

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, August 1, 2016 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 and all members were present.

I. MINUTES

1. June 6, 2016
2. June 20, 2016

The minutes were approved as presented.

II. DISCUSSION ITEMS:

Item 2 was discussed following Items 3 and 4 of the agenda.

1. Family Conservancy Presentation

Jocelyn Mourning, Vice President of Development and Communications for the Family Conservancy gave an overview of her organization. They are a multi-service agency serving the entire metro area that focuses on mental health for mothers of young children, domestic violence abuse survivors and services for children. Some services are offered free of charge while others are on a sliding scale based on a person's ability to pay. They receive a majority of their funding from the United Way and the Victims of Crime Act. They also make sure that police stations have their counseling brochures that let's victims of crime know they can be seen free of charge.

The Conservancy also offers early education Headstart services and have partnered with United Community Services in Johnson County on the Talk-Read-Play program. They want to canvass the entire metro so that all parents, caregivers and grandparents are aware of the message that they need to be talking, reading and playing with their children every day in order to help stimulate brain development.

They also involved in anti-poverty initiatives and have a lot of services on-site helping people in the community, working with childcare sites and making sure that families have the tools and the resources they need to raise themselves out of poverty.

Ms. Mourning left flyers at the meeting asked for questions regarding her program. She gave the website address: www.thefamilyconservancy.org. There are three counseling centers in the metro, one in Roeland Park, Independence, and one on State Avenue in Wyandotte County. Their headquarters is downtown Kansas City, Kansas. The organization is also listed in United Way 211 and other directories.

CMBR Fast inquired how the office space is used that they rent from the City of Roeland Park. Ms. Mourning said the staff is mental health professionals for individual one-on-one counseling. She also said they were looking to fill a therapist's position.

The Conservancy offers counseling for free to any resident of Kansas that has experienced any crime whatsoever. She said they see a lot of people who have witnessed gun violence and a lot of domestic violence. She added that oftentimes people do not even realize the repercussions they're having from the trauma. Some of their therapists are utilizing a new treatment EMDR (Eye Movement Desensitization and Reprocessing) for clients who have experienced trauma, a relatively new method that helps individuals not to need to relive the experience every time they process through treatment.

CMBR Kelly noted they were available to a wide service area, but asked how people are referred to them. Ms. Mourning replied individuals can come in on their own, find them through their website, or get referrals from police, other therapists or agencies.

CMBR Thompson thanked her for coming and letting everyone know of the work they are doing.

2. Ordinance Formalizing Workshop Procedures

CMBR Poppa said there was majority agreement at the last Workshop to move this forward for approval with the only section remaining to be discussed was Mayoral duties and the Council President selection process. CMBR Poppa asked for and received a consensus to move forward with the §1-202(a) changes that were discussed in the following agenda items.

CMBR Rhoades noted it was CMBR Janssen's birthday and everyone passed along their best wishes.

CMBR Kelly asked City Clerk Bohon to e-mail the changes so they can be reviewed after the meeting.

CMBR Thompson said these items will be moved to New Business at the next City Council meeting August 15.

3. Ordinance Modification for Suggestion of Mayor's Powers

CMBR Poppa said the Admin Committee recommendation is to replace current Section 1-202(c), dealing with superintending control of all officers elected or appointed with verbiage such as, "Promote good conduct and cause to be remedied any neglect, carelessness, or other violation of duty of all elected officers."

Mayor Marquardt said he needed to know the definition of "violation of duty" as he has not seen in any document what the duty of each Councilmember is.

Currently it states in the ordinance that the City Administrator is to assist the Governing Body and supervise all departments and manage the staff, but does not say to take care that all the ordinances are complied with.

Under the Mayor's duty, he has superintending control of elected or appointed officials and is the Mayor's duty to make sure that all laws are complied with and has the power to do so with the superintending control.

Mayor Marquardt gave an over of the paper he had prepared, *Topic: Possible removal of "superintending control" from the mayor's responsibility; 1 Aug. 2016 – Preliminary thoughts and findings of Mayor Joel Marquardt.*

CMBR Thompson asked if the removal of "superintending control of appointed officials," and leaving in "take care that ordinances of the city are complied with," can the Mayor still make sure that ordinances are complied with.

City Attorney Shortlidge said that if either one is eliminated, then they will have to charter the statute as the Mayor's powers have never been chartered.

CMBR McNeil directed everyone to the NLC *Forms of Municipal Government* stating that it is real clear and explains how the different types of municipal government are set up.

There was general discussion as to the different forms of Government and various powers given to the City Administrator.

CMBR Poppa said that was initially brought forward through the Admin committee because it was advised that the superintending powers language conflicted with some verbiage under the City Administrator duties, and asked for clarification on whether there was conflicting language.

