

COMMITTEE OF THE WHOLE MEETING AGENDA

Roeland Park City Hall

4600 W 51st Street, Roeland Park, KS 66205

Monday, January 5, 2015 6:00 P.M.

- Joel Marquardt, Mayor
- Megan England, Council Member
- Becky Fast, Council Member
- Marek Gliniecki, Council Member

- Jennifer Gunby, Council Member
- Ryan Kellerman, Council Member
- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Rhoades, Council Member

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

Admin

Chair, Kellerman
Co-Chair, Gunby

Finance

Chair, Gliniecki
Co-Chair, Rhoades

Safety

Chair, Kelly
Co-Chair, McNeil

Public Works

Chair, England
Co-Chair, Fast

CMBR McNeil was absent.

CMBR Gliniecki called the meeting to order

I. REPORTS OF COMMITTEES:

A. Admin - Kellerman / Gunby

1. Interlocal Agreement with the Johnson County Parks and Recreations District for the operation of the Roeland Park Community Center

City Administrator Otto noted the agreement was similar to the past agreement with JCPRD, but noted in Section 15, the severability clause, that a few words appeared to be omitted. Suggested changes were for the agreement to read, "In the event any of the above-mentioned items shall be deemed or held unconstitutional," from "in the event of them shall be deemed or held unconstitutional." He noted that this will be the third year that JCPRD will again retain the \$75,000 payment from the City. Mr. Otto also noted a change in the agreement to reflect the year 2015 from 2014.

CMBR Gunby stated that with the renewal of the agreement there should also be discussions regarding the backlog of repairs and would like the list presented to the Committee. CMBR England did not feel that the current repair list is adequate and noted some issues such as the kitchen has no garbage disposal, the hot water is inadequate and the kitchen doors have to be tied in order to shut. She added that there needs to be discussions of the facility's maintenance priorities as well as who is responsible for the repairs.

CMBR Fast noted that repairs for the Community Center roof were under budget and inquired as to what the remaining funds would be used for. City Administrator Otto stated the funds are earmarked in the Equipment Reserve as Community Center Equipment and those monies are trackable in the budget. His recommendation is to keep part of the money earmarked in reserves in light of reduced sales tax revenues that support the community center by the possible departure of Walmart in case of a large unexpected infrastructure issue .

City Administrator Otto added that City staff will meet with the JCPRD direction and will express the concerns of the Committee. He added that while there is a long list of needed improvements to the Center, it is a matter of prioritization. On a positive note he stated that the multi-purpose room is well used and rented almost every night and that the City has addressed the trash receptacle issue, replaced the chairs and some furniture in the public spaces and installed new blinds throughout the building. Mr. Otto requested that as the staff works on the CIP the Committee is welcome to send in their experiences with the building and these will be added to the discussion.

There was a recommendation to approve the interlocal agreement as well as agreement to further looking into the functionality of the facility.

2. Surplus Property List

City Administrator Otto stated there are 46 folding chairs from the courtroom in surplus and staff is looking for a place to store them. CMBR Gunby suggested these chairs could be used for event seating in the park. If storage is not located, the City does not wish to pay for storage, and the chairs are sold as surplus, chairs from the Community Center will be used for community events.

Other surplus items include two Toshiba Thrive tablets that are not being utilized, a 1997 Ford Explorer and three CPU towers from Public Works. There is a potential to keep the CPUs stored at the Community Center for a potential computer lab at that location.

There was Committee recommendation to declare these items as surplus and forward to a later Council agenda.

3. Planning Commissioners delegates to the East Cloverleaf Working Group - Kyle Rogler and Darren Nielsen

Mayor Marquardt introduced Planning Commissioners Kyle Rogler and Darren Nielsen to the Council.

Kyle Rogler is a practitioner at BNIM Architects. He noted that two years ago the Mayor started an Architect/Development Group with the first site as the East Cloverleaf. He discussed his initial involvement with the site and approached the City of Mission about their potential cooperation.

Darren Nielsen is with HNTB and has been on the Planning Commission a little over a year. He and his wife have lived in Roeland Park for about 10 years joined the Planning Commission to get more involved with the City.

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City Administrator Otto reiterated in addition to the two Planning Commissioners, CMBR Gliniecki and CMBR McNeil will be the Governing Body members on the committee, with Mayor Marquardt named as an alternate.

There was a recommendation to move this forward to the January Council meeting.

4. City Administrator's Report

City Administrator Otto asked for input from the Committee for a welcome packet for the new advisory committee members. He stated he would include a welcome letter, a Kansas Open Meetings and Open Records summary, a copy of the ethics ordinance, their city code charter and meeting dates, adding that agendas were expected in advance of the meetings and having minutes within a week.

CMBR Kelly would like the KOMA/KORA information in their packets. Mr. Otto added there several pages on open meetings in the packets, which walks them through issues dealing with e-mail etiquette. CMBR England would also like to see a list of expectations of committee members included.

