



# CITY OF WESTWOOD, KANSAS

## CITY COUNCIL MEETING

4700 RAINBOW BLVD. WESTWOOD, KS 66205

Thursday, July 13, 2023 at 7:00 PM

### AGENDA

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Welcome to your Westwood City Council meeting. This meeting may be attended remotely via Zoom:

**Access Online:** <https://us02web.zoom.us/j/89908289796>

**Access by Phone:** (312) 626-6799 / **Webinar ID:** 899 0828 9796

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*[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]*

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#### CITY COUNCIL WORK SESSION AGENDA

- I. **CALL TO ORDER**
  - II. **WORK SESSION ITEMS/DISCUSSION OF UPCOMING MATTERS**
    - A. None
  - III. **ADJOURNMENT TO REGULAR MEETING**
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#### REGULAR MEETING AGENDA

- I. **CALL TO ORDER**
- II. **APPROVAL OF THE AGENDA**
- III. **PUBLIC COMMENT**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.
- IV. **PRESENTATIONS AND PROCLAMATIONS**
  - A. Conduct ceremonial swearing-in of Police Officer Gianfranco Roque
- V. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted in

one motion (roll call vote). 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 approval of June 8, 2023 City Council Meeting Minutes

[B.](#) Consider approval of Appropriations Ordinance No. 752

## **VI. MAYOR'S REPORT**

## **VII. CITY COUNCILMEMBER REPORTS**

## **VIII. STAFF REPORTS**

[A.](#) Administrative Report (City Administrator Leslie Herring)

[B.](#) Public Works Report (Public Works Director John Sullivan)

[C.](#) Police Department Report (Police Chief Curt Mansell)

[D.](#) Treasurer's Report (City Treasurer Michelle Ryan)

E. City Attorney Report (City Attorney Ryan Denk)

## **IX. OLD BUSINESS**

## **X. NEW BUSINESS**

[A.](#) 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

[B.](#) Consider Resolution No. 120-2023 Approving Amended and Restated Bylaws of Westwood Foundation

C. Fiscal Year 2024: Budget Presentation

[D.](#) 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

## **XI. ANNOUNCEMENTS/GOVERNING BODY COMMENTS**

## **XII. EXECUTIVE SESSION**

A. 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

## **XIII. ADJOURNMENT**

### **UPCOMING MEETINGS**

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, August 10, 2023, at 7:00 PM at Westwood City Hall. The City Calendar may be accessed at

[www.westwoodks.org](http://www.westwoodks.org). To receive further updates and communications, please see or sign up for the following:

**Westwood Buzz Email:** <https://bit.ly/3wA4DWx>

**Facebook:** [City of Westwood Kansas-Government  
Westwood, KS Police Department](#)

**COUNCIL ACTION FORM**

Meeting Date: July 13, 2023

Staff Contact: Curtis Mansell, Police Chief

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Agenda Item: Conduct ceremonial swearing-in Westwood Police Officer Gianfranco Roque

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**Background/Description of Item**

In anticipation of Sergeant Gary Baker’s June 30, 2023 retirement, Gianfranco Roque was brought into the Westwood Police Department as a part-time employee in March 2023. Effective July 1, 2023, after successfully completing an extensive and thorough pre-employment and probationary process, Gianfranco was hired to fill the full-time position vacancy left by Gary, although in the position of Police Officer, not Gary’s rank of Sergeant. As Gianfranco was already a certified law enforcement officer at the time of hire, he moved right into field training with Westwood Officer Tim Filson, who graciously went through training himself earlier in 2022 to become certified to conduct field training. Gianfranco will remain in field training through the Fall of 2023, when he is expected to be able to begin taking shifts independently.

Gianfranco has already been acknowledged as a great addition to the Westwood team and we are excited to formally introduce him tonight to the Governing Body.

**Staff Comments/Recommendation**

As Gianfranco was sworn-in and issued the oath of office by Abby Schneweis as City Clerk in March 2023 so that he could begin officially enforcing the laws of the City of Westwood, tonight we will conduct a ceremonial swearing-in for the benefit of the public and Gianfranco’s friends and family to join in celebrating him.

No Governing Body action is required.

**City of Westwood, Kansas  
City Council Meeting  
June 8, 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 June 8, 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**

Mayor Waters noted agenda item 10.C. will not be considered during the evening's meeting. Motion by Councilmember Harris to approve the June 8, 2023, City Council meeting agenda with the amendment that was referenced. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

**Public Comment**

No comments were made by members of the public.

**Presentations and Proclamations**

**Johnson County Library Update**

Christopher Leitch, Community Relations Coordinator, and Anna Madrigal, Cedar Roe Branch Manager, provided an update about Johnson County Library services and operations.

**Receive Recognition from Mid-America Regional Council**

Cathy Boyer-Shesol presented the City with the Silver Level Community for All Ages designation.

**Receive Recognition from the Northeast Johnson County Go Green! Environmental Fair Steering Committee**

On behalf of the Northeast Johnson County Go Green! Environmental Fair Steering Committee Cathy Boyer-Shesol recognized the City for contributions to the event, which was recognized as the 2022 Green Event of the Year by the Mid America Regional Council.

### **Recognition of Retiring Police Sergeant Gary Baker for Outstanding Service to the City of Westwood**

After 39 years serving the community, Sergeant Gary Baker will be retiring on June 30<sup>th</sup>. Sergeant Baker has served the cities of Shawnee and Prairie Village, and the Shawnee Mission School District as a School Resource Officer. Starting in 1998 Sergeant Baker served on the International Police Task Force as a police trainer and human rights investigator as part of the United Nations mission in Bosnia. Upon his return from Bosnia in 2000, Sergeant Baker began working as a part time officer with the Westwood Police Department and became a full-time officer in 2009.

### **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 May 11, 2023, City Council Meeting Minutes
- B. Consider Appropriations Ordinance 751

Motion by Councilmember Hannaman 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**

No reports were made by the members of the Council.

### **Staff Reports**

#### **Administrative Report**

Mrs. 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 May and June 2023 Public Works Report included in the agenda packet and offered to answer questions.

#### **Public Safety Report**

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

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

The May 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**

Before the Governing Body began considering New Business items, Mayor Waters stated the Shawnee Mission School District (SMSD) School Board voted to approve the sale of the former Westwood View Elementary School site (2511 W 50<sup>th</sup> Street) during the May 22<sup>nd</sup> School Board meeting.

Mayor Waters said entering into a real estate purchase agreement with SMSD and Karbank Holdings LLC is the first step that will allow the City to do its due diligence on the former Westwood View Elementary site, and would allow Karbank Holdings LLC, to do the same for the 5000 Rainbow Blvd & 5050 Rainbow Blvd. properties. Mayor Waters stated that there were no plans being considered that evening, and there will be no rezoning, development plans, site plans on this evening's agenda.

### **Real Estate Purchase Agreement with Shawnee Mission School District**

The action for Council's consideration is approval of and authorization granted to the Mayor to enter into a Real Estate Purchase Agreement with the Shawnee Mission School District ("SMSD Agreement") for the purchase of two parcels of land totaling 4.97 acres at the former Westwood View (temporarily Rushton School) site (the "SMSD Property"). The SMSD Property was previously the subject of an Option Agreement between the City and the SMSD Property which contemplated that the City would have an option to purchase the SMSD Property after the new Westwood View School was constructed. The role of the SMSD property is further discussed in the Message from Mayor Waters relating to the City's proposed construction of a City park on the Western portion of the property and a portion of the property being used to serve the Karbank development.

The terms of the SMSD Agreement generally provide for the City to acquire the SMSD Property for the purchase price of \$2.65M. Upon entering into the SMSD Agreement, the City has a 6-month due diligence period. This due diligence period will overlap with Karbank's due diligence period relating to the acquisition of the four city owned parcels which front on Rainbow Boulevard. During the due diligence periods, several approvals and satisfaction of conditions precedent must be met to the satisfaction of the City and Karbank to put the City in a position to close on the SMSD property. Most importantly for the City's acquisition of the SMSD Property is the donation of sufficient funds to allow the City to pay the purchase price and close. If the City did not receive such funding, it would be permitted to cancel the SMSD Agreement. Other necessary approvals during the due diligence period include planning and zoning approvals for the Karbank project and site studies to demonstrate to the parties that the properties in question are conducive to the proposed uses – i.e. environmental, geotechnical, surveys, etc. At a subsequent date, a Donation Agreement will come before the Council for consideration laying out the terms and conditions of the donation of funds to allow the City to acquire the SMSD Property and to demolish the on-site improvements. Generally speaking, the donating foundations will require that the donated funds are used to acquire the SMSD Property, demolish the existing improvements and that the City commit to the use of the Western portion to be retained by the City for park purposes. Such use restriction would be in the form of covenants and restrictions filed upon the property restricting the use to park purposes under the terms stated in the covenant. The Declaration of Covenants and restrictions will come before the Council for consideration at the time that the Donation Agreement is to be considered.

Closing on the SMSD Property under the terms of the SMSD Agreement would occur in January, 2024. Because the School District anticipates the need to continue to occupy the school for the continued operation of Rushton Elementary, the SMSD Agreement provides for a lease back of the SMSD Property through the end of July, 2024. Accordingly, from the time that the SMSD Property closed until the end

of the lease term, the City would own all 4.97 acres and would lease the same back to the District. As outlined in the Karbank Real Estate Purchase Agreement, the deed for the agreed upon Eastern portion of the SMSD Property to become part of the Karbank development would be executed at Closing in January of 2024 and held in escrow until the School District vacates the property at the end of July 2024, at which time it would be filed and become effective. Remaining details relating to the funding of park improvements and other aspects of the overall project will be more specifically detailed in later documents for Council and public consideration.

Councilmember Harris said the City wisely positioned itself to have the right to purchase the SMSD property many years ago, and the purchase price and redevelopment of the land would be very costly to the City. Mayor Waters noted the purchase price of the SMSD property would increase the mill levy by 5 mills. Councilmember Harris said that while the Governing Body is not finalizing anything that evening, it is taking another step toward the redevelopment of the property. Councilmember Harris said moving forward with the Purchase Agreement is financially feasible and takes the City in the direction that has been talked about during various planning processes.

Councilmember Hannaman said there are specific items to come that are important to him and the community that need to be worked out. Councilmember Hannaman said he is hopeful that these items can be worked out in a way that is beneficial to all parties. Councilmember Hannaman said he is grateful for the work done by his predecessors on the Governing Body to put the City in its current position with SMSD and Karbank Holdings, LLC.

Councilmember Wimer said she has many questions and a few concerns and is looking forward to addressing them all during the due diligence process.

Motion by Councilmember Hannaman to approve the Real Estate Purchase Agreement with the Shawnee Mission School District and authorize the Mayor to execute the same. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

**Consider Real Estate Purchase Agreement with Karbank Holdings, LLC for Real Property at 5000 Rainbow Blvd. and 5050 Rainbow Blvd.**

The action for Council's consideration is approval of and authorization granted to the Mayor to enter into a Real Estate Purchase Agreement with Karbank Holdings, LLC ("Karbank Agreement") for the purchase of four city owned parcels bounded by Rainbow Blvd. on the East, W. 51st Street on the South, the Rushton School on the West and W. 50th Street on the North comprising 2.8144 acres in the aggregate ("City Property") and the purchase of approximately 1.47 acres of land immediately West of the City Property from land to be acquired by the City from the Shawnee Mission School District ("SMSD") ("Lot Line Adjustment Parcel"). Following the conveyance of the Lot Line Adjustment Parcel, the City would retain 3.5 acres to be used for a City park. The City still has outstanding debt on the former Westwood Christian Church parcels with the common address of 5050 Rainbow Blvd. in the form of a Lease with an option to purchase held by Security Bank of Kansas City ("Security Bank Lease"). The option to purchase permits the City to discharge the Lease and acquire the property free and clear by the City's payment of the remaining principal of \$275,000. Pursuant to the Karbank Agreement, Karbank agrees to pay this principal and discharge this Lease as the purchase price for the City Property and the Lot Line Adjustment Parcel.

