

MINUTES
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st Street
October 16, 2017 7:00 P.M.

- | | | |
|----------------------------------|-----------------------------------|-------------------------------------|
| ○ Joel Marquardt, Mayor | ○ Teresa Kelly, Council Member | ○ Keith Moody, City Administrator |
| ○ Becky Fast, Council Member | ○ Sheri McNeil, Council Member | ○ Jennifer Jones-Lacy, Asst. Admin. |
| ○ Tim Janssen, Council Member | ○ Michael Poppa, Council Member | ○ Kelley Bohon, City Clerk |
| ○ Ryan Kellerman, Council Member | ○ Michael Rhoades, Council Member | ○ John Morris, Police Chief |
| | ○ Erin Thompson, Council Member | ○ 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.

Roll Call

City Clerk Bohon called the roll. CMBR Kellerman joined the meeting after roll call.

Modification of the Agenda

Mayor Marquardt recommended combining the City Administrator Agreement with the Executive Session after Reports of City Officials.

CMBR Fast said it was the decision of the Governing Body to have the discussion of the City Administrator agreement under New Business and they did not agree to add an executive session.

City Administrator Moody said his understanding was there was going to be an Executive Session at this meeting to continue the discussion.

CMBR Fast added that the Governing Body did not ask to add an executive session for this meeting and as Council President she was not told what it would be in regards to. At their last executive session they came to a consensus on the City Administrator agreement.

CMBR Poppa believed there would be an executive session at this meeting to discuss with those that were not present previously and also to hear anything that the City Administrator would bring forward in between the two meetings.

CMBR Rhoades said they should not be having this discussion and it is a conversation for an executive session.

CMBR Kelly said it is in poor form to deny someone a request to discuss their contract and this is a simple request by the City Administrator to talk about his contract. She said they owe him that. Ms. Kelly stated they were still working on the agreement and did not believe their conversation was complete when they ended their discussion. She said they should have the executive session before finishing with the agreement, or agree to amend the agreement if they have seen it first.

Mayor Marquardt agreed with Ms. Kelly's comments.

CMBR Kellerman asked if they are allowed to add items onto the agendas as they please. City Attorney Maurer said as phrased, no. But if the Mayor and the City Administrator agree that they want to put something on the agenda, and the past practice has been to do it that way, then, yes, they can.

Mayor Marquardt said he believed this conversation was disrespectful to the City Administrator.

CMBR Thompson said they owe it to City Administrator to do an executive session. Before vote on agreement, so it makes sense to do them together. CMBR Poppa agreed.

MOTION: CMBR FAST MOVED AND CMBR KELLERMAN SECONDED TO KEEP THE AGENDA AS-IS. MOTION FAILED 3-5 WITH CMBRS JANSSEN, RHOADES, THOMPSON, KELLY AND POPPA VOTING NO.

POLL THE COUNCIL

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

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO MOVE THE CITY ADMINISTRATOR AGREEMENT DOWN TO REPORTS OF CITY OFFICIALS IN CONJUNCTION WITH THE EXECUTIVE SESSION. MOTION CARRIED 6-2 WITH CMBRS FAST AND KELLERMAN VOTING NO.

POLL THE COUNCIL

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

Item VIII(b) of the agenda was moved to after the Executive Session.

I. CITIZEN COMMENTS

There were no citizen comments

II. CONSENT AGENDA

A. Appropriation Ordinance #909

B. July 17, 2017 Council Minutes

MOTION: CMBR MCNEIL MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 8-0)

III. BUSINESS FROM THE FLOOR

There was no Business from the Floor.

IV. MAYOR'S REPORT

Mayor Marquardt said that Public Works Director Jose Leon has received the Richard Barrera Award for Business Advocate of the Year. City Administrator Moody said it was a very nice ceremony with over 900 people in attendance at their annual banquet and Public Works Director Leon made a nice speech. Mr. Moody said it was a great honor and well-deserved.

Mayor Marquardt added that Mr. Leon does many things under self-improvement and this is one of the things he has received to show that accomplishment. He added that he appreciates all that Mr. Leon does for the City.

V. WORKSHOP AND COMMITTEE REPORTS

There were no reports given.

