

**City of Westwood, Kansas  
City Council Meeting  
July 11, 2024 – 7:00 p.m.**

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

Council Absent: Laura Steele, Councilmember

Staff Present: Leslie Herring, City Administrator  
Curtis Mansell, Police Chief  
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 11, 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**

Motion by Councilmember Harris to approve the July 11, 2024 City Council meeting agenda as submitted. Second by Councilmember Buckman. Motion carried by a 4-0 voice vote.

**Public Comment**

Ann Genovese, 2912 W 50<sup>th</sup> Place, provided information to the Governing Body about regulations on short-term rentals in Johnson County and other Kansas communities. Ms. Genovese requested the Governing Body consider additional restrictions that would serve to prevent the proliferation of short-term rentals in Westwood.

Mayor Waters noted the Governing Body adopted Ordinance 1029 during the May 12, 2022 City Council meeting to require licensure and put in place operational requirements for short-term rentals.

**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 June 13, 2024, City Council Work Session & Meeting Minutes
- B. Consider Appropriations Ordinance 764

Motion by Councilmember Harris to approve the Consent Agenda as submitted. Second by Councilmember Wimer. Ms. Schneweis conducted a roll call vote. Motion carried by a 4-0 vote.

### **Mayor's Report**

Mayor Waters said the City would be issuing a Request for Qualifications (RFQ) the week of July 15th seeking development and design teams to aid in the vision process for the future of the City Hall property. Mayor Waters said the Westwood Foundation has opted to include its property in the RFQ, the property is located immediately west of the City Hall property, as has the University of Kansas Health System, which owns the property immediately south of the City Hall property. Mayor Waters said the RFQ will not commit the City to any particular project, but instead aid the City in conducting a public input process and help create a plan for future land use. Mayor Waters said he has appointed a RFQ Review Committee which includes himself, Councilmembers Hannaman and Buckman, Planning Commission member Matt Prout, Westwood Foundation Board Member Mary Heinrich, The 47 Committee member Colt McArthur, and University of Kansas Health System representative Sherrie Gayed.

Mayor Waters said he recently met with PORT KC representative Andrew Moddrell to discuss PORT's approach to designing the new feature park.

### **Councilmember Reports**

No reports were made.

### **Staff Reports**

#### **Administrative Report**

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

#### **Public Works Report**

The June and July 2024 Public Works Report was included in the agenda packet, no questions or comments were made about the report.

#### **Public Safety Report**

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

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

The June 2024 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**

### **Fiscal Year 2025 Budget Presentation**

Ms. Herring provided an overview of the fiscal year 2025 budget presentation that was included in the agenda packet.

### **Consider approval of Resolution No. 131-2024 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 2025 budget. The 2025 budget maintains the same level of services as the 2024 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 2025 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 2025 proposed budget has a total mill rate of 21.199, flat with the actual tax rates levied for the 2024 budget. 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 19.435 mills. Since the proposed budget requires 21.199 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 12, 2024. The budget public hearing and adoption of the 2025 budget will follow the revenue neutral rate hearing on that meeting agenda.

Motion by Councilmember Hannaman to approve Resolution No. 131-2024 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 Wimer. Ms. Schneeweis performed a roll call vote. Motion passed 4-0.

### **Consider Second Amendment to CDBG and HOME Cooperation Agreement between the City and Johnson County**

Johnson County Government participates in HUD by administering federal funding through both the CDBG and HOME Rehabilitation program to the cities in the county which don't qualify as entitlement communities (entitled to their own direct apportionment of HUD funds). Johnson County completed its Urban County requalification in 2021, and seventeen cities – including Westwood – chose to participate in Johnson County entitlement program, which permits them to participate in Johnson County's CDBG and HOME Investment Partnership programs. All cities entered Cooperation Agreements with Johnson County in 2004 and executed the first amendment in 2015; Lenexa later joined in 2021. The Cooperation Agreements included an automatic renewal provision, that Johnson County Legal Counsel re-reviews as a requirement of the Urban County Requalification process every three years, to ensure compliance.

On May 6, 2024, HUD issued CPD Notice 2024-02 (the "Urban County Notice"), establishing the requirements, procedures, and deadlines for the requalification process. The Urban County Notice included language that needs to be added to the Cooperation Agreements, which will auto-renew on December 31, 2024, to remain compliant for the above noted programs. The updated language includes

specific instructions for termination of the Cooperation Agreement if the participating city wishes to be excluded from the Urban County's Entitlement Program, as well as references to the implementing Code of Federal Regulations citations, the incorporating of Section 504 of the Rehabilitation Act of 1973, Title 11 of the Americans with Disabilities Act of 1974, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968.

Currently, the City of Westwood is not perfectly situated within its own Census Tract nor Block Groups. Westwood shares a Census Tract with parts of four other cities and, although two Block Groups are entirely Westwood, the third Westwood Block Group is shared with the Cities of Westwood Hills and Mission Woods.

Only Census Tracts or Block Groups with a low to moderate income (LMI) population of 38.6% or higher are eligible for CDBG program funding. Neither the Census Tract nor any of the Block Groups currently meet the LMI eligibility requirement. As of the 2020 Census, our Census Tract is 20.13% LMI and the three Block Groups in Westwood range from 22.86% to 25.55% LMI.

The City has in the past tapped into HUD CDBG funding for public projects, but those awards were made from 1989 – 1997, when the City had qualifying areas. Even though Westwood does not currently have any eligible areas, the County recommends the City still amend the Cooperation Agreement in the event the City does meet the eligibility in the future.

Regarding the HOME program, the County's website currently provides the following information: The HOME Rehabilitation program assists eligible homeowners of Johnson County, Kansas with rehabilitation needs of their owner-occupied homes. Health and safety, accessibility and curing local code citations may be addressed through the HOME Rehabilitation program.

Assistance is provided as a deferred payment loan (at 0% interest and is forgiven 10% per year for 10 years.) The loan instrument is recorded with the Johnson County Register of Deeds Office. If at any time the property changes ownership, the remaining amount of the loan must be repaid.

Should Westwood residents desire to apply for funding through the HOME program, they would work directly with Johnson County.

By amending the Cooperation Agreement, Westwood residents are able to leverage the HOME program's HUD funds. Although the City has not been notified in recent years of Westwood residents trying to access the program, in the event Westwood residents would apply to the program, the County would likely notify the City and a financial contribution from the City would be sought to match in some way the grant awarded.

Motion by Councilmember Wimer to authorize the Mayor to execute the Second Amendment to CDBG and HOME Cooperation Agreement between the City and Johnson County. Second by Councilmember Buckman. Motion carried by a 4-0 voice vote.

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

No announcements were made.

### **Executive Session**

#### **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. 75-1319(b)2**

Motion by Councilmember Hannaman to recess into Executive Session for 30 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. The regular meeting will resume at 8:25 p.m. Second by Councilmember Wimer. Motion carried by a 4-0 voice vote.

At 8:25 p.m. the Governing Body returned to the dais. Mayor Waters said no action was taken during the Executive Session.

### **Adjournment**

Motion by Councilmember Wimer to adjourn the meeting. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote. The meeting was adjourned at 8:25 p.m.

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

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