The due diligence period under the Karbank Agreement mirrors that within the SMSD Agreement, meaning that there will be a six-month due diligence period terminating in December 2023 and a



scheduled closing in early January 2024. During the due diligence period, several approvals and satisfaction of conditions precedent must be met to the satisfaction of the parties including site studies to determine the sufficiency of the real property for Karbank's proposed redevelopment as well as necessary planning and zoning approvals and replatting.

The closing on this land transaction is to occur simultaneously with the closing on the SMSD Agreement providing for the City's purchase of the 4.97 acres of the former Westwood View School site (currently being used as the Rushton School) ("SMSD Property"). The closing on the Karbank Agreement is expressly contingent upon the City's receipt of sufficient funding for and the closing on the SMSD Agreement. If these events do not occur, then the City is permitted to terminate the Karbank Agreement. A donation agreement will be brought to Council for consideration at a subsequent meeting providing for the donation of sufficient funding to allow the City to acquire the SMSD Property and to allow for demolition of currently existing on-site improvements. Closing on the City Property will occur in January 2024. The actual conveyance of the Lot Line Adjustment Parcel will not occur until the School District vacates the Rushton School site which is scheduled to occur on July 31, 2024. Although there will be a delayed closing on the Lot Line Adjustment Parcel, pursuant to the Karbank Agreement the City is still required, at the time of closing on the City Property, to execute a deed conveying the Lot Line Adjustment Parcel to Karbank and to deposit the same into escrow under terms providing that such executed deed will be filed following the School District's vacation and surrender of the Rushton School site.

Additionally, a Development Agreement will also be brought to Council for consideration at a subsequent meeting detailing the parties' respective rights and responsibilities relative to the overall development and the financing thereof.

Motion by Councilmember Hannaman to approve the Real Estate Purchase Agreement with Karbank Holdings, LLC and authorize the Mayor to execute the same. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

#### **Consider Passing Resolution No. 118-2023 Waiving the GAAP Requirement for Financial Reporting**

The State of Kansas requires audits for cities and their financial statements be based on Generally Accepted Accounting Principles (GAAP), which has proven to be a very cumbersome and expensive accounting standard to comply with for smaller municipalities.

The provisions of K.S.A. 75-1120A(A) do allow for cities to adopt the Cash Receipts and Disbursements method of accounting for the audit, where the audit testing procedures remain the same and it allows cities to report an audit based on the annual budget cycle.

As has been the past practice of the City of Westwood, waiving the requirements of GAAP principles during the annual financial audit is recommended to allow for a more straightforward auditing process.

Motion by Councilmember Buckman to approve Resolution No. 118-2023 waiving the requirements of K.S.A. 75-1120A(A) as they apply to the City of Westwood for the fiscal year that ended December 31, 2022. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

#### **Receive Presentation of 2022 Independent Financial Audit**

John Martin, Higdon & Hale, presented his findings of the FY2022 audit he conducted for the City. Mr. Martin shared that the City received a clean report and no irregularities were detected by Higdon & Hale

staff. Mr. Martin shared that there were no disagreements between Higdon & Hale staff and members of City staff.

### **Staff Presentation of FY2024 Budget: Projects & Equipment**

The Governing Body gave staff the direction to focus on three matters when drafting the FY2024 budget:

1. Begin chipping away at deferred maintenance needs on city owned buildings;
2. Accelerating implementation of the streets, sidewalk, stormwater, and streetlights program;
3. Increase the City's competitiveness in the labor market with employee wages and benefits.

City staff has worked to create a set of plans that illustrate a full picture of the infrastructure needs and goals of the City. The City does not currently have enough funds to implement the entire plan on a ten-year timeline. However, the City Council has the authority to increase revenue streams to the extent politically acceptable, extend the timeline to one that's politically acceptable, or both. Mrs. Herring said that this plan can be subject to change if infrastructures fail sooner than anticipated, and the priority of each street may change over time.

Councilmember Wimer referred to the sidewalk plan in the presentation and asked about the possibility of sidewalks on 47<sup>th</sup> Terrace and 48<sup>th</sup> Street East of Rainbow Blvd. Mr. Sullivan said it was feasible, but costly as the street would need to be completely torn out and redone. Mrs. Herring said there has not been a consensus from residents living on the two streets on whether sidewalks are desired or not, and was left off the long term sidewalk plan.

Councilmember Buckman asked if there was risk that the City will not have matching streetlights due to vendor or supply issues. Mr. Sullivan said that Sternberg, the City's streetlight vendor, is a long running business that started producing gas streetlamps in 1923. Sternberg has ensured the City that they can produce any streetlight they have ever sold. Additionally, the City also selected a streetlight model that is relatively common model that is not likely to be dropped from Sternberg's product line.

City staff developed a list of the most pressing needs for City facilities based on the 2022 facilities assessment, and the projects were included in the presentation.

Upcoming major equipment purchases for FY2024 will be a leaf vacuum for the leaf pickup program, a water wagon for street landscaping, a police patrol vehicle and tasers. These purchases will be purchased using Equipment Reserve funds.

The Governing Body gave direction to Staff to keep the mill levy flat and explore the possibility of increasing stormwater utility fees to cover increasing costs of materials and labor.

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

Councilmember Hannaman congratulated Councilmember Steele for recently completing the Unbound Gravel Race in the Flint Hills.

### **Executive Session**

No matters required an Executive Session during this meeting.

### **Adjournment**

Motion by Councilmember Harris to adjourn the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote. The meeting adjourned at 9:45 p.m.

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

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

DRAFT

City of Westwood, Kansas  
 Appropriation Ordinance No. 752

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF June 1, 2023 - June 30, 2023 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General Month Ending 6/30/2023	Capital Improvements Month Ending 6/30/2023	Equipment Reserve Month Ending 6/30/2023	Stormwater Month Ending 6/30/2023	Special Highway Month Ending 6/30/2023	Woodside TIF/CID Month Ending 6/30/2023	Debt Service Month Ending 6/30/2023	Total All Funds Month Ending 6/30/2023
<b>Expenditures</b>								
Salary & Benefits	148,996.32	0.00	0.00	0.00	0.00	0.00	0.00	148,996.32
Employee Expenses	3,310.94	0.00	0.00	0.00	0.00	0.00	0.00	3,310.94
Professional Fees	8,403.08	0.00	0.00	0.00	0.00	0.00	0.00	8,403.08
General Operating Expenses	13,158.86	0.00	0.00	0.00	0.00	0.00	0.00	13,158.86
Utilities	21,595.92	0.00	0.00	0.00	0.00	0.00	0.00	21,595.92
Equipment and Maintenance	1,832.10	1,575.00	0.00	0.00	9.49	0.00	0.00	3,416.59
Street and Stormwater	0.00	4,416.81	0.00	0.00	0.00	0.00	0.00	4,416.81
Park and Events	2,609.85	0.00	0.00	0.00	0.00	0.00	0.00	2,609.85
Miscellaneous	0.00	0.00	0.00	0.00	0.00	55,833.73	0.00	55,833.73
Intergovernmental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>199,907.07</b>	<b>5,991.81</b>	<b>0.00</b>	<b>0.00</b>	<b>9.49</b>	<b>55,833.73</b>	<b>0.00</b>	<b>261,742.10</b>

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. The Claims included herein are hereby approved and allowed.

SECTION 2. That the payment of all claims and charges against the respective accounts and funds provided in the budget for the year 2023 are consistent with that budget and are hereby authorized, ratified and approved.

SECTION 3. This Ordinance shall take effect from and after its passage.

ADOPTED this 13th day of July, 2023.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 ATTEST: CITY CLERK



## City Administrator's Report

July 2023

To: Mayor and City Council  
From: Leslie Herring, City Administrator  
Date: July 13, 2023  
RE: Update on some of the key areas of focus of the Administration Department

### Current Priorities

2<sup>nd</sup> Quarter (April) 2023 through 3<sup>rd</sup> Quarter (September) 2023

- *Public Property and Facilities Course of Action Establishment and Execution*
  - ✓ Building on the work of the 2021 Urban Land Institute (ULI) Technical Assistance Panel (TAP) and the 2022 City Facilities Assessment and Feasibility Analysis, the Mayor allowed a project proposal to be brought forward to the City Council at the March 9, 2023 regular City Council meeting which could complement the City's goals and the findings and recommendations of the two aforementioned reports/studies. [The proposal from Karbank Real Estate Company is available via this link to the City's website.](#)
  - ✓ Following the Governing Body's approval of a Funding & Exclusivity Agreement with Karbank on March 9<sup>th</sup>, the City and the Shawnee Mission School District agreed to the form and terms of a Purchase Agreement for the Rushton property (old Westwood View) and the School Board approved it on May 22<sup>nd</sup>.
  - ✓ The Mayor, City Administrator, City Attorney, City's Financial Advisor on the project, and Bond Counsel have worked together and with Karbank to outline expectations, mechanics for land acquisition, and other terms of agreements.
  - ✓ There are a number of steps in the due diligence process for the Governing Body and Karbank to work through to determine whether this project is desired and feasible.
  
- *Financial Review and Planning*
  - ✓ The 2022 fiscal year audit has been completed and was presented at the June City Council meeting
  - ✓ The 2024 budget process is well underway and staff is working on a number of preparations to ensure a comprehensive and smooth Summer 2023 budget process, including:
    - Creation of a comprehensive Capital Improvement Plan (CIP) now that the costs and timeline of the 47<sup>th</sup> Street Complete Streets project are known and in progress; this includes:
      - Integration of the City's 2018 Streetlighting Master Plan
      - Integration of the City's 2020 stormwater system condition inventory
      - Integration of the City's 2021 Complete Streets Plan, including sidewalk plan
      - Integration of the City's 2022 pavement condition inventory

- *Rainbow Blvd. Complete Streets Traffic Management Plan*
  - ✓ The MARC Board approved the scope of work negotiated with the firm selected by the project steering/advisory committee of stakeholders in April and the Notice to Proceed was issued on May 31, 2023.
  - ✓ A project kick-off with WSP Consulting, MARC, and the local project stakeholders is in the process of being scheduled. Work is expected to begin in June with a formal project kick-off. Public engagement is scheduled to take place over the summer, with final reporting out of recommendations and findings to take place in Fall 2023.
  
- *Communities for All Ages – Gold Level Recognition*
  - ✓ Bronze level recognition – community awareness – was approved by the joint MARC First Suburbs Coalition and CFAA recognition review committee in November 2022.
  - ✓ Silver level recognition – community assessment – was approved by the joint MARC First Suburbs Coalition and CFAA recognition review committee in April 2023 and the official presentation by MARC was at the First Suburbs Coalition meeting on April 21, 2023, with a ceremonial presentation to the Westwood Governing Body at the June 8<sup>th</sup> meeting.
  - Council President Jeff Harris and staff will work together to create a Communications Strategic Plan, including a content calendar for the City to best integrate the work of the Bronze and Silver level work. This document will be submitted to the joint MARC First Suburbs Coalition and CFAA recognition review committee in October 2023.
  
- *Administrative Department Reorganization and Continuity Planning*
  - *Since the creation of the City Administrator role last summer, the following changes have been made with the Administration Department or are currently taking place:*
    - *City Clerk position separated from Chief Administrative Officer (position now dissolved) and Abby Schneweis appointed to the position in February 2023 (Assistant City Clerk position dissolved)*
    - *Municipal Court Clerk now reporting to City Administrator (historically reported to Mayor)*
    - *Municipal Court Clerk (Shelley Floyd) and City Clerk began cross-training in Spring 2023 to distance the Police Department from involvement in receiving money for fines and court costs*
    - *During the process of assessment of the City's administrative functions, it was found that staff is cross-trained to create redundancy for most every function in the Department except for building inspections and plan reviews. As such, Public Works employee Nick Finck was identified as an ideal candidate to invite to learn the building inspection and plan review trade and to work toward becoming certified to allow the City redundancy in this position as well. Nick will work with Building Official Eddie McNeil and Public Works Director John Sullivan to cross-train on right-of-way management and building and codes matters. He will maintain his*

*primary position as Public Works Maintenance Worker and scheduling and Departmental workload will be closely monitored while he is training.*

➤ *Cybersecurity and Continuity Planning*

- ✓ Beginning January 2023, Johnson County is contracted to bring the Administration and Public Works Departments onto its IT system (the Police Department is already supported by Johnson County).
- Implementation is underway but a timeline for completion hasn't yet been provided. This meeting is scheduled for next week.
- Staff cybersecurity training has been taking place and is ongoing. This online, self-paced training is provided through the City's risk pool, Midwest Public Risk (MPR). This annual training will also be provided to Governing Body members in the months to come.

