

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, February 6, 2017 6:00 P.M.

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| <ul style="list-style-type: none">○ Joel Marquardt, Mayor○ Becky Fast, Council Member○ Tim Janssen, Council Member○ Ryan Kellerman, Council Member | <ul style="list-style-type: none">○ Teresa Kelly, Council Member○ Sheri McNeil, Council Member○ Michael Poppa, Council Member○ Michael Rhoades, Council Member○ Erin Thompson, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ Jennifer Jones-Lacy, Asst. Admin.○ Kelley Bohon, City Clerk○ John Morris, Police Chief○ Jose Leon, Public Works Director |
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Admin
Poppa
Fast

Finance
Kelly
Janssen

Safety
Thompson
Rhoades

Public Works
Kellerman
McNeil

CMBR Thompson called the meeting to order at 6:00 p.m. CMBR McNeil was absent.

MODIFICATION TO THE AGENDA

City Clerk Bohon said that Item #4, R Park Master Plan, will be presented at the next Workshop.

I. APPROVAL OF MINUTES

1. January 3, 2017
2. January 17, 2017

The Governing Body agreed to approve the minutes with the changes.

II. DISCUSSION ITEMS:

1. Solid Waste Bid Process for 2018 Services

City Administrator Moody provided a review of the solid waste bid proposal. Mid-America Regional Council (MARC) has been serving as the administrator of the bid process for the combined cities of Westwood, Fairway and Roeland Park. The scope of services will remain similar, but does reflect a 0.75 percent fee for services to MARC. Ordinarily there is a 1.5 percent fee for purchases through their cooperative agency. It is anticipated that this contract will extend for more than one year. Staff has asked MARC for a detail on how much they will spend, how much time they expect to spend administering the bid process, and then administering the annual renewal process. Fee amounts will be about \$6,000 total for all three communities on an annual basis.

City Administrator Moody commented that administering a bid process such as this for multiple cities is best handled by a consultant. The cost of the consultant would be in the range of \$10,000 to \$15,000. In addition, each city would incur legal expenses if it was done aside from the use of MARC. Attempting to complete the process in-house will require committing staff hours, which will require other projects to be put on hold. Currently underway is the Branding Committee, Aquatics Committee and the Roe Boulevard Committee, in addition to the efforts of the Development Committee and the demand of the 2018 budget process, which is bearing down upon them. Prairie Village recently received a bid of \$16.50 per month from Deffenbaugh, which was their current provider at the time. This was a \$2.50 monthly increase to Prairie Village. Republic provided a bid of \$18.44 per month, which is who Prairie Village chose. Roeland Park is currently charged \$12.48 per month by WCA, and staff does anticipate the bids for this next contract will be similar to Prairie Village's rate.

At the Governing Body meeting the question was raised as to whether the City should move forward using MARC as the administrator of the bid process. Questions were also raised to see if Fairway and Westwood would be

interested in partnering with the City outside of MARC. Mr. Moody noted that Nathan Nogelmeier, City Administrator for Fairway and John Yé, Mayor of the City of Westwood, were present at the meeting.

Public Comment

Mike Hickey (5008 Howe Dr.) Mr. Hickey wanted to know why the City could not negotiate directly with WCA and renegotiate the contract since the City will spend \$30,000 over five years on the contract.

John Yé (4836 Belinder Court) Mr. Yé, Mayor of Westwood, Kansas, said he was present at the meeting as a service to Roeland Park. He said he participated in the original discussions in 2008 with then Roeland Park Mayor Adrienne Foster, and Fairway Mayor Wiley to work out an RFP for the combined cities. He continues to see the advantages of working together as a unified unit in that they gain leverage, opportunity, information and service sharing perspective and it also builds teamwork with other cities. They still pay 22 percent less to this day before their joint effort in 2012, which has resulted in over \$175,000 savings to the taxpayers. One advantage to having MARC negotiate the contract is it frees up city staff for other business.

Mr. Yé answered CMBR Fast saying he did not believe there would have been a savings had it not been for the utilization of MARC services.