City Administrator Otto stated he has received a response from Shafer, Kline & Warren regarding Commerce Bank, and the topic is scheduled for a future meeting. . Progress is continuing to move that issue forward.

Mr. Otto noted that Neighborhood Watch signs were ordered by end of year and thanked the group that worked on selecting the signs.

A special thanks was given to Public Works who did an amazing job cleaning carpets in the City Hall building.

It was noted that the leaf pickup program ended December 10th with the Public Works department systematically cleaning up the entire City. Mr. Otto added that for the first time the City sent 20 certified letters to some residents who had extraordinarily large piles of leaves in front of their property, which were put out after December 10th cut off date. These notes explain that it is the resident's responsibility to now bag those leaves and remove them from the street. The City has switched to snow operations and therefore, not picking up any further leaves.

CMBR Rhoades asked to see a list of who received letters in his ward to which City Administrator Otto will see if this is possible.

CMBR Fast stated she had heard from residents that it was difficult with the snow and rain to get leaves out by the December 10th deadline. City Administrator Otto stated even with the December 10th cut off, leaf pickup continued through the following week. He believed there was an issue with companies bringing in and dumping leaves on the streets as well as residents putting their own out late. Public Works Director Leon stated that pickup was slowed the final week due to rain, but was very confident his department systematically cleaned all the streets in Roeland Park. He also noted that once streets were cleaned, they did not go back and repeat the process.

Councilmembers stated they saw neighbors who missed the deadline having to rake up their own leaves CMBR Kellerman felt in years past, due to weather, residents were granted some leniency. Mr. Leon reiterated December 10th was the final day and assumed leaves would be out by then. It was believed all residents knew of the deadline due to the City promoting the event and the program was completed by the posted scheduled time. City Administrator Otto closed in saying that the machinery held up and has now transitioned over for snow removal.

A final item Mr. Otto brought to the Committee's attention was a homeowner in the City would like to list their residence online as a bed and breakfast site. CMBR England suggested that staff look into best practices by the National League of Cities and tourism. This could be a topic for a future discussion.

5. Chapter 2 Revisions Animal Control and Regulations

City Administrator Otto - provided proposed revised packet to Committee with suggestions made by Committee.

CMBR Kellerman chaired the discussion regarding the revisions of the Chapter II. Animal Control and Regulation. There was much discussion and debate and many items reached a recommendation will move forward to a Council agenda. City Administrator Otto noted that the blue text represents additions and the strike-outs are suggestions to be removed.

Article 1, General Provisions

2-101, Definitions.

2-101(e) - recommendation to the defined changes.

2-101(j) - recommendation this item will be rewritten removing the dangerous or vicious animal language and replaced with the definition of an ear-tipped feral cat.

2-101(m) - recommendation to the defined changes.

2-101(p) - recommendation to remove Immediate Control language and replace with Kennel definition.

2-101(s) - recommendation to add language regarding ear-tipped feral cat.

2-102, Animal Control Officer; Duty to Impound; Citation Alternative

2-102 - CMBR Fast would like City Attorney Shortlidge to review the best practices research regarding general entry and implied consent for entry onto a property by law enforcement. Ms. Fast provided Unified Government's ordinance language, which Mr. Shortlidge believed as appropriate for Roeland Park.

City Attorney Shortlidge responded to CMBR Gliniecki regarding the authority of Northeast Animal Control, stating Animal Control adheres to the guidelines in place by Roeland Park. CMBR Kelly wanted to ensure Animal Control will be made aware of the changes to the City's ordinance. Mr. Shortlidge also believed this language would be a better fit in Section 2-104, Same; Right of Entry; Unlawful Interference, and that the language should be rewritten to match the City's ordinance language.

A recommendation was reached for staff to rewrite the language submitted by CMBR Fast to match the City's ordinance language and will move this item to Section 2-104.

2-103(c) - recommendation to the defined changes.

2-104 - City Attorney Shortlidge recommended "plain view" be substituted for "plain sight" to conform to the recognized exception to the search warrant requirement. A recommendation was reached by the Committee.

2-107(a) - (k) - recommendation to the defined changes.

2-108 (d) - recommendation to delete and replace language as specified.

2-109(a) - recommendation to delete and replace language as specified.

2-110 - Staff was directed to research the definition of vermin and to rewrite language so mouse traps would not be considered a violation of the ordinance. There was a recommendation to table this issue for further discussion.

2-111; Nuisance, has been moved to Section 2-126. Section 2-111 has been replaced with the Animal Confines; Shelters language.

2-111(e) - recommendation to the addition of the new language.

2-112 - by recommendation Noisy Animals has been moved to Section 2-126. Section 2-112 has been replaced with Death of Animals language.

2-115, Vicious Animals - recommendation to reword this section to two different sections to allow for expansion of "dangerous and vicious" and is now Sections 2-127 and 2-128.

2-115(c) - recommendation to recommended changes.

2-116, Running at Large, covered under Nuisance animals, recommendation to move to Section 2-126.