## **Building Permits**

The following is a snapshot of select building permits of note issued last month:

### *Residential*

New Construction: None

Additions:

- 2908 W. 51<sup>st</sup> St. – Add great room, mud hall, dressing room, pantry, deck, and screened porch

Alterations: None

Demolition:

- 2917 W. 47<sup>th</sup> Ter. – Demolish single-family house (New house waiver/exception approved by Planning Commission on 7/10/23; anticipated permit approval to be on July report)

Misc: None

### *Commercial*

New Construction: None

Additions: None

Alterations: None

Demolition: None

## **Westwood Public Works Monthly Report**

**TO: GOVERNING BODY**  
**FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS**  
**RE: MONTHLY REPORT, JUNE 2023**  
**DATE: JULY 11, 2023**

Some of the activities for Public Works in June include:

1. Daily collection of trash from City Hall and City Parks.
2. Perform a weekly inspection of the playground equipment and park facilities.
3. Perform a weekly inspection of the traffic control signs throughout the city; replace poles and signs as required.
4. I prepared the Purchase Orders and documentation for those purchases.
5. Performed routine maintenance at the City Hall to include the servicing of the air handling equipment, re-lamping fixtures and repairing or installing appurtenances including plumbing fixtures.
6. I represented the city at various meetings to include: None this month.
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch attends monthly Safety Committee Meetings.
16. We repaired Streetlights as needed.
17. We performed weekly mowing, trimming, edging and watering of various City properties.
18. We patched potholes.
19. We swept streets.
20. We cleaned catch basin fronts.
21. Performed routine maintenance on equipment.
22. I am attending the weekly progress meetings on W. 47<sup>th</sup> Street.
23. We repaired potholes.
24. We swept streets in Westwood and Mission Woods.



25. We repaired the controller and water valve on the Fountain at W. 50<sup>th</sup> Street.
26. Nick painted the pickle ball lines on the tennis court.
27. Performed the necessary work to complete the CIP Program.
28. We replaced the ceiling fixtures in the PD under warranty.
29. Prepped for the fireworks display.
30. Put out block party barricades.

This concludes my activities report for some of the activities for Public Works in May.

## Westwood Public Works

To: Governing Body  
From: John Sullivan, Director of Public Works  
Date: July 11, 2023  
Re: Monthly Status Report

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- W. 47<sup>th</sup> Street Project: We are still anticipating a late August early September completion for construction. Plantings will come after that. The northside of the project is moving along. The remaining drive approaches, sidewalks and pole bases should be complete by the end of August. Street lights should be installed in about 3 weeks.
- Westwood View School Project: The entire area on the east and north sides of the school have been sodded. The school district has been watering and it looks very good at this point.
- 2023 F-550 and Equipment: The order has been placed for the truck and equipment. We have not been given a build date yet.
- CCLIP funding: I have resubmitted the project to KDOT. The awards have not been announced.
- CIP: Leslie and I are working on a comprehensive plan to include street work, sidewalks, street lights and stormwater. The information has been gathered and you can expect to see this in the budget presentation.

<b>WESTWOOD</b>					
<b>Jun-23</b>					
<b>ACTIVITIES / OFFENSE</b>	<b>THIS MONTH</b>	<b>23-YTD</b>	<b>22-YTD</b>	<b>23-Avg</b>	<b>CHANGE</b>
<b><i>PART I CRIMES</i></b>					
MURDER					No Change
RAPE					No Change
ROBBERY					No Change
<b><u>BURGLARY</u></b>					
BUSINESS		1	2	0.17	-1
RESIDENTIAL	1	2	2	0.33	No Change
VEHICLE	2	11	26	1.83	-15
MOTOR VEH THEFT		3	4	0.50	-1
LARCENY / THEFT	3	13	14	2.17	-1
ASSAULT / BATTERY	2	4	1	0.67	3
<b><u>ARRESTS</u></b>					
FELONY		3		0.50	3
MISDEMEANOR	1	2	2	0.33	No Change
TRAFFIC					No Change
DRUG	1	6	2	1.00	4
DUI		1	1	0.17	No Change
WARRANTS	6	42	23	7.00	19
CONFINED					No Change
<b><u>SUMMONS</u></b>					
HAZARD	22	107	85	17.83	22
NON-HAZARD	134	475	327	79.17	148
DUI		1	1	0.17	No Change
ORD. VIOLATION	3	11	6	1.83	5
PARKING	1	7	New Data	1.17	#VALUE!
<b><u>ACCIDENTS</u></b>					
NON-INJURY	3	12	12	2.00	No Change
INJURY	1	5	5	0.83	No Change
PRIVATE PROPERTY		6	7	1.00	-1
<b><u>CALLS</u></b>					
ADMIN.DUTIES-PD	51	379	343	63.17	36
ADMIN.DUTIES - CITY	3	37	126	6.17	-89
ALARM	4	35	27	5.83	8
ANIMAL	3	25	17	4.17	8
ASSIST - POLICE	21	96	73	16.00	23
ASSIST - PUB MOTOR	17	112	110	18.67	2
BLD. CHECK-SHAKE		1	20	0.17	-19
BLD. CHECK-PATROL	1041	7241	3905	1206.83	3336
BUSINESS CHECK	341	1963	78	327.17	1885
CHECK LIGHTS			New data		#VALUE!
CIVIL MATTER		2	6	0.33	-4
CRIMINAL DAMAGE		8	1	1.33	7
CRIMINAL THREAT		1	New Data	0.17	#VALUE!
DISTURBANCE	7	23	5	3.83	18
DISORDERLY CONDUCT			New Data		#VALUE!
DOMESTIC VIOLENCE	1	1	New Data	0.17	#VALUE!
FIELD INTERVIEW					No Change
FIRE		12	4	2.00	8
FOLLOW UP	11	81	61	13.50	20
INFO / INVESTIGATION	2	14	15	2.33	-1

<b>WESTWOOD</b>					
<b>Jun-23</b>					
<b>ACTIVITIES / OFFENSE</b>	<b>THIS MONTH</b>	<b>23-YTD</b>	<b>22-YTD</b>	<b>23-Avg</b>	<b>CHANGE</b>
INVOLUNTARY COMMITMENT			1		-1
JUVENILE		3	4	0.50	-1
MEDICAL	17	100	50	16.67	50
MENTAL HEALTH		2	New Data	0.33	#VALUE!
MISSING PERSON			New Data		#VALUE!
NATURE UNKNOWN			2		-2
NOISE COMPLAINT	3	5	1	0.83	4
OPEN DOOR	2	13	12	2.17	1
ORD VIOLATION WARNING			2		-2
PROWLER			New Data		#VALUE!
PED CHECK	4	7	3	1.17	4
PUBLIC SERVICE	9	80	59	13.33	21
RECOVERED PROPERTY	1	6	7	1.00	-1
RESIDENCE CHECK	34	300		50.00	300
RUNAWAY		1	New Data	0.17	#VALUE!
SUICIDE					No Change
SUICIDE ATTEMPT					No Change
SUSPICIOUS SUBJECT	5	33	31	5.50	2
SUS VEHICLE OCC	1	9	9	1.50	No Change
SUS VEHICLE UNOCC	22	56	11	9.33	45
TELE HARRASSMENT		1		0.17	1
TELE THREAT					No Change
TRAFFIC COMPLAINT	4	28	27	4.67	1
TRESPASS	2	4	New Data	0.67	#VALUE!
UNKNOWN 911		9	New Data	1.50	#VALUE!
UNATTENDED DEATH		1		0.17	1
WELL BEING CHECK	1	10	New Data	1.67	#VALUE!

<b>TOTAL CALLS</b>			
<b>Total Activity</b>	<b>1619</b>	<b>Last Year - YTD Activity</b>	<b>4865</b>
<b>Year to Date Activity</b>	<b>10756</b>	<b>Difference in Activity</b>	<b>5891</b>
<b>Total Monthly Summons</b>	<b>160</b>		
<b>Hazardous Summons Percentage</b>	<b>14%</b>		

**WESTWOOD  
INCIDENT SUMMARY**

Item C. Section VIII, Item

**BURGLARY TO AUTO**

**CASE NO:** 20230185      **LOCATION:** 2123 W 47TH TERR  
**DATE :** 06/13/2023  
**ACTIVITY:** Unknown suspect(s) gained access into the unlocked vehicle and took an ID badge, vehicle paperwork, and currency without permission.

**CASE NO:** 20230202      **LOCATION:** 2000 W 47TH PL  
**DATE :** 06/26/2023  
**ACTIVITY:** Unknown suspect(s) possibly attempted to gain access to the vehicle but the vehicle was secure and no signs of forced entry and nothing missing from the interior of the vehicle.

**RESIDENTIAL BURGLARY**

**CASE NO:** 20230199      **LOCATION:** 4728 ADAMS  
**DATE :** 06/22/2023  
**ACTIVITY:** Unknown suspect(s) removed three boxes from the open garage without permission.

**LARCENY / THEFT**

**CASE NO:** 20230176      **LOCATION:** 2000 W 47TH PL  
**DATE :** 06/04/2023  
**ACTIVITY:** Unknown suspect(s) took Apple Airpod Pro headphones without permission.

**CASE NO:** 20230177      **LOCATION:** 4701 MISSION RD  
**DATE :** 06/07/2023  
**ACTIVITY:** Unknown suspect(s) got several loaded pre-paid cards without paying any money for them.

**CASE NO:** 20230196      **LOCATION:** 2000 W 47TH  
**DATE :** 06/18/2023  
**ACTIVITY:** Unknown suspect(s) cut the chain lock from the bike and removed it without permission.

**ASSAULT/BATTERY**

**CASE NO:** 20230184      **LOCATION:** 3020 W 50TH  
**DATE :** 06/10/2023  
**ACTIVITY:** Two individuals were verbally rude and had physical contact towards one another.

**CASE NO:** 20230201      **LOCATION:** 2000 W 47TH  
**DATE :** 06/26/2023  
**ACTIVITY:** Known suspect was asked to leave the premises and would not comply and became combative towards the officers.

WESTWOOD  
COURT SUMMARY  
JUNE, 2023

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
June 02, 2023	52	01	\$ 5,430.00	30	15
June 16, 2023	10	00	\$ 4,515.00	03	10
<b>TOTALS</b>					
June, 2023	62	01	\$ 9,945.00	33	25
June, 2022	67	00	\$ 5,355.00	32	39
			<b>TOTAL (9,945.00) less</b>		
			* Kansas DL fees: \$ 0.00		
			* Judges Training Fund: \$14.00		
			* LET Training Fund: \$315.00		
			* Seat Belt Safety Fund: \$160.00		
			<b>June 2023 TOTAL: \$9,456.00</b>		

Y.T.D. TOTALS 2023		Y.T.D. TOTALS 2022	
ARRAIGNMENTS:	323	ARRAIGNMENTS:	289
TRIALS	54	TRIALS:	36
LETTERS:	124	LETTERS:	164
WARRANTS:	107	WARRANTS:	133
FINES:	\$44,846.00	FINES:	\$34,379.50
KS DL FEES:	\$446.00	KS DL FEES:	\$803.00
JUDGES FUND:	\$91.00	JUDGES FUND:	\$77.50
L.E.T.FUND:	\$2,060.00	L.E.T FUND:	\$1,707.50
COMM CORRECTIONS:	\$0.00	COMM CORRECTIONS:	\$0.00
SEAT BELT FUND:	\$240.00	SEAT BELT FUND:	\$20.00