CMBR Rhoades asked what benefits Roeland Park would see. Mr. Yé said there are a lot of different services that MARC provides and there are grants and economic benefits to the cities utilizing MARC.

City Administrator Moody said MARC has put together a summary of the services that they would provide through the bid process as well as the annual renewal process. The Cost Summary document is attached in the packet for review by the Council.

It was also noted that there will be added performance standards for WCA since they have not had the service expected for the past 12 months.

Nathan Nogelmeier (8207 Rosehill, Lenexa) Mr. Nogelmeier, Fairway City Administrator, reiterated previous comments that staff amongst the cities has spent many hours collectively working on the bid process and due to the complexity of working with several cities, he would recommend some sort of consultant in the process.

The original agreement was bid together to get effective pricing and to achieve efficiencies of scale. It was noted that currently the negotiated contract has an opt-out clause for each municipality.

After a brief discussion, the Governing Body reached a consensus to move this to the Consent Agenda at the next Council meeting.

2. Presentation on Installation of Multipurpose Trail at Nall Park

Brett Shoffner with the Urban Trail Company, a company that advocates for and constructs natural surface hiking and mountain biking trails, addressed the Governing Body. He said being able to repurpose Nall Park into something the community can use while making the land more viable for recreational activities has been in progress for a couple of years now. He has met with the Parks Board and presented them a budget. They should get 1-1 ½ miles of natural surface trail in the park area, and they will clean up the forest from the invasive honeysuckle as well as clean up the creek, remove the trash and repopulate the area with forest-loving native plants along the creekside.

There was a Community Work Day in February and one planned for March as well. They will begin the process of cleaning the park, removing the honeysuckle, picking up litter and preparing the area for the replanting of river oats.

CMBR Kelly suggested putting the information out on social media, the City's website, NextDoor and issuing a press release. City Clerk Bohon said it will be on NextDoor. CMBR Fast also recommended alerting the *Shawnee Mission Post*.

CMBR Rhoades asked if anyone had spoken to the Boulevard Apartments since part of the trail project is on their property. City Administrator Moody said he has met with the Boulevard Apartment property owners and said their initial response is yes to the concept, but would like to see where exactly it is proposed. There will need to be an easement to build the trail on their property and maintenance will be provided by the City. He has forwarded the information to the owners for their review and is waiting for a response. Before an easement could be issued, it would involve surveying and some additional legal work.

CMBR Kellerman asked why this project was not done in a bid process. City Administrator Moody said the majority of the work is done by the Urban Trail volunteer group and \$12,000 will be paid for by the City for the remainder of the work that needs to be done.

CMBR Fast said this was brought before the Governing Body last year and they had a lengthy discussion at that time and it was noted at that time this was primarily a volunteer operation. Ms. Fast also said she, Mayor Marquardt and City Administrator Moody met with the Boulevard Apartments about this trail and they are extremely excited about it. They have completely remodeled their fitness center, have fitness activities, fitness trainers and see the trail as right in line with the healthy living, healthy community that they want to offer to their residents.

CMBR Thompson said the Urban Trail people do the upkeep in exchange for hosting an event once a year. Mr. Shoffner added they usually reserve one community event or race type fundraising effort in exchange for the maintenance on the trail. They also come in a couple times a year to trim the invasive plants, trim other plantings and replant as necessary and keep the trail system looking nice since it has their name on it.

CMBR Kellerman inquired about the termination of the easement. City Administrator Moody said there will be a clause to allow to terminate the easement should anything change. Mr. Shoffner said their easements usually include a 120-day notice to terminate if the private landowner wants to develop their property.

CMBR Kellerman asked if any of this project would be in a TIF district. Ms. Jones-Lacy said the Boulevard Apartments are in a TIF district, but the park itself is not nor their part of the trail.

City Clerk Bohon said the cleanup date is out on the City's social media venues.

There was agreement of the Governing Body to move this item forward.

3. Liberty Tax Special Event Permit

Andy Banker, owner of Liberty Tax Service came before the Governing Body to apply for a special event permit to allow a balloon, four flags, direct signs and an A-frame sign. He said this is a very busy time for him and he would like to ramp up his visibility.

