

GOVERNING BODY WORKSHOP AGENDA
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, November 7, 2016 6:00 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

CMBR Thompson called the meeting to order. CMBR Fast arrived after the start of the meeting and CMBR McNeil was absent.

City Clerk Bohon provided a list of upcoming events.

2016

11/11 - City Offices closed for Veterans' Day

Veterans' Day Lunch at Roesland Elementary at 11:00

11/14 - Leaf pickup east of Roe

11/16 - Go Red for Women. National campaign on the importance of knowing how to perform CPR.

12/6 - Tree Lighting at Sweany Park at 6:00 p.m.

12/9 - Staff Holiday Party at 6:00 p.m.

12/26 - City Offices will be closed for Christmas

2017

1/2 - City Offices will be closed to New Year's Day.

1/3 - Governing Body Workshop

1/17 - Governing Body Workshop and City Council meeting (MLK Day 1/16)

1/25 - Community Forum for Ward II

2/3 - Red Day, national media event, handing out CPR information to citizens.

4/21 - at Overland Park Convention Center for a national event called Go Red.

Police Chief Morris said the Red Day is CPR awareness and training in cooperation with the American Heart Association, H&R Block, and the Roeland Park Police Department has been asked to assist.

I. DISCUSSION ITEMS

1. Roe Boulevard Traffic Study Presentation

Public Works Director Leon said the results from Roe Boulevard Traffic Study conducted by Shafer, Kline & Warren (SKW) are in. Jerry Johnson and Cheryl Bornheimer from SKW provided the results of the study.

Mr. Johnson said the study area reviewed the signals along Roe Boulevard from 47th Street on the north to Johnson Drive on the south.

Ms. Bornheimer provided the specific results from the study. Included in the study were traffic counts from AIMS in 2004 and 2010 at 51st and Roe Boulevard. Earlier this year 35,000 vehicles were counted traveling City

through the corridor. Overall, SKW's recommendation is to remove the traffic signals at West 52nd and Roe and the Bella Roe Plaza signal. In addition the two signal removals, they recommended optimizing the signal timing throughout the corridor on the remaining signals at 48th Street, 50th Terrace and 51st Street.

One of the reasons for suggesting the removal of the West 52nd Street signal is that the vehicle count is very light of approximately 10-15 passenger vehicles per day and occasionally one truck. Originally the signal at Bella Roe & Roe Boulevard was installed as there was no access point to the north from 48th Street, but now there is such access. On Roe Boulevard it was recommended to remove the left turn and thru-movements, which will allow the intersection to flow more freely, get traffic through faster and help with the overall corridor. Currently there is a through and left-turn exiting both of the developments on the east and west sides of Roe. SKW recommends keeping the left turn-ins off of Roe, but removing the left turns out and making them right-outs only.

CMBR Fast questioned how it would be possible to turn onto Roe if one cannot make a left turn. Public Works Director Leon said there is an entrance/exit onto Roe Lane which turns into 50th Terrace when crossing Roe Boulevard and is quicker than coming onto Roe Lane.

CMBR Thompson asked if the changes would be part of the Roe 2020 project or initiated prior to those improvements. Public Works Director Leon said staff would look at the changes to make as part of the Roe 2020 project.

CMBR Rhoades asked if the city owned the traffic lights and if removed, could they be re-used for the old pool site. Public Works Director Leon said that was a good question for KCP&L who does own the lights.

CMBR Kelly said she liked the idea of having a smoother flow of traffic and wants to make sure that those involved with the bike/ped report would be involved in the traffic change discussions. She added that in the redesign of the road and when considering traffic flows that all types of transportation, not just cars, be considered.

City Administrator Moody said staff has reached out to KCP&L. Roeland Park pays monthly for the signals and if they are removed early, they will have a fee to pay on the balance.

Mr. Moody also said he sent out an e-mail to let the Governing Body know the status of the engineering selection for the Roe Boulevard 2020 project and the committee has made a recommendation to pursue George Butler & Associates to perform that work. Staff has been working with them on a scope and fee that would cover assessing the conditions of the improvements that are in the right-of-way, and a detailed analysis of what would need to be replaced or repaired. Still to be completed is road coring to determine what will be the full depth of the asphalt as well as scoring the condition of the surface. The public process will seek input from residents as to what do they see this corridor looking like, and will include discussions about lanes, islands, sidewalks, bike trails, etc. Staff anticipates bringing forward a proposal at the next Workshop with an action by Council to hire a firm to start that process.

Public Works Director Leon thanked SKW for their work as the signals are the biggest complaint he receives, which is why are there so many. He also said this traffic study has been long overdue.

