

**SPECIAL CALL CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, August 7, 2017 6:00 P.M.**

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| <ul style="list-style-type: none"> ○ Joel Marquardt, Mayor ○ Becky Fast, Council Member ○ Tim Janssen, Council Member ○ Ryan Kellerman, Council Member | <ul style="list-style-type: none"> ○ Teresa Kelly, Council Member ○ Sheri McNeil, Council Member ○ Michael Poppa, Council Member ○ Michael Rhoades, Council Member ○ Erin Thompson, Council Member | <ul style="list-style-type: none"> ○ Keith Moody, 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

Fast
Kelly

Finance

Janssen
Thompson

Safety

Rhoades
Kellerman

Public Works

McNeil
Poppa

Mayor Marquardt called the meeting to order and led everyone in the Pledge of Allegiance.

City Clerk Bohon called the roll. CMBRS Fast and Kellerman arrived after the start of the meeting

Public Comment

Judy Hyde (5113 West 58th) Ms. Hyde encouraged the Governing Body not to lower the mill levy seven points, but limit it to three as she felt it is important for the City to invest in its infrastructure. She does believe Walmart will leave and the City will be in the same position as they were when they first contemplated their leaving and would request they not lower the mill beyond what they as a city can sustain.

Geoff Geist (5000 Southridge) Mr. Geist urged the Council not to lower the mill levy. The items to be cut that are part of the discussion will affect their way of life in Roeland Park. In light of the past storms cutting any of the leaf program funds does not make sense. He also did not want to see any reductions in street maintenance and the proposed cuts made to services are not worth the savings of \$10-15 a month.

Ardie Davis (5206 W. 58th) Mr. Davis said that he did not want to see the City cut off its revenue stream as drastically as seven mills. They do not want to get stuck with insufficient funds to repair or replace streets, sidewalks and curbs, or have poorly maintained parks, equipment, and they would have inadequate resources to support the police department and retain the administrative City staff. He said he would support a two mill reduction and thanked the Governing Body for their public service.

Dan Dermeyer (5708 Cedar) Mr. Dermeyer said he was in favor of a smaller decrease of the mill levy rather than a larger decrease.

Shea Geist (5000 Southridge) Ms. Geist thanked the Governing Body for their service and recognized they are in a difficult position. She spoke in favor of not lowering the mill levy. She said that it is a definite that Walmart will be leaving and it's just a matter of time and that they will be taking their \$700,000 of sales tax income away from the City. She added that there is no other retailer that can fill that void. Ms. Geist also spoke to the tax lid and that the Governing Body no longer has the ability to increase the mill levy once it has been decreased. She also noted that they will be losing their contract with JCPRD for the pool.

Todd Zimmer (5621 Roe Blvd) Mr. Zimmer said his opinion was that the mill levy should not be reduced and feels the taxes he pays currently are fine and he likes the idea of improving the community and the services they provide.

Gretchen Davis (5206 W. 58th) Ms. Davis asked the Governing Body to be reasonable in their decrease of the mill levy and not to cut financial resources when the City has so many needs for improvement that are not even reflected in the budget. She would like to see beautification and again see plantings in the urns and islands around the City and that it has been many years since they were all planted. She would also like to see an increase of maintenance money to the parks as the \$20,000 currently budgeted is stretched too far for Public Works and the Parks Committee to meet all of their needs. Ms. Davis said trimming of the trees along the streets should be put back in the budget and also have funds budgeted to have animal control available on the weekends.

James Haley (4927 W. 57th) Mr. Haley supported the vision of the Council to save money in anticipation of Walmart leaving. In the 2018 budget he did not believe they should chop into that, especially the tennis court. He said it would be very short-sighted to do a seven-mill cut and then they'll need to raise it again and that would upset even more people.

Greg Smith (5511 Juniper) Mr. Smith said he did not want to see a seven mill reduction. He also stated that he likes to live in a city that provides a lot of amenities for its residents such as the leaf program. He does not want to live in a city that just provides the bare essentials. He also believes the funds should also be spent on road improvements.