City Attorney Shortlidge said it does conflict because of the way the City Administrator ordinance is set up, noting that the City Administrator has control over all City employees, but does not have control over elected or appointed officials. There is a distinction between statutory appointments as in a City Administrator and City Engineer and those of appointments of employees.

CMBR McNeil expressed concerns about making too many changes. She said if they were to follow the characteristics of strong mayor forum, the mayor would have the ability to hire and fire the Police Department, Public Works, et cetera, and that would be a cause of concern, in addition, it would take away from the City Administrator responsibilities. She did say she does like new wording on §1-202(c).

CMBR Rhoades proposed going with the changes that were made from the blue line changes.

CMBR Fast said previous mayors didn't have the legislative power as the current mayor position holds. When an item went to Committee of the Whole, the mayor became part of the governing whole, cast votes, helped craft language and had significant legislative power, who can break ties in not only Council meetings, but also Committee of the Whole.

There was clarification that when discussing the "Mayor," the remarks were not directly related to Mayor Marquardt, but as to the position itself.

Mayor Marquardt said the main responsibility for the City Administrator is the day-to-day running of the City. He asked if the Council would want an elected official to be responsible for that at any level. By having a City Administrator/City Manager take care that all the laws are complied with, that would leave the mayor to only suggest an issue and bring it up before Council. He also believes that should be modified along with superintending responsibility and taking care of responsibility. Mayor Marquardt said he believes the strong administrator/manager-weak mayor system is a more stable system. If superintending control is shifted away from elected officials directly, then the responsibility to enforce the laws cannot be in a person who does not have the authority to effect it.

City Attorney Shortlidge clarified that the proposed language is what is creating the conflict. Superintending control of all officers elected or appointed is from the statute. Currently the City Administrator supervises the employees as per the ordinance and, thus, conflicts with the current language about the mayor having superintending authority. The blue line language resolves that conflict.

City Administrator Moody said the language in the ordinance is dated and should be reworded to more accurately reflect the intent. That while the City Administrator is responsible for seeing that the laws are enforced through the City's employees, it should be incumbent upon all of the elected officials to be conscious that the City Administrator and staff are enforcing the policies and laws that the Governing Body has created. He added that administrator form of government is more responsive as it holds people accountable for the following and implementing of policy that the legislative body has adopted. If the City is strictly run by the elected, they will have to wait until election time to make any needed changes.

CMBR Thompson received agreement of the Council in support on the proposed blue line language in §1-202(c). The Mayor, however, did not agree to the language due to a lack of a clarified definition for the word "duty."

CMBR Rhoades asked for clarification to the fact that the Council has chosen not to enforce certain law for a period of time and how that affects this ordinance. City Administrator Moody said there will always be instances that are not black and white.

There was majority agreement to remove §1-202(d).

CMBR Fast would like to remove the word “generally” from §1-315(g)(1), to read, “City Administrator shall coordinate and supervise operations.”

City Attorney Shortlidge agreed with that change and there was a consensus from the Governing Body.

There was a consensus on §1-315(g)(17), to add the enforcement and execution of ordinances to the powers of the City Administrator.

City Attorney Shortlidge said he will charter KSA §14-301 and §14-307 into the charter ordinance.

Mayor Marquardt would like to add a section to include that the Governing Body be diligent in review of city ordinances and direct the City Administrator to execute and enforce the same, to add language that the Council has some duty to perform as well as the Mayor. City Attorney Shortlidge said he had no strong feelings one way or the other.

There was discussion of whether the mayor would be the default for making sure the laws are enforced. CMBR Poppa asked that if that responsibility deferred to the mayor, would that then be in conflict with the proposed §3-15(g)(16) for the City Administrator to execute and enforce the ordinances of the City. City Attorney Shortlidge said he believed it is because if the enforcement is defaulted to the Mayor and not being performed by the City Administrator, then the administrator has not fulfilled the duties for which he was hired to do.

Mayor Marquardt suggested where the duties are not defined, it would fall into the hands of the mayor.

CMBR Thompson recapped proposed change. Change §1-204 to, “The Governing Body may designate whether the administration of a policy, or the carrying out of any order shall be performed by a committee, an appointee, officer, or the Mayor. If no administrative authority is designated, it shall be vested in the City Administrator.

There was Governing Body consensus to make that change.

4. Council President Election Process Proposed Changes.

CMBR Rhoades reviewed the proposed language changes to Section 1-203, which essentially states when in the election of the President of the Council, it is the Council who decides and the mayor does not have a tie-breaking vote. If there is a tie vote, it would be resolved with a coin flip.