2. Parks Update from Jennifer Provyn

Jennifer Provyn said the Parks Committee has purchased ribbon cutting scissors and will be donating them to the city. They have also decided to purchase two more baby swings for R Park. They have received a lot of feedback of people waiting to use the baby swings. There will also be ten more trees planted by Public Works. The committee is working on signage for an arboretum in R Park and they will bring that before Council for approval. She also said the Parks Committee is waiting on the City survey results. They want to take the survey results into account as the committee reviews the master plan for R Park to help make their

recommendations and they want to complete that review before the beginning of 2017. Once they receive the data, they will integrate what they believe should be in the master plan.

Mr. Provyn said she did not know of any progress in terms of the easement process for the Nall Park Trail. Brett Shoffner from the Urban Trail Company board has received approval of the project. They want to get the route flagged, mapped and a final plan to Public Works for the easement process in November. Also sometime in November/December, they hope to focus on a community workday focusing on clearing out the invasive brush, trash and cleaning up the space. Then in December/January, they would like to begin construction hopefully prior to the ground freezing on the trail.

City Administrator Moody added the grant they anticipate applying for does require a plan to be adopted by the Council for tennis courts. Once they receive that plan from Parks and Council approves it, they will have the paperwork needed for applying the grant.

Mayor Marquardt further clarified that the proposed grant would be for a second tennis court and the plan will have to include two tennis courts in order to apply for the grant.

3. Trash and Recycle Bin Placement

Ms. Jones-Lacy said the Codes Enforcement staff has had difficulty enforcing the receptacle placement code and how they should apply the ordinance. They believe the ordinance is vague and staff is seeking to make amendments to §15.104 with the approval of Council to create a uniform enforcement policy for proper placement and screening of trash and recycling containers, improve the aesthetics without being too punitive, and while putting in place mechanisms to enforce the ordinance and to make it fair to all residents.

The current problem is that the language says that all containers shall be screened in a manner that they are not visible from any street or roadway except when placed in position for pickup.

Ms. Jones-Lacy showed various photographs from different angles throughout the city where receptacles are not visible and put away, but are visible from other angles.

There was discussion amongst the Governing Body as to what is considered an appropriate screen and what is not. Screens should be at least 48 inches tall and 36 inches wide so as not to allow containers to be visible from the street. Screens should be non-deciduous bushes, trees or shrubs, a lattice fence or shield other than chain-link that obscures at least 60 percent of the container, or an opaque structure of durable materials in keeping with the character of the home that is enclosing the receptacle. Chain-link with barrier weaving was also considered acceptable.

For special circumstances such as an irregularly shaped lot, the elderly or a disabled individual would be determined by the City Administrator or designee. For the variance, they must contact City Hall and request an exception. Neighborhood Services would then evaluate the lot.

For violations a resident would receive a warning notice with 48 hours to fix the issue, after a civil penalty of \$10 per day could be administratively issued. If the violation is repeated within 180 days, then staff can apply the penalty again without having the 48-hour grace period. If fees remain unpaid for 30 days, then the City Administrator or designee can issue a notice to appear. Before beginning the enforcement process they would make sure residents are fully aware that enforcement will be occurring by distributing an educational postcard to all homes that this would apply to, placing an article in the newsletter and also posting information on the website, and working with the media that this ordinance will be implemented.

The Governing Body reviewed the proposed language of Ordinance 947.

CMBR Rhoades said some of the homes in the city may not be able to reasonably meet the requirements because of yard configurations. He said he understood the screening from the front, but questioned storing containers in the back yard or even on the side.

CMBR Poppa said he would like to see the containers covered from the front.

CMBR Kelly wanted clarification of the definition of a front yard. She also agreed that city neighborhoods are unique in their layout.

Ms. Jones-Lacy said Shiloh Wells reported there are many people in town that have put up one-sided screens, but that the containers are still visible. They want the community to look nice, but don't want this to be an overly obtrusive ordinance.

CMBR Thompson said containers should not be seen anywhere from the street parallel to the house.

Mayor Marquardt said receptacles in front of the house should be fully screened. He did have some issues with the screening for the side of the property.

CMBR Thompson said containers not being visible perpendicular to the street is not in the ordinance, and if they wanted in it would need to be added.

CMBR Rhoades said that people who have already built screens would be upset with the ordinance changes.

CMBR Fast questioned the mobility of the containers in the winter if enclosed with a gate and might not be able to get it open with the snow and ice adding that it's difficult maneuvering the containers behind a screen much less completely enclosing them. In her ward there is so little land between properties that this may not be practical. She said she did support a one-sided screen as long as the containers were not visible from the street.

