

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, May 20, 2019 6:00 P.M.

- Mike Kelly, Mayor
- Jan Faidley, Council Member
- Jennifer Hill, Council Member
- Tim Janssen, Council Member

- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Claudia McCormack, Council Member
- Michael Poppa, Council Member
- Erin Thompson, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Nielsen, 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 at 6:04 p.m. and led everyone in the Pledge of Allegiance.

Roll Call

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

Modification of Agenda

There were no modifications to the agenda.

I. CITIZENS COMMENTS

Traci & Donald Edwards (5250 Neosho) Ms. Edwards stated the property she owns contains a large gas pipeline, utilities for KCP&L and a large area utilized by AT&T. She has received a letter from the City requesting that she mow the area that has previously been maintained by the utility companies on the property. She is concerned about the safety issues and there are signs on the property by the gas company that no one should be on the property by the gas line. Mrs. Edwards also expressed concerns with her husband mowing due to health-related issues. Mrs. Edwards also has a letter from the gas company stating that they are responsible for maintaining the area.

Mayor Kelly said his understanding is there was no direction given by the Governing Body to limit public mowing as a cost-saving measure. It was noted the former Public Works director made the sole decision to no longer mow the property.

City Administrator Moody said that he, Public Works Director Scharff and Code Enforcement Officer Holtkamp have reviewed the information and made the determination that this area is right-of-way, and as stated in the City Code it is the property owner's responsibility for maintaining the right-of-way in front, or the side of their home as is applicable in this situation.

Mrs. Edwards reiterated that she has a letter stating it is the pipeline company's responsibility to maintain those areas. Mr. Moody said they would be happy to look at the letter with her.

Mayor Kelly recommended Mr. and Mrs. Edwards and staff coordinate with one another to discuss this.

CMBR Poppa said the matter was discussed earlier between himself, the Mayor and CMBR Kelly and they would propose to put it on a Workshop agenda in June. He would also like to discuss if this situation would fit into their Neighbors Helping Neighbors program.

CMBR Kelly added that he spoke with Mr. Moody and they definitely would like to look into this further to determine what is best for the resident and the City so as to come to an agreement.

Mayor Kelly said they look forward to working with Mr. and Mrs. Edwards to address the problem and thanked them for bringing it to their attention.

Pat O'Connell - Mr. O'Connell, previous owner of the property, said AT&T wanted to buy the land, but they did not want to sell it. AT&T paid \$4,000 and entered into a 99-year lease that they will take care of all the maintenance and plant trees on the property. They have taken care of the lot for 20 years and did so until about 2 years ago.

CMBR Hill recommended that the City temporarily mow the property until it can be discussed at the June Workshop. Mayor Kelly said it has been mowed.

CMBR Madigan also wanted to move this item for discussion at a June Workshop.

Galen Hanson (5536 Juniper) Mr. Hanson spoke about the upcoming mill rate in the budget process. He stated that when it was anticipated that Walmart was leaving it would create a \$700,000 shortfall in taxes and taxpayers approved an increase on property tax. Walmart did not leave and Mr. Hanson said the 2014 external and internal statements both indicate there was a \$450,000 increase in property taxes from that which resulted in double taxation due to the continued receipt of Walmart sales tax and the property tax increase. He said this has resulted in \$2 million of excess taxes. Mr. Hanson also noted that the City has established a \$1.4 million special reserve fund with the money then being transferred to a special infrastructure fund. He perceives this as a violation of public trust and that the proceeds are being used for something other than what the citizens were told it was going to be used for. Mr. Hanson would like to see the mill rate and capital improvement projects put to the public for a vote, and when adjusting the mill rate to consider all points of view of its citizens and not just a select few. Mr. Hanson provided several examples of residents who have stated they are having issues paying their increased property taxes. He also asked for the Governing Body to consider an expanded Community Foundation for those who do still want to contribute.

CMBR Poppa asked for clarification on the \$1.4 million special reserve fund. City Administrator Moody stated the reserve fund has been set aside in the case of an extended substantial loss of sales taxes and that was at the direction of the Council. The General Fund holds that \$1.4 million amount. The General Fund also keeps a reserve equal to 25 percent of the annual operating expenses. Both figures together are the General Fund's target ending balance. If the target is met, then the General Fund's extra reserves are transferred to the Special Infrastructure Fund which is a capital improvement fund and supports a variety of projects such as parks, pools, streets, stormwater, sidewalks and is available for any type of capital improvement.

