

**CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, April 15, 2019 7:00 P.M.**

- | | | |
|---|---|--|
| <ul style="list-style-type: none">○ Mike Kelly, Mayor○ Jan Faidley, Council Member○ Jennifer Hill, Council Member○ Tim Janssen, Council Member | <ul style="list-style-type: none">○ Jim Kelly, Council Member○ Tom Madigan, Council Member○ Claudia McCormack, Council Member○ Michael Poppa, 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○ Donnie Scharff, Public Works Director |
|---|---|--|

Admin Madigan Thompson	Finance Faidley McCormack	Safety Janssen Poppa	Public Works Hill Kelly
-------------------------------------	--	-----------------------------------	--------------------------------------

Pledge of Allegiance

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

Roll Call

City Clerk Bohon called the roll and all Governing Body members were present.

Modification of Agenda

There were no modifications to the agenda.

I. CITIZENS COMMENTS

There were no comment cards submitted.

II. CONSENT AGENDA

- A. Appropriations Ordinance #927**
- B. March 4, 2019 Special Called Council Minutes**
- C. March 18, 2019 Council Minutes**
- D. Tree Removal at Cooper Creek**

MOTION: CMBR JANSSEN MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 8-0)

III. BUSINESS FROM THE FLOOR

- A. Applications/Presentations**
 - 1. Dyslexia Dash 5K Race - Horizon Academy**

Trish Arnold, development director for Horizon Academy, stated they are holding their second annual Dyslexia Dash. The school is partnering with the Kansas and Missouri branch of the International Dyslexia Association. This event will kick off Learning Disabilities Awareness Month. Their Fall Fest will be on the campus and the Dyslexia Dash will be in the neighborhood. The approximate start time of the race is 8:30 a.m. and ends about an hour or so afterwards. Last year the City provided police to help with the traffic

and guidance along the race route, and also waived the application fee. Ms. Arnold requested the same City support as last year.

Mayor Kelly thanked Ms. Arnold for putting on this event and being a valued member of the community and they look forward to participating at the event.

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA SECONDED TO APPROVE THE STREET RUN/PARADE PERMIT AND WAIVE THE \$150 PERMIT FEE TO HORIZON ACADEMY FOR THE DYSLEXIA DASH 5K RACE TO BE HELD OCTOBER 5, 2019, AND TO PROVIDE ASSISTANCE FROM THE ROELAND PARK POLICE DEPARTMENT. (MOTION CARRIED 8-0)

2. Parks Committee Report

Parks Committee Chair Jennifer Provyn covered the 2019 objectives for the Governing Body, the first of which includes the Roe House/playhouse. They will use the new city architect to help with the location and design of this new feature.

There are also \$34,000 of amenities at Nall Park that requires a proposal, but they will wait until after they have received input from the city architect. The committee is still on track to complete that objective this year.

The Parks committee also collaborates with their sister committees and is very supportive of the Events committee. It is not a part of the charter for Parks to put on events and said having an Events committee is a big deal for the community. They are concerned about the sustainability and future of the Park to Park Run and the committee would like to see it continue, but organizing it is not something their committee does. They are hopeful the upcoming run will be well received and are taking a wait and see approach.

Parks is also working with the Arts Committee and Ms. Provyn said they cannot say enough good things about working with them. The Parks committee is focused on Nall Park and the rain garden, so the Arts committee is looking for a whimsical, fun piece that would go into the rain garden which the Parks committee would landscape around. Ms. Provyn also thanked Public Works for removing the weeds at the rain garden. They are also considering a temporary sign that says art and landscaping coming. There is also some work they will be doing on the Nall Park trail and will keep the Council updated on that.

Ms. Provyn said there has been recent discussion about play equipment at R Park and that has been on the radar of the Parks committee. It is something they would like to discuss with the Sustainability as they are acutely aware that anything that goes into R Park is put through the MARC toolkit to make certain it is meeting the gold standard for Community for All Ages. Play equipment has such a wide range of cost and they also need help from Sustainability to determine whether there are grants available and what does and does not qualify for Community for All Ages.

There are also plans for the Juniper pocket park and they will also talk to Sustainability about that.

One of Parks' priorities is to communicate better. The first quarter was tough for them because they got a lot of input from citizens who felt like they did not have a voice prior to this first quarter of this year in some of the work that was done at R Park. They are also working on updating their portion of the website.