John Jacobson, City Building Official for Roeland Park, said this has been allowed from an administrative level in years past.

Mr. Banker said that 40 to 50 percent of his business is line of sight, walk-in traffic.

Due to the time sensitive issue, there was discussion of whether to call a special City Council meeting. There was also a brief discussion of allowing the display, but not enforcing the code as it would be approved at the meeting.

CMBR Kelly said she was uncomfortable with not enforcing the code and that it sets a bad precedent. She also suggested that in the future Mr. Banker make his request in December.

CMBR Rhoades said the city already set a precedent with Airbnb when they did not enforce the code with regard to home rentals.

Mayor Marquardt said he would be in favor of a special call City Council meeting, to which CMBR Poppa agreed.

The Governing Body agreed to have a special call Council meeting February 13 to approve the special permit.

Mr. Banker would be permitted to put up his flags, but would need to wait on the inflatable until after the meeting.

4. Changes to Type 1 Special Event Terms

Previously the Council had asked for additional adjustments to the language regarding Type 1 Special Events under Section 16-703 of the code. Items A through C would remain the same, however, under Section C, Special Event Meeting Type 1 the definition includes on-site signs and/or displays in conjunction with the event will be allowed without a permit provided the following conditions are met:

- (a) Special event does not involve outdoor activities.
- (b) Special event does not continue for more than 31 consecutive days and the property does not exceed a total of not more than 60 special event days. At least 15 days must pass between each special event
- (c) Any/all special event display areas must not exceed 500 square feet or five percent of the total square feet of the property, whichever is less.
- (d) A special event shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the neighborhood or neighborhood event.

Public Comment

Jeanie Gorman (7221 Mission Road) Ms. Gorman, attorney for St. Agnes Church, said the Church is pleased the City has been working with them and she also stressed how important their Respect Life event is. Having their display for 31 days is fine, but to allow 15 days between special event and no more than 60 special event days would be difficult due to the size of the St. Agnes campus and the number of entities, that while somewhat related, are different and would have special events that are different from one another. As written, the code would limit the campus as a whole from the myriad of events from parent-teacher conferences which could overlap with wedding receptions with signs, pancake breakfasts, funerals and school functions. She said such limits would cause a hardship and would hope that by allowing them to do more it would not interfere with the good enjoyment of Roeland Park nor create any blight.

Robert Soptic (5072 Mission Road) Mr. Soptic said he called 32 people and as parishioners of St. Agnes hoped what is displayed attesting to their faith is not insulting to the city, but is a profound statement of their beliefs. He also wanted to remind the Council that they accommodated an individual resident on the north side of the school in changing the direction of a statute. He said they are looking to the Council to bring everyone together.

Dick Weber (4703 Delmar) Mr. Weber, a member of St. Agnes, said with the City having so much work to do why are they worried about the signs.

CMBR Poppa thanked everyone for coming. He said the Council is not against the crosses or what they stand for, but that they are looking at it as a procedural issue on signage. He asked for, but was unable to get a consensus on recommended changes.

CMBR Kellerman asked Ms. Gorman what accommodations the Church was looking for.

Ms. Gorman said the crosses are protected by the First Amendment and protected against regulation. She said they are not blight and do not cause traffic problems, and it is not a compelling interest on the part of the City to regulate them. In an effort to be a good neighbor, St. Agnes was acceptable to a limit on signs versus a display.

She said they consider the crosses a display and not a sign and would not therefore fall under the ordinance. She also said that some of the signs would be for the benefit of the City of Roeland Park as they are directional for weddings or funerals and direct people where to go.

Mayor Marquardt said everyone can agree that St. Agnes is the most defining entity in Roeland Park. He said they are a huge benefit to the city and draws citizens to the area and help housing values. Mayor Marquardt recommended working on language that would separate the buildings on the campus.

Ms. Gorman reiterated that the Church does not view their Respect Life display as a sign or an outside event, but that is what they are operating under and where the confusion is for them.

