

**CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, March 20, 2017 7:00 P.M.**

- Joel Marquardt, Mayor
- Becky Fast, Council Member
- Tim Janssen, Council Member
- Ryan Kellerman, Council Member

- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Poppa, Council Member
- Michael Rhoades, Council Member
- Erin Thompson, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

PLEDGE OF ALLEGIANCE

Mayor Marquardt called the meeting to order and led everyone in the Pledge of Allegiance

Mayor Marquardt thanked everyone for saying the Pledge of Allegiance. He said that we should be reminded every time we recite the Pledge, regardless of the turmoil on the national agenda, that when we look at the flag and think of how many people gave their lives just so they could have those conversations, something he finds pretty amazing.

ROLL CALL

City Clerk Bohon called the roll and all members were present.

MODIFICATION OF AGENDA

If there is time after the Workshop Items on the agenda discussion will continue with regard to Objectives for the budget.

I. CITIZEN COMMENT

Tom Madigan (5316 W. 49th Terr.) Mr. Madigan directed his comments on what occurred in the previous Workshop. He said he agreed with CMBR Rhoades' idea of electronic voting as one of best ideas he has ever heard. As a voting member of the BZA he has seen people swayed by how someone else votes. Anonymous voting is a plus and not making CMBR Fast vote first every time is a plus.

Mr. Madigan said he had a resident approach him after speaking about the implementation of the branding report who thought he was advocating a logo and he clarified that he was not. He said he is in an advocate of professional artwork and continues with that stance as the way to show the City in the best light possible.

He also had comments with regard to the NOVUS system. He said he works on a tablet and the platform drives him crazy and there are too many steps to open a document. He added that he will take Ms. Bohon up on her offer for a tutorial on the program.

II. CONSENT AGENDA

- A. Appropriation Ordinance #902**
- B. Parrty in Arrr Park Event**
- C. Niche Police Reporting System Agreement**

MOTION: CMBR JANSSEN MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE CONSENT AGENDA. (MOTION PASSED 8-0).

III. BUSINESS FROM THE FLOOR

A. Applications / Presentations

There was no Business from the Floor.

IV. MAYOR'S REPORT

Mayor Marquardt informed everyone that previous City Mayor Scharzer passed away a few weeks ago. He said he met him while campaigning and was he very kind and talked with him for a long time. He wanted to recognize the many years he gave to the City. He added that JP Hildebrand also recently passed away. Mr. Hildebrand was a previous Councilmember who was currently working with Strategic Planning. They hope to have more information from the families in the City newsletter.

A. Fair Housing Month – CDBG Proclamation (Erin Thompson and Michael Poppa)

CMBR Thompson read the Fair Housing Month CDBG Proclamation into the record.

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA SECONDED TO ACCEPT THE FAIR HOUSING MONTH – CDBG PROCLAMATION. (MOTION PASSED 8-0)

V. WORKSHOP AND COMMITTEE REPORTS

A. Workshop Summary

CMBR Fast read into the record the Governing Body Workshop meeting notes attached to the Council agenda.

B. Ad Hoc Committee Summary

CMBR Poppa read into the record the meeting notes from the attached Economic Development Ad Hoc Committee.

VI. REPORTS OF CITY LIAISONS

There were no reports given.

VII. UNFINISHED BUSINESS

There was no Unfinished Business discussed.

VIII. NEW BUSINESS

A. Branding Report

City Administrator Moody said Mr. Clay Johnston from Benedictine was able to compile the final document which was presented at the Workshop prior to the Council meeting.

CMBR Fast wanted it clear that as a Council they have decided not to go forward and adopt the logos in the report or the timetable, but they will accept the report itself.

CMBR Rhoades asked for further clarification and added that the Council has not discussed the logos.

CMBR Kelly said she views this as only accepting the report and that moving forward with anything in the report is a separate issue that will be discussed and voted on at another time.

CMBR Poppa wanted to amend his motion to replace the word “adopt” with “accept.” CMBR Kelly, who seconded the original motion, agreed.

Mayor Marquardt questioned the transition between the positioning statement that focused on community and the creative brief which focused on location and price. He said the positioning statement states that Roeland Park is an

oasis in the city where neighbors and nature thrive together just moments from anywhere. However, when it came to the creative brief it focused on location and price.

CMBR Kellerman said at the last Workshop meeting they had reached a consensus to adopt the report not just to accept it. He then asked the Governing Body if they know what the current logo is for the Police Department. Chief Morris gave Mr. Kellerman one of the badges and he noted that it is similar to the logos that the City had chosen not to adopt. The logo for Police Department has been around for almost 17 years and shows a backdrop of downtown buildings.