2-119(b) - There was extensive discussion as to the City's procedure for permitting animals beyond the City's current limits. City Clerk Bohon stated she sends notifications to surrounding residents of those requesting permits. If there is no response or protest, then permits are usually administratively approved. If there is an issue, this will be presented to the Governing Body. CMBR Gliniecki proposed that language be written into the ordinance reflecting this policy.

2-120(f) - Animal Foster Homes - There was extensive Committee discussion on animal foster home regulations, number of animals in a residence, whether special licenses permits were needed. A recommendation was reached that foster animals shall be included in the total number of animals permitted per residence.

2-120-(g) - recommendation to table this item for further discussion.

2-125 – recommendation to incorporate this section, Animals Defecating on Property of Others into Section 1-126; Nuisance Animals.

2-126(a) to (ii) - recommendation that CMBR Gunby will work with CMBR Kelly to work on the definition of neighbor to clarify the term and make it consistent throughout the ordinance. City Attorney Shortlidge noted that the language cannot be objective such as "excessive noise" and should be written to incorporate the reasonable man standard clarifying, "so as to disturb the sleep or peace of a neighbor of reasonable sensibilities."

2-126(a), (b) and (c) - recommendation was reached on defined changes.

2-126(d)(3) - recommendation to remove the strike-outs and add language suggested by Mr. Shortlidge that, "An owner, while participating in supervised obedience classes or trials, shall be deemed to be in compliance."

2-126(e), (f) and (g) - recommendation was reached on the defined changes.

Citizen Comment

Roger Cooper, 4730 El Monte. Roger spoke on the barking dog issue and the distance that should be covered in the ordinance for this section.

2-301 - Exotic animals - Intern Ted Clemons provided background information on the list of exotic animals. There was discussion regarding changing the term from "exotic" to "dangerous." There was also extensive conversation regarding the listing of animals, what other cities allow and that Roeland Park is the only municipality to disallow porcupines. After lengthy discussion there was a recommendation to leave the language as written. The Committee then thanked Intern Clemons for his research.

The Committee then held a discussion on whether to table the remainder of the Animal Ordinance discussion and proceed with the agenda to which there was majority recommendation to proceed with the Animal Ordinance.

The Committee then took a brief recess.

A second majority recommendation was reached to move forward with the animal ordinance discussion. Mayor Marquardt asked for and received a majority recommendation to reassess the remainder of the meeting in one hour.

The Committee also reached a recommendation to have City Attorney Shortlidge remain for the next hour. 2-127; Dangerous Animals. CMBR Gunby gave background information to the creation of this section.

2-127(a) - recommendation to the defined changes.

2-127(b) - recommendation to delete the word "Teasing" from 2-127(b)(1)

2-127(b)(3) - recommendation to remove the words "sustained vicious."

2-127(b)(3) - recommendation to leave the remaining wording of the section.

2-127(b)(3) - recommendation to change the words "dog or cat" to "domestic animal."

There was a majority recommendation to globally change all instances of "dog or cat" to "domestic animal."

2-127(b) - recommendation to approve with discussed corrections.

2-127(c), (d), (e) and (f) - recommendation to approve the defined changes.

2-128; Vicious Animals. There was a recommendation to accept the changes, noting in subsection (c) the word "dangerous" should be changed to "vicious."

2-206; Running at Large was moved to the Nuisance Animals section and 2-206 has been replaced with the Impoundment provisions.

1-121 - Discussion reverted back to this section with CMBR Gunby clarifying that fines would be determined by Municipal Court and the maximum fine under state statute is \$2,500. Staff will review for the next meeting the procedure if the provisions of the ordinance are broken. There was a recommendation to delete Section 1-121 as this was under the purview of the Municipal Court.

2-211 - There was no majority recommendation for breed specific language. CMBR Fast abstained from voting. The item will forward for further discussion.

2-410 - recommendation to delete this section.

(The Remaining Items were Tabled for a Later Agenda)

6. Location of Solid Waste Containers

7. Executive Session: I move that the Council recess into executive session pursuant to the personnel matters of non-elected personnel exception to the Open Meetings Act in order to discuss the personnel performance review of a non elected official, with the open meeting to resume in the ____ at ____.

II. NON-ACTION ITEMS:

- A. Committee Minutes
 1. Sustainability
- B. Pending Items
 1. Goals Review
 2. Possible modifications to Chapter 16
 3. Rental Inspection
 4. Right of Way Updates
 5. Community for All Ages Discussion
 6. Appeals Process for Property Maintenance
 7. LED Light Purchase
 8. Granada Park Improvements
 9. Roeland Park Aquatic Center Dome Repairs
 10. November Financials

III. ADJOURN

CMBR Gliniecki directed the Committee to review their copy of the January 2015 calendar. City Administrator Otto reminded everyone of the upcoming meetings and scheduling of updated Governing Body photographs for the City's website.

CMBR Gliniecki stated that Items 6 and 7 on the agenda will be moved to the January 12, 2015 Committee of the Whole meeting and reminded everyone of the workshop.

CMBR Gliniecki moved to adjourn, to which the Committee all agreed.