**City of Westwood  
Treasurer's Report  
6/30/23**

*Item D. Section VIII, Item*

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
  - a. Ending unencumbered cash through 6/30/2023 of \$3,325,298 and remains up from year end by \$992,888.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
  - a. Revenue received for the month of \$563,744. Revenue received year to date of \$2,049,771 compared to the prior year to date of \$1,972,104 which is up by \$77,667.
    - i. Taxes – Taxes collected in June were \$518,967. This is up by \$149,1749 for the year.
    - ii. Fees and Licenses – were \$249,922 for June. Pool Fees were \$4,564.
    - iii. Intergovernmental Fees were down by \$4,147.
    - iv. Fines have increase to \$43,382 which is up by \$10,415 for the year.
    - v. Miscellaneous income is up for the year with \$19,684 in interest income compared to \$852 in the prior year.
  - b. May Expenditures totaled \$199,907. Year to Date Expenditures through June were \$1,391,713. This is an increase of \$133,764 from the prior year to date.
    - i. Administrative expenditures were \$36,872 for the month. Overall expenditures in Admin increased by \$88,351. As noted previously noted, this increase is expected due to moving the Court Clerk and related expenditures of the municipal court from the Police Department to this department.
    - ii. Utilities in the General Fund are up by \$14,294 for the year. In addition, the professional fees are up by \$15,675 over the prior year – this mainly due to the increase in the cost of insurance of \$16,923.
    - iii. Public Works total expenditures were \$34,445 for the month. The year-to-date expenditures are down by \$18,021 from the prior year. Salary and Benefits have decreased by \$3,970. Equipment is down by \$11,507 and general operating expenses have decreased by \$2,545.
    - iv. Police expenditures are \$94,440 this month. The total expenditures are down from prior year by \$7,855. The equipment expense is down over the prior year by \$4,798.
    - v. Parks and Rec total expenditures were \$6,137 for the month. This was comprised of Utilities for \$2,472 and Park and Events expenditures of \$2,610. Parks and Rec expenditures are up in 2023 by \$15,991. This is due to Utilities being higher by \$6,931 and Equipment and Maintenance up by \$6,189.
  - c. Net Receipts Over (Under) Expenditures in the General Fund were \$363,837 positive for the month, year to date Receipts Over Expenditures is positive at \$658,059 which is down from the prior year to date by \$56,096.
4. Other Funds – Current Month and Year to Date
  - a. CIP – June collection of Sales Tax Revenue totaled \$22,287 and reimbursements for the month were \$28,484. Expenditures were equipment and maintenance for \$1,575 and street and stormwater costs of \$4,417.
  - b. Stormwater Fund received revenue of \$43,505. There were no expenditures.
  - c. The Woodside TIF/CID fund made their TIF/CID payment of \$55,834. Received tax revenue for the month of \$80,788.
  - d. Debt Service – Received tax revenue of \$7,428 this month.

I am happy to answer any questions upon request.

Michelle Ryan  
City of Westwood Treasurer

## ACCOUNTANTS' COMPILATION REPORT

To the City Council  
**City of Westwood, Kansas**  
Westwood, Kansas

Management is responsible for the accompanying financial statements of **City of Westwood, Kansas** (a municipal entity), which comprises the statement of assets, liabilities and fund balance by fund – regulatory basis, statement of cash flow – regulatory basis, and statement of receipts and expenditures – regulatory basis as of and for the one month ended June 30, 2023, in accordance with the regulatory basis of accounting, and for determining that the regulatory basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. We do not express an opinion, a conclusion, nor provide any assurance on these financial statements.

The financial statements are prepared in accordance with the regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Management has elected to omit substantially all the disclosures ordinarily included in financial statements prepared in accordance with the regulatory basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the City's assets, liabilities, fund balance, receipts, and expenditures. Accordingly, the financial statements are not designed for those who are not informed about such matters.

The supplementary information is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management. The supplementary information was subject to our compilation engagement. We have not audited or reviewed the supplementary information and do not express an opinion, a conclusion, nor provide any assurance on such information.

We are not independent with respect to **City of Westwood, Kansas**.

*Adams Brown, LLC*

**ADAMSBROWN, LLC**  
Certified Public Accountants  
Overland Park, Kansas

July 10, 2023





**City of Westwood, Kansas**  
**Statement of Assets, Liabilities and Fund Balance by Fund - Regulatory Basis**  
 As of June 30, 2023

	General Fund 06/30/2023	Capital Improvements Fund 06/30/2023	Equipment Reserve Fund 06/30/2023	Stormwater Fund 06/30/2023	Special Highway Fund 06/30/2023	Woodside TIF/CID Fund 06/30/2023	Debt Service Fund 06/30/2023	All Funds 06/30/2023
<b>Assets</b>								
Current Assets								
Cash In Bank	2,039,225.92	(31,908.25)	253,908.84	286,892.87	137,630.99	514,471.81	89,765.32	3,289,987.50
Cash In Bank - Bond Fund	34,961.85	0.00	0.00	0.00	0.00	0.00	0.00	34,961.85
Cash In Bank - Woodside Village Acct	9.43	0.00	0.00	0.00	0.00	0.00	0.00	9.43
Petty Cash	339.00	0.00	0.00	0.00	0.00	0.00	0.00	339.00
<b>Total Current Assets</b>	<b>2,074,536.20</b>	<b>(31,908.25)</b>	<b>253,908.84</b>	<b>286,892.87</b>	<b>137,630.99</b>	<b>514,471.81</b>	<b>89,765.32</b>	<b>3,325,297.78</b>
<b>Total Assets</b>	<b>\$ 2,074,536.20</b>	<b>\$ (31,908.25)</b>	<b>\$ 253,908.84</b>	<b>\$ 286,892.87</b>	<b>\$ 137,630.99</b>	<b>\$ 514,471.81</b>	<b>\$ 89,765.32</b>	<b>\$ 3,325,297.78</b>
<b>Liabilities and Fund Balance</b>								
Current Liabilities								
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	34,759.99	0.00	0.00	0.00	0.00	0.00	0.00	34,759.99
KPERS/KPF Payable	(0.01)	0.00	0.00	0.00	0.00	0.00	0.00	(0.01)
Great West 457 Payable	1,361.00	0.00	0.00	0.00	0.00	0.00	0.00	1,361.00
<b>Total Current Liabilities</b>	<b>36,130.17</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>36,130.17</b>
<b>Total Liabilities</b>	<b>36,130.17</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>36,130.17</b>
Fund Balance								
Fund Balance	1,380,347.45	(313,412.09)	253,908.84	182,022.82	105,656.58	457,313.22	170,342.00	2,236,178.82
Fund Balance - Current Year	658,058.58	281,503.84	0.00	104,870.05	31,974.41	57,158.59	(80,576.68)	1,052,988.79
<b>Total Fund Balance</b>	<b>2,038,406.03</b>	<b>(31,908.25)</b>	<b>253,908.84</b>	<b>286,892.87</b>	<b>137,630.99</b>	<b>514,471.81</b>	<b>89,765.32</b>	<b>3,289,167.61</b>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 2,074,536.20</b>	<b>\$ (31,908.25)</b>	<b>\$ 253,908.84</b>	<b>\$ 286,892.87</b>	<b>\$ 137,630.99</b>	<b>\$ 514,471.81</b>	<b>\$ 89,765.32</b>	<b>\$ 3,325,297.78</b>



**City of Westwood, Kansas**  
**Statement of Cash Flow - Regulatory Basis**  
 For the One Month Ended June 30, 2023

	General Fund Month Ending 06/30/2023	Capital Improvements Fund Month Ending 06/30/2023	Equipment Reserve Fund Month Ending 06/30/2023	Stormwater Fund Month Ending 06/30/2023	Special Highway Fund Month Ending 06/30/2023	Woodside TIF/CID Fund Month Ending 06/30/2023	Debt Service Fund Month Ending 06/30/2023	All Funds Month Ending 06/30/2023
<b>Unencumbered Cash, Beginning Period</b>	<b>1,711,908.94</b>	<b>(76,688.00)</b>	<b>253,908.84</b>	<b>243,387.93</b>	<b>134,668.60</b>	<b>489,518.00</b>	<b>82,337.68</b>	<b>2,839,041.99</b>
<b>Receipts</b>								
Taxes	489,251.83	22,287.48	0.00	0.00	0.00	0.00	7,427.64	518,966.95
Fees and Licenses	9,323.07	0.00	0.00	0.00	0.00	0.00	0.00	9,323.07
Building Permits	2,017.25	0.00	0.00	0.00	0.00	0.00	0.00	2,017.25
Intergovernmental	37,602.09	0.00	0.00	0.00	0.00	0.00	0.00	37,602.09
Restricted Use	0.00	0.00	0.00	43,504.94	2,971.88	80,787.54	0.00	127,264.36
Fines	11,183.00	0.00	0.00	0.00	0.00	0.00	0.00	11,183.00
Reimbursements	498.67	0.00	0.00	0.00	0.00	0.00	0.00	498.67
Miscellaneous	13,868.42	28,484.08	0.00	0.00	0.00	0.00	0.00	42,352.50
<b>Total Receipts</b>	<b>563,744.33</b>	<b>50,771.56</b>	<b>0.00</b>	<b>43,504.94</b>	<b>2,971.88</b>	<b>80,787.54</b>	<b>7,427.64</b>	<b>749,207.89</b>
<b>Expenditures</b>								
Salary & Benefits	148,996.32	0.00	0.00	0.00	0.00	0.00	0.00	148,996.32
Employee Expenses	3,310.94	0.00	0.00	0.00	0.00	0.00	0.00	3,310.94
Professional Fees	8,403.08	0.00	0.00	0.00	0.00	0.00	0.00	8,403.08
General Operating Expenses	13,158.86	0.00	0.00	0.00	0.00	0.00	0.00	13,158.86
Utilities	21,595.92	0.00	0.00	0.00	0.00	0.00	0.00	21,595.92
Equipment and Maintenance	1,832.10	1,575.00	0.00	0.00	9.49	0.00	0.00	3,416.59
Street and Stormwater	0.00	4,416.81	0.00	0.00	0.00	0.00	0.00	4,416.81
Park and Events	2,609.85	0.00	0.00	0.00	0.00	0.00	0.00	2,609.85
Miscellaneous	0.00	0.00	0.00	0.00	0.00	55,833.73	0.00	55,833.73
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>199,907.07</b>	<b>5,991.81</b>	<b>0.00</b>	<b>0.00</b>	<b>9.49</b>	<b>55,833.73</b>	<b>0.00</b>	<b>261,742.10</b>
<b>Adjustments</b>								
Increase / (Decrease) in Refundable Bond Deposits	(1,210.00)	0.00	0.00	0.00	0.00	0.00	0.00	(1,210.00)
<b>Total Adjustments</b>	<b>1,210.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,210.00</b>
<b>Ending Cash</b>	<b>\$ 2,074,536.20</b>	<b>\$ (31,908.25)</b>	<b>\$ 253,908.84</b>	<b>\$ 286,892.87</b>	<b>\$ 137,630.99</b>	<b>\$ 514,471.81</b>	<b>\$ 89,765.32</b>	<b>\$ 3,325,297.78</b>