Ms. Jones-Lacy said this item is before the Council as technically this display is out of compliance and occurs every single year and falls under the definition of a sign. As a result, they have made the recommendations to change the special event code to allow the freedoms of expression and also be within the City Code. She said the Church can come before the Council on an annual basis in August and request a special accommodation. If this would occur, none of the code would actually be changed. She said the two choices are either the proposed language, which is still being debated, or keeping the language as is with the special event request and the accommodation by Council.

CMBR Rhoades said his perception if this had been for Literacy Awareness Month it would never even have been discussed. He thinks the issue is divisive because of some residents' feelings on the pro-life issue. They are technically putting a huge campus on the same square footage as someone who had a non-profit in their residence by limiting to 500 square feet the entire St. Agnes campus. He said he could agree with a sign every 25 feet. He said they do need to come to a consensus not only for St. Agnes, but also for Roesland, Horizon, and the other churches in the City. He said that the RLUIPA (Religious Land Use and Institutionalized Persons Act) from the Department of Justice was reviewed by Curé of Ars in Leawood and believes the City has no grounds to regulate their speech.

CMBR Poppa said the Council is not regulating speech.

CMBR Thompson called the meeting back to order noting that CMBR Rhoades still had the floor.

CMBR Rhoades said the RLUIPA protects religious institutions from unduly burdensome and discriminatory land use regulations. This is what the proposed sign ordinance is to St. Agnes, a burdensome regulation. The United States Congress found that houses of worship were disproportionately affected and, in fact, often were actively discriminated against by local land use decisions. Congress also found that as a whole religious institutions were treated worse than comparable secular institutions. Congress further found that zoning authorities are frequently placing excessive burdens on the ability of congregations to exercise their faith in violation of the Constitution. In response, Congress enacted RLUIPA. The new law provides a number of important protections for the religious freedoms of persons, houses of worship, and religious schools. RLUIPA prevents infringement of religious exercise. Land use regulations frequently can impose the ability of churches and other religious institutions to carry out their mission of serving the religious needs of their members. Section 2(a) of RLUIPA bars zoning restrictions that impose a substantial burden on the religious exercise of a person or institution unless the government can show that it has a compelling interest for imposing the restriction and that the restriction is the least restrictive way for the government to further that interest.

CMBR Thompson asked CMBR Rhoades if he has spoken with the City Attorney about this and would ask that they interpret this for the Council at their next Council meeting.

Jamie Fox, assisting City Attorney said they would be happy to review that. She said that in drafting the ordinance this takes the permitting process out and so there is no analysis on the content of the message if they meet the requirements in subsection (b) of the ordinance. She would view the proposed language as less restrictive as they

would not have to seek a permit every year and they are trying to accommodate that with this new amendment to the statute.

CMBR Thompson would recommend moving this back to Workshop for further discussion and to include CMBR Rhoades' items that he would like discussed further as to whether the St. Agnes campus is the same as the square foot of a home and the limited number of days for events.

CMBR Kelly said the further they work to accommodate, the more difficult things become. She said that having the attorney bring this to their attention has created more potential issues to address. She said the crosses in October at St. Agnes have been referred to over and over as a display. In past years on the Council it has been referred to as a display and was approved when it was asked. She said it is not an event. She has searched the website, searched St. Agnes and Facebook and it is never listed as an event. Ms. Kelly said she is a firm believer in free speech and not trying to regulate the message or the content. She believes Council should leave the ordinance alone as it is causing more trouble than it's worth to try to accommodate anyone.

CMBR Kellerman said he believed the crosses were also a display and not signs. He added that even if they go back to the way the ordinance was it is still regulating the crosses as signs and not symbols.

CMBR Poppa also said he did not believe the crosses were signs, but were an art display. Mr. Poppa did not believe Council should be regulating any type of speech and said the debate should be over whether they are a display or signs and not whether to change the ordinance.

CMBR Rhoades said it could be resolved by putting in the actual sign ordinance that states a religious symbol, whether it is a crescent moon and star or a cross or the Star of David, shall not be considered a sign.

CMBR Thompson and CMBR Poppa said specifying specific symbols could not be added to the ordinance language as that is content based.

