

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, December 21, 2015 6:00 P.M.

- | | | |
|----------------------------------|-----------------------------------|-------------------------------------|
| ○ Joel Marquardt, Mayor | ○ Teresa Kelly, Council Member | ○ Keith Moody, City Administrator |
| ○ Becky Fast, Council Member | ○ Sheri McNeil, Council Member | ○ Jennifer Jones-Lacy, Asst. Admin. |
| ○ Tim Janssen, Council Member | ○ Michael Poppa, Council Member | ○ Kelley Bohon, City Clerk |
| ○ Ryan Kellerman, Council Member | ○ Michael Rhoades, Council Member | ○ John Morris, Police Chief |
| | ○ Erin Thompson, Council Member | ○ Jose Leon, Public Works Director |

Admin

Janssen
Poppa

Finance

Rhoades
Kelly

Safety

McNeil
Thompson

Public Works

Fast
Kellerman

CMBR Fast called the meeting to order

I. MINUTES

1. October 5, 2015
2. October 26, 2015
3. November 2, 2015
4. November 16, 2015

II. DISCUSSION ITEMS:

1. Presentation from KDOT on Ramp Metering at Roe and I-35

Mark Sommerhauser, Kansas City Scout Project Manager at the Scout Traffic Management, along with Hugh Bogle, Metro Engineer, Leslie Spencer-Fowler, ITS Engineer from Topeka, and David Schwartz, Planning and Modeling presented to the Committee regarding merging issues from 18th Street Expressway onto northbound I-35.

Mr. Sommerhauser showed a KC Scout video to the Committee noting that it was not the busiest merge intersection along the I-35 corridor, but they are seeing a number of problems with vehicle stacking and merging before the Mission Road exit. Their desire is to install a ramp meter that would be operational during morning rush hour that would allow cars to merge in groups of ones and twos. At other times the ramp meter would activate when it detected congesting in the merge lane. Their goal is to make the merging onto the highway smoother and less stressful for the traveling public. While the system cannot control driver behavior, it is hopeful this will result in less rear-end collisions, near misses and side swipes that occur through the area. Mr. Sommerhauser also said that more videos are available online at KC Scout.

“Mayor Marquardt noted that KDOT did have information on crash statistics around this interchange. The State had told him that, over the past 10 years, there were no injury accidents from the bridge north ¼ mile including the on-ramp merge from the 7am to 9am time slot Monday through Friday. Mayor Marquardt said that if the primary goal is a safety need it did not appear there was evidence to support it. He felt that stopping so many cars on such a long downward run would have a very negative impact, and may well actually cause more accidents with stopping so many cars mid-ramp.”

The Committee asked for further information on how breaking groups of cars into small merge groups will help and how that will relieve congesting and also what the cost of a ramp meter is. Mr. Sommerhauser answered questions and said that ramps usually cost between \$60,000-\$100,000, but that there is some funding available.

Public Works Director Leon wanted to make sure that everyone knew that after one of the engineering meetings he attended he spoke with Hugh Bogle to discuss concerns of the lack of maintenance and to look at the roadway of the intersection. He added that KDOT had staff out there and cleaned up the area and wanted to thank him publicly for taking care of that.

2. Committee Appointment and Reappointment

The Committee agreed to recommend the appointment of Deb Settle to the Community Events Committee and the reappointment of Mark Kohles to the Planning Commission at the City Council meeting following the Workshop.

3. Approval of R Park Fundraising Events 2016

Gretchen Davis from the Citizens Fundraising Initiative for R Park presented three events that approval is requested. These events have been approved by the Events Committee and the Parks Committee.

The events are:

Treasure in R Park. Saturday, June 4, 10 a.m. to 12 p.m. (Rain date June 11). This is a pirate-themed event for kids. It has previously been well received and well attended. It is a free event with pirate activities, pirate storytelling and a possible magician. They are offering a \$5 picnic lunch as their fundraising venture.

All-City Block Party. Saturday, June 4, 3 p.m.

There will be a coordinated effort between the two events and the Events Committee will help with set-up, take down and publicizing each other's events at R Park. They are requesting police security at all events as well as no parking signs on the housing side of the streets like last year. They will also come before the Council to seek approval for their banners.

Soccer Clinic. June 18 (Rain date June 25; these dates are tentative). Soccer Clinic for elementary school aged children in R Park. Event will be run by i9 Sports of Johnson County. They will be donating tents, tables, soccer equipment and some coaches to the event. In return, they will provide a table for them so they can publicize their organization. They will also be prominently displayed as a sponsor and they will be promoted at the event. Pre-registration is \$15 and \$20 at the event. Registration will cover all participants with insurance.

Amplified Soccer, a Roeland Park-based business owned by Chris Burt, will help in obtaining soccer-related rewards that will be given to the participants like a soccer ball or duffle bag. He also hopes to bring one or two FC Kansas City women's professional soccer players to help with the clinic. Once their schedule is set in February that will determine the final date for the clinic. Set-up for event might start as early as 7 a.m. with the event beginning at 9 .m. They are requesting police security during the event as well as no parking signs on the housing side of the park. They will also seek approval from the Council for banners on Roe.