**City of Westwood, Kansas**  
**Statement of Receipts and Expenditures - Regulatory Basis**

General Fund

For The One Month and Six Months Ended June 30, 2023 and 2022

	Month Ending 06/30/2023 Actual	Year To Date 06/30/2023 Actual	Year To Date 06/30/2022 Prior Year	Year Ending 12/31/2023 Current Budget	Over/(Under) Budget
<b>Receipts</b>					
Taxes	\$ 489,251.83	\$ 1,508,486.16	\$ 1,359,312.03	\$ 2,113,906.00	(605,419.84)
Fees and Licenses	9,323.07	249,922.50	247,534.51	447,200.00	(197,277.50)
Building Permits	2,017.25	74,828.95	26,152.56	70,000.00	4,828.95
Intergovernmental	37,602.09	156,296.16	160,442.93	323,885.00	(167,588.84)
Fines	11,183.00	43,382.00	32,967.25	90,000.00	(46,618.00)
Grants and Donations	0.00	0.00	125,215.81	0.00	0.00
Reimbursements	498.67	498.67	15,007.45	0.00	498.67
Miscellaneous	13,868.42	16,356.71	5,471.42	4,250.00	12,106.71
<b>Total Receipts</b>	<b>563,744.33</b>	<b>2,049,771.15</b>	<b>1,972,103.96</b>	<b>3,049,241.00</b>	<b>(999,469.85)</b>
<b>Expenditures</b>					
<b>General Overhead</b>					
Salary & Benefits	1,741.39	21,320.66	12,114.39	38,450.00	(17,129.34)
Employee Expenses	182.25	2,282.92	5,697.21	8,000.00	(5,717.08)
Professional Fees	5,729.98	158,972.26	143,297.38	240,250.00	(81,277.74)
General Operating Expenses	2,716.85	13,479.95	7,712.38	20,000.00	(6,520.05)
Utilities	18,367.16	108,022.18	93,728.28	252,850.00	(144,827.82)
Park and Events	0.00	5,866.24	3,361.43	14,750.00	(8,883.76)
Miscellaneous	0.00	0.00	0.00	30,000.00	(30,000.00)
Intergovernmental	0.00	18,434.00	0.00	20,000.00	(1,566.00)
Interfund Transfers	0.00	0.00	0.00	128,830.00	(128,830.00)
<b>Total General Overhead</b>	<b>28,737.63</b>	<b>328,378.21</b>	<b>265,911.07</b>	<b>753,130.00</b>	<b>(424,751.79)</b>
<b>Administrative</b>					
Salary & Benefits	34,327.91	226,854.09	156,541.81	456,653.00	(229,798.91)
Employee Expenses	1,164.90	2,883.44	2,844.05	14,500.00	(11,616.56)
Professional Fees	1,361.08	17,851.74	175.00	48,000.00	(30,148.26)
General Operating Expenses	17.99	1,081.02	758.06	2,500.00	(1,418.98)
Interfund Transfers	0.00	0.00	0.00	5,000.00	(5,000.00)
<b>Total Administrative</b>	<b>36,871.88</b>	<b>248,670.29</b>	<b>160,318.92</b>	<b>526,653.00</b>	<b>(277,982.71)</b>
<b>Public Works</b>					
Salary & Benefits	30,422.26	208,560.08	212,529.79	438,117.00	(229,556.92)
Employee Expenses	210.64	2,916.69	3,652.47	7,900.00	(4,983.31)
Professional Fees	775.00	775.00	0.00	17,000.00	(16,225.00)
General Operating Expenses	1,399.80	9,608.23	13,657.66	27,550.00	(17,941.77)
Utilities	500.48	6,515.75	5,050.03	14,000.00	(7,484.25)
Equipment and Maintenance	1,136.45	12,981.79	24,489.04	60,500.00	(47,518.21)
Interfund Transfers	0.00	0.00	0.00	50,000.00	(50,000.00)
<b>Total Public Works</b>	<b>34,444.63</b>	<b>241,357.54</b>	<b>259,378.99</b>	<b>615,067.00</b>	<b>(373,709.46)</b>
<b>Police</b>					
Salary & Benefits	83,228.44	507,526.68	497,075.23	985,422.00	(477,895.32)
Employee Expenses	1,753.15	10,002.02	11,393.11	27,000.00	(16,997.98)
Professional Fees	537.02	5,233.37	20,120.22	30,000.00	(24,766.63)
General Operating Expenses	8,119.27	26,327.98	24,669.95	58,100.00	(31,772.02)

See accountants' compilation report.



**City of Westwood, Kansas**  
**Statement of Receipts and Expenditures - Regulatory Basis**

General Fund

For The One Month and Six Months Ended June 30, 2023 and 2022

	Month Ending 06/30/2023	Year To Date 06/30/2023	Year To Date 06/30/2022	Year Ending 12/31/2023	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Utilities	256.60	1,185.96	1,174.87	4,500.00	(3,314.04)
Equipment and Maintenance	545.20	3,238.18	8,036.01	10,500.00	(7,261.82)
Park and Events	0.00	1,100.00	0.00	1,000.00	100.00
Interfund Transfers	0.00	0.00	0.00	30,000.00	(30,000.00)
<b>Total Police</b>	<b>94,439.68</b>	<b>554,614.19</b>	<b>562,469.39</b>	<b>1,146,522.00</b>	<b>(591,907.81)</b>
<b>Parks &amp; Rec</b>					
General Operating Expenses	904.95	2,071.07	300.62	2,000.00	71.07
Utilities	2,471.68	12,393.77	5,463.11	30,000.00	(17,606.23)
Equipment and Maintenance	150.45	7,775.29	1,586.34	6,000.00	1,775.29
Park and Events	2,609.85	3,620.61	2,520.09	13,250.00	(9,629.39)
<b>Total Parks &amp; Rec</b>	<b>6,136.93</b>	<b>25,860.74</b>	<b>9,870.16</b>	<b>51,250.00</b>	<b>(25,389.26)</b>
<b>Non-Departmental</b>					
Salary & Benefits	(723.68)	(7,168.40)	0.00	0.00	(7,168.40)
<b>Total Non-Departmental</b>	<b>(723.68)</b>	<b>(7,168.40)</b>	<b>0.00</b>	<b>0.00</b>	<b>(7,168.40)</b>
<b>Total Expenditures</b>	<b>199,907.07</b>	<b>1,391,712.57</b>	<b>1,257,948.53</b>	<b>3,092,622.00</b>	<b>(1,700,909.43)</b>
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 363,837.26</b>	<b>\$ 658,058.58</b>	<b>\$ 714,155.43</b>	<b>\$ (43,381.00)</b>	<b>701,439.58</b>

See accountants' compilation report.



**City of Westwood, Kansas**  
**Statement of Receipts and Expenditures - Regulatory Basis**  
 Other Funds  
 For The One Month Ended June 30, 2023

	Other Funds					
	Capital Improvements Fund	Equipment Reserve Fund	Stormwater Fund	Special Highway Fund	Woodside TIF/CID Fund	Debt Service Fund
	Month To Date 06/30/2023 Actual	Month To Date 06/30/2023 Actual	Month To Date 06/30/2023 Actual	Month To Date 06/30/2023 Actual	Month To Date 06/30/2023 Actual	Month To Date 06/30/2023 Actual
<b>Receipts</b>						
Taxes						
Ad Valorem Tax	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 7,101.47
City Sales & Use Tax - Special	22,287.48	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	326.17
<b>Total Taxes</b>	<b>22,287.48</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,427.64</b>
Restricted Use						
Stormwater Utility Fee	0.00	0.00	43,504.94	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	2,971.88	0.00	0.00
WV CID-1	0.00	0.00	0.00	0.00	73,028.22	0.00
WV CID-2	0.00	0.00	0.00	0.00	7,759.32	0.00
Miscellaneous	28,484.08	0.00	0.00	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Receipts</b>	<b>50,771.56</b>	<b>0.00</b>	<b>43,504.94</b>	<b>2,971.88</b>	<b>80,787.54</b>	<b>7,427.64</b>
<b>Expenditures</b>						
Equipment and Maintenance						
Stone Wall Repairs	1,575.00	0.00	0.00	0.00	0.00	0.00
Special Highway Maintenance	0.00	0.00	0.00	9.49	0.00	0.00
<b>Total Equipment and Maintenance</b>	<b>1,575.00</b>	<b>0.00</b>	<b>0.00</b>	<b>9.49</b>	<b>0.00</b>	<b>0.00</b>
Street and Stormwater						
Capital Improvement Expense	4,416.81	0.00	0.00	0.00	0.00	0.00
<b>Total Street and Stormwater</b>	<b>4,416.81</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	37,205.00	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	18,628.73	0.00
<b>Total Miscellaneous</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>55,833.73</b>	<b>0.00</b>
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>5,991.81</b>	<b>0.00</b>	<b>0.00</b>	<b>9.49</b>	<b>55,833.73</b>	<b>0.00</b>
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 44,779.75</b>	<b>\$ 0.00</b>	<b>\$ 43,504.94</b>	<b>\$ 2,962.39</b>	<b>\$ 24,953.81</b>	<b>\$ 7,427.64</b>

See accountants' compilation report.



**City of Westwood, Kansas**  
**Statement of Receipts and Expenditures - Regulatory Basis**  
 Other Funds  
 For The Six Months Ended June 30, 2023

	Other Funds					
	Capital Improvements Fund	Equipment Reserve Fund	Stormwater Fund	Special Highway Fund	Woodside TIF/CID Fund	Debt Service Fund
	Year To Date 06/30/2023 Actual	Year To Date 06/30/2023 Actual	Year To Date 06/30/2023 Actual	Year To Date 06/30/2023 Actual	Year To Date 06/30/2023 Actual	Year To Date 06/30/2023 Actual
<b>Receipts</b>						
Taxes						
Ad Valorem Tax	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 17,081.05
City Sales & Use Tax - Special	171,854.76	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	667.28
<b>Total Taxes</b>	<b>171,854.76</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>17,748.33</b>
Restricted Use						
Stormwater Utility Fee	0.00	0.00	108,404.86	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	10,361.58	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	22,956.50	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	56,179.95	0.00
WV CID-1	0.00	0.00	0.00	0.00	164,703.27	0.00
WV CID-2	0.00	0.00	0.00	0.00	45,797.01	0.00
Reimbursements	95,626.62	0.00	0.00	0.00	0.00	0.00
Miscellaneous	28,484.08	0.00	0.00	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Receipts</b>	<b>295,965.46</b>	<b>0.00</b>	<b>108,404.86</b>	<b>33,318.08</b>	<b>266,680.23</b>	<b>17,748.33</b>
<b>Expenditures</b>						
Professional Fees	406.00	0.00	0.00	1,185.00	0.00	3,000.00
Equipment and Maintenance						
Repairs & Maint Leaf Truck	0.00	0.00	560.91	0.00	0.00	0.00
Stone Wall Repairs	5,145.00	0.00	0.00	0.00	0.00	0.00
Special Highway Maintenance	0.00	0.00	0.00	9.49	0.00	0.00
<b>Total Equipment and Maintenance</b>	<b>5,145.00</b>	<b>0.00</b>	<b>560.91</b>	<b>9.49</b>	<b>0.00</b>	<b>0.00</b>
Street and Stormwater						
Capital Improvement Expense	8,910.62	0.00	0.00	0.00	0.00	56,668.75
Special Highway Expense	0.00	0.00	0.00	149.18	0.00	0.00
Stormwater Expense	0.00	0.00	2,973.90	0.00	0.00	0.00
<b>Total Street and Stormwater</b>	<b>8,910.62</b>	<b>0.00</b>	<b>2,973.90</b>	<b>149.18</b>	<b>0.00</b>	<b>56,668.75</b>
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	74,409.78	0.00
WV TIF 40% Sales Tax	0.00	0.00	0.00	0.00	26,038.73	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	109,073.13	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	38,656.26
<b>Total Miscellaneous</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>209,521.64</b>	<b>38,656.26</b>
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>14,461.62</b>	<b>0.00</b>	<b>3,534.81</b>	<b>1,343.67</b>	<b>209,521.64</b>	<b>98,325.01</b>
<b>Receipts Over (Under) Expenditures</b>	<b>\$ 281,503.84</b>	<b>\$ 0.00</b>	<b>\$ 104,870.05</b>	<b>\$ 31,974.41</b>	<b>\$ 57,158.59</b>	<b>\$ (80,576.68)</b>

See accountants' compilation report.



**City of Westwood, Kansas**  
 Summary of Expenditures - Actual and Budget  
 Regulatory Basis  
 For The Year Ended June 30, 2023

	<b>Certified Budget</b>	<b>Expenditures Chargeable to Current Year</b>	<b>Difference Over/(Under)</b>
<b>Expenditures</b>			
General Fund	3,092,622.00	1,391,712.57	(1,700,909.43)
Capital Improvements Fund	219,000.00	14,461.62	(204,538.38)
Equipment Reserve Fund	10,000.00	0.00	(10,000.00)
Stormwater Fund	119,516.00	3,534.81	(115,981.19)
Special Highway Fund	10,000.00	1,343.67	(8,656.33)
Woodside TIF/CID Fund	600,000.00	209,521.64	(390,478.36)
Debt Service Fund	337,312.50	98,325.01	(238,987.49)
<b>Total Expenditures</b>	<b><u>4,388,450.50</u></b>	<b><u>1,718,899.32</u></b>	<b><u>(2,669,551.18)</u></b>

See accountants' compilation report.

## COUNCIL ACTION FORM

Meeting Date: July 13, 2023

Staff Contact: Ryan Denk

**Agenda Item:** 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

**Background/Description of Item:** 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.



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.