Mayor Kelly reminded everyone of the Property Tax Assistance Program which could potentially help some of those mentioned by Mr. Hanson who have an excess tax bill and would direct them to Finance Director Ms. Jones-Lacy for further information.

Mr. Hanson further commented that it is an artificial tax being collected in excess. As an auditor, he said the process seems too complex and the rate is too high.

II. CONSENT AGENDA

- A. Appropriations Ordinance #929**
- B. May 6, 2019 Council Minutes**

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

III. BUSINESS FROM THE FLOOR

Applications/Presentations

A. Committee Report - Arts

Marek Gliniecki, Chair of the Arts Advisory Committee, reported that the mosaic art is complete at the entrance to Bella Roe Plaza.

The event for sculptor Jorge Blanco has tentatively been scheduled for May 29th. The Citizens Sculpture Initiative for R Park has a call list and will be calling everyone that is involved to inform them of the exact time it will take place. The sculpture has been delivered and events are dependent on the weather.

The Arts and Park Committees are working together on a Nall Park sculpture, the theme of which is whimsical. They are beginning the process of looking at sculptors and their work.

The mosaic artist for Bella Roe is also working on a mosaic for the swimming pool called "Splash" and is in the final stages of completion.

Four sculptures have been transferred from Roe Boulevard to the Community Center. For safety reasons, it is has been decided to move the sculpture closest to the gazebo with a location to be determined.

CMBR Madigan commented that he and his wife observed the mosaics at Bella Roe and said it is a lot nicer than the fountain that was there. He thanked Mr. Gliniecki for the work he and the committee did on that.

IV. MAYOR'S REPORT

- A. Proclamation - World Elder Abuse Awareness Day June 15, 2019**
- B. Proclamation - Arbor Day**

Mayor Kelly said as a Community for All Ages they would like to draw attention to June 15th as World Elder Abuse Awareness Day and that as a City they respect all of its citizens and can help the elder population by maintaining and improving social support with places such as senior centers, human services and transportation options.

June 29th is Arbor Day and Mayor Kelly noted that Roeland Park has been a Tree City USA for the past 26 years. He said they continue to keep trees prominent in Roeland Park which is important not only to clean the air and provide a habitat for wildlife but that they also bring a source of joy.

MOTION: CMBR HILL MOVED AND CMBR KELLY SECONDED TO DECLARE JUNE 15, 2019, AS WORLD ELDER ABUSE AWARENESS DAY AND JUNE 29, 2019, AS ARBOR DAY IN ROELAND PARK. (MOTION CARRIED 8-0.)

V. REPORTS OF CITY LIAISONS AND COMMITTEES

A. MARC - Bike and Pedestrian (Jim Kelly and Mike Kelly)

No report was given.

B. MARC - First Tier Suburbs (Erin Thompson and Claudia McCormack)

No report was given.

C. Stormwater Management Advisory Council

No report was given.

D. Pool Advisory Committee

CMBR Madigan reported that they are making great strides in Roeland Park taking over the pool and that Johnson County Parks and Recreation (JCPRD) has come up with some excellent ideas. They have removed the Plexiglas at check-in to make for easier communication. Also the climbing wall and the diving board will be up and they will also be able to be used at the same time.

With the assistance of the Northeast Johnson County Chamber of Commerce, JCPRD, and the City, there will be a ceremony to commemorate the City taking over ownership of the pool. CMBR Madigan sees this as a great public relations opportunity and a positive highlight. He hopes to get human interest stories from this out of the local media.

CMBR Madigan said he, CMBR Hill and CMBR Kelly are happy with what has happened in the past year while they have served on the committee.

The Roeland Park Aquatics Center is scheduled to open May 25, 2019.

E. Ad-Hoc Development Committee

No report was given.

F. 47 Committee

CMBR McCormack said they have renamed their committee to the 47 Committee and includes the overlay business district of the government of Kansas City, Kansas, Roeland Park, and Westwood. The committee is being restructured and trying to define ways to best help the merchants in the area to not only grow, but to grow the area. They will also be discussing work on the street plans, something that is on the horizon.

The committee is also planning a Foodie Fest that will be talked about in more detail later in the meeting.

VI. UNFINISHED BUSINESS

There was no unfinished business discussed.

VII. NEW BUSINESS

A. Request Free Swim Day at RPAC in Conjunction with Aquatics Center Ceremony

Mayor Kelly said there has been a proposal made to have the free swim day and it is appropriate that this should go before the Council for their approval.

CMBR Madigan said that Roeland Park should not pass up any opportunity for positive marketing. He said a free swim day would bring people from all over. It will also bring people in to see what they have to offer and believes there will be an up-tick in pool memberships or at the very least Super Pool passes.

Ms. Jones-Lacy mentioned that JCPRD weighed in on the date and the Northeast Johnson County Chamber was coordinate the event and they are grateful for that. She thanked CMBR Poppa for spearheading that. A suggested date for the ceremony is June 15th.

CMBR Madigan said he will contribute a \$2 bill to pay Johnson County Parks and Rec for the pool instead of \$1.

CMBR Faidley question about the availability of the community center on the day of the ceremony and noted that the larger room is not available on any of the Saturdays for coordinating the event. She also asked if they would need a tent in the parking lot for the ceremony.

Ms. Jones-Lacy said it would all depend on what they would like the ceremony to entail. One option is that the ceremony could be done at the pool. All of the details of the events have not been completed and the Chamber is helping to coordinate the event.

CMBR Poppa said the idea was to have it at the pool since it is a change of hands from JCPRD to Roeland Park and being at the Aquatics Center would best signify that change of ownership.

CMBR Madigan said his suggestion was to use the community center as he would like to see elected officials on all levels be invited to the ceremony.

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECONDED FOR A FREE SWIM DAY ON JUNE 15, 2019, THE DAY OF THE AQUATICS CENTER CEREMONY. (MOTION CARRIED 8-0)

B. Award Bid for 2019 NSRP Rosewood Street Reconstruction Project to Freeman Concrete

Mayor Kelly said the next item for discussion was the Neighborhood Street Reconstruction Project for Rosewood Street between Alder and 55th. This project has come before the Council before but it now has a current Street Pavement Index below 40. He said this is an opportunity to reshape the street using the pay-as-you-go approach.

Public Works Director Scharff stated that staff is recommending the Council award the bid to Freeman Concrete at a not-to-exceed price of \$496,782. The project will entail a total reconstruction of the street, new curb and gutter, a new subgrade and asphalt and installation of a new sidewalk on the east side of the street.

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA SECONDED TO AWARD THE 2019 NSRP ROSEWOOD RECONSTRUCTION PROJECT TO FREEMAN CONCRETE AT A COST NOT TO EXCEED \$496,782. (MOTION CARRIED 8-0)

C. Award Bid for 2019 CDBG El Monte Mill and Overlay Project to Freeman Concrete

CMBR Faidley inquired as to whether there was any concern about the percentage of work being performed by the subcontractors and Freeman Concrete being the lowest bidder, whether that might require them to modify their contract. City Administrator Moody said this is primarily a mill and overlay project and an asphalt contractor will do the work. Freeman was the general bidder and they are subcontracting out the asphalt portion of the project. Mr. Miller, the City engineer, provided an explanation in the packet of why he believes it appropriate to allow for the general contractor to have a smaller percentage of the cost going towards them versus one of their subs.

CMBR Faidley also asked if there is a concern about quality of work. City Administrator Moody said Freeman Concrete has done work for the City in the past and they have been very pleased with their work and they are a very reputable contractor.

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO AWARD THE 2019 CDBG EL MONTE STREET PROJECT TO FREEMAN CONCRETE, LLC.

D. Amend Community Center and Pool Management Agreement Johnson County Parks and Rec

This item is a proposed amendment to the Community Center Joint Use Agreement and Pool Management Agreement with Johnson County Parks and Recreation Department to allow the facility maintenance position, currently employed by JCPRD, to become a City employee. The City currently pays all the wages and benefits of the position through their contractual agreements with JCPRD, but staff is recommending to amend the agreement to make this position a City employee.