CMBR Kellerman asked if Council could hear from a resident who was cut off short.

CMBR Thompson said she would like a decision from the Governing Body whether or not to pass this onto Council.

Mr. Soptic said there were signs on the side where the rectory is. They were requested to be moved and they complied. He said if there are any complaints about the crosses that people be as tolerant of them as they are with you.

CMBR Thompson said there are still questions about the number of days, size and number of signs.

There was discussion as to whether to continue the discussion or move it to another meeting. CMBR Poppa said it was important to find out whether there was support to even change the ordinance. CMBR Poppa also said he does not like the form this ordinance has taken and does not like the controversy that has gone along with it as that is not what they as a City or Council are about.

CMBR Thompson said she would always grant the special permit.

CMBR Fast asked to hear from CMBR Janssen and ask what specific changes he and CMBR Rhoades would make after discussions with Curé of Ars in Leawood.

CMBR Janssen said he would like to see it come through administratively as a special event request and never come to Council, which would essentially scrap the proposed changes.

CMBR Rhoades asked for a consensus on lineal feet and said he did not like the 500 square foot limit.

CMBR Thompson said she earlier proposed to take out the phrase “whichever is less,” so it would be five percent of 500 square feet. (B)(3).

The Governing Body could not reach a consensus on that proposal. Both CMBR Poppa and CMBR Kelly said they were not in support of the ordinance.

No one on the Governing Body expressed a desire to even change the ordinance.

CMBR Kellerman said if they do not change the ordinance, then the Church is out of compliance with the ordinance and said he feels uncomfortable with any regulation.

CMBR Poppa said to put him down as a sponsor to bring a different item forward to discuss at the next Workshop. He also wants to discuss something related to it, but does not like the proposed ordinance or the precedent that it is setting. He then stated he does not like that it could infringe on First Amendment rights and does not support putting it off and leaving it to chance that the Church would be out of compliance.

CMBR Thompson said that it seems through both the Church’s own attorney and the City Attorney that they’re trying to fit something together that doesn’t quite fit and this is not the way to go about it. She said they all want the Church to be able to express their faith and their views and would support a special permit if it comes before the Council, but does not want to rush into something so they can get it right.

Ms. Jones-Lacy said for clarification there is no guarantee they would be out of compliance. If they do not pass the ordinance it would require them to request a special use permit or a special event permit.

CMBR Kelly asked how they would address an out of compliance ordinance issue. Ms. Jones-Lacy said in the past City code enforcement staff had interpreted the displays as lawn art, which is allowed such as Christmas decorations, et cetera. After receiving an interpretation from previous City Attorney Shortlidge, who indicated he agreed with some other residents that it is, in fact, a sign, and conveyed a message. Therefore, City staff and counsel came up with making an amendment in an effort to accommodate what has been displayed in the past.

CMBR Kelly said she believes it to be a display. She loves the freedom of expression and would never stand in the way of that. Ms. Kelly does not want to get into the business of regulating speech and having to measure square feet for displays as it would be more cumbersome for staff and the entity.

Ms. Fox said it is possible for them to request an ongoing variance. This is not something provided for now in the current ordinance, but she and staff can go back and look at other options to try to accommodate this without the need for them to annually request a permit.

CMBR Kelly said she was hearing a mixed message that there is a desire not to be considered signage and that it is a display and also referring to it as a special event. To her the action is clear, leave as is and deem it a special event where the Church would come and request a permit.

CMBR Kellerman asked for comment from Ms. Gorman. Ms. Gorman said this is becoming a First Amendment issue. St. Agnes is willing to try and get along with what Roeland Park has put together as they want to be a good neighbor, but they do not want to give up their First Amendment rights. She has reviewed the sign ordinance thoroughly and believes the display is not a special event and is also not a sign under the ordinance. She said it is a First Amendment display and they are entitled to do it. She said for the Church to have to come before Council annually is troubling. She hears that the Council will grant it, but does not believe they should have to come before the Council every year, state their religious beliefs and what they plan. She also added that councils do change. Ms. Gorman said she is happy to work with the City Attorney and/or City Administrator to brainstorm ideas to resolve this issue.