(End of Public Comment)

I. ITEM

A. 2018 Budget Review – Continued

City Administrator Moody said that following the storm there was a section of storm sewer that failed off of 57th Street in the back yard of a resident. Information and pictures were provided to the Governing Body showing that the yard had settled above the storm sewer. They are getting cost estimates to do repairs as well trying to identify how best to address the issue. An estimate they have received is about \$360,000. This would not be a street related improvement and those capital improvement funds are not available. The Special Infrastructure Funds would be available as well as monies from the General Fund. Ms. Jones-Lacy did an alternative to the budget and has attached that to the budget that was sent out last week. It does reflect a 2½ mill decrease and the removal of wage-related expenses in the leaf assessment. The new attached version includes a way to find resources to repair the storm sewer. Ms. Jones-Lacy was able to move some of the street projects that have been shown in the Special Infrastructure Fund to the funds designated just for streets. This will then free up the resources in the Special Infrastructure Fund which can be used for stormwater repair. The updated funds remain in position through the three-year outlook.

They do show the repair occurring in 2017 and hope they can get it done that quickly. The sewer does not lie in the platted storm drainage easement. Before any work can be done, they would have to acquire easements from the property owners where the sewer has collapsed. It is a corrugated metal pipe and the bottom has rusted out. As a result, fast-moving water has siphoned away earth which caused the settlement above as the dirt around the pipe was washed away from the inside off of the bottom of the pipe.

Even with the update, this will not postpone other street improvements. The budget continues to show the streets that are in the five-year CIP staying in the year that they are reflected. The balance of the fund, however, is lower by moving those other streets in, but the ones already planned are not being postponed.

CMBR Kellerman received clarification that the goals they wanted are still included in the budget. He then asked for clarification on the condition of the corrugated metal pipe surrounding the failure area.

Public Works Director Leon said he has reviewed the area and the bottom of the pipe at the area being discussed is gone, but it is not broken. From the inlet at 5641 Roeland Drive there is a section of pipe that goes east towards Ash and a portion is corrugated metal pipe before it turns to concrete.

City Administrator Moody said before any work can begin they need to establish an easement to allow them onto the property to do the repair and they need to clear up if it is a public storm sewer or a private storm sewer system. It is a project that would be available for SMAC funds, but that is a process that takes over a year. SMAC also does set aside funds for emergency repairs. Staff has also reviewed the video and they have noticed three areas that need improvement. Some of the areas might be suitable for a cured-in-place pipe lining process, but some spots are so bad they are not a good candidate for that option. It's also possible they could make some temporary repairs and wait to see if they receive SMAC funds in a year.

Public Works Director Leon said they could use some of the easement documents that Larkin has put together. City Administrator Moody added that Larkin had created designs for the replacement of other sections of pipe.

CMBR Rhoades asked if this was part of the stormwater project that was completed four years ago. Public Works Director Leon said it was one of the four projects and three of them were completed. This failed pipe is one that was not completed. CMBR Rhoades asked if some residents were charged for that when it was completed and others were not, and why would the entire City be charged for the completion of this project and not just the residents that it affects. He said that there were numerous people who did not pay for the project when it was done and most of them were on the Council.

CMBR Kelly said that was a bold statement for CMBR Rhoades to make.

CMBR Rhoades said he wanted an answer why the City would pay for the entire project when originally the people the project affected were required to contribute to the repairs.

City Administrator Moody said that is a fair question and the City has replaced other sewers where a portion was not assessed to the residents. When he reviews this project he sees it as functioning as a public storm sewer and it is already underground. In the projects where the residents contributed it was to close up a ditch for the enhancement of their property. Even though this storm sewer is not in the easement, the plat was intended to have stormwater running in this vicinity.

Mr. Moody did say the situation today is dangerous as there is a hole in someone's yard that needs to be addressed. Staff has shown the Council that they do have the resources available to them to make the repairs. If the Governing Body prefers that some portion be paid for by the property owners, then they can come up with a method of doing that.

CMBR Rhoades asked for the history of how the previous projects were funded. CMBR Fast said it was approved as RC 12-018 Stormwater Project. Many of the residents spoke in support of it and wanted to fund the project and the improvements that were a part of it. There was a movement that said there was no flooding. The resident on 57th Street was very vocal they were getting flooded, but the Council did not move forward with RC 12-018 and CMBR Kellerman led the movement against it.

CMBR Kellerman said that is not true and did not appreciate the accusation.

CMBR Rhoades asked for clarification that this problem is not a part of the original project. City Administrator Moody said the engineer he spoke with told him it was not part of the project.

Public Works Director Leon said there were four total projects.

(Inaudible; talking over one another)

City Administrator Moody said the attached report that notes this storm sewer system drains into the same basin as the original analysis. As far as the design they have, it was not part of that project.

Public Works Director Leon clarified CMBR Rhoades' question in that there are other big stormwater improvement projects that took place. CMBR Rhoades said those properties were assessed taxes for ten years.

(Public Works Director Leon and CMBR Rhoades talking over one another)

Public Works Director Leon said this location specifically is one part of the four projects and was a part of RC 12-018. The other projects are RC 12-012, 12-014, 12-013, those are in other neighborhoods. This location in the Cooper Creek neighborhood is RC 12-018 and is a project that did not take place.

CMBR Rhoades said he would like to know how those projects were all financed and why and the history behind it.

Mayor Marquardt said the discussion is with regards to the budget and the conversation is getting too deep and anticipated that they will probably not be able to make a decision on this element tonight.

CMBR McNeil said several years back there were major collapses around the area and they did have engineers come and look and inspect all of the corrugated pipe to prevent any further collapse. She asked whether they got to this area or they just did not see it. She could not understand how this was missed.

Public Works Director Leon said the sinkholes that happened occurred around the Elledge and Roe Lane area and that was the area of focus for further pipe inspections. With this project, the City was to do a large stormwater improvement project, but it received a lot of opposition, and the City took it off the table and nobody looked at it again.

CMBR McNeil reiterated that she believed that the engineers were supposed to inspect all of the corrugated metal pipe in the City.

Public Works Director Leon said he believed this is when they transitioned from one engineer to another. SKW was the engineer who did the inspections and perhaps they did not know that this project had corrugated metal pipe. Mr. Leon said he did not know it had metal pipe and had no reason to look at it until the sinkholes appeared. He added it is obvious the City is not fully aware of where all the corrugated metal pipe is in the City.

CMBR McNeil said that it's obvious that the inspection work was not completed and there may be a lot more areas in the city that are set up for another collapse.

Public Works Director Leon said they do not currently have all of their stormwater system documented and accounted for as far as what kind of material it is and what condition it is in. They are working their way there.

CMBR McNeil stated if all the corrugated pipe was supposed to have been checked out and it wasn't, someone should be held accountable. They were trying to avoid this same situation and are now back in it.

Public Works Director Leon reiterated that they did not know that corrugated metal pipe was down there in the neighborhood.

CMBR McNeil said they were charged with checking all the corrugated metal pipe and should have checked the city to see where the corrugated metal pipe was.

CMBR Fast said they can come back and look at the RC 12-018 at another meeting. She clarified that staff said the money is available in the infrastructure budget and they're able to move forward. They can review this issue at the next meeting.

City Administrator Moody said it's on the Workshop agenda for further discussion following the Council meeting. There is no need to make an amendment to the budget if they want to move forward with this project. Their intent was to show the Governing Body that this is where staff found the resources to do this project. With it being an emergency repair the City is likely going to front the money. If the Council would like to assess residents to recover a percentage of that, they can make the decision after the repair.

CMBR Kellerman said he helped out with opposing RC 12-018, but did not lead the charge.

CMBR Fast apologized to CMBR Kellerman.

CMBR Kellerman said it should not be the residents' responsibility to get the pipe repaired as it was placed in 1954-1955, was put in by the City and the houses did not exist at that time.

Ms. Jones-Lacy clarified it is \$360,000 of new appropriation that would be added to the 2017 budget. That forces a shift of some existing expenses, but does not delay any expenses.

CMBR Thompson reiterated she would like to keep her motion and they can follow-up with a further discussion on the stormwater drainage project at a later time.

CMBR Rhoades addressed the pool costs. He said they need to make a decision now how much the City is willing to invest in the pool. City Administrator Moody said they are looking at a budget of 2.67 mills.

CMBR Poppa believes that the pool discussion does not need to be decided tonight, but they do need to decide what the budget should be for 2018, not 2019. He would like to go forward with the motion as presented.

CMBR Rhoades said it is a 2019 issue, but it affects this year as they go out in the CIP five and ten years by projecting forward. The City needs to decide whether they're going to spend the 2.67 mills to keep the pool open during the winter months for the small amount of residents that use it. If Johnson County wants to help keep the pool open that would be great.

CMBR Fast recommended CMBR Rhoades amend the motion so they can move forward in their discussions.

City Administrator Moody confirmed that the 2.67 mills equate to a summer-only operation and not operating in the winter.

CMBR Rhoades would like to see a 4.5 mill reduction with two of those mills reflecting a reduction in pool operations and with the compensating funds to come out of the fund balance for 2018 and a portion of 2019 when the contract with Johnson County ends.

CMBR McNeil stated that debt payments will drop dramatically by 2021. She equates the winter pool program with the leaf program in that she's been forced to pay for the leaf program and has never used it, and that there are those that pay for the pool that never use it. But Roeland Park is a community and it is available and a personal choice whether you want to use that. She added if the City stays on its current path, does not borrow more money, they should be good by 2021. CMBR McNeil said she would hate to see a drastic decision to close the pool in the wintertime and then being able to afford it in the long-run, and is a very serious decision.

MOTION: CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO REDUCE THE MILL 4.5 PERCENT REFLECTING TWO MILLS FOR REDUCTION IN COSTS OF POOL OPERATIONS. (MOTION FAILS 3-5 WITH CMBRS FAST, MCNEIL, THOMPSON, KELLY AND POPPA VOTING NO.)

Poll the Council.

Fast - N McNeil - N Janssen - Y Rhoades - Y Kellerman - Y Thompson - N Kelly - N Poppa - N

CMBR Kellerman said he thought they had agreed to meet in the middle with a mill reduction of four and asked why there was a change of heart in giving relief to the residents.

CMBR Poppa said he believed the Council has come to a compromise by lowering the mill levy by 2.5, and also removing the wages associated with the leaf assessment out of the budget as well, which is in effect a reduction of cost of 3.1, which is closer to the mid-ground of four that CMBR Kellerman mentioned. With this they are still able to offer the same level of services.

CMBR McNeil said she is in favor of lowering the mill levy, but is not in support of dropping the winter pool. She is very much in favor of a compromise and believed she could be satisfied with a mill reduction in the threes.

CMBR Kellerman has asked if specific streets have been identified for the sidewalk program for 2018.

City Administrator Moody said they are near completion of the sidewalk master plan originally developed in 2010.

CMBR Kellerman said they do not have the \$150,000 expense in front of them that equates to another two mills and moved to amend the motion to reduce the mill levy four points.

CMBR Thompson asked for clarification of where the funds would come from. CMBR Kellerman said the \$150,000 would come from the sidewalk program and he wanted to withdraw his objective that he placed three months ago and apply that \$150,000 towards the mill reduction.

City Administrator Moody said the \$150,000 budgeted is in a fund supported sales taxes not by property tax.

CMBR Kellerman said the money could be used towards lowering the mill levy.

CMBR Janssen requested to see the line item for the sidewalk fund. Ms. Jones-Lacy said the sidewalk project is in the Special Street Fund for \$130,000 that is funded from the 27A sales tax and it can be used for sidewalk and street improvements. This is an objective for a high priority sidewalk improvement. CMBR Kellerman made the suggestion to do a Johnson Drive sidewalk. And after Governing Body discussion it was decided to make it a high priority sidewalk improvement project as opposed to just Johnson specifically and that is where it is budgeted. This fund does support the Debt Service Fund. The Debt Service Fund is a property tax supported fund. The \$130,000 is a one-time project and is not an ongoing expense. If they choose to remove it in 2018, they would have to find somewhere to take it out in future years to compensate for the mill levy reduction.

CMBR Rhoades stated he seconded the motion so that there could be a discussion. He personally does not believe they should cut funding sidewalks and they could pull money from somewhere else and add more to the sidewalk. He said the City has had a windfall and property values are continuing to add up.

CMBR McNeil said she would hate to see the sidewalks removed even if they do not complete it in 2018. Johnson Drive would be her number one choice and would be adamantly opposed to any sidewalks constructed opposite to an existing sidewalk as that is a waste of money. She would only support sidewalks on streets that do not have them.

MOTION: CMBR KELLERMAN MOVED AND CMBR RHOADES SECONDED TO WITHDRAW THE SIDEWALK PROGRAM FOR 2018 AND REDUCE THE MILL LEVY FOUR POINTS. (MOTION FAILS 1-7 WITH CMBRS FAST, MCNEIL, JANSSEN, RHOADES, THOMPSON, KELLY AND POPPA VOTING NO.)

POLL THE COUNCIL

Fast – N McNeil – N Janssen – N Rhoades – N Kellerman – Y Thompson – N Kelly – N Poppa – N

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO CALL THE QUESTION. (MOTION FAILED 4-5 WITH CMBRS MCNEIL, JANSSEN, RHOADES, KELLERMAN AND MAYOR MARQUARDT VOTING NO.)

POLL THE COUNCIL

Fast – Y McNeil – N Janssen – N Rhoades – N Kellerman – N Thompson – Y Kelly – Y Poppa – Y

Mayor Marquardt - N

CMBR Rhoades believes they should exhaust the conversation before they vote on passing the budget.

CMBR McNeil said one of her main points of contention is they're a very small town physically and in population and cannot understand why it costs so much to live here. She recognized they do not have a lot of businesses, but she just feels like something is not balanced.

CMBR Poppa said he called the question to get a temperature of the Council.

CMBR Kellerman said the City has a high mill levy and they're maxed out and they need to do away with a few things. If they are not going to look at the sidewalk program, then they should look at the Comprehensive Plan

City Administrator Moody said if they are reducing the mill levy, they should assume it will stay down and then concentrate on ongoing expenses that they can reduce. Some ongoing capital programs are sidewalk maintenance and sidewalk extension dollars and are programmed year after year. There is also street maintenance and street reconstruction programs. There are also ongoing operating expenses. Prior to 2013, the City reduced its staffing levels. Further staff reductions would also affect service. Maintaining the infrastructure and delivering a safe community are the services that the City provides and it is not so easy to say you can do without that type of service.

CMBR Janssen said they need to keep in mind the sales tax they will be receiving from the courthouse tax. Ms. Jones-Lacy said it began this year and is anticipated to be \$156,000 a year and will be going to the Special Street Fund (27A). CMBR Janssen asked how many new building permits were issued in 2017. Ms. Jones-Lacy said there were four in 2016 and six more this year. There is always a possibility for more in-fill. CMBR Janssen said that is exciting and believes they can do better than a 2.5 mill reduction and he uses those good things happening in the City to justify a lower mill to start.

CMBR Kelly said she understands that it does look like the sun is shining in Roeland Park right now, but it also looked like that in 2009 when they lowered the mill levy. They have compromised to go to pay-as-you-go. They have cut staff. They have redesigned the staff compensation. Sidewalks have been an ongoing project for the Community for All Ages. They have also finished work with the county and the school district to identify problem areas with sidewalks so that children can travel safely to all schools in the city. She believes they should take a more conservative approach. She thinks if the economy is still moving ahead and they're still having new development and income streams, then next year the Council can make another cut in the mill levy, but does not believe it is prudent to do a large one now just because things are starting to happen for the City. She believes they should wait for things to stabilize before making changes. She said they are being prudent with the compromise of the mill reduction and the re-allotting of the funds for the leaf program.

CMBR Kellerman asked how long the \$156,000 the City will receive from the courthouse tax. Ms. Jones-Lacy said it's set to sunset in ten years.

CMBR McNeil asked for a total in the Special Street Fund budget with the addition of the \$156,000. Ms. Jones-Lacy said in 2018 they have budgeted for the general services engineering. Also included is the high priority sidewalk project, the Roe Lane CARS project, and design work. They will also transfer money to the Bond and Interest Fund to subsidize debt service. For 2018, that equals to \$1.89 million.

MOTION: CMBR THOMPSON MOVED AND CMBR RHOADES SECONDED TO ADOPT THE 2018 BUDGET AS PRESENTED. (MOTION CARRIES 5-3 WITH COUNCILMEMBERS JANSSEN, RHOADES AND KELLERMAN VOTING NO.)

POLL THE COUNCIL

Fast – Y McNeil – Y Janssen – N Rhoades – N Kellerman – N Thompson – Y Kelly – Y Poppa - Y

II. ADJOURNMENT

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO ADJOURN. (MOTION CARRIED 8-0)

(Roeland Park Special Call City Council Meeting Adjourned)



Joel Marquardt, Mayor



Kelley Bohon, City Clerk