CMBR Poppa said since the Mayor is the one position that is elected at-large, it would make sense that he would cast the one deciding vote, and would like to see that policy continue.

CMBR Janssen supported the coin flip and not having the mayor break a tie vote.

City Attorney Shortlidge said Council President and Acting Council President were added by charter ordinance, so any changes will have to be done by a charter ordinance.

CMBR McNeil needed clarification on §1-203(b)(2), final reading should be “Preside at all Governing Body workshops.”

CMBR Thompson asked for, and received majority agreement to the proposed changes of §1-203 and the blue line, with CMBRS Thompson and Poppa and Kelly stating they were not in agreement.

Mayor Marquardt said he is a part of the group, part of the discussion, works together with everyone on issues and votes, so it makes sense the way it exists right now.

CMBR McNeil said the election of the Council President is always a contentious issue and suggested it could be designated as a chair of the Admin committee and rotate from there.

CMBR Kelly said that suggestion was discussed before, but they received strong feedback from the public that the Council President is chosen by vote of the Council were against rotating the position. Also there were people on the Admin committee that didn't want to be president.

CMBR Thompson said this item bears further discussion and requested a copy of the charter ordinance for review in the meantime.

CMBR Fast directed her comments towards the Mayor disagreeing that he was part of the Council, stating that in the ordinance he was not a part of the Committee of the Whole and can't make a decision, so he can't break a tie as he is not a decision-maker.

CMBR Poppa said they were given a consensus to giving the mayor the ability to be a part of the Governing Body, and to be inclusive of the mayor in the Governing Body Workshops, and to vote on consensus. He added that he has been included in the Workshop process. He also stated that the Committee of the Whole no longer exists, but is now a Governing Body Workshop.

CMBR Thompson said it has been agreed to move the Council President election process to the August 15 City Council meeting and to move on to the Ordinance Formalizing Workshop Procedures (Item 2 on the agenda).

5. Interior Inspection of Rental Housing and Changes to State Law

City Attorney Shortlidge said the state legislature has passed Senate Bill 366, part of which provided that cities can't enforce rental inspection ordinances that require interior inspections without the consent of the occupant. He has changed the provisions in the ordinance to conform to state law. Mr. Shortlidge added that the statute is silent on the question of administrative search warrants, but the City does retain the right that if there is probable cause to believe that a violation is occurring, then it can go to the district court and ask for an administrative search warrant.

CMBR Kellerman asked for the process to obtain such a warrant. Mr. Shortlidge said an affidavit will need to be prepared, usually by the building official, that explains the reasons why there could be a violation occurring at the property. This would be presented to the district court followed by a meeting with the assigned judge. If the judge believes there's probable cause, then the warrant would be issued.

Ms. Jones-Lacy said internal inspections are routinely done with the permission of the property owner when the property is vacant and is in compliance with state law.

(Break in Recording)

6. Review of Upcoming RFQ Schedule

Public Works Director Leon has put together schedules for three RFQs, one for the City Engineer, the City Attorney and then the RFP schedule for Roe Boulevard 2020 project. He then provided a tentative schedule with deadlines to the Governing Body.

Ms. Jones-Lacy said the plan is to post the City Attorney position with the League of Kansas Municipalities (LKM) as well as contact directly attorneys that the City is already familiar with.

City Administrator Moody said LKM has an association of municipal attorneys.

CMBR Fast recommended putting in the notification that the current city attorney is retiring.

City Administrator Moody said that per city code the recommendation is supposed to come from a committee and he has proposed using the Public Works committee as the committee for reviewing the engineers and they will make a recommendation. Mr. Moody and Mr. Leon will serve on that committee, and thinks it is appropriate for the Mayor to sit on the committee.

The Admin committee would be an appropriate committee for reviewing the attorney position. Mr. Moody and Ms. Jones-Lacy would sit in on that committee, and if the Mayor is interested as serving on that committee would welcome him as well.

7. Sidewalk Inventory Update

Public Works Director Leon said in 2007, the City did a sidewalk study and inventory and noted some locations of where add sidewalk would be added. After the completion of stormwater project, they will provide an updated inventory and a forecasted priority level of sidewalks.

Mr. Leon noted that when constructing a street it is an ideal time to construct a sidewalk. Currently there are 22 miles of sidewalk in the City right-of-way. Over the winter, Public Works staff is going to be out looking for hazards in the public sidewalk rate them. This will allow for proactive budgeting and a plan for remediation. They will inspect every linear feet of sidewalk.

