

**CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, November 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.

ROLL CALL

City Clerk Bohon called the roll. Councilmembers Fast, McNeill and Poppa were absent

MODIFICATION OF AGENDA

I. Consent Agenda – the approval of the New Server discussed during the Workshop as well as the 2018 Sports Dome Agreement were added to the Consent Agenda for approval.

VII. New Business – Workshop Discussion Item 5, Scope and Fee for The Rocks Rendering will be added to New Business for discussion.

IX. Workshop Items. Workshop Discussion Item 7, Financial Report will be presented in this section.

I. CONSENT AGENDA

- A. Appropriation Ordinance # 910**
- B. August 21, 2017 Council Minutes**
- C. September 11, 2017 Council Minutes**
- D. September 18, 2017 Council Minutes**
- E. October 16, 2017 Council Minutes**
- F. Cereal Malt Beverage Renewals**
- G. 2018 Market Pay Adjustments**
- H. New Server**
- I. 2018 Sports Dome Agreement**

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA AS AMENDED. (MOTION CARRIED 5-0)

II. BUSINESS FROM THE FLOOR

A. Applications/Presentations

1. Committee Report Events

The report will be given at a future meeting.

2. Business License – Cheryl Weatherby

City Clerk Bohon reported that the applicant Ms. Weatherby is in New Jersey and will be moving to Roeland Park. Her application is to perform acupuncture as a home-based business, an occupation that is not listed in the City Code. The application is very similar to a licensed massage therapist and staff has no concerns.

The realtor answered questions on behalf of the applicant. She said Ms. Weatherby has a home chosen in the city and the space to be utilized for her business will be minimal with the possibility of one or two employees being added in the future.

MOTION: CMBR JANSSEN MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE BUSINESS LICENSE FOR CHERYL WEATHERBY AS AMENDED, THAT SHE IS A RESIDENT OF ROELAND PARK AND THAT SHE IS LICENSED WITH THE STATE OF KANSAS. (MOTION CARRIED 5-0)

III. MAYOR'S REPORT

No report was given.

IV. COMMITTEE AND WORKSHOP REPORTS

A. Workshop/Special Council Summary – November 6

Ms. Jones-Lacy said CMBR Fast attached the summary report to the agenda packet.

V. REPORTS OF CITY LIAISONS

A. MARC – First Tier Suburbs

CMBR Kelly stated the last meeting was held on October 27 where there was a panel discussion on how to increase citizen engagement.

VI. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VII. NEW BUSINESS

A. Approve Solar Panel Wells Drive

Ms. Jones-Lacy stated that John Jacobson, the City's Building Official, reported at the last Council Workshop about the process they went through for the approval of the solar panels. It has been determined that they need to be approved by the Council per City code. The panels are already installed, but the resident is unable to use them without the approval.

CMBR Rhoades said he was not in agreement with the process, but it was not personal towards the homeowner.

MOTION: CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE SOLAR SYSTEM LOCATED AT 4911 WELLS DRIVE, MEETING THE CRITERIA SPECIFIED IN CHAPTER 14-4-1403. (MOTION CARRIED 4-1 WITH CMBR RHOADES VOTING NO)

B. Approve Solar Panel Neosho

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE SOLAR SYSTEM LOCATED AT 4805 NEOSHO. (MOTION CARRIED 5-0)

C. Leasing Agent Agreement

City Administrator Moody said this lease agreement is similar to the last time this space was available for rent. Mike Levitan and Hank Simpson from AREA Real Estate Advisors, LLC will act as broker to find a new tenant.

CMBR Janssen asked how the market is doing. Mr. Levitan replied the market is extremely robust and the space to be rented is of good quality it has a lot of selling points including the furniture. He said the City is at a good point for entering the market at this time.

Mr. Hank Simpson introduced himself to the Governing Body and thanked the City for the opportunity and is looking forward to bringing a tenant to the building and working with the prospective tenants.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO APPROVE AN AGREEMENT FOR LEASING AGENT SERVICES WITH AREA AND REAL ESTATE ADVISORS, LLC. (MOTION CARRIED 5-0)

D. Custodial Services City Hall

City Clerk Bohon staff is asking the Governing Body to approve the contract with Riteway Maintenance & Supply who is the City's current custodial services company. This would be a two-year agreement with the option to renew in December of 2019.

MOTION: CMBR JANSSEN MOVED AND CMBR KELLY SECONDED TO APPROVE THE BID FOR RIGHT WAY MAINTENANCE AND SUPPLY, LLC TO PROVIDE CUSTODIAL SERVICES FOR 2018-2019 FOR \$930 PER MONTH WITH THE OPTION TO RENEW ANNUALLY AFTER DECEMBER 2019. (MOTION CARRIED 5-0)

E. Committee Appointment and Reappointments

City Clerk Bohon presented the list of current appointments and reappointments. She said that Emily Hage would be a new appointment to the Parks Board.

CMBR Thompson added they need more members on the Events Committee.

Mayor Marquardt said Mr. Tom Madigan, who is the current chair of the Board of Zoning Appeals, has resigned as he is an incoming Councilmember. He stated that another member has also resigned, so now there are two openings on the BZA Board. Mayor Marquardt would like to see the openings publicized for at least three weeks.