CMBR Poppa added that they should accept the report as a guideline for the next year and not a hard and fast rule that they are going to accept any part of this, but are looking at it to show their appreciation of the work put into it, and they may or may not end up implementing what is in the report. He concluded they should accept the report as-is and then move forward.

CMBR Kelly agreed. She noted the Branding Proposal said March of 2016 on the report and should be 2017.

CMBR Rhoades asked the attorney about the difference in definition between acceptance and adoption.

City Attorney Krstulic said for the purposes of this discussion she did not believe it would make any difference.

CMBR Kellerman said that when they originally formed the rebranding committee they were not looking for guidelines, but a way to move forward and that CMBR Fast had originally asked for this to be done. They were looking for something professional without spending a lot of money.

CMBR Fast said she originally agreed to interns because the City would not spend a lot of money. She reminded everyone that Mr. Johnston said that 70 to 80 percent of the time it takes several tries and most people do not find a logo the first time because the creative process takes time and agreement. She said she would like to see a revised report. She feels like they will be spending a lot of money on implementation. CMBR Fast recommended to accept the report without the logos and the time frame, but there was no second.

CMBR Kelly added she would like to see the police department logo updated.

CMBR Rhoades questioned how Ms. Fast knew that members of the Governing Body did not like the logos as they have never discussed it as a group and called the question.

CMBR McNeil said there was discussion of the logos at Workshop meetings as she even commented on them.

CMBR Fast read a headline from the Shawnee Mission Post, "Roeland Park Councilmembers Give Lukewarm Reception to Initial Designs for City Logo," which is what she was referring to. She stated she never called Councilmembers and asked for their vote.

CMBR Poppa said the vote is only to accept the report and the work completed in the report. It does not bind the City or the Council to use the different logos or even to anything in the report. This is only to accept it as part of the package of the work that Benedictine College contractually was obligated to provide Roeland Park.

MOTION: CMBR FAST MOVED TO AMEND THE MOTION TO ACCEPT THE REPORT WITHOUT THE LOGOS AND THE TIME FRAME. (Motion failed for lack of a second.)

MOTION: CMBR POPPA MOVED AND CMBR RHOADES SECONDED TO CALL THE QUESTION. (MOTION PASSED 8-0).

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED FOR THE COUNCIL TO ACCEPT THE FINAL BRANDING REPORT COMPLETED BY BENEDICTINE COLLEGE AND NOT NECESSARILY ANY ONE ITEM WITHIN THE REPORT. (MOTION PASSED 7-1 WITH CMBR FAST VOTING NO.)

IX. Ordinances and Resolutions:

A. Ordinance No. 941 - Amendment Related to City Code on Signs

CMBR Kellerman stated for the record his opinion is, "what goes on over at that church is a display of symbols to enhance this particular church's beliefs. It's not a special event. There is no event going on --

CMBR Thompson said the discussion is with regards to signs.

CMBR Kellerman said his comments would coincide with Ordinance 949, but would hold his comments until that item.

MOTION: CMBR MCNEIL MOVED AND CMBR JANSSEN SECONDED TO APPROVE ORDINANCE NO. 941 REGARDING SIGN REGULATIONS. (MOTION PASSED 8-0)

B. Ordinance 947 – Trash and Recycle Bin Placement and Shielding

Ms. Jones-Lacy said the only change made was based on the prior presentation at the Workshop to say that any trash container or recycling container placed on the front of the house cannot be visible from the street. It removed the requirement to have a four-sided enclosure.

Mayor Marquardt clarified that it is specific to the front of the house, screened on three sides with an opening towards the house and not visible from the street means from any angle, not just a perpendicular view.

Ms. Jones-Lacy added it cannot be visible from the street, which could mean potentially that there is a long screen so it is not visible coming up from the street, but does not mean it will be fully enclosed.

CMBR Kellerman asked who brought this item forward for discussion and if the City receives any complaints. Ms. Jones-Lacy said this was brought to the Governing Body from staff since the current regulations are difficult to enforce. She said they regularly receive complaints from citizens and believes they will continue to register complaints even after the code is changed as there are always differences of opinion. Staff's position is that new ordinance language makes it clear the actions they will take. She added that Shiloh Wells keeps a log on every conversation she has with residents.

CMBR Poppa asked Ms. Jones-Lacy if the ordinance changes would make it more enforceable by staff. Ms. Jones-Lacy said their goal is to make the language clearer. They do feel this also provides more leeway in terms of having a container in the back yard without it being a violation.