In R Park, the sculpture and shade structures are going up. They would like to get ant the arboretum finished. The trees are in and they have tree markers, but they also must meet specific criteria such as where the tree was born and other details that need to be determined.

Depending where the pavilion is in the CIP, there are two grants that Parks is going to write and work with the finance director on submitting those.

Ms. Provyn thanked Public Works for the new tree in Sweaney Park. She said the amenities need refreshing and they will might come back with suggestions. Parks will also check with the new City architect to see if they have any ideas.

CMBR Poppa thanked Ms. Provyn for liaising with the Arts Committee and having that partnership as it is much appreciated. He said he thought the Park to Park run was coordinated though an outside agency. Ms. Provyn said Laura Steele was on the Sustainability but has relocated to Westwood. She is committed to doing the run again this year. Ms. Provyn relayed it is almost like a part-time job and Ms. Steele would like to hand that off. The Parks committee is not willing to take that on. The run is set for September.

IV. MAYOR'S REPORT

Mayor Kelly acknowledged the students from Shawnee Mission North. He told them the City is revamping the Youth Advisory Committee and if anyone is interested in learning more about, then it would be an opportunity for high school students to work directly with government officials on running a program called Neighbors Helping Neighbors. They will have the opportunity to learn more about local government and could get a letter of recommendation for college or an academy. Students can contact Ms. Jones-Lacy who will provide more information.

A. Municipal Clerks Week 2019 Proclamation

Mayor Kelly acknowledged City Clerk Bohon as someone who goes above and beyond at the City of Roeland Park and it is apt that they recognize her for Municipal Clerks Week. Mayor Kelly read the proclamation into the record.

B. National Police Week 2019 Proclamation

Mayor Kelly said they are lucky to have great retention and great officers top to bottom in their police force. Mayor Kelly then read the proclamation into the record.

C. National Public Works Week 2019 Proclamation

Mayor Kelly said he appreciates the work that Public Works Director Scharff and the Public Works Department does not only in the visible programs, but being on-call at all hours in extreme weather. Mayor Kelly read this proclamation into the record.

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO ADOPT THE MUNICIPAL CLERKS WEEK 2019 PROCLAMATION, THE NATIONAL POLICE WEEK 2019 PROCLAMATION, AND THE NATIONAL PUBLIC WORKS WEEK 2019 PROCLAMATION. (MOTION CARRIED 8-0)

(Applause)

V. WORKSHOP AND COMMITTEE REPORTS

No reports were given.

VI. REPORTS OF CITY LIAISONS

A. Ad-Hoc Development

B. Pool Advisory Committee

No reports were given as the notes and minutes are attached in the agenda packet.

VII. ORDINANCES AND RESOLUTIONS:

A. Ordinance 977 - AN ORDINANCE ESTABLISHING THE COMMUNITY ENGAGEMENT COMMITTEE; ADDING ARTICLE 10, COMMUNITY ENGAGEMENT COMMITTEE, TO CHAPTER 1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS, CONSISTING OF SECTIONS 1-1001, 1-1002, 1-1003, 1-1004, 1-1005, 1-1006 AND 1-1007

Mayor Kelly noted this item was discussed at the Workshop prior to the Council meeting.

MOTION: CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED TO ADOPT Ordinance 977 - AN ORDINANCE ESTABLISHING THE COMMUNITY ENGAGEMENT COMMITTEE; ADDING ARTICLE 10, COMMUNITY ENGAGEMENT COMMITTEE, TO CHAPTER 1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS, CONSISTING OF SECTIONS 1-1001, 1-1002, 1-1003, 1-1004, 1-1005, 1-1006 AND 1-1007. (MOTION CARRIED 8-0)

B. Ordinance 978 - AN ORDINANCE RELATING TO ANIMAL CONTROL AND REGULATION; AMENDING AND REPEALING EXISTING SECTION 2-119 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

This item was also discussed during the previous Workshop.