VI. REPORTS OF CITY LIAISONS

A. MARC – Pike Pedestrian (Teresa Kelly and Becky Fast)

CMBR Kelly said she attended the BPAC meeting that was held in conjunction with the Kansas City Regional Safe Routes to School Summit. She was a co-presenter along with Johnson County Department of Health and Environment and Shawnee Mission School District representatives reporting on the Bike to School pilot program. Ms. Kelly said she has the PowerPoint presentation she can distribute for those interested and it will be published on the City's website. Leawood is using their model for safe routes to school, biking and pedestrian safety to school and going through the process that Roeland Park went through. St. Agnes is also incorporating a bike curriculum through BikeWalkKC. CMBR Kelly said they have planted a lot of seeds with their ad hoc committee and it is showing up in regional action. She is very proud of Roeland Park's role and was happy to report all of that.

B. Stormwater Water Advisory Council

CMBR Kellerman said the council did not meet. City Clerk Bohon supplemented the packet with information from Public Works Director Leon to be read later.

VII. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VIII. NEW BUSINESS

A. Extension to Cell Tower Lease Agreements

This agreement is for a land lease that provides T-Mobile the ability to locate a cell tower at the northwest corner of the Community Center. The City was contacted and the company managing T-Mobiles contracts said they are interested in extending the lease terms. The agreement provides an additional 28 years. Currently there are three years under an existing lease that is currently in place and this adds 25 years beyond the current term. The term provides an escalator of 15 percent every five years and they have agreed to have an annual renewal of 3 percent. It also increases the amount of revenue to the City in excess of \$250,000, or an average of \$9,100 annually. Currently there is not an identified use for the space and is a discreet location for a cell tower. It's also an attractive location to cell companies because it's not in the valley and up on top of a hill.

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO EXTEND THE LAND LEASE FOR THE SOUTH SIDE OF THE COMMUNITY CENTER. (MOTION CARRIED 8-0)

B. City Administrator Agreement

This discussion was combined with the Executive Session at the end of the meeting

IX. ORDINANCES AND RESOLUTIONS

There were no ordinances or resolutions up for approval.

X. WORKSHOP ITEMS

I.

A. Discussion of Insurance Coverage Amounts for Dangerous Animals (Workshop Item # 6)

Ms. Jones-Lacy said at the last Workshop CMBR Rhoades had made a recommendation to put in place a scale for however much liability insurance a homeowner should get for dangerous animals based on a determination of severity of the case and that the municipal judge would make that call.

She has put together language that illustrates that with a \$50,000-\$100,000 range of liability insurance required for anybody who keeps what is determined to be a dangerous dog. The amount of insurance shall be determined by the municipal court judge based upon the severity of the incidents where the harm was caused as defined in this section. The determination shall be based upon evidence provided to the court which may include, but not be limited to, photos of any injuries/damage, letters from treating physicians or veterinarians of injured animals, testimony, written or otherwise, from injured parties or caregivers of injured parties, and testimony from any caregivers or character witness for the animal causing injury.

The insurance policy shall name the City of Roeland Park as an additional insured so if a policy is canceled they will be notified. Otherwise, an insurance company has no obligation to do so.

Ms. Jones-Lacy spoke with Judge Torline and prosecutor Frank Gilman who reviewed and agreed with the language. She will work with City Attorney Maurer fine tuning the actual ordinance.

CMBR Poppa asked if they have been able to find an insurance company that will insure a homeowner after a dog has bitten someone. Ms. Jones-Lacy said they have found a few specialty insurance providers that specifically focus on specialized areas. It's not a typical insurance provider.

CMBR Rhoades asked if changing the ordinance would affect any other sections. Ms. Jones-Lacy said no as this only deals with the specific topic of insurance.

CMBR McNeil asked about the cost of the premiums of 500,000. Ms. Jones-Lacy said the policies would be expensive and if it is a severe enough situation that warrants the insurance, it does send a message that the owner needs to do something about their dog. The company that she spoke with only wrote policies to \$300,000.

CMBR Thompson asked CMBR Rhoades to refer to Section 2122(e) and (f), which addresses a dangerous animal and lists several provisions that the judge can order, including euthanasia of an animal.

CMBR McNeil asked how many chances a dog is given before the owner is required to get rid of it and she would like to see that in the ordinance. Ms. Jones-Lacy said there is nothing in the ordinance that covers that. CMBR McNeil said she would think about if there is a good way to phrase that and submit it to the Council.

B. Leaf Pickup Postcards (Workshop Item #7)

Citizen Comment

Tom Madigan (5316 W. 49th Terr.) Mr. Madigan sent a suggestion to the staff and some Councilmembers that a postcard should be sent out correcting a mistake that in the newsletter on the leaf pickup. His research shows this is the second year in a row this mistake has been made. On November 2, 2016, NextDoor posted that the City of Roeland Park would like to apologize to its citizens as wrong date was stated on City newsletter. He said no one knows when the pickup date is. He said it's nice to put it in a newsletter, but a postcard right before their collection is more likely to get their attention.

