

**GOVERNING BODY WORKSHOP MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, December 7, 2015 6:00 P.M.**

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| <ul style="list-style-type: none"><li>○ Joel Marquardt, Mayor</li><li>○ Becky Fast, Council Member</li><li>○ Tim Janssen, Council Member</li><li>○ Ryan Kellerman, Council Member</li></ul> | <ul style="list-style-type: none"><li>○ Teresa Kelly, Council Member</li><li>○ Sheri McNeil, Council Member</li><li>○ Michael Poppa, Council Member</li><li>○ Michael Rhoades, Council Member</li><li>○ Erin Thompson, Council Member</li></ul> | <ul style="list-style-type: none"><li>○ Keith Moody, City Administrator</li><li>○ Jennifer Jones-Lacy, Asst. Admin.</li><li>○ Kelley Bohon, City Clerk</li><li>○ John Morris, Police Chief</li><li>○ Jose Leon, Public Works Director</li></ul> |
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**Admin**

Janssen  
Poppa

**Finance**

Rhoades  
Kelly

**Safety**

McNeil  
Thompson

**Public Works**

Fast  
Kellerman

**I. MINUTES**

1. September 14, 2015

**II. DISCUSSION ITEMS:**

**1. Marketing and Branding Discussion**

Allen Foley, resident of Roeland Park, introduced Kurt Bartolich who presented to the Governing Body what is entailed in the research, positioning and re-branding process for Roeland Park wishes to undertake. Mr. Bartolich spoke to what the City should expect during the RFP process in locating a firm to guide them. He said that before sending out an RFP the City needs to identify their position that will differentiate them from every other city focusing in on the attitudes and perceptions people have towards the community, finding out what really matters most/least, and how they will make themselves unique. He also warned that sometimes a slogan is confused with a brand. Once the City has decided what their position is, then that will direct design, slogan, signage and ultimately the Strategic Plan.

Mr. Bartolich touched on some methodology as far as focus groups, talking with community stakeholders, and online surveys that target residents within the City as well as outside.

There was some discussion of how to proceed and what information to acquire. CMBR Fast said that they already have a lot of data of what is desired from research already done.

Mr. Bartolich recommend a survey sample of 400-plus outside of the City for an accurate sample. He also said a ballpark branding estimate could be in the \$10,000-\$15,000 range. He added that it is important that what consumers think of the brand is ultimately important and the City will be the caretakers of the brand.

CMBR Fast directed the discussion to the process and the RFP samples in the packet. City Administrator Moody said he has reached out to communities that have completed the process recently, one from a large community and one from a smaller community, and reworked the samples to make them specific to Roeland Park.

Also discussed was the need to identify the message the City is trying to convey, what type of company they're trying to attract to handle the process, and who will perform the actual administration of the process is up to the board. City Administrator Moody mentioned the sample communities created a sub-committee for the process and CMBR Thompson agreed with that idea.

CMBR Fast said Merriam highly recommended having a small committee for interviewing, looking at the portfolio, and then working with the creative group.

Mayor Marquardt suggested moving forward with an RFP without the creation of a new website and CMBR Fast agreed as branding will then direct the design of the website.

CMBR Kellerman recommended the committee think about the information presented and possibly reaching out to other firms for their input.

Mayor Marquardt said sub-committee needs to be created to hone in on the RFP to which the Committee agreed.

CMBR McNeil recommended putting positioning and branding language in the RFP.

CMBR Fast suggested CMBR Poppa and CMBR Kellerman for the sub-committee. CMBR Rhoades said he has an art degree and also recommended Mayor Marquardt for his artistic creativity an addition to the sub-committee. CMBR Fast reminded everyone the sub-committee will just first be putting together an RFP.

The Committee agreed to move forward with an RFP with CMBR Rhoades, CMBR Poppa and CMBR Kellerman as members of the sub-committee. They will put together ideas for the RFP and they will be presented at the Workshop meeting to be held December 21.

## **2. KCATA to Discuss Additional Bus Stops**

Public Works Director Leon addressed the Committee. Introduced Shawn Strate from KCATA to discuss the new bus stops and signs that they would like to add to the City.

Mr. Strate, along with Mike Goodman, from KCATA addressed the Committee about the 2016 transit improvement initiative for 48th and Roe. This route is in a very critical location for the transit system in Johnson County and also for Roeland Park. In 2012, KU Medical Center Transit system was completed, to which Roeland Park participated. There is a strong demand for transit service between Mission, Roeland Park, Westwood and the KU Med campus. Detailed evaluation studies of transit service opportunities that include Roeland Park have been conducted. New transit centers have been built including the one in Mission. KCATA desires to better connect their routes. They have also received funding and the Unified Government was able to get a CMAQ grant, (Congestion Mitigation-Air Quality), for transit service expansion and also to make some bus stop improvements. There is an agreement for the local share of the funding for route expansion between the KCATA, Johnson County and the Unified Government. Current Route 107 goes into KCK and runs down Roe Boulevard every hour during the morning & afternoon rush hours, and every 30 minutes during the mid-day hours. It also runs hourly on Saturdays. Ridership of this route is about 650 persons. Mr. Strate provided a route map to Governing Body showing the Johnson County route along Johnson Drive, Roe Ave, 47th & Mission and then on into KCK.

The plan is to add nine new stops about ¼ mile apart. Mr. Strate then showed a few samples of what the signs would look like. He added that they would like to do the installation work within the next few weeks since the route extension operation begins January 4, 2016. He noted that most new installations will be ADA pads and that after the route is established they may discover there is a need to add benches and trash cans. Currently they see 48th & Roe as a more enhanced station with a shelter and pull-off lanes.

CMBR Rhoades inquired about the 47th & Roe Lane stop. Mr. Strate said that due to the proximity of the apartments and the road layout this location makes it easier to board.

Mayor Marquardt inquired about adding the City's own branding to the shelters.

CMBR Kellerman asked about the ¼ mile between stops. Mr. Strate said that it is the average length between stops, and sometimes less depending on ridership, sometimes more if a stop is not feasible. They are looking at ways to eliminate some of the stops that are closer together.

The Committee agreed place the approval of the placement of eight new bus stop locations on the Consent Agenda for the December 21, 2015 City Council meeting.

Mr. Strate will work with Public Works Director Leon in placing the signs through the City. The Committee agreed they could be installed before their final approval.

CMBR Fast asked that pictures be taken and put on Facebook or the City's website.

**Public Comment:**

Missy & Doug Taylor, 5036 Parish Drive. Mr. Taylor addressed the Governing Body regarding his 33-year variance that he has had that allows him to keep six adults bassets and an unlimited number of puppies for up to six months.

**3. Large Fabric Trash (Dumpster) Bags – amendment to ordinance no fabric bags**

Mayor Marquardt said there had been some complaints about the dumpster bags in the City and felt that these should be addressed in an ordinance.

CMBR Kellerman said he would like to hear from Codes enforcement.

Ms. Jones-Lacy has spoken with Mike Flickinger, Building Official, and Shiloh, Codes Enforcement, but will ask more directly for their thoughts on the regulation of bags. Ms. Jones-Lacy said many communities don't have language in their code, but indicated, that they regulate it like a dumpster or trash. Most make the disposable dumpster fit into existing ordinances.

CMBR Rhoades inquired about requiring a permit. City Administrator Moody said the Bagster does not fall into the temporary portable storage definition. The committee discussed about how to regulate them, whether they need to be covered when not in use and how long to allow them to remain on a property. Mayor Marquardt and CMBR McNeil were advocates to make sure they were covered to limit debris from blowing away. CMBR Rhoades said the City should make an effort to let people know that they're not a sustainable resource.

After discussion it was decided not to ban the dumpster bags, but to regulate their time at a site. CMBR Janssen wanted their placement limited to a driveway or hard surface, not in the yard. Mayor Marquardt will work with staff and draft language for discussion at the December 21 meeting. City Administrator Moody asked for the Committee's opinion on whether to limit them to construction projects. CMBR Rhoades didn't agree with that as someone may be cleaning out a basement or just throwing things away.

**4. 2015 Budget Amendment**

Ms. Jones-Lacy said the 2015 budget needs to be amended to reflect the additional payment to principal for the TIF 1 A/B Bella Roe Bonds that became payable in August. The will be reflected as \$1.2 million. Secondly, it was decided that monies in the Equipment Building Reserve Fund earmarked for the Community Center would be transferred to the Community Center Fund and include maintenance and capital improvements. This is strictly a transfer, but looks like an expense and it needs an amendment to increase that authority so as not to violate state law.

There will also be a public hearing at the next Council meeting prior to approval on this item. The Committee agreed to move this for approval at the next Council meeting.

## 5. Donation Policy

### **Public Comment:**

**Jim Kelly.** Mr. Kelly spoke in support of the Donation Policy and noted some changes he would like to see made.

**Kathleen Whitworth.** Ms. Whitworth inquired as to the 83 percent increase in the memorial tree fund and how this will affect donations and requested the price remain the same.

**Charles Downing.** Mr. Downing questioned whether the donation policy would allow for citizen participation.

**Gretchen Davis.** Ms. Davis spoke on behalf of the Citizens' Fundraising Group who supported a donation policy, but questioned some of the language, pricing and participation from other groups, and felt this discouraged donation of trees.

CMBR Fast recommended that City Clerk Bohon review the proposed language and see if there are recommended edits to the policy, so it can be passed as this is the fourth time it has been on the agenda. The Committee discussed the new pricing of tree donations and expressed a desire not to discourage people from participating because of the price. There was also discussion about the procedure for approval and maintenance of items donated.

Marek Gliniecki, Arts Committee, address the Governing Body regarding donated and gifted art to the City. He was also unsure how this new policy would affect his committee. Works that are on loan by an artist would not be under the donation policy, but before a piece is given to the City, during the consideration process, discussion needs to be had to determine if there are any special upkeep or maintenance requirements and then a recommendation from the Arts Committee to the Governing Body could reflect any of those concerns.

Public Works Director Leon provided a breakdown of the \$1,300 calculated for the tree donation program.

- \$350 - 1 ½ -2 inch caliper tree

- \$200 - planting

- \$100 plaque

- \$650 2-year maintenance schedule to establish the tree to include staff time of one individual, 6 waterings a year, mulch and a gator

Public Works Director Leon said he wants the community to feel like they can donate trees, but also wants everyone to understand their upkeep is taxing on his department, especially when his workers are needed out in the field on other projects. He added that even though they planted 20 trees this year and it has been a wet season it is still time-consuming on his department saying that it takes an entire day for one worker to water all 20 trees. He also said the memorial tree program does not obligate the City to take care for the tree, but that the donation policy would.

CMBR Fast directed the discussion to the suggestions that have been made.

The Committee agreed to eliminate the second sentence of the proposal, beginning with, "these donations may include," as it was felt to be duplicative of the list provided at the end.

CMBR Thompson read the proposed language changes under Procedure for Making Donations. "Public Works Director, upon determining that the donation requests meets the criteria provided in this policy, shall make a recommendation to the City Council." The Committee agreed to this change, but preferred to

leave the language that states the City Council “may” consider the request at its regularly scheduled meeting.

Under Approval of Donations they recommended to change the word “approve” to “consider.”

In the Standards for Donations, Acquisitions or Purchase there was discussion of the wording and intent that City staff will approve and coordinate the purchase and installation of all elements.

Mayor Marquardt requested an annual list of priority trees that are within the maintenance plan of Public Works and make those trees available for purchase or donation at a reduced cost or at \$350. There was not enough Committee support at this time to add this to the policy.

CMBR Fast recommended the Committee adopting the policy with the proposed edits and everyone agreed to add this to Regular Business at the December 21 City Council meeting.

#### **6. Review of Council Training Policy**

CMBR Rhoades reviewed the funding policy for Council training and how it is currently divided. The Committee discussed the disbursement of funds and agreed to eliminate some of the restrictions. CMBR Rhoades felt that the line item should be reviewed every December to see how the funds are planned to be used the following year.

The committee agreed to rename this as Policy on Governing Body Training, Travel, Civic Events and Technology. It was further agreed that a Councilmember may allocate their funds to another Councilmember or to the Mayor. The total fund would be disbursed equally amongst the nine elected officials. In the event someone cannot attend an event and there is no reimbursement policy the member shall reimburse the City with the exception for a medical emergency with the Councilmember or close family member, or bereavement. They also agreed to delete the language for large training event and include that attendees will share materials and information they received at a future Workshop.

The Committee agreed to add this to the December 21, 2015 City Council meeting to review the edits and changes.

#### **7. Reappoint Ad-Hoc Development Committee**

The Committee agreed to approve the reappointment of the Ad-Hoc Development Committee members to the end of 2016. This item will be placed on the December 21 Consent Agenda.

#### **8. Short-Term Rental Regulation (Airbnb)**

##### ***Public Comment:***

**Cathy Creed.** Ms. Creed spoke in support of Airbnb and her family’s personal positive experiences.

**Mike Hickey.** Mr. Hickey spoke in opposition of allowing Bagsters in Roeland Park. He then spoke in support of allowing Airbnb rentals in the City.

**James Haley.** Mr. Haley also spoke in support of Airbnb and his positive personal experiences.

**Carol Munjak.** Ms. Munjak spoke in opposition of allowing Airbnb in the City.

CMBR Fast said she created a decision matrix to try to help move the discussion along and has put together suggestions of the Committee in an attempt to seek agreement.

CMBR Kellerman said he has heard from area residents that do not want this type of business in their neighborhoods and he read into the record many of the comments he received.

CMBR Fast asked for a consensus from the Committee to not allow short-term rentals in the City and also to add additional language to the code to prevent their operation.

CMBR Thompson stated the current ordinance is not clear with regards to whether temporary rentals are against the current ordinance and, therefore, believes the City does not have authority to close them.

CMBR Kellerman referred the committee to Section 5-606 of the code that deals with prohibited occupations and felt that current zoning regulations address and codes address lodgings, business licenses and regulations for home occupation.

Police Chief Morris said he was not very familiar with Airbnb, but all residences in Roeland Park are of concern to the Police Department regardless of what type they are as problems can happen anywhere.

CMBR McNeil said she was uncomfortable with homes advertised on Craigslist.

CMBR Fast asked if there was agreement to enforce current ordinance and not allow short-term rentals as there would then be no reason to continue with the discussion.

City Administrator Moody relayed City Attorney Shortlidge's comment that the definition on the books can be interpreted to say this is not allowed. City Attorney Shortlidge said the definition of a boarding house can be interpreted to be applicable to these folks renting a room through the use of the Internet. Regardless of the method used to market that room, a room is still being rented to someone who is not a relative or family member, which then meets the definition of a boarding house. Staff should then put people on notice that such a business is not permitted in Roeland Park.

Mr. Flickinger, City Building Official, commented that this would be following the law.

CMBR Fast asked again for agreement to ban short-term rentals. Only CMBRS Rhoades, Kellerman, Janssen and McNeil chose to ban them.

CMBR Janssen said he took an oath to uphold the law and ordinances of Roeland Park and the state of Kansas and that's what he will do.

CMBR Thompson believes the language could be interpreted as a boarding house, but did not feel it was clear. City Administrator Moody said if he had looked at this in May, he would have looked at the same sections of the code provided to the Council now. His interpretation would be that a short-term rental is a boarding house and is currently prohibited according to the definition of boarding house on the books and, therefore, should not be allowed.

CMBR Rhoades said the word for the definition of a boarding house was "arguable" according to Mr. Shortlidge.

CMBR Thompson would like to clarification and see the ordinance changed so that it would be clear to allow the short-term rentals.

There was extensive discussion what constitutes a short-term rental, percentage of a property to be used, whether it is owner occupied, and how many guests would be allowed.

Ms. Jones-Lacy went over the proposed policy changes from previous discussions. The action form was to prohibit short-term rentals with a few exceptions. The rental owner must be the principal resident and owner of the property and must reside there for at least 275 days a year. There will be a full-house inspection.

CMBR Thompson read into the record the definition of a boarding house as defined in K.S.A. §36-501(b)(3). "Boarding house" means every building or other structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests."

CMBR Thompson this would need to be sent to City Attorney Shortlidge and the definition would have to be amended in the ordinance.

The Committee then discussed whether short-term rentals could be regulated where they advertise.

CMBR Fast said property owners live in the City and have a vested interest in their property. People review the rentals and this encourages property upkeep and will also encourage an increase in property values.

The Committee agreed that there needs to be a definition of a short-term rental. CMBR Kellerman said the rentals should be separate quarters from the main house and there was discussion of limiting the number of rooms to three. CMBR Janssen felt the length of stay should be limited to 28 days, which is in alignment with the state.

City Administrator Moody asked for clarification on how to distinguish between a short-term rental and a boarding house, or a short-term rental and someone looking for a roommate.

CMBR Thompson felt limiting the number of guest. Eight is considered a boarding house, a tourist home is seven and short-term rental can be reduced to five.

The Committee did agree that the rental property must be owner occupied for 12 months of the year less six weeks. The homes are to have their City permit number in their rental advertisement listings. They agreed to send courtesy notifications to surrounding neighbors of the permit request.

CMBR McNeil would like to see more input from residents either through a community forum or a poll.

The Committee will continue their discussions regarding what percentage of a city block can be a rental and how many feet from another rental residence. There was agreement to have no more than one rental per block with a block defined as the hundred block.

City Attorney Shortlidge said the rental ordinance and home occupation ordinance will have to be reworded.

Due to the lateness of the house, the Committee will postpone further discussions to the January 11 Workshop.

- 9. City Hall ADA Improvements**
10. Pending Items - An Ordinance Revision that Raises the Age to Buy Cigarettes, Electronic Cigarettes, and Tobacco Products in Roeland Park to 21 Years of Age.

### III. **NON- ACTION ITEMS**

#### A. Pending Items

1. Update and Prioritize Parks Master Plan on Maintenance
2. January 2016 - 5 Top Priorities for Budget
3. Walmart > open November 2016
4. Finance – N-Court
5. Neighborhood Revitalization Act

### IV. **ADJOURN**

CMBR Fast reminded everyone of the upcoming dates.

December 21 - Workshop

City Council

January 4 - City Council

January 5 - Community Forum

January 11 - Workshop

January 19 - Workshop

City Council

CMBR McNeil to put on agenda at future meeting to not allow residents to appear by phone.

(Roeland Park Governing Body Workshop Adjourned)