City Administrator Moody said he has reviewed existing contracts for the community center and for the pool, and those agreements contemplated maintenance performed by this position. Therefore, if the maintenance will be completed by this position and the position becomes a City employee amendments need to be made to the agreements to reflect that. The City attorney has developed the amendments and the redline changes are in the enclosed packet for review. To date, they have not heard from JCPRD if they are supportive of the changes, but they do support the concept of switching from JCPRD to the City.

Mayor Kelly asked staff to address the financial impact of the change and Mr. Moody said it should be a net zero effect.

There was a brief discussion of the maintenance of the 20-year old facility and that there has been a turnover of employees in this position. Now, that the City will own the facility it makes sense to have the person in their employee. They are also not inheriting an existing employee. JCPRD is in the process of recruiting and the City will be a part of the process. This position will bring the total number of City employees to 32.

MOTION: CMBR KELLY MOVED AND CMBR POPPA SECONDED TO APPROVE THE AMENDMENTS TO THE COMMUNITY CENTER JOINT USE AGREEMENT AND POOL MANAGEMENT AGREEMENT WITH

JCPRD TO ALLOW FOR THE FACILITY MAINTENANCE POSITION CURRENTLY EMPLOYED BY JCPRD TO BECOME A CITY EMPLOYEE. (MOTION CARRIED 8-0)

E. Amend Employee Handbook and Approve Job Descriptions

Staff is recommending that the Council adopt the reflected changes to the Employee Handbook as well as edits to the City Job Classification Plan and also to approve new maintenance-related job descriptions. City Administrator Moody said the job descriptions were developed for the Community Center attendant and maintenance facilities specialist based upon what JCPRD already had in place and they have been formatted to be consistent with the City's job descriptions. Secondly, the positions have also been incorporated into the appropriate pay grade.

There is also a third element of amending the employee handbook relative to benefits for part-time employees. It provides for the accrual of paid time off and holiday time for permanent part-time employees. They are proposing to remove that as it is not common for part-time employees to accrue paid time off.

CMBR Madigan noted that most of the City's part-time employees are with the Police Department. He said he had concerns about taking away the benefits of those who put their lives on the line for the City. City Administrator Moody said the police part-timers do not work enough throughout the year to qualify for these accruals. Even though they are on the payroll throughout the year, they do not work 15 or 20 hours a week. They cover for those on vacation, those who are sick, or work a special event.

CMBR McCormack expressed concerns that this would also affect the pool employees who would become City employees.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO ADOPT THE REFLECTED CHANGES TO THE EMPLOYEE HANDBOOK, EDITS TO THE CITY JOB CLASSIFICATION PLAN, AND APPROVE NEW MAINTENANCE-RELATED JOB DESCRIPTIONS. (MOTION CARRIED 7-1 WITH CMBR MCCORMACK VOTING NO.)

F. Food Fest September 8, 2019, Special Event Permit and Financial Contribution Request

Mayor Kelly said this item is to approve a special event permit for the 47 Foodie Fest on September 8, 2019, at the southwest corner of 47th Street and Mission Road, to waive the associated fee with the event, and to also approve the request for a contribution to the event to help with promotional kits, activities and entertainment.

Ms. Jones-Lacy said the event is an effort to brand the district as its own district with all of the businesses on this corridor. In the packet are some branding and marketing materials they will have. This is a joint effort between the cities and Roeland Park is being asked to support the event in both approving the special event permit, waiving the \$75 fee, and contributing \$3,000, which would be accounted for during the budget process when they do the amended process and the contribution will be paid out of the Community Events budget. They will also be working with CMBR Hill and the Community Engagement Committee to also coordinate their efforts.

CMBR Faidley asked if it would be possible to have a Roeland Park table there with some of their own rebranding merchandise. Ms. Jones-Lacy said it is possible, but the idea is to promote the district itself and with their own merchandise.

CMBR Janssen asked if there is an alternative date for bad weather. Ms. Jones-Lacy said it is rain or shine. They are booking a band and having a lot of detailed coordination, so they will stick with that day.

Mayor Kelly said he appreciates the work that Ms. Jones-Lacy has done on this committee, not only with this upcoming event, but that when she undertakes something it is well done and they appreciate her representing Roeland Park on that committee.