City Administrator Moody said he forwarded the comments from Mr. Madigan on to the Council with the explanation that the date would have the person putting the leaves out in their area on a Monday. It would cost the city \$934 to send a postcard asking residents to wait two days to put out their leaves.

CMBR Fast asked if the postcards were sent to the Boulevard Apartments. City Clerk Bohon said they are not included in the mailing for leaf pickup. CMBR Fast also wanted to see a postcard being mailed out as it is a better reminder to residents and would get more attention than a newsletter that no one reads.

CMBR Janssen recommended putting signs up in the area that is scheduled for leaf pickup. CMBR Kelly said she liked that idea and said the sign could refer residents to the City's website to find out more information and their dates.

Mayor Marquardt said with pickup being on different days in different areas might be difficult to get the message out and changed and believes the postcards that they have sent in the past are helpful.

There was majority consensus to send out a postcard reminder for the City leaf pickup.

CMBR Rhoades asked when they are scheduled to get their voting machine that would show their votes. City Administrator Moody said that is a 2018 objective. CMBR Rhoades recommended it be in early 2018.

C. Community Forum Agenda (Workshop Item #8)

CMBR Kelly and CMBR Poppa worked together to put the upcoming Community Forum agenda together. There will be presentations from both KCP&L and Johnson County Wastewater. They will address the issues of fallen trees, and the prioritization of restoring power and how they manage that process. They will also talk about the impact the storms have had and what they are doing in response. Johnson County Wastewater will also be speaking on similar issues.

CMBR Fast recommended inviting the administrators and governing bodies from both the City of Mission and Fairway. CMBR Kelly thought that was a good idea if they have not already heard the presentations since Wastewater is presenting in the area communities.

CMBR Rhoades asked who determined what would be on the Community Forum agenda. CMBR Poppa said they were approached by KCP&L and Johnson County Wastewater and it was their ward hosting this forum.

CMBR Kellerman said the proper protocol was not followed for determining what would be on the Community Forum Agenda. CMBR Kelly apologized and said the onus of a reminder of the upcoming Community Forum should be on the Council President to bring it to the table for the agenda planning process and to work with City staff to put the dates in place as has traditionally been done in the past year.

CMBR Rhoades asked if KCP&L could bring a map that shows where all the transformers are in the city to show why certain grids go out. City Administrator Moody said he was certain they would be able to provide examples of why the power goes out in certain areas, but did not believe they would share every item of their infrastructure.

There was a consensus to move forward with the agenda for the Community Forum.

XI. REPORTS OF CITY OFFICIALS

City Clerk Bohon and Ms. Jones-Lacy informed every one of upcoming events.

11/2 – Business Networking Breakfast at CiCi's Pizza at 7:45 a.m.

12/5 – Tree Lighting Ceremony at Sweany Park

12/8 – Holiday Party at the Community Center

EXECUTIVE SESSION

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA SECONDED THAT THE GOVERNING BODY RECESS INTO EXECUTIVE SESSION TO DISCUSS THE CITY ADMINISTRATOR EVALUATION PURSUANT TO THE NON-ELECTED PERSONNEL MATTER EXCEPTION K.S.A. 75-4319(b)(1), WITH THE OPEN MEETING TO RESUME THE CITY COUNCIL CHAMBER AT 8:30 P.M. (MOTION CARRIED 8-0)

Mayor Marquardt stated for the record that CMBR Kellerman asked to call in the discussion.

CMBR Kelly said she was told a month ago she could not call in and vote and did not believe CMBR Kellerman could either. She said there have been a lot of changes to Council policy and that they made a decision that you could not vote by phone.

CMBR Fast said for many years Councilmembers have been able to call in and vote.

City Clerk Bohon asked City Attorney Maurer about the issue and the city code language is silent on being able to vote.

After a brief discussion there was consensus that CMBR Kellerman be allowed to vote, but that they would specifically address this topic at a future Workshop session.

CMBR Kellerman returned to the meeting before the vote.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE CITY ADMINISTRATOR'S AGREEMENT WITH THE SALARY INCREASE BY 1.5 PERCENT TO \$103,530. MOTION CARRIED 5-3 WITH COUNCILMEMBERS FAST, RHOADES AND KELLERMAN VOTING NO.

XII. ADJOURN

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO ADJOURN. MOTION CARRIED 8-0.

(Roeland Park City Council Meeting adjourned.)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk