

COMMITTEE OF THE WHOLE MEETING
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, February 2, 2015, 6:00 P.M.

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| <ul style="list-style-type: none">○ Joel Marquardt, Mayor○ Megan England, Council Member○ Becky Fast, Council Member○ Marek Gliniecki, Council Member | <ul style="list-style-type: none">○ Jennifer Gunby, Council Member○ Ryan Kellerman, Council Member○ Teresa Kelly, Council Member○ Sheri McNeil, Council Member○ Michael Rhoades, Council Member | <ul style="list-style-type: none">○ Aaron Otto, 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 Chair, Kellerman Co-Chair, Gunby	Finance Chair, Gliniecki Co-Chair, Rhoades	Safety Chair, Kelly Co-Chair, McNeil	Public Works Chair, England Co-Chair, Fast
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Mayor Marquardt appeared by phone.

I. APPROVAL OF MINUTES

- A. January 5, 2015
- B. January 21, 2015

The Committee recommended to approve the minutes from January 5 and January 21, 2015.

II. REPORTS OF COMMITTEES:

A. Admin - Kellerman / Gunby

City Attorney Evaluation: Executive Session: I move that the Council recess into executive session under the personnel matters of non-elected personnel exception to the Open Meetings Act in order to conduct the City Attorney performance review, with the open meeting to resume in Council chambers at 6:22p.m.

MOTION: CMBR Kellerman moved, seconded by CMBR Gunby, moved to enter Executive Session.

Upon returning from Executive Session, CMBR Kellerman stated that no decisions were made and no votes were taken.

1. Clarification of Dead Tree Nuisance Removal Process

CMBR McNeil questioned why the 30-day time frame for tree removal was reduced to 10 days as this can be an expensive process and people may need more time to arrange the financing.

City Attorney Shortlidge stated the Committee can change the time frame, but the 10-day notice is in line with the nuisance abatement provision and conforms to other provisions where a procedure is in place to handle nuisance issues. As written, it does not allow due process for the property owner and the proposed changes will allow for a hearing which is currently lacking in the statute.

City Administrator Otto clarified that the proposed additions are highlighted in red and hopes to clarify the responsibility of a property owner and provide a process to request relief. He did add, however, that if no resolution is reached from the property owner, the City can abate the issue and seek relief from property owner or by adding the fees to the property tax.

CMBR Gunby questioned the abatement process and if the fees assessed by the City were sufficient. She mentioned that currently for the City to mow a resident's yard, the fee is cost prohibitive to encourage this practice. City Administrator Otto responded that mowing is billed by the hour and there is currently a schedule of fees. City Attorney Shortlidge stated the City's intent is to collect the funds it has expended and this is not a money making enterprise for the City.

CMBR McNeil asked for clarification on a homeowner's responsibility for plantings put in by the City and their maintenance noting that currently the language reads it is the property owner's responsibility if the plantings are adjacent to the private property.

The Committee then turned to a discussion about long-term maintenance of the City's trees. City Administrator Otto commented that funds for tree trimming and maintenance were removed from the budget in 2011 for 2012. He added with the upcoming budget discussions, this could be an opportunity for the Council to make recommendations to add money back into the budget for tree maintenance.

CMBR Rhoades inquired as to the amount of work needing to be done on the trees just pertained to growth that would interfere with traffic signage and lights. Mr. Otto stated that currently canopy issues around street lights are what is done, but could seek estimates on a section by section maintenance for the City.

The Committee then continued their discussion of funding tree maintenance, the timing and a homeowner's responsibility.

City Administrator Otto noted the three options at the conclusion of the discussion.

Leave the language as it with the clarifications that on occasions the City will need to contact an adjacent property owner for trimming or some kind of maintenance work or tree removal.

Leave the language as it, but add money in the budget and the City will perform the work and not disturb the property owner. This would be similar to how the City currently treats sidewalks in the City.

Completely rewrite to make the City responsible for all maintenance and put money in the budget to handle the growth of the trees.

CMBR England stated the item needed to move forward with the changes presented and if money became available, it could be used for further maintenance.

CMBR Kellerman wanted to leave the language as is, but wanted money back into the budget for tree trimming.

CMBR Kelly said the Committee needed to proceed with the changes where it delineates the duty of the Emerald Ash issue. She also would like staff to look at the option of adding a quadrant-type into the budget discussion.

CMBR Fast stated the maintenance issue should be a part of regular budget discussions for the Public Works Department.

CMBR Kellerman asked for and received a recommendation to have staff make the recommended changes to the ordinance.

There was Committee agreement to discuss tree maintenance funding in the 2016 budget talks.

City Administrator Otto said the issue involving the tree on Canterbury still needed to be resolved. CMBR Kellerman reminded the Committee that on December 15th the Council voted to have Public Works take down the tree and bill the property owner.

City Attorney Shortlidge stated a new process can start once the changes take effect to assess the cost against the property who has a right to ask for a hearing.

Jennifer Jones-Lacy quantified the hours and time spent on the bids, quotes, letters are in line with what the City is charging. She added the focus is on the actual time spent and believed there was a state statutory requirement with regards to the amount of fees charged on top of actual cost.

2. Location of Solid Waste Containers

City Administrator Otto noted the location of solid waste containers is a property maintenance issue and current Ordinance 602, adopted August 1993 states, "All containers shall be screened in such a manner that they are not visible from any street or roadway except when placed in position for pickup." After research of other cities and discussion of various options it believed there are three options available:

- Place trash receptacles so as not to be visible from the street
- Screen the containers to be placed behind the property setback.
- Containers could be seen from an angle, but not directly in view of the front of the house.

CMBR Gunby inquired as to whether there were any requirements as to dimensions and materials used in the screening of containers.

City Administrator Otto noted that enforcement is difficult as trash cans move easily, therefore, resetting the clock, but could issue a fine for a repeat offense. CMBR Gunby stated if a fine were to be issued, that it be issued to the owner of the property and not the property itself as ownership may change.

The Committee discussed the placement options of trash receptacles and if a resident was cited, they would be given an opportunity to fix it. There was also a discussion of hardship possibilities.

City Administrator Otto stated that Town & Country Disposal has larger receptacles if a resident needs them. He also added that they will help the elderly by taking their trash to the street and returning the container. He said this is a great service they provide, but it does not deal with the location issue.

The Committee recommended to keep the current ordinance.

The Committee then recommended to have staff look into hardship issues, issuing notices and tickets will be addressed at a future meeting.

3. Super Pool Pass Agreement and Swim Meet Letter of Understanding – there was general agreement to move the Super Pool Pass Agreement and Swim Meet Letter of Understanding to the next city council agenda under the consent agenda.

4. City Administrator's Report
 - a. Goals Review

City Administrator Otto reported that he worked with Mayor Marquardt and CMBR Gliniecki at the request of the Committee to clean up and update goals. This update included to separate the monetary goals, those completed and the ones to be discussed. The Committee discussed the prepared spreadsheet and noted items to be discussed at future meetings.

b. Northeast Johnson County Chamber Legislative Platform

City Administrator Otto felt that the changes were a balanced proposal from the Chamber. He added it seemed they really appreciate the partnership of the public and business sectors working together.

Mr. Otto also pointed out updates to City website for the Council to create an action item.

Mr. Otto reminded the Committee that three years ago a codification process was started and largely completed in February 2014. New ordinance will be updated in to the City Code on a quarterly basis. This use to be completed every 7 or 8 years.

5. Procedures Discussion

CMBR Rhoades initiated the discussion stated that the length of time allowed for citizens to speak at Committee of the Whole and Council should be longer and felt it was rude how their comments were cut off.

CMBR England stated that Committee of the Whole meetings are a chance is the Committee to discuss items. Constituents do have the opportunity e-mail, call, or reach out to their Councilmember in a number of ways. She added that five minutes to speak at Council meetings was sufficient.

CMBR Gunby stated she didn't see any need for changes and length of time for public comment should be consistent with all speakers.

There was Committee agreement to leave the citizen comment time alone.

6. Procedures of the Contract Negotiations Ad Hoc Committee

CMBRS Kellerman and Rhoades stated the Committee of the Whole should review and approve a contract before being presented to a contractor.

CMBR Gunby said the Committee of the Whole does vote on the contract to approve, but the evaluation and negotiations are conducted by the ad hoc committee. She felt that after the current negotiation process is complete, then that would be the appropriate time to review the contract negotiation process.

CMBR Fast stated the Committee of the Whole should know the contractor's terms, and the ad hoc committee is not authorized to present anything to the contractor when it has not been agreed to by the entire Committee.

CMBR Kelly stated the Committee of the Whole charged the negotiating committee for this contract, but would be open to future discussions after this contract is complete.

CMBR Gunby noted that a redline was being presented to the contractor and final approval would be by the Committee of the Whole.

CMBR Rhoades reiterated his request to be part of the negotiation process.

CMBR Kelly called the question to which the Committee agreed 6-3.

CMBR Kelly asked for and received a recommendation to move forward with the process already in place and to review the process after this contract is complete. The Committee agreed 5-4.

Public Comment

Linda Mau: Ms. Mau spoke to the limits of the ad hoc committee.

7. Quarterly Community Forum Agenda Discussion

CMBR Fast and CMBR McNeil noted the topics to be discussed at the February 23rd Community Forum will include updates and programs at Cedar Roe Library and the Roeland Park Community Center. Mayor Marquardt will speak as to economic development, Gateway and the Northeast Cloverleaf projects.

CMBR England suggested having a representative from the property management company representing Walmart be available if possible.

CMBR McNeil noted that on January 21st at the Cedar Roe library, a comprehensive master plan group will be there and are asking for public input from 10-11:30. She asked her fellow Committee members to let the people in their wards know that Cedar Roe has support in City.

CMBR Gliniecki thanked Ms. Fast and Ms. McNeil for putting the Forum together.

8. Purchasing Policy Update

To be discussed at a future meeting.

9. Appeals Board for Property Maintenance and Code Board of Appeals

To be discussed at a future meeting.

10. Rental Inspection

To be discussed at a future meeting.

B. Public Works- England/Fast

1. Granada Park Improvements

City Administrator Otto stated that maintenance at Granada Park have been in the works for many months. The City Engineer has worked to put together an RFQ for updates to the park to include concrete work, repainting, resolving structural issues and bringing water to the facility by way of a water fountain. He also added that the sign denoting the park will be reestablished.

Jerry Johnson, city engineer, noted that there will be some upgrades to the park, but there will be a lot of improvements, reestablishing what was there, with new concrete and paint to the facilities. One item to be added will be a dual-level drinking fountain accessible for dogs and people. It will also be ADA compliant with regards to access from a paved concrete foundation standpoint. Because of the location of the fountain, a 2-foot diameter, 42-inch deep French drain will be installed. This will be monitored for proper drainage before taking steps to connect to a storm sewer.

Public Works Director Leon added the ramps in the skate park are going to be removed and replaced, and the black handrail will be paint stripped and repainted. The monument Granada Park sign will be set into concrete in the northeast corner for long term durability.

There was Committee discussion for the funding of the project noting that \$150,000 in funds earmarked for Granada Park improvements are available from the McDonald's, City Hall TIF projects. There was also discussion of past concerns by McDonald's and QuikTrip with park patrons using their restroom facilities and drink refills, but felt having a fountain on site would mitigate the refill issue.

City Administrator Otto also noted that if extra funds were available they would look into replacing trash cans with a larger type and possibly adding more benches, trash cans, or picnic tables.

Mayor Marquardt and Mr. Johnson discussed the specifics of the concrete work of the ramp and stairs for ADA compliance as well as the drinking fountain, with the Mayor adding that many times he has seen where a manufacturer feels something is compliant, but is not according to federal regulations.

There was some discussion of redesigning the park to make it fresher. It was noted that the funds were for repairs and a redesign would be cost prohibitive. CMBR Gliniecki inquired as to the location of the fountain and Public Works Director Leon stated they will be between the existing sculptures at the park.

Mr. Johnson stated the school of thought is to get bids out earlier in the spring before the contractors have their work load for the summer. Getting the project finished earlier in the season will mean the park is out of service for a shorter period of time. There was some discussion about looking for grants to help supplement the project, but this could possibly delay the project for at least another year. The park is well used and it was decided to do the project this spring. The committee agreed to place the RFQ on the next council agenda.

2. Salt Dome Discussion

Public Works Director Leon discussed the collaboration with the City of Fairway on a salt dome. He noted the dome would be on Fairway's property, which is located in Roeland Park in the industrial park. Fairway has done initial research and the cost will be approximately \$39,000, half of the \$78,500 total cost. Mr. Leon discussed the current salt storage procedure of being covered by a tarp and having to be broken apart to be used. If there is snow, this makes it more difficult to access and adds labor time. Having a salt dome minimizes the freezing and will increase the City's capacity to store 700 tons of salt versus 150 to 200 tons of salt. There is a 30 year warranty with this particular type of structure and be minor maintenance costs for the foreseeable future. The City will also have access to the facility when needed. Salt purchases will be cheaper due to the ability of purchasing in larger quantities. This also makes the City more efficient in being able to treat streets before a weather event. The schedule is to have the salt dome in place before May.

CMBR Gunby suggested the possibility of selling ad space on top of the dome as it is a large area and would be visible to planes.

The Committee recommended to move this forward to the City Council Agenda.

1. Public Works Director Report

a. Department Mission Statement

Public Works Director Leon challenged his staff to state what the Public Works Department is, who they represent, both now and in the future and have and has created a mission statement for his department.

Mr. Leon remarked on some projects that his staff has been working on. They have cleaned up the islands on Roe, documenting what is there and what needs to be replaced. The trash bins in Nall Park have been replaced. The Public Works vehicles have been numbered and City emblems put on them. A lot of vegetation has been cleaned up at Cooper Creek, but some few items remain. Finally, all the ash trees in R Park have been removed.

B. Safety Kelly/McNeil

1. 4th Quarter Safety Report

Police Chief Morris presented his Fourth Quarter Safety Report beginning incidents in the business district of the City. He noted that 2014 was the lowest fourth quarter in the past five years. The biggest problem is theft, mostly business related, from Walmart, Price Chopper and Lowe's. Assaults, domestic violence and batteries are slightly up over previous years. In comparing figures since 2010, robberies, burglary and thefts are lower over previous years. Overall 2014, compared to the last five years, for major incidents are down. Chief Morris clarified that the figures are reports of incidents, but the charges may not always be determined to be substantiated.

In 2014, there were 3,036 calls for service and over 2,700 citations were issued. Officers took 979 reports, made 346 arrests, responded to 151 accidents. Officers conducted 5,165 self-initiated activities which includes traffic stops, investigations, getting out of the cars and checking out a dispatch.

Morris reported there has been a lot of talk about stranger danger. He has reached out to the Shawnee Mission School police chief. The media is using terminology such as, "lurking near kids; accosted by a stranger; approached and stalked." After speaking with officers who investigate these calls, talking to the school district and with the principals, he stated Roeland Park does not have a stalker. He added these are suspicious activities by people that we're concerned about. Chief Morris strongly emphasized, "I will not waiver, period, for any child's safety in Roeland Park." If a juvenile, child or anybody says there is something suspicious, the Department will treat report as a real incident. That's the way the school district does things and teaches the kids to report it, that if something does not look right, they should report it. Anything perceived to be stranger danger type situations, the police department takes it serious whether it turns out to be or not. He added that over the last week there have been five incidents in the Shawnee Mission School District where kids have reported stranger danger, noting that no child has been harmed.

Morris stated he realized the Council passed ordinance allowing Pit Bulls, and his department will work with Animal Control on what Council wants and how it's to be enforced. He did add that his department will take care of any animal complaint the best they can regardless if it's a Pit Bull or not.

Chief Morris has received calls regarding ATM theft in the City, noting that the investigation is continuing. Roeland Park is not the only community in the area to be affected by the organized crime ring out of Texas. They were fortunate, however, to recover the van for the veteran at no cost to him.

Chief Morris noted that only one car has been stolen in Roeland Park this winter. He added that five cars had been stolen today in Johnson County, three in Overland Park and two in Merriam. He noted that on January 7th and 8th, 36 cars were stolen in one 24-hour period in the Metro, but none were from Roeland Park.

Chief Morris further clarified misinformation he has been receiving. First, there is no arson in Roeland Park. There have been no bombs were found at Walmart. Nationally Walmart as a company receives a lot of bogus bomb threats. The decision to evacuate the store was done by Walmart's corporate security.

He was pleased with the City's Block Captain and House Watch Programs noting that crime is down and everyone is doing a good job. He expressed his appreciation of the support from Council and citizens. He was very grateful to the Council for their support through equipment, raises, anything that he has needed. In return, he and his department will not waiver for the public's safety.

The Neighborhood Watch signs designed by the Mayor are printed and will be installed soon.

Officer Courtney Weaver, a member of the department for 17 years, has resigned for a very serious personal matter. They wish her the best of luck as she will be greatly missed. Her replacement will start later in the month.

Chief Morris encouraged any of the Councilmembers that have not been on a ride along to consider it.

He concluded his presentation stating if anyone has any questions about their public safety please call 24/7, and stressed again that he will not waiver for the safety of our kids in Roeland Park because it's that important.

CMBR Kelly thanked Chief Morris for addressing all these issues in the media with the facts.

II. NON-ACTION ITEMS:

A. Pending Items

1. Right of Way Updates
2. Employee Handbook
3. Utility Assistance Program MOU
4. HOME Program MOU
5. CARS Program for 2016-2020
6. December Financials
7. Chapter 16 Updates
8. ADA List of Improvements

III. ADJOURN