certified Nurse's Assistant and has a deep and constant record of community service on her resume. Ms. Benes is a 2023 graduate of Bishop Miege and plans to attend Avila in the fall to study nursing.

### **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 July 13, 2023, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 753

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 4-0 vote.

### **Mayor's Report**

Mayor Waters noted that August 15<sup>th</sup> is the first day of school for Westwood View and reminded the community to be aware of students and families walking and biking to school. Mayor Waters provided an overview of events he plans to attend as Mayor.

Mayor Waters said the City continues to work with the Karbank team on the terms of the development agreement, donation agreement and other agreements for the project if it is approved. The Planning Commission received a general overview of the proposal at its July 10<sup>th</sup> meeting, and opened a public hearing regarding rezoning at the August 7<sup>th</sup> meeting. The Planning Commission will continue the Public Hearing during its September 11<sup>th</sup> meeting at 7:00 p.m. The City Council will consider the establishment of a Public Benefit Tax Increment Financing District during the September 14<sup>th</sup> meeting. If the Karbank proposal moves forward, this District would allow the City to finance the development of a new future park.

Mayor Waters shared that the City has a detailed website with updates on the Karbank proposal, frequently asked questions, copies of plans and presentations, and links to past City planning work including the 2021 Urban Land Institute Technical Assistance Panel, the 2017 Comprehensive Plan, and the 2022 City Facilities Assessment and Feasibility Study.

Mayor Waters shared that The Buzz recently listed the many opportunities throughout Johnson County for Westwood community members to serve and volunteer on boards and committees. Those interested can contact City Hall to get more information.

### **Councilmember Reports**

No reports were made by members of the Council.

### **Staff Reports**

#### **Administrative Report**

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

#### **Public Works Report**

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

#### **Public Safety Report**

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

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

The July 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 Ordinance No. 1035 adopting the 2023 Edition of the Uniform Public Offense Code for Kansas Cities**

The Uniform Public Offense Code (UPOC) is a document developed each year by the League of Kansas Municipalities. This organization has published the UPOC since 1980. The Code is designed to provide a comprehensive public offense ordinance for Kansas cities. The UPOC, in large part parallels the state criminal code. This ordinance allows the City of Westwood to utilize the Uniform Public Offense Code as the basis for criminal investigation and enforcement actions.

The Kansas League of Municipalities has published the 2023 Edition of the Uniform Public Offense Code. City staff recommends the City of Westwood update to from the 2022 Edition. The UPOC does not take effect in a city until the governing body has passed and published an incorporating ordinance

Motion by Councilmember Wimer to adopt Ordinance 1035 incorporating by reference the Unified Public Offense Code for Kansas Cities, 2023 edition and repeal Ordinance 1032. Second by Councilmember Hannaman. The City Clerk performed a roll call vote. Motion passed 4-0.

#### **Consider Ordinance No. 1036 adopting the 2023 Edition of the Standard Traffic Ordinance for Kansas Cities**

The Standard Traffic Ordinance (STO) is a document published by the League of Kansas Municipalities since 1960. The STO is an efficient, economical way to regulate traffic in Kansas cities. The proposed

ordinance allows the City of Westwood to utilize the state's Standard Traffic Ordinance as the basis for traffic safety and enforcement actions.

The Kansas League of Municipalities has published the 2023 Edition of the Standard Traffic Ordinance. City staff recommends the City of Westwood update to from the 2022 Edition. The STO does not take effect in a city until the governing body has passed and published an incorporating ordinance.

Motion by Councilmember Hannaman to adopt Ordinance 1036 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 2023 edition and repeal Ordinance 1031. Second by Councilmember Wimer. The City Clerk performed a roll call vote. Motion passed 4-0.

### **Consider Master Services Agreement with George Butler Associates Inc. for Building Code Services**

Westwood's Building Official is often able to perform same-day inspections and quick plan review. When that is not possible due to vacation or medical leave (sick time), the City of Westwood leans on its interlocal agreement with the City of Roeland Park to cover immediate gaps in covering inspections or answering technical questions related to the adopted building code. The City of Westwood also has on retainer IBTS (Institute for Building Technology and Safety) through a service agreement and has used these services on a pay-as-you go basis for residential and commercial inspections. For larger commercial projects, however, City staff would like to engage another firm – George Butler Associates, Inc. (GBA) – through a similar service agreement to employ their services on a pay-as-you-go basis.