Mayor Marquardt thanked the staff for being proactive when there is an issue that is unclear and believes there was definite progress made.

MOTION: CMBR POPPA MOVED AND CMBR RHOADES SECONDED TO APPROVE THE RECOMMENDED CHANGES TO THE TRASH AND RECYCLE BIN PLACEMENT AND SHIELDING. (MOTION PASSED 8-0)

C. Ordinance 949 – Changes to Type 1 Special Events Terms

Ms. Jones-Lacy said this ordinance reflects the conversations from the prior Workshop. It allows leeway for special events that include signage and outdoor displays to exist for 31 consecutive days, but not more than a total of 60 special event days, and at least 15 days must pass between each event. The displays cannot exceed 500 square feet per parcel, or should a single parcel contain more than one address, per address. It also cannot be detrimental to the public health, safety, or welfare and cannot cause traffic congestion.

Ms. Jones-Lacy said that in referring to special events held outdoors or where there are gatherings subsection (b) provides the details regarding on-site signs and displays that are allowed in conjunction with an event and does not have limitations on hours. Under Section (a)(3), it places limitations on gathering.

CMBR Fast said a resident called her who has a home-based business and has a business sign out all the time. She questioned whether that would require a permit. Ms. Jones-Lacy said that does not qualify for a Type 1 Special Event, which is limited to non-profits and governmental entities. Ms. Jones-Lacy also stated that unless it is determined by the Codes Enforcement Officer or the Building Official to be tattered or in bad shape, then that can be a cause for removal. Otherwise, there is no specific time limitation on temporary signs currently in the code. The City does not regulate temporary signs differently. There is a section in the code specifying a limitation of three yard signs.

CMBR Thompson said that even though the language is content neutral it is clearly targeted at one church and that church's event. She said that judicial rulings in the past week have indicated that if there is a clear record that something that is targeted at one religion it will not withstand judicial scrutiny which is a concern. She said it is not good policy of the City to legislate so as to cater to one event and should base policy on what's best for the community. She believes the church can get a special permit as they have done in the past and she would support that.

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO APPROVE ORDINANCE 949. (MOTION PASSED 5-3 WITH CMBRS THOMPSON, KELLY AND POPPA VOTING NO)

POLL THE COUNCIL

FAST - Y MCNEIL - Y JANSSEN - Y RHOADES - Y KELLERMAN - Y THOMPSON - N KELLY - N POPPA - N

D. Charter Ordinance and Ordinance to Establish Hotel Motel Tax

City Administrator Moody said there have been no changes to the ordinance proposing an eight percent hotel motel tax which is the average for Johnson County communities. The anticipated revenue stream would initially be used to reimburse the developers of Zip KC and the motel property for driveway connections on the site as well as a street extension and lanes on Roe Boulevard. After those funds are reimbursed, then the funds are to be used to promote tourism in Roeland Park.

CMBR Rhoades asked to see a list of the rates of what the other area cities charge and believes that eight percent is supposed to be below the average. Mr. Moody provided the rates for review.

Mayor Marquardt noted that the eight percent rate would be the same as Lenexa and Leawood, and lower than Overland Park and Mission.

CMBR Janssen asked if there are limitations on how the tax is spent. City Administrator Moody said it is to support tourism.

CMBR Fast said the state collects the tax and then sends it to the City. She asked if they take a portion. City Administrator Moody said the state retains a portion of all the other sales taxes and would assume they retain a portion of the hotel motel tax.

Mayor Marquardt said this is a Charter Ordinance and requires all nine members of the Governing Body to vote with six affirmative votes to pass.

MOTION: CMBR KELLY MOVED AND CMBR MCNEIL SECONDED TO ADOPT CHARTER ORDINANCE NO. 35 ESTABLISHING A TRANSIENT GUEST TAX AT EIGHT PERCENT FOR THE CITY OF ROELAND PARK. (MOTION PASSED 9-0)

POLL THE COUNCIL

**POPPA - Y KELLY- Y THOMPSON - Y KELLERMAN - Y RHOADES - Y JANSSEN - Y MCNEIL - Y FAST - Y
MAYOR MARQUARDT - Y**

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO ADOPT AN ORDINANCE TO ESTABLISH A TRANSIENT GUEST TAX AT EIGHT PERCENT FOR THE CITY OF ROELAND PARK. (MOTION PASSED 8-0)

X. WORKSHOP ITEMS:

A. Snow Plowing Standards

Public Works Director Leon presented the priority route map for snow plowing. This was also published in the City's newsletter. The number one priority is Roe Boulevard and the City's portion of Johnson Drive followed by collector streets moving down to residential streets. They want the primary roads cleared first to allow for emergency services and school buses.