CMBR Poppa said in looking at the redline on Ordinance 978 and in Paragraph B it starts off that special permits must be renewed annually. Ms. Jones-Lacy clarified that the permits must continue to be renewed annually, they are only waiving the fee for the renewal.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO ADOPT Ordinance 978 - AN ORDINANCE RELATING TO ANIMAL CONTROL AND REGULATION; AMENDING AND REPEALING EXISTING SECTION 2-119 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS. (MOTION CARRIED 8-0)

C. Resolution 665 - A RESOLUTION APPROVING THE PROPOSED 2020-2024 FIVE YEAR PROGRAM UNDER THE COUNTY ASSISTANCE ROAD SYSTEM.

This item was discussed at the previous Workshop.

CMBR Faidley asked if the Nall project slated for 2022 is a shared project with the City of Mission. Public Works Director Scharff said they are not sharing that project.

CMBR Madigan recommended explaining to the Shawnee Mission North students the difference between an ordinance and a resolution.

Mayor Kelly said an ordinance is the code, the rules and the laws they have within the city governing. By changing the ordinances, they are actually changing the bylaws by which the City operates. A resolution provides guidance to the City government and works with implementation of the ordinances by establishing fees, by establishing rules and protocol. Thus, there are different requirements for approving and a resolution.

City Attorney Maurer added that an ordinance changes the law of the city. The resolution is simply how the city exercises its authority, for example, to enter into a contract. Another example made was to be able to change the speed limit in front of a house, it has to be done by ordinance.

CMBR Janssen asked if the streets listed were identified using the street rating system and addresses the poor condition streets. Public Works Director Scharff verified that is correct.

MOTION: CMBR KELLY MOVED AND CMBR HILL SECONDED TO APPROVE Resolution 665 - A RESOLUTION APPROVING THE PROPOSED 2020-2024 FIVE-YEAR PROGRAM UNDER THE COUNTY ASSISTANCE ROAD SYSTEM (CARS). (MOTION CARRIED 8-0)

D. Resolution 667 - A RESOLUTION DECLARING THE INTENTION OF THE GOVERNING BODY TO PARTICIPATE IN THE NLC RESILIENCE GRANT PROGRAM AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL TO MANAGE THE GRANT

This item was also discussed at the prior Workshop meeting.

MOTION: CMBR HILL MOVED AND CMBR POPPA MOVED TO ADOPT Resolution 667 - A RESOLUTION DECLARING THE INTENTION OF THE GOVERNING BODY TO PARTICIPATE IN THE NLC RESILIENCE GRANT PROGRAM AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL TO MANAGE THE GRANT. (MOTION CARRIED 8-0)

E. In-Home Daycare Regulations

Mayor Kelly said the original ordinance and an amended ordinance is included within the packet and discussed at the previous Workshop meeting.

MOTION: CMBR JANSSEN MOVED AND CMBR THOMPSON SECONDED TO APPROVE ORDINANCE 976, AMENDED WITH FIVE CHILDREN. (MOTION CARRIED 8-0)

MOTION: CMBR THOMPSON MOVED AND CMBR MCCORMACK SECONDED TO RESOLUTION 666 TO AMEND THE FEES CHARGED BY THE CITY OF ROELAND PARK. (MOTION CARRIED 8-0)

VIII. UNFINISHED BUSINESS

There was no unfinished business to be discussed.

IX. NEW BUSINESS

A. Approve Certificate of Intent and Agreement to Terminate Interlocal Cooperative Agreement between JCPRD and City for Aquatic Center

This item was discussed during the previous Workshop.

MOTION: CMBR MCCORMACK MOVED AND CMBR MADIGAN SECONDED FOR STAFF AND THE CITY ATTORNEY TO APPROVE THE CERTIFICATE OF INTENT. (MOTION CARRIED 8-0)

MOTION: CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED TO TERMINATE THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN JCPRD AND THE CITY OF ROELAND PARK CONCERNING THE AQUATIC CENTER. (MOTION CARRIED 8-0)

B. Pool Management Agreement with JCPRD

This item was discussed at the previous Workshop.

CMBR Poppa proposed an amendment under Section 7.15, Choice of Law, to include the laws of the City of Roeland Park shall also govern the rights and obligations of the parties under this agreement.

CMBR Madigan asked the JCPRD representatives if this would cause the agreement to go back to their legal department. Jill Gellar, Executive Director of the Johnson County Park and Recreation District said the change in the agreement would cause it to go back before their legal department and then before the board. She said it is not typical in their agreement that they reference the city's laws and reference the laws of the state of Kansas.