The intent of entering into a Master Services Agreement with GBA is to employ their services for larger, commercial plan review and inspections to the extent needed if and when the Westwood Building Official is unavailable or requests a second set of eyes on complex plans or construction that is outside the routine in Westwood. As such, the City would engage with GBA on a task order basis and would outline a scope of work that is agreed upon by the project applicant, GBA, and City Staff and which fees would be payable by the applicant.

There is no retainer fee nor monies due to GBA in the absence of an approved, mutually agreed upon Task Order. It is City Staff's intent that any time GBA is retained, the cost of their service is passed onto the project applicant. Deviations from this informal policy would be subject to City Administrator approval, budgetary constraints, and the City's Financial and Purchasing Policy.

Motion by Councilmember Hannaman to authorize the City Administrator to execute the Master Agreement with GBA for Building Code Services, subject to final review by the City Attorney. Second by Councilmember Harris. Motion carried by a 4-0 voice vote.

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

No announcements were made.

### **Executive Session**

No matters required Executive Session during this meeting.

### **Adjournment**

Motion by Councilmember Harris to adjourn the meeting. Second by Councilmember Steele. Motion carried by a 4-0 voice vote. The meeting adjourned at 7:52 p.m.

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

ATTEST: \_\_\_\_\_  
Abby Schneweis, City Clerk

DRAFT

## Exhibit A

Westwood City Council and citizens:

My name is Mike Coffman and I live at 2217 W 50th St, Westwood Hills, KS. My wife and I moved from our home in Westwood to our present house in the early 80's. We have witnessed the changes in the area for the last 40 plus years. Traffic at the corner of 50th and Rainbow has continuously increased but has substantially increased in the last 5-7 years. I became aware of the office park that is planned for that corner and feel that would be a terribly wrong placement of such construction in the short and long term of the community. I can't understand how commercial property, bringing more daily traffic, can successfully improve a corner that has been residential since the beginning of these communities and has seen substantial increase in traffic.

### Issues:

- Much more traffic around the children at the new school
- More traffic at the 50th and Rainbow corner, once again increasing traffic right in front of the school crossing. Having lived at that corner since 1982, we've seen how dangerous that corner can be. We've witnessed so many issues on that corner Westwood Hills petitioned your public works to increase the stoplight delay to 5 seconds delay due to drivers running red lights at that corner. Just speak to the crossing guard to verify. Moving the crossing North across Rainbow will not alter the safety.
- The 50th and Rainbow corner is the only guarded crossing for children going from the west side of Rainbow to the East side of Rainbow. The intersection has caused problems due to the hill peak and the swerve at the corner on 50th.
- 50th is one of the few streets running from the Ward Parkway to Roeland Park and therefore sees increased congestion during "rush hours".
- The proposed Karbank architectural plan in no way fits the style and feel of the area. The proposed development does not fit the architectural style of any of the surrounding residential houses
- The project is over development for a residential area.s
- There is a lack of "breathing room" or green space/greenery between the Rainbow side and the development.

The Proposed Plan does not fit with the goals and desires of the Westwood 2015 or 2017 Westwood Master Plans.

2017 Page 51 Section 2.1 Use architecture that is in scale and harmony with nearby structures.  
2017 Page 51 Section 2.5. Prohibit isolated commercial rezoning in established residential developments.

The 2017 Plan clearly shows that no more than 2 story commercial development should be placed outside of the 47th and Rainbow area and that the 2 story development should maintain neighborhood character. Whereas the so-called Gateway Area at 47th and Rainbow can have a "scale and pattern" of greater than 2 stories.

The 2021 Final TAP - Recommended moving city hall to allow for Higher Rise Commercial expansion including apartments and townhomes so that there would be more attainable housing choices.

I could foresee Karbank development on the southeast corner of Rainbow and 47th where commercial property is already established on the other 3 sides as per the 2021 TAP recommendations. Maybe even a maximal 2 story commercial development at the site of the old Westwood View school thus in keeping with the neighborhood.

Finally, it's true that we are concerned about our property value but it's also true that for over 40 years we've been able to look out on the fountain, the flag, children at play, and the school that our children attended. To trade the current pleasant view for a two/three story steel and glass development and parking lot seems adherent. Would you, after 40 years of living in Westwood, want a 2/3 story glass office park built across the street from your house. We knew when we bought our house that living next to Rainbow there would be traffic, but we had a beautiful park just across the street. I'm embarrassed for Westwood that they would scar that corner with the plan that Karbank has proposed and is opposed by the citizens of the 3 cities affected.

Please keep residential areas residential and commercial areas commercial and reconsider the proposal for the long term health of our beautiful cities.