CMBR Thompson asked if the Church attorney was uncomfortable with the ordinance. Ms. Gorman said they are willing to live with the ordinance, but the part they are concerned about is how it might have an impact on all of the other buildings that are on the campus and the limitations it puts on the buildings.

CMBR Thompson recommended that Ms. Gorman speak with Mr. Mauer.

(City Attorney Mauer arrived at the meeting.)

CMBR Kellerman asked Mr. Mauer to define what a cross is and how the ordinance views it. Mr. Mauer said these changes are an effort to try and codify what they understand has been happening in the City every year. If there is an event that happens every October and they know it is going to happen and the City is okay with it, then put it in the code so that it can happen and no permit is needed to go forward. Mr. Mauer said if they build in those protections, what is allowed for one will be allowed for subsequent ones. How would they be able to stop one single resident from having a month-long special event and do something all over their yard, impacting neighbors, take it down for one day and then put it up again.

With regards to the Right to Life display, it is to spread a message not related to Christianity, but to commemorate one special message. During conversations it was discussed that perhaps it would be better to characterize them as a display, much the same as a Christmas display up for a limited time. The City is trying to create a code section so that Church can continue and not have to come before the Council, but protect against the loophole being created so that there is not a proliferation of all sorts of displays all across the community, which is what the City does not want.

CMBR Fast asked Ms. Gorman what specifically the Church would like to see changed. Ms. Gorman said Item Number 2, which says they can have no more than 60 special event days and 15 days between. If that applies to the pancake breakfasts, teacher conferences, athletic events in their separate buildings, then all of these building will be impacted. It needs to be decided how to treat different entities on one campus.

CMBR Fast said she did not agree with her in that the crosses are one special event, the pancake breakfast is a different special event.

Mr. Mauer said the intent was never to stop St. Agnes from doing any of their other events. He said they do not get a permit now for their pancake breakfasts or parent teacher conferences. They are trying to eliminate the one occasion where they do get a permit for the month-long display. If there continue to be concerns, they can work with that language as the City is not trying to take away from anything they do.

CMBR Thompson asked if Council wants to fix the ordinance, the majority replied they did not.

CMBR Thompson asked the Council if they want to start over with a new ordinance and a new way to accommodate this event.

CMBR Fast said she would like to recommend that the lawyers work with Mr. Moody and to come back with suggested changes.

The majority of the Governing Body expressed agreement with that.

CMBR Rhoades thought that signs per each building were addressed. City Administrator Moody said he used building in the changes to identify the amount of signage on the site.

It was agreed to move the discussion to the next full Workshop after Ms. Gorman and Mr. Mauer have had a chance to speak with one another.

CMBR Thompson thanked everyone for coming and said it was always great to have people express their opinions and that is supported by the Council.

Mr. Soptic said that this was not a test of their religion.

CMBR Thompson told Mr. Soptic he was out of order and moved the discussion forward to the next item.
(Roeland Park Council took a ten-minute recess)

Due to the time CMBR Thompson recommended adjusting the agenda as people were present to speak to Items Number 5, 8, and 12 and suggested the meeting move forward.

CMBR Kelly recommended taking care of Number 13 as it is a time sensitive issue.

5. Employee Recommendation Program: Outstanding Service Award

Mr. Ian Hutchinson, City Administration Intern, presented the employee Program for Outstanding Service Award. He thanked Councilmembers Fast and Poppa as well as City Administrator Moody for their help in designing the program. Its purpose is to celebrate City staff who have demonstrated excellence in service to Roeland Park through an exemplary act or continued commitment to the community. The program corresponds to Objective E-1 on the City's organizational goals and current objectives from the 2017 budget and is designed to cultivate a rewarding work environment where creativity, efficiency and productivity are continuous pursuits. He outlined a five-step process for deciding on and awarding the Outstanding Service Award.