Mayor Marquardt also said he would like there to be a Workshop discussion of both the ward appointment and mayoral appointment processes.

There was majority consensus to discuss the appointment process at the next Workshop meeting.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPOINT AND REAPPOINT THE RESIDENTS LISTED IN THE ACTION ITEM. (MOTION CARRIED 5-0)

F. Discussion on Schedule for 2018 Community Forums

CMBR Rhoades suggested not having a forum on January 29 unless there is a dire need for a particular item to be discussed with the community. He said they will have just seated the new Council and would like to allow them time to learn how to proceed with these.

CMBR Kellerman said he was hesitant about having a forum in January and did not believe it was part of the code that they had to have them.

CMBR Thompson said she did not have a strong feeling either way. She asked if the dates have already been reserved.

City Clerk Bohon said the Community Center has been reserved for the suggested dates as a placeholder.

CMBR Kelly said they should leave the dates in place as the Community Center gets booked up quickly and it is easier to cancel than to try to find a new space.

City Administrator Moody said the pool could be a topic for discussion.

CMBR Janssen said that Ward 2 is next in line to host the forum. He said he would reach out to the councilmember-elect with regard to the January 29th community forum.

MOTION: CMBR JANSSEN MOVED AND CMBR KELLY SECONDED TO RESERVE THE 2018 COMMUNITY FORUM DATES AS SHOWN IN THE PACKET. (MOTION CARRIED 5-0)

G. Scope and Fee for The Rocks Rendering

City Administrator Moody said the scope and fee is attached for a rendering of The Rocks. They believe this will help present what is anticipated to occur on all three of the lots. The cost for this is a fee of \$7,500. Because it will reflect buildings, which are not TIF reimbursable, City Attorney Maurer's opinion is the rendering cannot be paid for with TIF resources and would be paid for using funds identified as Professional Services in the General Fund.

Mayor Marquardt added that the rendering will be a bird's-eye view and will give a better understanding of the topography, the volumes of the buildings and how parking would fit on the site, and will include the views to downtown from a higher level. This was discussed at a Development Committee meeting and they think the rendering would be an advantage to selling the site, as a lot of people have a difficulty understanding how the site could be maximized and utilized as it stands today.

He said the contract for the rendering should state that it is to be of an aerial of the site looking northeast showing the full scope of the project with the downtown in the background.

They should also add to the contract that the City has the ability to make modifications to the rendering and update it with new development ideas. Mayor Marquardt said normally products of architectural services are the property of the architectural firm. He would like to see it stated that the City owns the renderings and can manipulate them for different development ideas in the future.

MOTION: CMBR THOMPSON MOVED AND CMBR RHOADES SECONDED TO APPROVE THE SCOPE AND FEE FOR RENDERINGS OF THE PLANNED DEVELOPMENT OF THE ROCKS FOR MARKETING PURPOSES AS DETAILED IN THE PACKET. (MOTION CARRIED 5-0)

MOTION: CMBR THOMPSON MOVED AND CMBR RHOADES SECONDED TO AMEND THE MOTION TO APPROVE THE AGREEMENT AS AMENDED WITH ITEM E UNDER SECTION 02 TO INCLUDE THE ANGLE, THE VIEW-SHED, WHAT IT INCLUDES AND HOW HIGH, AND THE ABILITY TO OWN AND AMEND THE RENDERING, AND THE QUALITY OF THE RENDERING AS IT RELATES TO THE EXAMPLES, NOT LIMITED TO THE AERIAL, BUT PROVIDES THE DETAILS OF CARS, WINDOWS, ET CETERA. (MOTION CARRIED 5-0)

VIII. ORDINANCES AND RESOLUTIONS

A. ORDINANCE NO. 958: RELATING TO NUISANCE CONDITIONS; AMENDING EXISTING ARTICLE 9 OF THE CODE OF THE CITY OF ROELAND PARK KANSAS; REPEALING EXISTING SECTION 8-402 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS; AMENDING SECTIONS 8-404, 8-405, AND 13-301 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS; AND ADDING NEW SECTIONS 8-904, 8-905, 8-906 AND 8-907 TO THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Ms. Jones-Lacy provided the background stating this ordinance is to regulate overhanging shrubbery and trees in the right-of-way and over sidewalks and allows an enforcement mechanism where the City can abate those and assess property taxes to the homeowner if they do not pay it in advance.

CMBR Kelly asked if there was a process for hardship. Ms. Jones-Lacy said the Code Enforcement Officer tries to make personal contact with each person that he is attempting to cite or where he's trying to remedy a situation. He will work with the homeowners if they would like. He also leaves his phone number in the contact letter, and hopefully the person will reach out and they will work with them when they can.

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO APPROVE ORDINANCE NO. 958, AN ORDINANCE RELATING TO NUISANCE CONDITIONS, AMENDING EXISTING ARTICLE 9 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS, AMENDING SECTIONS 8-404, 8-405, AND 13-301 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS, AND ADDING NEW SECTIONS 8-904, 8-905, 8-906, AND 8-907 TO THE CODE OF THE CITY OF ROELAND PARK, KANSAS, REPEALING SECTIONS 8-402. (MOTION CARRIED 5-0)

B. ORDINANCE NO. 959 AN ORDINANCE AMENDING EXISTING SECTION 2-122 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS, RELATING TO DANGEROUS ANIMALS.