CMBR McCormack said she wrote a long e-mail to the Governing Body regarding the issue as the Council did not get a lot of time to go over all the details of the document. She also cited the fact that the contract is a six-month term and JCPRD has shown due diligence in all actions and management and encouraged the Council to approve it as written.

CMBR Thompson asked City Attorney Mauer what the contract change would affect, the interpretation of the contract or anything that would arise under the contract. Mr. Mauer said he did not know how it would make a change. The laws of the City of Roeland Park apply to whatever happens in the City of Roeland Park and adding a change to that provision did affect it. The agreement does not exclude the laws of Roeland Park as it pertains to the management of the swimming pool.

CMBR Thompson added that anyone who manages the pool in the city would have to follow City law regardless.

CMBR Poppa said he would withdraw his amendment.

CMBR Janssen clarified that June 1st the City is the owner of the pool.

Mayor Kelly thanked Ms. Gellar and Ms. Pollard from JCPRD and expressed the City's appreciation through the saga they have gone through for 20 years of its operation. He said they appreciate their patience, perseverance, and dedication to improve the quality of life of the citizens of Johnson County including the citizens of Roeland Park. He said they look forward to working together the next six months to operate a quality aquatics facility and they are looking forward to a fun summer.

CMBR Madigan also thanked Marshall McKinney who has made great strides in changing the pool to look like a community pool. Pool passes were presented in golden eggs last Saturday at the Easter Egg Hunt and the children were excited to receive them.

MOTION: CMBR POPPA MOVED AND CMBR HILL SECONDED TO AMEND THE MOTION AND AMEND SECTION 7.15, CHOICE OF LAW, TO INCLUDE THE LAWS OF THE CITY OF ROELAND PARK SHALL ALSO GOVERN THE RIGHTS AND OBLIGATIONS OF THE PARTIES UNDER THIS AGREEMENT. (Amendment withdrawn)

MOTION: CMBR MADIGAN MOVED AND CMBR KELLY SECONDED TO ADOPT THE POOL MANAGEMENT AGREEMENT. (MOTION CARRIED 8-0)

C. Appointments to the Community Engagement Committee

This was discussed at the previous Workshop.

CMBR Janssen reiterated from the Workshop meeting that Mr. Heitmann's application should indicate Events Engagement Committee in lieu of the Community Foundation.

MOTION: CMBR HILL MOVED AND CMBR POPPA SECONDED TO APPROVE THE APPOINTMENTS OF MATT HEITMANN, CHRISTINA AVERY, AND ANGELA WALSH-FISHER TO THE COMMUNITY ENGAGEMENT COMMITTEE. (MOTION 8-0)

D. Stormwater BMP Cost Share Agreement with Johnson County

Mayor Kelly a reimbursement program initiated in 2011 through Johnson County to assist homeowners in managing their stormwater runoff. The Public Works Department asked the county if there is a way they can provide staffing assistance for managing the program and they have negotiated an agreement with a non-profit called Bridging the Gap, to provide some assistance to the cities in the northeast.

Public Works Director Scharff said the City has participated in the program from 2012 to 2015. They tried last year, but were unable to get notification to residents in time. Johnson County has reached out again and asked if Roeland Park would want to participate this year. Residents can complete an application and seek reimbursements on rain barrels, rain gardens, planting native trees, plants and pollinators all while making their yards more eco-stormwater friendly. Information will be put out on the City's website and pamphlets will be available to get the word out to City residents.

CMBR McCormack asked if the information was already out on the City's website. Public Works Director Scharff said there is a lot of information called Contain the Rain and the city can use that information if the City did not want to create their own page. <https://www.containtherainjoco.com/application.html>

Mayor Kelly said Bridging the Gap would be wonderful to work with in providing assistance.

MOTION: CMBR HILL MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE STORMWATER BEST MANAGEMENT PRACTICES COST SHARE PROGRAM AGREEMENT WITH JOHNSON COUNTY. (MOTION CARRIED 8-0)

E. Approve Real Estate Listing Agreements with CBC

Public Comment

Linda Fell (5238 Mohawk) Ms. Fell stated the agreement with CBC in the packet had no dates contract dates listed.