Mayor Marquardt wanted addressed the issue of snow plows piling snow onto sidewalks and then it being the responsibility of residents to keep the sidewalks clear.

Public Works Director Leon showed a photograph representing that when his department plows snow they plow curb to curb.

CMBR McNeil said she would like to see the ordinance taken off the books requiring residents to shovel the sidewalks. She also said it was unfair to have only half of the City's residents responsible for sidewalks.

CMBR Rhoades suggested the City could get a plow and do the sidewalks.

CMBR Kellerman said he would like to review the ordinance at a future time and would like staff to investigate how often they have issued any violation to a resident who has not shoveled the sidewalk.

There was a consensus to continue the discussion at a future Workshop meeting.

B. Agreement with Overland Park Soccer Club

Public Works Director Leon said a couple of different soccer clubs have reached out to the City to use R Park. Overland Park would like to practice Tuesdays and Thursdays from 5-8 p.m. The rate they are charging is \$5 an hour for the season which will be paid up front. Angie, a representative from the Overland Park Soccer Club, was available to answer questions.

Mr. Leon also stated that I9 Sports is providing the restrooms per their agreement. Their agreement is for use of the park on weekends only. Northeast United Soccer will be using the field Mondays and Wednesdays from 4-7 p.m.

CMBR McNeil inquired about who set the fee schedule and asked about permanent improvements being made to the park. Public Works Director Leon said the contract is written so that it protects the City from the leagues installing any hard structure on the field. If they want to do so, they would have to get the City's permission which would then come before the Council. The soccer goals currently there were provided by Northeast United Soccer Club and they allow other organizations to use them. Mr. Leon said he spoke with other cities regarding their rate fees for fields. He added that the field is not in very good condition, but it is part of the master plan to eventually improve the fields.

CMBR Rhoades asked what the field fees would be used for. Public Works Director Leon said the money would help towards maintenance costs to the field.

City Administrator Moody said between the two teams the fees will be about \$1,300. Public Works has acquired a sprayer to do pre-emergent treatment on the field. Seeding and fertilizing materials alone will exceed the \$1,300, but the funds will help to provide a better turf at the park.

CMBR Poppa said he was happy they were able to provide this space for teams in the area. He asked if there would be a sign posted that the fields are reserved. City Administrator Moody said that is a good idea to provide notice to others that the fields are reserved and will make that happen.

MOTION: CMBR THOMPSON MOVED AND CMBR RHOADES SECONDED TO APPROVE THE TWO-YEAR AGREEMENT WITH THE OVERLAND PARK SOCCER CLUB. (MOTION PASSED 8-0)

C. Agreement with Northeast United Soccer Club

Public Works Director Leon noted there is a time change to Mondays and Wednesdays from 4-7 p.m.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE AGREEMENT NORTHEAST UNITED CLUB SOCCER CLUB WITH THE TIME CHANGE AS NOTED. (MOTION PASSED 8-0)

D. Engineering Services Scope and Fee for Tennis Court Reconstruction

City Administrator Moody said the attached scope and fee pertains to the design requirements for the tennis court replacement at R Park. The scope reflects what the USTA requires for submittals for their grant process. It also includes a plan that reflects two courts. The total estimated cost for this project is \$150,000. The design and construction administration related costs are estimated to be \$20,000, but are coming in at \$18,000.

CMBR Fast asked about the timeline for this project. City Administrator Moody said the USTA does not have a deadline for applications and do not provide a time that they will make awards. They accept grants and make awards throughout the year. Staff does not know how long it will take get through the process of getting designs put together for the application to USTA. Mr. Moody has met with the national USTA representative and a regional Tennis Association representative. Between the two applications they could receive as much as \$30,000 towards the courts.

SKW has done an ULTA survey and the City would like them to design the tennis court facility, creating a plan to construct the tennis court. The USTA requires direct access from the adjacent parking lot to the tennis courts. Currently the grades on the parking lot are an issue.

Howard Lubliner, Shafer, Kline & Warren, said the USTA requires the ADA accessibility for a grant. They also have standards for the netting, the fencing, the court surface itself and the grade of the court has to be a specific tolerance. That is what SKW's work will address.

There were discussions of rebuilding the tennis courts without applying for the grant. City Administrator Moody said that in applying for the grant it will also help address the issues with the parking lot and bring it up to ADA standards.