CMBR Rhoades said exceptions could be made for when there is snow and ice.

Mayor Marquardt said a gate 12 inches off the ground could accommodate for the snow.

CMBR Kelly said none of the examples shown contained the two large containers.

CMBR Rhoades asked for a written update to include the containers need to be shielded from all angles from the street and the front or side of house needs to be shielded. CMBR Thompson would also include a weather exception.

There was majority agreement to not have the containers visible from the street.

City Administrator Moody said there are potential difficulties where you can see into a back yard. He said the language of not being visible from the street is causing the problem. There would also need to be a clarification especially for corner lots not to see the containers, but if they are in a back yard they do not need to be screened.

Ms. Jones-Lacy said an exception to the ordinance could be applied for and a decision would be made administratively.

City Administrator Moody said containers not being visible from the front of the home is the first criteria.

Ms. Jones-Lacy back yard is considered to be behind the primary structure.

There was consensus that CMBR Rhoades and CMBR McNeil would continue to work on the ordinance and present again to the Council after the information from the discussions have been worked into it.

4. 2016 Street Maintenance Plan Overview

Public Works Director Leon had an informational slide presentation on the 2016 Street Maintenance Program. Using the City of Lenexa's contract with Harbor Brothers in the amount \$223,166, Roeland Park was able to do large patching, surface treatment (chip seal), subgrade investigation, coring, curb, gutter and sidewalk maintenance. \$80,000 went to in-house prep work and included materials and equipment.

In 2015, Public Works developed a plan of attack and were able to complete 5.32 miles of repairs. In 2016, 7.19 miles were completed and they project to do 3.77 miles for 2017. The approach is to touch every street every 8 years with an average of 4.2 miles annually.

Mr. Leon touched on the large asphalt repair stating in 2014, they completed approximately 815 square yards of asphalt repair. In 2015, it was 3,058 and in 2016, 4,214 square yards.

For in-house prep work they spent \$46,436.81 with over 432 man hours. In 2016, they have completed 4,329 square yards which was about 550 tons of asphalt.

Mr. Leon said the plan is to push more in-house street work his department as it does save the City a lot of money in the long run. He added that the strategy stretches City dollars, has a greater community impact, and touches more streets.

Public Works Director Leon said for 2017 they will touch about 51 streets, continue with surface treatments and in-house prep. They will crack seal the 2014 streets as part of the routine street maintenance plan. They will also crack seal the streets that were completed in 2016 as part of the routine street maintenance plan. One of the largest projects they are going to undertake is beginning to take on in-house concrete work, curb and gutter, sidewalks and driveway aprons.

5. Ordinance 941 – Amendment Related to City Code on Signs

City Administrator Moody said the changes to Ordinance 941 are driven by the City's efforts to keep sign regulations compliant with federal law.

City Attorney Shortlidge said that a year ago the Supreme Court's decision in *Reed vs. Town of Gilbert, Arizona* where they ruled the city's sign code unconstitutional as being content-based. Following the Supreme Court's decision the International Municipal Lawyers Association (IMLA) began preparing a model sign code. The proposed changes are based on the sixth draft of the IMLA code. The primary substantive difference is in dealing with the concept of government signs.

Mayor Marquardt had a question on page 4, Section 2 §16-903(o) where it talks about example signs that the city might have in the right-of-way and could they add road type signs to include city event signs. City Attorney Shortlidge if they are defined as city event signs, then they are content based, but felt the proposed ordinance language would make naming the event sign as unnecessary.

Ms. Jones-Lacy spoke to the definition of a sign which says it must be visible from the street. City Attorney Shortlidge said they could add the phrase "and that is visible to a person not located on the premises where the sign is located" at the end of the first sentence definition.

CMBR Rhoades said he wanted to re-look at what exists currently before voting. Ms. Jones-Lacy said she didn't believe there is anything substantive that will change the interpretation of the signs listed on a property. CMBR Rhoades also raised questions about the architecture of buildings being considered as signs. Ms. Jones-Lacy

said there is an exception if it is integrated into the architecture of the building and is therefore not considered a sign.

There was also a brief discussion of what could be considered prohibited signs.

After the discussion it was agreed that CMBRS Rhoades and Janssen would write down their concerns for presentation to the Governing Body. The matter would be put on the next City Council agenda to refer the sign ordinance back to the Planning Commission with recommendations.