CMBR Poppa asked staff if dates have been filled in on the agreement. City Administrator Moody said they have not at this point and City Attorney Mauer said they will be once it is approved as the contract begins on the date of the approval.

CMBR Faidley wanted to clarify this agreement is only for the northeast Roe and Johnson Drive location. She also added that both of the attached documents in addition to the date question, look identical. She asked what the supplemental agreement was for and noted that there was no Exhibit A. City Administrator Moody said Exhibit A is the legal description which they just received and noted the supplemental agreement looks to be listed twice.

City Administrator Moody requested they move forward with the agenda and come back to this item while they update the documents. City Clerk Bohon will put them into Novus so that both documents are attached as there is an original agreement and a supplemental agreement.

(The Governing Body completed the rest of the agenda, then came back to finishing discussing this item.)

City Attorney Mauer clarified that the original agreement is the standard listing agreement the Governing Body has seen from CBC in the past, which is the one that was in place but is now expired. During the time that CBC

was working on behalf of the City they had a potential purchaser, but the agreement expired without any of the possibilities coming to fruition. There is a desire to have an updated listing agreement for one year. If the potential buyer CBC introduces to the City does go forward and complete the deal, they would then get their fee per the agreement. The supplemental agreement limits it to one particular buyer, and if there is a new buyer that comes forward tomorrow or the remainder of this year, then CBC will not get a fee for the new buyer. Currently there is no agreement in place and CBC has brought forward a potential buyer and if the deal does goes forward, they want to make sure that CBC gets their fee.

MOTION: CMBR HILL MOVED AND CMBR JANSSEN SECONDED TO TABLE THIS ITEM UNTIL AFTER THE REPORTS OF CITY OFFICIALS. (MOTION CARRIED 8-0)

MOTION: CMBR JANSSEN MOVED AND CMBR THOMPSON SECONDED TO TAKE FROM THE TABLE THE REAL ESTATE LISTING AGREEMENT WITH CBC. (MOTION CARRIED 8-0)

CMBR Madigan asked if this is a termination agreement with CBC. Mr. Maurer said the agreement has expired except the standard form Kansas contract and the supplemental agreement limits the term to as of today.

MOTION: CMBR POPPA MOVED AND CMBR HILL SECONDED TO APPROVE A REAL ESTATE LISTING AGREEMENT WITH CBC FOR THE PROPERTY AT THE NORTHEAST CORNER OF ROE AND JOHNSON DRIVE TO REFLECT TODAY'S DATE AS THE BEGINNING. (MOTION CARRIED 8-0)

CMBR Hill said the date is for the 12th. City Administrator Moody said that is the date that the survey was completed.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE SUPPLEMENTAL LISTING AGREEMENT WITH CBC WITH AN EFFECTIVE START DATE AS OF TODAY. (MOTION CARRIED 8-0)

X. WORKSHOP ITEMS:

There were not items to discuss.

XI. REPORTS OF CITY OFFICIALS:

(Ms. Jones-Lacy's comments were inaudible due to static in the recording.)

(Public Works Director Scharff's comments were inaudible due to static in the recording.)

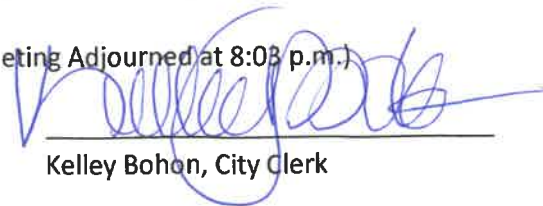
Mayor Kelly said the Planning Sustainable Places met last week. There will be an open house event on April 24 at the Roeland Park Community Center at 6 p.m. This will be an opportunity to discuss the visioning process for two areas of the community, 48th and Skyline at the intersection by the Boulevard Apartments and Price Chopper as well as on Johnson Drive between Roeland Drive and Roe Boulevard. This is also an opportunity to tell the committee their opinions on street trees, increasing density, mixed use, and to be able to participate in the visioning process.

XII. ADJOURN

MOTION: CMBR MADIGAN MOVED AND CMBR KELLY SECONDED TO ADJOURN. (MOTION CARRIED 8-0)

(Roeland Park City Council Meeting Adjourned at 8:03 p.m.)


Mike Kelly, Mayor


Kelley Bohon, City Clerk