Mr. Lubliner said the largest expense is for the site regrading to meet the standard grade. Part of their service includes assisting the City in soliciting and processing bids, and getting them under contract.

Public Works Director Leon added that Roeland Park is a Community for All Ages. Discussions about R Park improvements included consideration of aligning improvements with Community for All Ages initiatives. The reason the USTA wants these amenities and standards in the park to be met is because they want to maximize the usage of the facility that they are going to give a grant for.

City Administrator Moody summarized that \$30,000 is a best case scenario on the grant, but the budget reflects \$20,000.

CMBR Fast said that by building a tennis court that does not meet these Community for All Ages standards it's use is limited to just the community. A higher standard tennis court could be by organizations for rentals and would bring money back to the community. Public Works Director Leon said the better standards and the better quality product will give the constituents in the community who wanted a new tennis court what they asked for. The standards of the tennis court should match the standards of the other amenities placed in the park which were not the cheapest option available.

CMBR Rhoades said he didn't originally support this plan, but after the discussion feels it makes more sense.

CMBR McNeil would like to see the City be very, very frugal and get the best for the amount of money as they are spending the residents' money. She said to remember the benches were so well researched and have been a disappointment and to always be thoughtful with the money that doesn't belong to them to spend.

MOTION: CMBR RHOADES MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE SCOPE AND FEE PROVIDED BY SKW FOR DESIGN OF THE TENNIS COURT AT R PARK NOT TO EXCEED \$20,000. (MOTION PASSED 7-1 WITH CMBR KELLERMAN VOTING NO.)

E. Leaf Pickup Program Discussion Continued

Following discussions from earlier in the year it was decided not to use the FEMA rates. A spreadsheet was created that reflects the actual equipment rates based on depreciation rate and annual maintenance costs.

Public Works Director Leon said a thread had been created on NextDoor asking quite a few questions about the leaf program. He answered those questions directly on NextDoor. In his response, he created a history of the amount of weeks the leaf program was active since 2009. He also addressed the spring pilot program, what equipment is used in the program and the associated costs. He also addressed that doing a leaf program through the winter minimizes their opportunity to tackle some of the other responsibilities they have around the City.

CMBR Rhoades said he would like to see a six-week program from November the 6th through December the 15th for the leaf program, and then a city-wide pickup for the last two days.

Public Works Director Leon said he would have trouble pushing the pickup toward the middle end of December and/or in January because that's when the winter really is here and the weather is more inconsistent. The leaf program is a fall program and should stay in the fall.

Mr. Leon also reviewed the costs of the program, vehicles used, dumpster rental, overtime which adds up to a little less than \$88,000.

CMBR Kellerman asked for the specific dates of the leaf pickup in previous years from 2010 to 2013.

CMBR Rhoades thanked Mr. Leon for providing them real numbers as opposed to the FEMA numbers and reiterated that he would like to see the program continue to at least December 15th as part of a six-week program.

City Administrator Moody said there have been shortcomings expressed by residents and those usually had to do with the timing of the pickup and the ability to pick up leaves through the wintertime. Another potential issue is that residents are encouraged to put leaves in the street which could create an opportunity to obscure things from view that could be dangerous to a person or harmful to a vehicle as people drive through the leaves rather than around them.

Mr. Moody reiterated that the option of extending the program inhibits the ability to use the vehicles for salting roads and snow removal. If they ask residents to put their leaves back of curb, then the equipment the City has

will not work. The equipment they have now is prone to damage by things that people put in the leaves. They looked at other options and the most common is the vac system used by landscape companies. If the City went to a vac system it would be slower and require more man hours and would cost more. He also made a suggestion to give the residents an option of what day they would like to have their leaves picked up. Another option was using a modified snow blower attachment to the front end loader to blow leaves into a roll-off truck, which they are still waiting to test to see if it would work.

Mayor Marquardt said due to the lateness of the hour this item needs to be discussed at a future Workshop.

CMBR McNeil said there have been so many choices that they have discussed and asked City Administrator Moody to e-mail what he has stated regarding the different options and the Council could respond.

CMBR Kelly recommended using Ms. Fast's decision tree in this process and also applauded staff for their out-of-the-box thinking in trying to work through this issue.

XI. REPORTS OF CITY OFFICIALS:

March 22 – Community Forum

XI. ADJOURNMENT

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO ADJOURN. (MOTION PASSED 8-0).

(City of Roeland Park Council Meeting Adjourned)



Joel Marquardt, Mayor



Kelley Bohon, City Clerk