**Staff Comments/Recommendation:** Staff recommends adoption of the proposed Resolution 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..

**Budget Impact:** No budget impact is associated with adoption of the Resolution.

**Suggested Motion:**

I move 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.



# Tax Increment Financing: An Overview

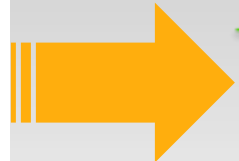
City of Westwood, Kansas  
July 13, 2023

**2405 Grand, Suite 1100  
Kansas City, Missouri 64108  
Phone: 816-221-1000**

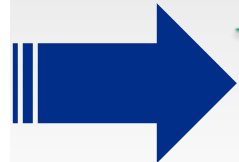
# TIF: An Overview



➤ Redevelopment tool used for industrial, commercial, residential, and intermodal transportation projects.



Uses incremental property tax revenues, sales tax and transient guest tax to pay certain eligible costs



Revenues are used to pay for redevelopment project costs either by paying bonds or by “pay as you go”

# Eligible Areas and Eligible Costs

## Eligible Areas

- Conservation area
- Blighted area
- Pre-1992 Enterprise Zone

## Eligible Costs

- Land Acquisition
- Site work and horizontal infrastructure
- Parking and landscaping
- Vertical construction costs generally *ineligible*

# Key Terms: Base Year and Tax Increment

## Base Year Assessed Valuation (BYAV)

- Determined on date district is established

## Tax Increment

- Property taxes collected in excess of BYAV
- Begins upon establishment of district
- Excludes certain ineligible mill levies (28 mills USD; 1.5 mills State)

## TIF Fund

- Increment deposited in separate TIF Fund
- Funds can be utilized only upon adoption of TIF Plan

# Two-Step Process

## **Step One: Establish District**

- Establishes geographic area
- Sets BYAV
- Begins collection of increment

## **Step Two: Adopt TIF Project Plan**

- Can be multiple project areas/plans with a district
- Permits spending of TIF Funds
- Begins 20-year statutory TIF clock

# Step One: TIF District Process

- ✓ Resolution calling for Public Hearing on District – Day 1
- ✓ Mailed Notice to Taxing Districts & Property Owners – Day 5
- ✓ Publish Notice – Day 25
- ✓ Public Hearing on District – Day 35
- ✓ Ordinance Approving District – Day 35
- ✓ County/USD Protest Period (if applicable) – Day 35 to 65

# Step Two: TIF Project Plan Process

- ✓ TIF Plan prepared and submitted to City – Day 60
- ✓ Negotiation of Redevelopment Agreement
- ✓ Planning Commission Conformance Finding
- ✓ Resolution for Public Hearing on TIF Plan – Day 70
- ✓ Mailed Notice to Taxing Districts & Property Owners – Day 75
- ✓ Publish Notice – Day 91
- ✓ Public Hearing on TIF Plan – Day 101
- ✓ Ordinance Approving TIF Plan (Requires 2/3 vote) – Day 101



(Published in *The Legal Record* on September 5, 2023)

**RESOLUTION NO. 119-2023**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS 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.**

**WHEREAS**, the City of Westwood, Kansas (the “City”) is considering the establishment of a redevelopment district pursuant to K.S.A. 12-1770 *et seq.* (as amended, the “Act”); and

**WHEREAS**, the City Council of the City intends to set a date for a public hearing for the purpose of considering the establishment of a redevelopment district in accordance with the Act.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:**

**Section 1.** Notice is hereby given that a public hearing will be held by the City to consider establishment of a redevelopment district at 7:00 p.m., or as soon thereafter as the matter can be heard, on **September 14, 2023**, at Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas.

**Section 2.** A map of the proposed redevelopment district is attached hereto as **Exhibit A**. The boundaries of the proposed redevelopment district are legally described on **Exhibit B** attached hereto. A description and map of the proposed redevelopment district are available for inspection and copying in the offices of the City Clerk, Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas, Monday through Friday (other than holidays) between 9:00 a.m. and 5:00 p.m.

**Section 3.** The proposed district plan for the proposed redevelopment district provides for one (1) redevelopment project area to be coterminous with the proposed redevelopment district and is described in a general manner as follows:

A mixed-use development consisting of some or all of the following uses and improvements, without limitation: general commercial and retail development, including development of up to approximately four (4) multistory facilities; recreational uses; associated public and private infrastructure; site work, including demolition; utilities; storm water and drainage; landscaping, plantings, fountains, shelters, benches, sculptures, lighting, decorations and similar amenities; parking facilities; and other items allowable under the Act.

**Section 4.** The City Council will consider the findings necessary for the establishment of a redevelopment district after conclusion of the public hearing.

**Section 5.** The City Clerk is hereby authorized and directed to publish this resolution once in the official city newspaper not less than one week or more than two weeks preceding the date set for the public hearing. The City Clerk is also authorized and directed to mail a copy of this resolution via certified mail, return receipt requested to the board of county commissioners, the board of education of any school district levying taxes on property within the proposed redevelopment district, and to each owner and occupant of land within the proposed redevelopment project area, not more than 10 days following the date of the adoption of this Resolution.

**Section 6.** The Mayor, City officials, and other officers, agents, and employees of the City are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

**Section 7.** This Resolution shall become effective upon its adoption by the City Council.

*[Balance of page intentionally left blank]*

**ADOPTED** this 13th day of July, 2023.

[SEAL]

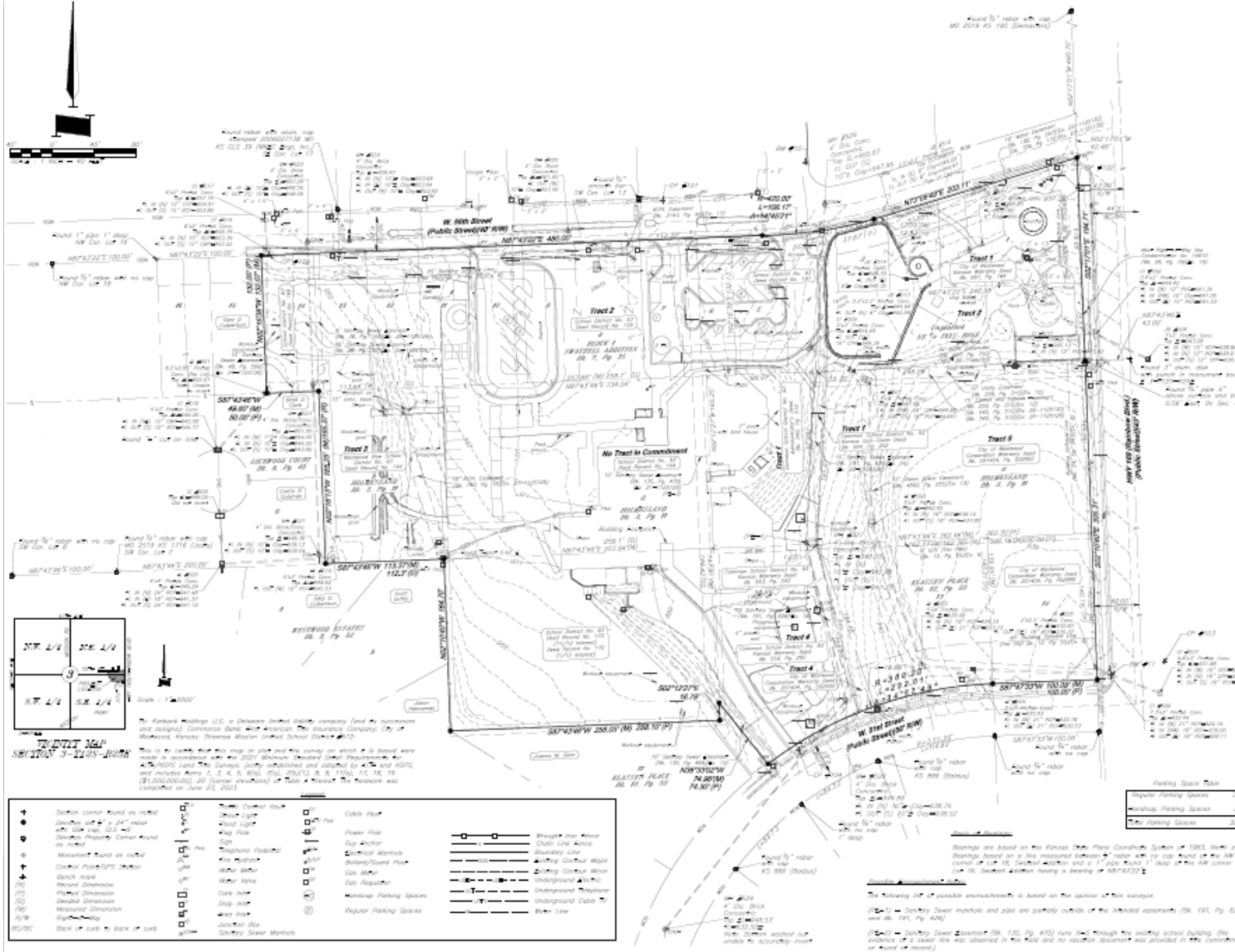
Attest:

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

\_\_\_\_\_  
Abby Schneweis, City Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT



**GBA**  
 architects  
 engineers

8501 Renner Boulevard  
 Lenexa, Kansas 66219  
 913.492.0400  
 www.gbar.com  
 twissell@gbar.com

**ALTAINSPS LAND TITLE SURVEY**  
 Northeast and Southwest Quarter of Section 4,  
 Township 12 North, Range 28 East  
 City of Greenwood, Johnson County, Kansas

**PREPARED FOR:**  
 Adam Fitchman  
 Northern Star Cable Company  
 2500 Stearns Mission Parkway, Suite 400

1111

**PLATT NUMBER:**  
 1023-23  
 05/23/2023

**SCALE:**  
 1" = 40'

**SHEET NUMBER:**  
 1 OF 2

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**EXHIBIT B**

**LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT**

## COUNCIL ACTION FORM

Meeting Date: July 13, 2023

Contact: David E. Waters, Mayor

**Agenda Item:** Consider Resolution No. 120-2023 Approving Amended and Restated Bylaws of Westwood Foundation

### Background/Description of Item

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.

### Comments/Recommendation from the Mayor

As has been discussed amongst the Foundation Board for some time, I have felt our Bylaws needed a bit of an overhaul. One reason is that there is kind of a mish-mash right now of when terms of officers begin and end, making coordinating terms and appointments difficult to track. Another reason is that I do not think that the Mayor should be the "de facto" president of the Foundation and, to avoid having the mayor wearing too many hats, I think the Mayor should instead be an "ex officio" non-voting member of the Foundation. This would accomplish two other things: (1) avoiding me (as mayor) voting on one thing with the Foundation hat (and having a duty to do what is best for the Foundation) and having to potentially vote on that same thing with my Mayor hat on (and having a duty to do what is best for the City, which may or may not be the same as the Foundation); and (2) I think this can help "force" the Foundation board to grab the bull by the horns a bit more and force it to take charge of the Foundation, rather than lean on the City (which, I think, at times can cause the Foundation to be stagnant).

By making myself (or the position of Mayor) ex-officio, I would propose adding an additional person to the Board, for a total of seven (with me, again, as an 8th but ex officio, non-voting). Each director would serve 4-year terms (from June 1 to May 31 four years later), staggered so that every two years there are 4 appointments, then 3, etc. As applied, the terms would end (and be up for reappointment or a new appointment) as follows:

Justin Bridges: May 31, 2025

Thomas Scott: May 31, 2025

Rita Zeller: May 31, 2025  
New Appointee: May 31, 2025  
Sean O'Brien: May 31, 2027  
Kumud Pyakuryal: May 31, 2027  
Robert Thompson: May 31, 2027

To the extent Foundation members no longer wish to serve, then at least with these new bylaws I can make new appointments with a clear understanding of the "term" for which a new replacement would be appointed through.

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.