Chili Brews and Country Music Too. Saturday, October 15, 6-9 p.m. at Roeland Park Community Center. Tickets for the event are Adults, \$15; Children 3-10, \$8; Children 2 and under, free. There will be a variety of chilies, chili toppings, a mini bag of Fritos and beverages will be water, soda, and local craft beer. There will also be a country music band. Again, they will seek approval from the Council to put up one or two banners.

Chief Morris said he will volunteer security services for the events.

Ms. Davis said they intentionally keep the prices down on the tickets to hopefully encourage more people to come. She added even though this is a fundraiser, the community get-together is more important. They hope to raise \$4,000-\$5,000 for the chili event. She said that while a lot of hard work goes into these

events and there is not a lot of financial return, the events benefit the City with a community event that people enjoy.

CMBR Janssen asked about a family rate for the chili dinner, and Ms. Davis said that was something they could consider.

The Events Committee will pay for the banners, but will need Public Works to put them up. There was agreement from the Committee to approve the events.

4. January Community Forum Outline

CMBR Thompson presented the proposed outline for the Community Form. Mayor Marquardt will have a presentation on R Park and possibly Kyle Rogler will be presenting the design plan of Nall Park. Brett Shoffner from Urban Trail Company could possibly be on hand to speak about the trail at Nall Park. Also a presentation about the branding initiative and the ongoing work of the Council.

CMBR Fast suggested Public Works Director Leon could give an introduction of the big picture of Nall Park before the trail presentation.

CMBR Rhoades asked about plans for a disc golf course at Nall Park. CMBR Thompson said there hasn't been a lot of public interest with regards to that and a disc golf representative was invited to present at a Parks meeting and did not show, so they were not able to further that relationship.

It was decided that a Q&A session would be held after presentation of each topic and speaker cards need to be filled out at the start of the forum. Ms. Jones-Lacy will handle the robo-call notification. They will try to reach as many residents as possible through flyers, Constant Contact and the City's website.

CMBR Kelly would like included in the branding presentation the origin of the idea from the Strategic Plan.

5. Marketing and Branding RFP Approval

Public Comment:

Tom Madigan. Mr. Madigan said the City has a history of supporting the arts, encouraging diversity and being environmentally conscious and looking at the rebranding as a way to more effectively convey the image of who we are as a City. He recommended Mike Hickey, who worked on the Strategic Planning Committee, to be appointed to the Community Branding Committee.

City Administrator Moody said that they have incorporated the recommended changes to the RFP to include past slogans of "Best little town in town" and "City of trees." CMBR Fast reviewed old reports from the 90s and wanted to include the theme "City of Roeland Park, Kansas, gateway to Johnson County" as she felt that reflects who we are as a City.

CMBR Poppa drew everyone attention to the last sentence in Paragraph 1 and after some discussion it was decided to remove it altogether.

It was decided that the Branding Committee would consist of CMBRS Rhoades, Kellerman and Poppa and also Mike Hickey. The committee will be charged with interviewing companies responding to the RFP, creating a presentation report and making recommendations to Council.

Due to the start of the City Council meeting, the Governing Body decided to reconvene the Workshop for 30 minutes after the City Council meeting to discuss short-term rental regulations.

(Roeland Park Governing Body Workshop in Recess from 6:55 p.m. to 8:30 p.m.)

CMBR Fast reconvened the Workshop.

6. Direction of Enforcement on Short Term Rentals

After speaking with the Municipal Judge, City Attorney and City Administrator, Mayor Marquardt said it is apparent that short-term rentals were not perceived when creating the rental ordinances for the City. Rentals are non-owner occupied units while Airbnb and similar entities are usually owner-occupied. He felt that there should be leniency shown to residents who are doing this until the Governing Body can work out the details of how to proceed. He also said that they are clearly a business and should be treated as such but the City should assist the homeowner in obtaining a business license, getting the property inspected especially as it pertains to sleeping areas and egress. He also recommended waiving fees until the ordinance is figured out. He felt they should make sure they are doing everything to uphold ordinances and these rentals, even though against the intent of the law, could not have perceived at the time it was created.

CMBR McNeil said that until a decision is made, she would like the rentals to stop, no fines issued, or warning letters.

City Attorney Shortlidge said the Governing Body will be talking about the home occupation ordinance and the rental housing ordinance. The home occupation ordinance outlaws boarding houses and tourist homes, which is undefined. He feels that short-term rentals falls within that ordinance. Since these short-term rentals were not intended to be included, the question becomes whether or not to suspend enforcement of the ordinance. City Attorney Shortlidge clarified for CMBR Kellerman his conversations with Mayor Marquardt who inquired about the process of an ordinance violation. Since this would be considered a municipal violation, it will be an issue for the municipal court. The judge also responded to the Mayor saying it would depend upon the facts of the case and would need to be proven beyond a reasonable doubt to determine the outcome.

Mayor Marquardt said everyone values the opinion of Mr. Shortlidge and if he is saying it's not legal the way it's written, and the Governing Body has taken oaths to uphold the law, is suspension of the law reasonable since this type of venture in the City was not anticipated when the ordinance was written. Mr. Shortlidge said the Council has given direction to staff to suspend enforcement of ordinances in the past and it could be done in this case. He said the Governing Body cannot write new rules without having an ordinance.

Mayor Marquardt said he felt this was a reasonable time for suspension of the ordinance.

The Committee also discussed whether they could regulate where short-term rentals were advertised. There was discussion of not wanting rentals advertised on outlets such as Craigslist.

The Committee also discussed whether suspension of the ordinance could be done at the Workshop would have to be approved at a Council meeting.

The Committee reached an agreement to support CMBR Poppa's suggestion that the Governing Body support the enforcement of the ordinance as staff sees fit.

CMBR McNeil didn't think it was fair to put staff in the position of whether to uphold or break City laws.

City Administrator Moody said as staff, his opinion would be the boarding home or tourist definition is not permitted under code.

CMBR Poppa said Mr. Shortlidge has given his opinion that they are currently prohibited under the ordinance.

CMBR Rhoades commented that he does not believe it is the Council's objective to say not to enforce an ordinance. CMBR Poppa clarified that he was not suggesting that staff not enforce the laws.

CMBR Kelly asked, if the ordinance is enforced, what is the time frame and what are the action steps. City Administrator Moody said a resident would be notified in writing. They would also attempt to contact them by phone that they're in violation of this section of the City Code. He also said that the immediate response he will get is that people have already registered and are planning on coming and what do they do. Mr. Moody didn't know what he would tell them. CMBR Kelly asked if after they received notice what would happen if the resident refused. City Administrator Moody said they would receive a municipal citation.

CMBR Fast said that going into the holidays, people have paid, are planning on coming and feels it would be heartless and cruel to shut them down when people have already booked their spaces. She said if they're going to be shut down at least wait until after the holidays. She said the City gives variances for other issues like paint, gutters, a number of housing violations, and to shut them down now does not reflect the type of city she wants to live in and is embarrassed by the possibility.

CMBR Poppa in favor of regulating Airbnb and getting a recommendation that it is against current code. He proposed backing City staff in their reading of the code to suspend or do what they do after the holiday season because we are not heartless, and until such time as the Governing Body can have the discussion to regulate Airbnb in Roeland Park because it is a progressive city who does want businesses and residents that keep up their homes. He also noted that the Roeland Park houses listed on Airbnb are gorgeous and he did not mind them.

CMBR Kelly said she wants to uphold the law, but suspend enforcement. She recommended a special call meeting the night of January 4th, the after the Workshop to decide whether to enforce the ban while creating an appropriate ordinance.

CMBR Thompson said she would love to support Airbnb and progressive business and young entrepreneurs in the City. She also supported a special call on January 4 and would vote on suspending the ordinance while discussion is in the process.

CMBR Kellerman said that when a law is broken, they should receive a letter, and then they have ten days within which to rectify. He said the Governing Body has known of this issue since June and is in support of staff enforcing the ordinance.

Mayor Marquardt said it is a very reasonable short period of suspension and felt that the City is very lenient. Suspension of enforcement also shows the constituency that we are working on the issue and trying to keep them safe. He said it seem as though staff is uncomfortable not enforcing and also from comments from Mr. Shortlidge, he would recommend enforcing the ordinance after January 7, 2016, due to the holiday season, then enforce it as a violation unless they can get an ordinance reworked before then.

CMBR Rhoades does not feel it his decision whether to enforce or not.

CMBR Janssen would like to support staff in enforcing the ordinance as written, but is comfortable with suspending enforcement to January 15th.

CMBR McNeil said it is important to stick with the agendas and they sometimes end meetings before the work is done. She said they knew a long time ago this was illegal and should have acted more quickly to get things done. She said she would support suspension of enforcement until after January 1.

CMBR Kellerman said he would like the Codes enforcement department to weigh in on this issue.

Mayor Marquardt recommended staff write letters stating that by January 20, the City will start enforcing the law as a violation unless another law has been voted on in the meantime. The Committee agreed to the Mayor's suggestion.

After discussion of potential meeting times, it was decided to have a Special Call City Council meeting on January 4, 2016, at 6:00 p.m. for the sole purpose of discussing Short-Term Rentals. City Attorney Shortlidge will also be available to attend the meeting.

City Administrator Moody said that during the meeting the Governing Body will work through sections of City Code that need to be amended and they can take action to adopting those changes. Changes to zoning regulations will require a public hearing and will have to be held on another date.

CMBRS Kelly, McNeil, and CMBR Thompson all agreed to call the Special Call.

7. Large Fabric Trash (Dumpster) Bags

8. Pending Items for Next Workshop

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. N-Court – payment processing
5. Neighborhood Revitalization Act

IV. ADJOURN

MOTION: CMBR McNeil moved, CMBR Janssen seconded, to adjourn. (Motion passes 8-0)

(Roeland Park Governing Body Workshop Adjourned at 9:27 p.m.)