1. Staff will be nominated by community at large as well as fellow city staff through the submission of nomination forms. Form stations will be installed at City Hall and the Community Center as well as a portal on the City's website for submission.
2. Forms collected and tallied on a quarterly basis.
3. The recipient of the Award will be decided on by the Councilmembers of the Administration Committee and the City Administrator. Inclusion of the City Administrator will ensure that staff members who are less visible to the public are recognized for their work. The Award will not necessarily go to the staff member with the most nominations.
4. The Award will be presented once or twice a year. An annual/bi-annual frequency should strike a balance between making the award meaningful while also continually recognizing staff achievements. The award will be presented at a Council meeting and an announcement will be made in the City newsletter.
5. The Award will consist of both a customized engraved plaque with the recipient's name and a short description of their contribution as well as a \$100 gift certificate.

CMBR Janssen asked how this is different from the employee recognition program currently in place. City Administrator Moody responded this program would receive nominations from the public versus the other which is in-house. This is an opportunity to recognize people for special accomplishments or special efforts that they have made.

CMBR Poppa thanked Mr. Hutchinson for putting the program together.

CMBR Kelly said making the nominations city-wide is nice and also a way to acknowledge the hard work of the staff.

There was agreement to move this item forward to the Consent Agenda.

6. Discuss Weed Control Along Curb Line

This item was forwarded to a future meeting.

7. Extending the Term of the Agreement with JCPRD Aquatic Center

CMBR Rhoades said that Roeland Park could be on the losing end if they split fees for the entire year if someone buys a year-long pass in January and does not use the pool and Johnson County gets to split the fee after it is being used in Roeland Park.

City Administrator Moody said an e-mail was sent providing a link to a site that includes revenue and expenses by season for the pool. It also includes use by season and by different categories. This information was made available to the Aquatics ad hoc committee as well.

There was agreement to move this item forward to New Business at the next City Council meeting.

8. R Park Master Plan Presentation

Jennifer Provyn from the Parks committee said they have the completed master plan for R Park. She provided a list of items that have been paid for with fundraising and City donations. She said in 2014, there was a passionate group of citizens and the Citizens Fundraising Initiative formed and that began the steps to create the master plan. In City surveys parks rank Number 2 in the importance of the satisfaction rating and as areas that should receive the most emphasis from City leaders over the next two years.

Ms. Provyn pointed out different aspects of the master plan schematics:

- Grading of the fields for multi-purpose use;
- Keeping concrete for basketball and as an area for those learning to ride bikes;
- Restoring green space;
- Creating a memorial garden as the space holds a lot of memories for people as the old school site.
- Forming a task force to help design what would be an appropriate medium-sized shelter for R Park.
- Reworking the tennis courts and have Pickleball lines drawn for this increasingly popular sport.
- Adding as an addendum to the master plan the 7 Principles of Universal Design.

Ms. Provyn asked for approval of the master plan and also made a request for approval of a landscape architect to provide assistance for the different phases of the park and also the implementation of the master plan.

CMBR Kelly thanked Ms. Provyn for this culmination of work.

Mayor Marquardt thanked Public Works, the Parks Committee and citizen fundraisers for their passion. He said this kind of quality product is amazing and he fully endorsed it. Mayor Marquardt added that he would like to see a more adult concentrated area.

CMBR Kellerman wanted to know when there last was a vote on the master plan. City Clerk Bohon said she would get that answer.

CMBR Fast said in previous discussions they talked of the park's landscaping needs.

Mayor Marquardt inquired about the level of the manhole at the park and possibility of lowering it. Public Works Director Leon believes it's a leftover from when the school was there, but will speak with Johnson County Wastewater to either remove the manhole, lower it or relocate it.

There was agreement to move this to Council for further discussion.

9. 2017 Super Pass Agreement and Swim Meet Letter of Understanding

City Administrator Moody reported there are no changes from the previous year and this is an annual process if they choose to participate in the Super Pass.

There was agreement to move this forward to the Consent Agenda.

10. LKM Suggested Ordinance Elections as Nonpartisan

CMBR Thompson submitted this item and noted that the cities of Mission and Westwood have passed an ordinance that elections would remain non-partisan at the suggestion of LKM.

City Administrator Moody added that no cities in the area have taken a partisan approach.