Ms. Jones-Lacy said this ordinance is seeking to amend the insurance requirement for the keeping of a dangerous animal. After Council discussion, a range of insurance between \$50,000 and \$500,000 would be based on the judge's determination of the situation at hand, how pervasive the issue is, the damage of the bite, and the circumstances.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO APPROVE ORDINANCE 959, AN ORDINANCE AMENDING EXISTING SECTION 2-122 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS RELATING TO DANGEROUS ANIMALS. (MOTION CARRIED 5-0)

C. ORDINANCE 960: AMENDING EXISTING SECTIONS 16-317 AND 16-319 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS TO ELIMINATE THE REDEVELOPMENT COMMITTEE; ALSO REPEALING EXISTING SECTION 16-320 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Ms. Jones-Lacy said this ordinance seeks to eliminate the Redevelopment Committee as a part of the development process in the Planning and Zoning Code.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO APPROVE ORDINANCE 960, AN ORDINANCE AMENDING EXISTING SECTIONS 16-317 AND 16-319 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS TO ELIMINATE THE REDEVELOPMENT COMMITTEE, ALSO REPEALING EXISTING SECTION 16-320 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS. (MOTION CARRIED 5-0)

D. ORDINANCE NO. 961 AN ORDINANCE AMENDING SPECIAL USE PERMIT REGULATIONS TO INCLUDE IN-HOME DAYCARE FACILITIES; AMENDING EXISTING SECTIONS 5-603, 5-604, 5-605, 16-313, 16-316, 16-318, 16-319, AND 16-322 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Ms. Jones-Lacy said this ordinance was recommended by the Planning Commission and enacted to allow the home daycare facilities as they are not currently allowed in the City beyond a small number of children. This would put into place regulations that require a public hearing, notification of surrounding neighbors, and to receive approval from the Planning Commission. They must also be licensed with the state of Kansas and annually provide proof to the City of the state license in order to maintain their City business license.

CMBR Kellerman said he did not believe such an approval needs to go before the Planning Commission or that they even need a public hearing and the matter can come before the Council for approval. He asked why it would go before Planning Commission. He also said he would like to increase the minimum from three to five children in a home.

Ms. Jones-Lacy said with regard to operating in-home business is generally a zoning matters since it is in regards to single-family residential district asking for a business. This is the primary reason why it is placed in the planning and zoning code.

CMBR Thompson asked how many children require a state license. Ms. Jones-Lacy said that watching any amount of children other than your own for money is required by the state to be licensed. She did believe you could babysit one child not related to you without a license, but if you are running a business, then it needs to be licensed.

CMBR Kelly requested if they make the change up to five children, it does not preclude them from letting their neighbors know or from them being licensed.

MOTION: CMBR KELLERMAN MOVED AND CMBR JANSSEN SECONDED TO AMEND TO ALLOW UP TO FIVE CHILDREN IN AN IN-HOME DAYCARE AND THAT IT DOES NOT NEED TO GO BEFORE THE PLANNING COMMISSION. IF THE OWNER OF THE BUSINESS WOULD LIKE TO HAVE MORE THAN FIVE CHILDREN, THEN THEY NEED TO APPEAR BEFORE THE GOVERNING BODY FOR A SPECIAL USE PERMIT. (MOTION CARRIED 5-0)

IX. WORKSHOP ITEMS

A. Financial Report (Workshop #7)

Ms. Jones-Lacy reported that key revenues, property taxes, sales and use taxes, franchise taxes are on target for the year and are either slightly above or at where they were anticipated.

Court fines are below target and are largely dependent upon who pays their fine. The judge has added a day court which should help increase fine revenues.

Revenues collected in the General Fund through September 2017 are at \$4.37 million.

License and permit revenues are up 26 percent from September of 2016 and building permits are up 37 percent.

Other Income in October show receipt of \$15,000 from cell tower leases.

On the investment side, the City has a total of \$7.68 million, which is up from the original \$2.4 million invested in 2015. To date, they have received \$52,825 in interest income.

Mayor Marquardt asked when the property value will be increased on the new development and they will start paying property taxes on that new development. Ms. Jones-Lacy said once the certificate of occupancy is issued, then the property is assessed and valued and taxes begin.

X. REPORTS OF CITY OFFICIALS

December 5 – Tree Lighting Ceremony at Sweany Park.

Mayor Marquardt would like to have all the Councilmembers there as well as former councilmembers and mayors. He added that students from two of the City's schools will be singing.

December 8 – Holiday Party at the Community Center beginning at 6 p.m.

City Administrator Moody sent out an e-mail with the status of the leaf blower and hopes it will be operational next week.

XI. ADJOURNMENT

MOTION: CMBR JANSSEN MOVED AND CMBR KELLERMAN SECONDED TO ADJOURN. (MOTION PASSED 5-0)