6. Committee Appointments and Reappointments

The following are up for appointment/reappointments

Arts Committee - Mary Schulteis and Christine Webster

Board of Zoning Appeals - Paula Gleason Ward 2

Community Events Committee - Jan Grebe, Deb Settle and Shea Geist

Parks Committee - Jennifer Provyn, Patrick Franken, Cory Coe, Kathleen Whitworth, and Tyler Steele

Planning Commissioner - Julie Mohart and Kyle Rogler

Sustainability Committee - Duane Daugherty, Judy Hyde, Elizabeth Phelps and Michael Kelly

CMBR Fast said she and CMBR McNeil will review the recommendation of Julie Mohart as that was the previous councilor's recommendation.

Mayor Marquardt said Kyle Rogler would like to remain and felt that was possible. He also said someone else has applied for the Planning Commission. He also said four people have applied for the BZA at-large position and he will make calls to and make his recommendation at the November 21 City Council meeting.

CMBR Kelly said Laura Steele had sent in an application to be on Sustainability a long time ago and wanted to make sure she was on the list.

It was agreed to forward this to the Council agenda. It was also agreed to remove Julie Mohart's name until a recommendation has been made by the Ward I Councilmembers.

7. September Financials

Ms. Jones-Lacy reported that the Key Revenue Indicators show all revenues are in the green adding that things have rebounded over the course of the year. The City has received the vast majority of all ad valorem taxes for the year and they are in a good position. Sales tax is also doing better than projections at 1.3 percent above projected targets and 0.5 percent higher than last year. Franchise fees are lower, but are doing well compared to projections.

With regards to the General Fund, licenses and permits are down from the prior year primarily due to lower than anticipated building permit revenues. They have issued about the same amount of permits as last year, but the actual value of them is down over the prior year. They also hope to see construction at the northeast corner of Johnson & Roe to add revenues to the General Fund. They are expecting to get most of the business license renewal revenues in November and December, so the number should rebound by the end of 2016.

Expenditures from the General Fund are actually lower than in 2015 by 1.7 percent. This reflects savings in year-to-date utility expenses. Gas expense is down 28 percent and phone and internet fees are also down 13 percent. The hope this year is to completely use Johnson County for telephone service and eliminate the agreement with Consolidated Communications which would save the City \$400-500 monthly.

There is an expected savings of three to six percent on health insurance this year.

The City's investments are performing as expected. The majority of interest revenues will come in December. Columbia Capital is projecting earnings around \$52,000 in interest revenues with a \$35,600 net benefit after management fees. Ms. Jones-Lacy said this has been a positive move made by the City.

Retail sales are up by 4.7 percent YTD compared to last year according to the County Economic Research Institute (CERI). Johnson County is up by 3.6 percent YTD, so Roeland Park is performing slightly better than the county as a whole.

CMBR Janssen asked for a status on the personal property tax appeal that went to Topeka for the third floor property owned by the City. City Administrator Moody said they are scheduled for a December re-hearing at the request of Johnson County. The City won the initial appeal before the Board of Tax Appeals (BODA), but the county has the right and did request a re-hearing, so they will be restating their case in Topeka in December.

8. Ordinance 944 – Updating the Zoning Code to Regulate the Placement of Cellular Facilities

In September, City Attorney Shortlidge presented an ordinance amending the right-of-way management ordinance designed to deal with the new state law passed by the legislature allowing telecommunications companies to put facilities in the City's right-of-way. Complying with the new law would require two steps: amending the right-of-way management ordinance and amending the zoning regulations. The Governing Body has already passed the amendments to the right-of-way management ordinance. The zoning regulations had to be reviewed by the Planning Commission. The proposed language is patterned after an ordinance passed by the City of Overland Park, which was reviewed by City Attorney Shortlidge, City Administrator Moody, Ms. Jones-Lacy & John [inaudible] as they worked to decide how to convert the amendments to Roeland Park's regulations. The new material is either required by the state statute or is Overland Park's attempt to address things that are required by the state statute.

There was agreement to accept the Planning Commission's recommendation and to place the item on the November 21 City Council Consent Agenda for approval.

9. Ordinance 945 – Update to the Comprehensive Plan

Ms. Jones-Lacy said the Planning Commission has completed their annual review of Comprehensive Plan. The amendments they are making primarily focus on updating out-of-date information such as demographics and maps. They also wanted to focus on current project sites and making adjustments to reflect current situations. The Comprehensive Plan was originally adopted in 2012 and a lot has changed since that time including some of the goals of the projects being worked on.

Ms. Jones-Lacy detailed the recommended changes.