CMBR Rhoades expressed his agreement.

The reason for the discussion was as a result that since elections have been moved to November there is concern that they may become partisan.

There was agreement to move this to the Consent Agenda for approval.

11. Leaf Pickup Program Discussion Continued

This discussion was postponed to a future meeting.

12. Review and Discuss Draft Land Lease with Zip KC

Jason Glasrud with CBC Real Estate Group presented the draft ground lease for Zip KC, the extreme sports complex operator who wants to enter into a long-term ground lease for the 1.92 acre parcel at the old pool site. They have been conducting a feasibility study for the past 60 days and it is expected to be complete later in the month. The goal is to have lease approval for their consideration at the time feasibility is complete. Key points have been agreed to in the June 2016 term sheet. It speaks to Zip KC's obligation to perform certain site improvements such as the access road connection to the restaurant, retail pad site and the hotel. They will construct a portion of that access road in addition to their paved parking lot.

CMBR Kellerman expressed concerns over the Zip KC developing into ground that could be used for other development. City Administrator Moody said it is above a 3:1 grade and would be difficult to stand on and is extremely steep and would be difficult to develop otherwise. Zip KC likes the natural rock outcroppings and said that much of the area to be leased is pretty rugged and steep.

CMBR Fast questioned the length of the lease since fads change. She also wondered about liability to the city for building on the rock site. Mr. Glasrud said they wanted to provide security for their long-term investment in the property and the community and to show that the City is not anxious about taking the property back too soon. Fifteen years is a time they were both comfortable with and believe is fair.

City Administrator Moody said there is a requirement for an on-site inspector while the fill is being placed to confirm that it is occurring in a properly engineered fashion. They will get daily inspection logs that will become assurance to a prospective lessee or buyer that the slopes are stable. They do not anticipate buildings built over area that used to be the cave. The motel is located on undisturbed soil as will be the retail/restaurant site.

CMBR Kellerman asked how much sales tax is anticipated to be generated at the site. Mr. Glasrud said they anticipate that will come out of the feasibility study. They hope it will also provide an indication of the number of annual visitors, features to be offered at the extreme sports complex and at what price point. The study results will drive some of the programming features to be added in their site plan for the Governing Body's consideration.

CMBR Poppa said they would not be putting in a zip line, but more of a zip coaster or adventure park and they will not need the vast expanse for that. Mr. Glasrud added that it will be unique to the area and will be more of an aerial challenge course, which will have elevated structures, less focused on zip lines and more focused as an aerial obstacle course.

CMBR Rhoades expressed concerns about the investment and if the project does not work. Mr. Glasrud said it is all about security and about fairness in terms of looking at the requisite investment Zip KC is making in their project as well as the investment the City is making to have the site compatible for this type of development. A 15-year lease is a long time, but the City maintains an element of control with clawback provisions that the City has a right to terminate if Zip KC ceases to operate.

13. Roe Blvd. Advisory Committee Appointments

Public Works Director Leon said GBA has started the survey along Roe Boulevard and now they need to establish an advisory committee. He has been working to find people who he feels would make up a good advisory committee and be a cross-section of the community. Mrs. Loretta Carson and Ms. Linda Fell would like to be on the committee and he would also like Marek Gliniecki from the Arts Committee to be on the committee to give the Arts Committee perspective.

Mr. Leon asked Council for approval of the committee to give Verio, the public outreach consultant, the go-ahead to start contacting people and setting up the meeting.

CMBR Fast wanted more representation east of Roe from businesses. Public Works Director Leon said he had called Mission Bank, but received no response. He wanted to keep the process moving forward and could not wait too long for people to respond, but did make an attempt.

Mayor Marquardt said they could always add them at a later date.

There was agreement to move this for approval to the Consent Agenda.

(Mayor Marquardt and CMBR Kellerman left the meeting after this item)

The Governing Body agreed to go back and discuss Item 7 next.

III. NON-AGENDA ITEMS

There were no items presented.

IV. ADJOURNMENT

CMBR Thompson adjourned the meeting.

(Roeland Park Governing Body Workshop Adjourned.)