**Budget Impact**

None

*Suggested Motion*

*I move to adopt Resolution No. 120-2023 approving Amended and Restated Bylaws of Westwood Foundation.*

**RESOLUTION NO. 120-2023**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, APPROVING AMENDED AND RESTATED BYLAWS OF WESTWOOD FOUNDATION.**

**WHEREAS**, the Westwood Foundation (the “Foundation”) is a Kansas not-for-profit corporation organized and existing as an instrumentality of the City of Westwood, Kansas (the “City”) and is governed in the conduct of its affairs by its Board of Directors (the “Board”), its Articles of Incorporation and its Bylaws; and

**WHEREAS**, it has been determined by the Board that it is in the best interest of both the Foundation and the City to transition the Mayor of the City from a voting member of the Board to an ex-officio member of the Board and retain seven (7) voting members of the Board; and

**WHEREAS**, it has been determined by the Board that it is in the best interest of both the Foundation and the City to modify how alterations or amendments to the Bylaws are made; and

**WHEREAS**, it has been determined by the Board that it is in the best interest of both the Foundation and the City to restate and amend the Bylaws.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:**

**Section 1.** The Mayor of the City is hereby an ex-officio member of the Board and one additional voting Board position is created; and

**Section 2.** The Bylaws of the Foundation are hereby restated and amended as attached as Exhibit A.

**Section 3.** This resolution shall be effective upon its adoption by the Governing Body of the City of Westwood, Kansas.

**ADOPTED** this 13<sup>th</sup> day of July, 2023.

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

**ATTEST:**

\_\_\_\_\_  
Abby Schneweis, City Clerk



**AMENDED AND RESTATED BYLAWS  
OF  
WESTWOOD FOUNDATION**

Revised and Approved \_\_\_\_\_, 2023

These Restated and Amended Bylaws of the Westwood Foundation (the “Bylaws”) are entered into to amend, restate, and supersede in their entirety those Bylaws of the Foundation as previously enacted and amended.

**ARTICLE I  
PREAMBLE – PURPOSE AND OBJECTIVES**

**1.1 Foundation Name.** As established in its Articles of Incorporation, the name of the Foundation is Westwood Foundation (the “Foundation”). The Foundation was formed under the general corporation code of the State of Kansas as a not for profit corporation.

**1.2 Purposes.** The Foundation, a 501(c)3 organization, was founded in 1974 to provide charitable, educational and benevolent support to the greater City of Westwood, Kansas (the “City”) community. The Foundation has one principal mission: providing financial assistance and support to projects and endeavors that benefit the City, the immediate surrounding area and, ultimately, the citizens of those communities. The short-term objectives of the Foundation are varied. These objectives range from land acquisition/development to providing revenue to the City to offset unexpected expenses and offering educational scholarships to members of our community. Broadly, any financial obligation the Foundation selects to support aims to fulfill its principal mission.

**ARTICLE II  
OFFICES AND SEAL**

**2.1 Registered Office and Registered Agent.** The location of the registered office and the name of the registered agent of the Foundation in the State of Kansas shall be such as shall be determined from time to time by the board of directors and on file in the appropriate public offices of the State of Kansas pursuant to applicable provisions of law.

**2.2 Corporate Offices.** The Foundation may have such other corporate offices and places of business anywhere within or without the State of Kansas as the board of directors may from time to time designate or the business of the Foundation may require.

**2.3 Corporate Seal.** The corporate seal shall have inscribed thereon the name of the Foundation and the words “Corporate Seal, Kansas”. The corporate seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced or otherwise.

**ARTICLE III  
BOARD OF DIRECTORS**

**3.1 Management by Board of Directors.**

(a) The management of all the affairs, property, and business of the Foundation shall be vested in a board of directors (the “Board”), consisting of seven (7) persons (each a “Director” and collectively, the “Directors”). Notwithstanding any other provision of these Bylaws to the contrary, the authorized number of Directors of the Foundation Board may be increased or decreased by the affirmative

vote of a majority of the Directors at any meeting of the Board; provided, however, that any such increase or decrease must be approved by a resolution or other action adopted by the governing body of and for the City (the “Governing Body”), prior to becoming effective. In the event the City is dissolved, the authorized number of directors of the Foundation may be increased or decreased by the affirmative vote of a majority of the Directors at any meeting of the Board.

(b) The Board of Directors shall be, have and is vested with all and unlimited powers and authorities, except as it may be expressly limited by law, the Articles of Incorporation or these Bylaws, to supervise, control, direct and manage the property, affairs and activities of the Foundation, to determine the policies of the Foundation, to do or cause to be done any and all lawful things for and on behalf of the Foundation, to exercise or cause to be exercised any or all of its powers, privileges or rights, and to seek the effectuation of its objects and purposes; provided, however, that (i) the Board of Directors shall not authorize or permit the Foundation to engage in any activity not permitted to be transacted by the Articles of Incorporation or by a not for profit corporation organized under the laws of the State of Kansas, (ii) none of the powers of the Foundation shall be exercised to carry on activities, otherwise than as an insubstantial part of its activities, which are not in themselves in furtherance of the purposes of the Foundation, and (iii) all income and property of the Foundation shall be applied exclusively for its not for profit purposes.

(c) No part of the net earnings or other assets of the Foundation shall inure to the benefit of any Director, officer, contributor, person, or private individual, having, directly or indirectly, a personal or private interest in the activities of the Foundation.

**3.2 Qualifications; Term of Office.** The Board of Directors of the Foundation shall be constituted as follows: Seven (7) residents of the City, each of at least eighteen (18) years of age, appointed by the Mayor of the City of Westwood, Kansas (the “Mayor”), and confirmed by a resolution or other action adopted by the Governing Body of and for the City. Each Director appointed by the Mayor shall serve for a term of four (4) years, such terms to commence as of June 1 of the year of appointment, and to expire on May 31 of that year which is four (4) years thereafter, or until his or her successor is duly appointed and qualified. Provided, that the terms of such Directors shall be staggered such that, in accordance (in part) with City Resolution No. 91-2021:

(a) The three (3) Director positions currently set to expire as of May 2025 shall continue through and expire on May 31, 2025;

(b) A resident of the City shall be appointed contemporaneously with the effective date of these Bylaws by the Mayor, as provided above, for a term through May 31, 2025 (the Mayor being an *ex officio* non-voting Director as provided in these Bylaws);

(c) The three (3) Director positions that expired or are currently set to expire February 2023, May 2023, and February 2024 shall continue through and expire on May 31, 2027.

The duly elected, qualified and acting Mayor shall serve as an *ex officio*, non-voting member of the Foundation Board, until his or her successor is duly elected and qualified and has commenced his or her term of office.

**3.3 Resignation and Removal.** Appointees serve at the pleasure of the Governing Body. A Director may be removed prior to the expiration of his or her term by the recommendation of the City Administrator, with final approval by the Mayor. Directors may resign at any time. Absence of a Director from two (2) consecutive regular meetings without excuses deemed valid shall be construed as a resignation.

**3.4 Vacancies.** In case of a vacancy in the Board of Directors occurring by reason of resignation, death, removal, or disqualification from office (*e.g.*, no longer a resident of the City), the Mayor shall appoint a suitable person to fill such vacancy for the unexpired term of such Director's office, such appointment to be confirmed by a resolution or other action adopted by the Governing Body of and for the City.

**3.5 Dissolution of City.** In the event the City of Westwood, Kansas is dissolved, each remaining member of the Board of Directors shall continue in office for the remainder of his or her term. Any appointments or reappointments shall be handled by the Board of Directors calling, upon at least fifteen (15) days prior notice, a meeting of all residents of that geographical area which was the City of Westwood, Kansas, prior to its dissolution, to consider such appointment or reappointment. Such Director(s) shall be elected by a majority of those attending the residents meeting.

**3.6 Compensation.** Directors shall not be compensated for serving as directors of the Foundation; provided, that unless otherwise restricted by the Articles of Incorporation, the Board of Directors may provide for reimbursement of actual expenses incurred by Directors in fulfilling their duties to the Foundation; and further provided, that nothing herein contained shall be construed to preclude any Director from serving the Foundation in any other capacity and receiving his or her regular compensation therefor.

#### ARTICLE IV MEETINGS OF THE BOARD

**4.1 Annual Meeting.** The annual meeting of the Board of Directors shall be held on in June each year or at such other time as determined by the Board of Directors. If for any reason no meeting of the Board of Directors is held at such time, but the Board of Directors nevertheless designates a meeting of the Board of Directors held at another time as the annual meeting thereof (regardless of when such designation is made), then such meeting shall be considered to be a special meeting of the Board of Directors for purposes of determining by whom such meeting may be called and the time at which such meeting may be held. The purposes of the annual meeting shall be to elect officers and to transact such other business as may come before the meeting.

**4.2 Regular Meetings.** Regular meetings of the Board of Directors shall be held at such time and place as the Board of Directors may designate from time to time. The Secretary shall endeavor to provide a draft agenda, together with notice of location, log-in details (if applicable), and other pertinent information, at least one (1) week prior to such regular meetings. No other formal notice of regular meetings shall be required.

**4.3 Special Meetings.** Special meetings of the Board of Directors may be called by the Mayor, the President, or by any two (2) Directors. The Secretary shall endeavor to provide a draft agenda, together with notice of location, log-in details (if applicable), and other pertinent information, at least one (1) week prior to such special meetings.

**4.4 Agenda.** Except for agenda items required under these Bylaws, the meeting agenda for the annual meeting and for regular meetings shall be set by the President or the President's designee, or by the Mayor or the Mayor's designee. The President shall consider agenda requests from the City and the Directors so that mutual problems of interest may be discussed.

**4.5 Notice of Meetings.** Notice of any meeting of the Board of Directors may be communicated in person, by mail, by telephone, by email, or by other form of wire or wireless communication. Oral notice will be effective (*i.e.*, will be deemed to have been given) to the recipient,

when communicated. Written notice will be sent to each Director at such Director’s email address or other address shown on the Foundation’s records and will be effective (*i.e.*, will be deemed to have been given) upon the earliest to occur of: the receipt of such notice by the Director; or the fifth day after deposit of such notice in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with first class postage affixed,

**4.6 Waiver of Notice.** Any notice required to be given to a director by any provision of these Bylaws the Articles of Incorporation, or any law may be waived in a written or authenticated instrument signed by such Director, whether before, at, or after the meeting for which such notice is required to be given, if the instrument is filed with the minutes of the meeting or in the Foundation's records. Attendance of a Director at any meeting will constitute a waiver of notice of such meeting, except where such Director upon arriving at the meeting or prior to the vote on a matter not noticed in conformity with these Bylaws or other law objects to the lack of notice and does not vote for or assent to the objected-to-action.

**4.7 Place of Meetings; Participation by Telecommunications Equipment.** All annual and other meetings of the Board of Directors shall be held at the time and at the place, inside or outside the State of Kansas, determined by the Board of Directors. Subject to availability and offer by the President, any or all Directors may participate in any meeting of the Board of Directors by means of conference telephone or similar communications equipment whereby all persons participating in the meeting can hear each other. A Director who participates in a meeting in this manner shall be deemed to be present in person at the meeting.

**4.8 Voting Rights.** Each director shall be entitled to cast one (1) vote with respect to any matter coming before the Board of Directors.

**4.9 Quorum and Voting.** A majority of the Directors shall, unless a greater number as to any particular matter is required by law, the Articles of Incorporation, or these Bylaws, constitute a quorum for the transaction of business at any meeting of the Board of Directors. The affirmative vote of a majority of the directors present at any meeting of the Board of Directors shall be the act of the Board of Directors if a quorum is present when the vote is taken, except as otherwise specifically provided by law, the Articles of Incorporation, or these Bylaws. Less than a quorum of the Directors may adjourn a meeting successfully until a quorum is present.

**4.10 Board of Directors' Action by Consent in Lieu of Meeting.** Any action that is required to be or may be taken at a meeting of the Board of Directors may be taken without a meeting if all the Directors vote take the action and, to evidence the action, sign a written consent (which may be signed in two or more counterparts) or respond via other written or electronic means (including but not limited to email or online survey/voting platform) that describes the action taken, provided that all Directors have been notified at least two (2) days in advance of the proposed action and have the opportunity to cast their votes. Each such consent will have the same force and effect as a vote of the Board of Directors at a meeting duly held and may be stated as such in any document executed on behalf of the Foundation. The Secretary will record and file such consents with the minutes of meetings of the Board of Directors.