1.4 – Re-frame the Key Issue of the East Gateway Redevelopment to emphasize the collaborative effort and use the more commonly used title of the "Mission Mall"(pg. 10)

Mayor Marquardt recommended and there was agreement to change the language to the "former Mission Mall site."

1.4 – Add clarity to the plan to promote higher density residential development explaining that it should contribute to helping Roeland Park be a Community for All Ages (pg. 11)

2.1 – Update the demographic information (pg. 12)

2.3 – Update maps where possible (pg. 20)

3.1 – Include current plans for the Roeland Park property at 47th and Mission (pg. 23)

3.2 – Update the East Gateway/Mission Mall site plan (pg. 24)

3.4 – Update the planned zoning for the Caves site to include Planned Restricted Business (CP-1) along with MXD (pg. 26)

- 4.2 - Add to the Planning Goals that the City is working toward rebranding to establish a clear identity for the city under the goal of "City Character/Image" (pg. 27)
- 5.2 - Remove the stated plans for implementing a mixed used neighborhood center at 47th and Mission due to the size and current plans for the site as a potential sit-down restaurant. (pg. 31)
- 5.2 - Update plans for the East Cloverleaf to explain that an assessment of highest and best use and the Comprehensive Plan should drive development on the site and remove the stated plans as specifically residential development (pg. 34)
- 5.3 – Update plans for the West Cloverleaf based upon current plans for the bank and small hospital (pg. 36)
- 5.3 – Update East Cloverleaf to provide current status and additional images (pg. 38)
- 5.3 – Update detail on the Caves site to include site goals of creating a regional landmark with an anchor tenant, a mix of lodging and restaurants (pg. 41)
- 5.6 – Update information on transit, new bus routes and Roe Boulevard improvements (pg. 46)

Mayor Marquardt directed everyone to page 13 and said if showing demographics on a graph they would be more telling if they were in five-year increments. At least two-thirds of the Council approved that change and it will be moved to New Business with the recommended changes.

10. Johnson County Parks and Rec Agreement for Operating the Community Center

City Administrator Moody said historically this has been a one-year agreement. Staff is recommending a change to allow the agreement to be renewed automatically. There is an option to not automatically renew if the Governing Body felt there was need for discussion. One change in the contract language is concerning profits from the Community Center. Currently the City pays 50 percent of the estimated expenses, which equate to approximately \$75,000 a year. After paying those expenses, then the City receive revenues from its rentals. Those are combined to offset expenses. After those revenues, any excess gets shared equally between Roeland Park and Johnson County. The new recommended language uses net income/net loss, so that the sharing occurs in either in the center’s losses and revenues.

After a brief discussion it was recommended to move approval of the annual renewal to the Consent Agenda, with the understanding that discussion of the dome will need to be had before next year.

11. 2017 Roeland Park Sports Dome Lease Agreement with Johnson County Parks and Rec

CMBR Rhoades said he wanted to make sure the issue with the dome is addressed. As stated, either party can cancel the agreement for the upcoming year with written notice. After a brief discussion City Administrator Moody said he will see if he can make this an annual renewal also with Johnson County.

12. ROW Purchase Agreement with KDOT – NE Corner of Johnson Drive and Roe

City Administrator Moody showed a map of the lot being conveyed from KDOT to the City. It was also noted that the property would be unable to obtain property insurance, but nonetheless it still adds value to land already owned by the City for its potential uses such as green space.

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

II. NON-ACTION ITEMS

City Administrator Moody said he has had his monthly meeting with Johnson County Parks & Recreation and added that the dome is up. The blower/heater unit has been ordered and should be installed in January. They will continue to heat the water, but as the temperatures drop outside it could cause some fog inside the facility. Staff has asked Johnson County for a list of names that use the facility in anticipation of having an inclusive discussion of the future of the facility. Mr. Moody said he believes this is a good opportunity for the Council to establish an ad-hoc committee to assess the future operations of the pool. They have asked Johnson County Parks and Rec for revenues and expenses by season. JCPRD has completed winterization of the outdoor pool elements. There is also a possibility the pool would be closed between 12:30 p.m. and 3:00 p.m. which is a period of time that’s not highly utilized.

CMBR Fast said the January community forum will be presented by Ward I. She and CMBR McNeil will have a focus on the pool at that time. CMBR Janssen, CMBR McNeil and CMBR Fast to bring forward information for an ad hoc task force on the aquatics center at the next Workshop meeting.

CMBR Rhoades said he wants to make sure they get the numbers of who is using the pool and when.

CMBR Kelly said she would like to be a part of the pool task force.

CMBR Thompson reminded everyone to vote.

III. ADJOURN

(Roeland Park Governing Body Workshop Adjourned)