8. June Financials

Ms. Jones-Lacy reported that the City has collected about 98 percent of its ad valorem taxes for the year. Sales taxes are on par with last year's receipts as of June. She will also be doing additional analysis to see where the trends are and to see if there are any delinquent taxpayers that may be slowing the growth. Franchise fees continue to be a concern with gas prices being down as well as cable. She will be looking into the cable issue, but one theory is an increase in alternative media sources such as Netflix and Amazon Prime.

General Fund revenues are performing well overall. As of June they are up 1.3 percent over last year. In total, collections reflect 69 percent of revenues overall. Expenditures are up from the prior year, but reflect only 43 percent of the total budget in the General Fund through June. The primary reason for the higher expenditures is an additional invoice was paid for solid waste collection as it was paid a month ahead. They have paid the one-time annual fee to animal control, made the annual payment, as well as the workman's comp payment.

Investments. The City has moved all idle funds into investment accounts that are being managed by Columbia Capital. Accrued interest through June 2016 was \$15,507. Other funds, due to receiving most property taxes, are that TIF revenues are over projections and have come in quite strong for the year.

Special Street Fund. The City has had major payments due to construction. Both of the CARS projects are underway for the Johnson Drive to 57th Street intersection improvements and the 47th and Roe turnaround.

The Special infrastructure Fund has made payments to the contractor for the Nall Park restrooms. This was originally a 2017 project, but the Council approved to have it move to 2016 to gain some economies of scale.

Retail sales. CERI (County Economic Research Institute), has good data that includes retail sales. Roeland Park is doing better than last year, but was a little down for the month of April.

Ms. Jones-Lacy said at the next Council meeting the Governing Body will be voting on a resolution that approves the increase in the property tax levy because property valuations increased. This is an administrative process that needs to be sent to the county clerk.

In regards to the Nall Park improvements, City Administrator Moody said there were a number of change orders and that it has not been a smooth project. There were problems with the sanitary sewer that needed to be remedied that were not anticipated and that change order was beyond the City Administrator's authorization amount. The work had to be done and is complete, but that issue will be before the Council at the August 15th meeting. There were also some modifications on the inside of the restrooms to meet ADA requirements, which required another change order. The electric line that leads to the restroom had to be redone as well as push a conduit underneath the road to pull the electrical line through. Those items have been within his approving authority. Mr. Moody said it's a well-built facility and the items that are inside are as vandal-proof as can be designed. He is sure the design will be tested, but it is a nice improvement to the park.

Public Works Director Leon said it was 99.9 percent done and added it came in \$17,000 over budget.

City Administrator Moody said they did not know the scope of the sewer line until they got into it, but felt that the City could have done a better job of knowing what the utility conditions were at the building before putting it out for bid.

9. Committee Liaison Update

City Clerk Bohon provided the Council with a list of openings on various committees and asked for volunteers.

CMBR Kellerman volunteered for Northeast Animal Control and asked to be for an alternate for SMAC.

CMBR McNeil said she would withdraw from SMAC and allow CMBR Kellerman to serve.

CMBR Rhoades asked if City Administrator Moody get clarification regarding mayoral appointments. City Administrator Moody attached a section of the code that deals with each committee. All provide for the mayor appointing each member to the committee with consent of Council.

CMBR Kelly told CMBR McNeil that the MARC Bike and Pedestrian meetings are held at the Mid-America Regional Council at 6th and Broadway in Kansas City, Missouri and are quarterly meetings in the afternoon from 1-3.

CMBR Rhoades also said the Redevelopment Committee should end, but would like to be on it if it continues.

CMBR Poppa volunteered for the Events Committee.

CMBR Fast volunteered to be an alternate for Parks and CMBR Thompson said she would help if needed.

CMBR Kelly said she would remain on the Sustainability Committee.

CMBR Fast offered to help CMBR McNeil get downtown to MARC meetings.

There was general discussion of whether the Redevelopment Committee should continue and asked for staff recommendation. City Administrator Moody said the Redevelopment Committee was created so Council could have more interaction in the processes of the City.

CMBR Thompson recommended that those who want to revisit the Redevelopment Committee's existence should present an action item for a future discussion.

Consent to move volunteer positions to the August 1 Consent Agenda minus the Redevelopment Committee.

CMBR McNeil inquired about the trash pickup in the city noting that a lot of residents have been complaining about the service and trash not being picked up. Mr. Moody reminded the Council it chose to renew the contract with WCA, but staff does continue to notify them of ongoing issues. He also reported that WCA has hired someone to help solve the problem. City Clerk Bohon said they do put information on the website and social media to inform residents that call to leave trash out as the company does run a few days behind.

III. **ADJOURN**

CMBR Thompson reminded everyone to vote on August 2nd, and the meeting was adjourned.

(Roeland Park Workshop Adjourned)