**ARTICLE V**  
**COMMITTEES OF THE BOARD OF DIRECTORS**

**5.1 Committees.** The Board of Directors may designate one or more standing or special committees and appoint members of the Board of Directors to serve on them. Each such committee shall have two (2) or more members, all of whom shall serve at the pleasure of the Board of Directors. Each committee shall have such power and authority as is specified by the Board of Directors upon the establishment of such committee, subject to the Articles of Incorporation and applicable law.

**5.2 Committee Action.** Each committee of the Board of Directors shall keep regular minutes of its meetings which shall be kept in the minute books or files of the Foundation. The provisions of Article IV relating to actions by written consent in lieu of meetings and participation in meetings by means of conference telephone or similar communications equipment shall apply to committees of the Board of Directors and members thereof. The Secretary of the Foundation may act as secretary for any committee if the committee so requests.

## **ARTICLE VI** **OFFICERS**

### **6.1 Elected Officers.**

(a) A President, a Vice-President, a Treasurer, and a Secretary shall be elected each year by the Board of Directors at the annual meeting of the Board of Directors. If the Board of Directors desires. The officers of the Foundation shall be selected from among the members of the Board of Directors. The same individual may not simultaneously hold more than one office in the Foundation.

(b) An elected officer shall be deemed qualified when such officer begins the duties of the office to which such officer has been elected and furnishes any bond required by the Board of Directors. The Board of Directors may require of such person, in addition to a bond, a written acceptance of office and a promise to discharge faithfully the duties of such office.

**6.2 Term of Office.** Each elected officer of the Foundation shall hold office for a term of one (1) year for which such officer was elected. and thereafter until his or her successor shall have been elected and qualified, unless such officer earlier resigns or is removed as provided in these Bylaws. Any officer may serve more than one (1) consecutive term in the same office.

**6.3 Removal.** Any officer or agent elected or appointed by the Board of Directors and any employee may be removed or discharged by the Board of Directors whenever in its judgment the best interests of the Foundation would be served thereby. Such removal shall be without prejudice to the contract rights, if any, of the person so removed.

**6.4 Delegation of Authority to Hire, Discharge, and Designate Duties.** The Board of Directors from time to time may delegate to the President, or other officer or executive employee of the Foundation, authority to hire and discharge and to fix and modify the duties of employees of the Foundation under the jurisdiction of such officer or executive employee. The Board of Directors may also delegate to such an officer or executive employee similar authority with respect to obtaining and retaining for the Foundation the services of attorneys, accountants, and other professionals and experts. In the absence of any designation, the President shall have such general authority with respect to all employees and independent contractors whose services, in the discretion of the President, are required by the Foundation.

### **6.5 The President.**

(a) The President shall be the chief executive officer of the Foundation. The President shall have such general executive authority, powers, and duties of supervision and management as are usually vested in the office of the chief executive of a Kansas not for profit corporation and shall carry into effect all actions, directions, and resolutions of the Board of Directors. The President shall have such other or further duties and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors. The President shall preside at all meetings of the Board of Directors.

(b) The President may execute all promissory notes, mortgages, contracts, and other instruments, and may cause the seal of the Foundation to be affixed thereto, for and in the name of the Foundation. The President may execute powers of attorney from the Foundation to such person or persons as the President may deem fit, in order that the activities or interests of the Foundation may be furthered.

**6.6 The Vice President.** The Vice President shall, in the event of the absence, death, disability, or inability to act of the President, perform the duties and exercise the authority and powers of the President. The Vice President shall have such other authority and powers and perform such other duties as the Board of Directors may from time to time prescribe.

**6.7 The Secretary.**

(a) The Secretary shall have the general authority, powers, duties, and responsibilities of a secretary of a corporation. The Secretary shall attend all meetings of the Board of Directors, and he or she shall record or cause to be recorded and shall maintain the minutes of all meetings and written consents to action without a meeting of the Board of Directors in minute books or files of the Foundation to be kept for that purpose. The Secretary shall perform like duties for each committee of the Board of Directors when requested by the Board of Directors or such committee to do so. The Secretary shall have the authority and power to authenticate records of the Foundation.

(b) The Secretary shall bear the principal responsibility to give, or cause to be given, notice of all meetings of the Board of Directors for which notice is required, but this shall not affect the authority of others to give such notice as is authorized elsewhere in these Bylaws. The Secretary shall see that all books, records, lists, and information required by the Articles of Incorporation or law to be maintained at the principal office of the Foundation in Kansas or elsewhere are so maintained. The Secretary shall keep in safe custody the seal of the Foundation and, when duly authorized to do so (including authorization given by the President or other executive officer of the Foundation), shall affix the same to any instrument requiring it, and when so affixed, the Secretary shall attest the same by the Secretary's signature. The Secretary shall perform such other duties and have such other authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors or the President, under whose direct supervision the Secretary shall be.

**6.8 The Treasurer.**

(a) The Treasurer shall have the general authority, powers, duties, and responsibilities of a treasurer of a corporation and shall, unless otherwise provided by the Board of Directors, be the chief financial and accounting officer of the Foundation. The Treasurer shall have the responsibility for the safekeeping of the funds and securities of the Foundation and shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Foundation. The Treasurer shall keep, or cause to be kept, all other books of account and accounting records of the Foundation and shall deposit or cause to be deposited all monies and other intangible assets of the Foundation in the name and to the credit of the Foundation in such depositories as may be designated by the Board of Directors (except for assets, such as the Foundation's name, that are not susceptible to such deposit).

(b) The Treasurer shall disburse, or permit to be disbursed, the funds of the Foundation as may be ordered or authorized generally by the Board of Directors. The Treasurer shall render to the chief executive officer of the Foundation or the Board of Directors, whenever asked by either to do so, an account of the financial condition of the Foundation and an account of all transactions of the Treasurer and those under the Treasurer's supervision. The Treasurer shall perform such other duties and shall have such other responsibility and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors.

(c) If required by the Board of Directors, the Treasurer shall give the Foundation a bond, in a sum and, if required by the Board of Directors, with one or more sureties satisfactory to the Board of Directors, for the faithful performance of the duties of office and for the restoration to the Foundation, in the case of such Treasurer's death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind in the possession or under the control of such Treasurer that belong to the Foundation. The cost, if any, of said bond shall be paid by the Foundation.

**6.9 Duties of Officers May be Delegated.** If any officer of the Foundation shall be absent or unable to act, or if the Board of Directors so elects for any other reason that it may deem sufficient, the Board of Directors may delegate, for the time being, some or all of the functions, authority, powers, duties, and responsibilities of any officer to any other officer or to any other agent or employee of the Foundation or other responsible person.

**ARTICLE VII  
FINANCIAL MATTERS**

**7.1 Moneys.** The moneys of the Foundation shall be deposited in the name of the Foundation in such bank or banks or trust company or trust companies as the Board of Directors shall designate, and shall be drawn out only by check signed by persons designated in these Bylaws or by resolution adopted by the Board of Directors. All checks, bank drafts, and other orders for the payment of money shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate. If no designation is made and unless and until the Board of Directors otherwise provides, each of the President and Treasurer shall individually have power to sign all such instruments which are executed or made in the ordinary course of the Foundation's business for the Foundation.

**7.2 Fiscal Year.** The Board of Directors shall have power to fix and from time to time change the fiscal year of the Foundation. In the absence of action by the Board of Directors, however, the fiscal year of the Foundation shall be the calendar year.

**7.3 Dissolution of Foundation.** To the extent permitted by applicable law, upon the dissolution or ceasing-to-exist of the Foundation, all moneys, properties, and other assets shall be conveyed to and belong to the City, and the Board shall take such action as is necessary to transfer such moneys, properties, and other assets to the City.

**ARTICLE VIII  
MISCELLANEOUS**

**8.1 Indemnification.** The Foundation shall indemnify and protect any director, officer, employee, or agent of the Foundation and the City, or any person who serves at the request of the Foundation as a director, officer, employee, member, manager, or agent of another corporation, partnership, limited liability company, joint venture, trust, employee benefit plan, or other enterprise, to the fullest extent permitted by the laws of the State of Kansas.

**8.2 Amendments.** These Bylaws may be altered, amended, or repealed by the affirmative vote of a majority of the Board of Directors at any meeting of the Board; provided, however, provided, however, that no such modification or amendment shall be effective unless and until approved by a resolution or other action adopted by the Governing Body of and for the City.

**SECRETARY’S CERTIFICATE**

I hereby certify that I am the Secretary of Westwood Foundation, a Kansas not for profit corporation, and the keeper of its corporate records; that the Bylaws to which this Certificate is attached were duly adopted by said corporation’s Board of Directors as and for the Bylaws of the corporation as of June 30, 2023; and that, subject to approval by the Governing Body of the City of Westwood, Kansas, as set forth below, these Bylaws constitute the Bylaws of the Foundation and are in full force and effect.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
Secretary

**CITY CLERK’S CERTIFICATE**

I hereby certify that I am the City Clerk of and for the City of Westwood, Kansas, a Kansas municipal corporation; that the Bylaws to which this Certificate is attached were duly approved as the Bylaws for the Westwood Foundation by the Governing Body of the City by resolution or other action taken as of \_\_\_\_\_, 2023.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
City Clerk



## COUNCIL ACTION FORM

Meeting Date: July 13, 2023

Staff Contact: Leslie Herring, City Administrator

Agenda Item: Consider 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

### Background/Description of Item

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. The budget public hearing and adoption of the 2024 budget will follow the revenue neutral rate hearing on that meeting agenda.

### Staff Comments/Recommendation

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.

### *Suggested Motion*

*I move 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.*

**RESOLUTION NO. 121-2023****A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, OF THE CITY'S INTENT TO EXCEED ITS "REVENUE NEUTRAL RATE", ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.**

**WHEREAS**, pursuant to K.S.A. 79-2988 (the "Act"), the Clerk of Johnson County, Kansas, has calculated and notified the City of Westwood, Kansas (the "City") that, for the City's 2024 budget year, the City's "revenue neutral rate" (as such term is defined by the Act) is 18.679 mills (for informational purposes only, one mill is equal to 1/1000th of a Dollar of assessed value);

**WHEREAS**, the Act further provides that no tax rate in excess of the revenue neutral rate shall be levied by the Governing Body of the City except in accordance with procedures established under the Act; and

**WHEREAS**, it is the intent of the Governing Body to exceed the revenue neutral rate, and the City desires to call and conduct a public hearing under the provisions of the Act and to provide notice of the City's proposed tax rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:**

**Section 1. Intent to Exceed Revenue Neutral Rate; Proposed Tax Rate.** Pursuant to K.S.A. 79-2988(b), the City, by and through its Governing Body, hereby declares its intent to exceed the revenue neutral rate. The City's proposed tax/mill levy rate for the 2024 budget year is 21.198 mills.

**Section 2. Public Hearing.** Notice is hereby given that a public hearing will be held by the Governing Body to consider exceeding the revenue neutral rate on September 14, 2023, at Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas, 66205, the public hearing to commence at 7:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment.

**Section 3. Notice of Public Hearing—County.** The City Clerk is hereby authorized and directed to notify the Johnson County Clerk, on or before July 20, 2023, of the City's proposed intent to exceed the revenue neutral rate and to provide the date, time, and location of the public hearing. The Johnson County Clerk shall transmit such notice in accordance with the procedures set forth in the Act.

**Section 4. Notice of Public Hearing—City.** The City Clerk is further hereby authorized and directed to publish notice of the City's proposed intent to exceed the revenue neutral rate by publishing notice at least ten (10) days in advance of the public hearing:

(A) on the website of the City; and

(B) in a weekly or daily newspaper of Johnson County, Kansas, having a general circulation therein.

Such notice published by the City Clerk shall include, but not be limited to, the City's proposed tax rate (as set forth in this Resolution), its revenue neutral rate, and the date, time, and location of the

public hearing.

**Section 5. Further Action.** The Mayor, City Clerk, and other officials and employees of the City are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 6. Effective Date.** This resolution shall be effective upon its adoption by the Governing Body of the City of Westwood, Kansas.

**ADOPTED** this 13<sup>th</sup> day of July, 2023.

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David E. Waters, Mayor

**ATTEST:**

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Abby Schneweis, City Clerk