MOTION: CMBR HILL MOVED AND CMBR POPPA SECONDED TO APPROVE THE SPECIAL EVENTS PERMIT FOR THE 47 FOODIE FEST ON SEPTEMBER 8, 2019, AT THE SOUTHWEST CORNER OF 47TH STREET AND MISSION ROAD, AND TO WAIVE THE \$75 FEE ASSOCIATED WITH THE EVENT, AND TO CONTRIBUTE \$3,000 TOWARD THE EVENT TO HELP COVER PROMOTION, KIDS ACTIVITIES AND ENTERTAINMENT. (MOTION CARRIED 8-0)

VIII. ORDINANCES AND RESOLUTIONS

A. Amend Non-Discrimination Regulations

Staff recommended the adoption of the edits to the Non-Discrimination regulations of the City as they were previously discussed at a past Workshop. They have been reviewed and accepted by the City attorney and are intended to promote consistency among other non-discrimination ordinances within other Johnson County cities and other Roeland Park ordinances regarding cost assessment and also to reduce exposure to potential litigation.

CMBR Janssen asked if all business employers are required to have a business license in Roeland Park. He asked if contractors that come into the City are required to hold a business license as well. Outside contractors are required to have a business license when working within the City.

CMBR Faidley asked if they wanted to consider a higher penalty than up to \$500, or possibly go up to \$1,000. The City attorney said the new language is for actual damages or a civil penalty in the amount of up to \$500 for each violation.

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO ADOPT THE EDITS TO THE NON-DISCRIMINATION ORDINANCE TO MAKE ROELAND PARK'S POLICY AND PROCEDURES CONSISTENT WITH OTHER RECENTLY ADOPTED NON-DISCRIMINATION ORDINANCES. (MOTION CARRIED 8-0)

B. Ordinance Establishing an Aquatics Advisory Committee

The proposed Aquatics Advisory Committee would include a mixture of elected officials and appointed officials from the City of Roeland Park. Ordinance No. 980 was developed and has been reviewed by the City Attorney.

CMBR Faidley asked when the committee would become operational. City Administrator Moody said they generally do a recruitment advertisement for positions on their committees. Once that recruitment

process is complete and the members have been appointed the committee will be in effect. It is up to the Council, however, how long they want to wait before they start considering recommendations for appointment.

Mayor Kelly said he has received interest from CMBR Janssen and CMBR Madigan to be on the committee. He also added that time is of the essence.

CMBR Madigan said in forming the committee they need to keep in mind the demographics of those who use the pool, that they are a Community for All Ages, and also recommended including those on the youth commission.

CMBR Janssen asked if the new pool staff member would be on the committee. City Administrator Moody said he does not see a staff member as being a voting member, but certainly it would be a good idea that they should attend the meetings and provide reports to the committee.

CMBR Madigan said he would like to see this reviewed by the third Monday so they are not taking too long. CMBR McCormack said she would like this on or before the June 1 switchover.

CMBR Poppa said it is a citizens' advisory committee and they have to follow ordinance regulations for committees. Staff will be taking applications, the Mayor will make appointments and then the Council will confirm them.

CMBR Thompson said the ordinance language states terms begin January 1 of each year and believes it should be at time of appointment. City Administrator Moody said it keeps it consistent with the other committees. If someone is appointed mid-year, then they will fill the seat throughout the remainder of the year and go through the process again for January.

All Governing Body members agreed to a special call meeting if needed for this committee.

MOTION: CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED TO APPROVE ORDINANCE NO. 980 (MOTION CARRIED 8-0)

IX. REPORTS OF CITY OFFICIALS

City Administrator Moody said he received notice from the Government Finance Officers Association (GFOA) on May 2nd that the City of Roeland Park, Kansas has received the GFOA's Distinguished Budget Presentation Award. The recognition is presented to the individuals/department designated as being primarily responsible for having achieved the award. The award has been presented to Jennifer Jones-Lacy, Finance Director and Assistant City Administrator for the City of Roeland Park. Mr. Moody read the letter into the record.

(Applause)

Ms. Jones-Lacy said she was surprised and thanked everyone.

Mayor Kelly thanked her for continuing to make the City look good.

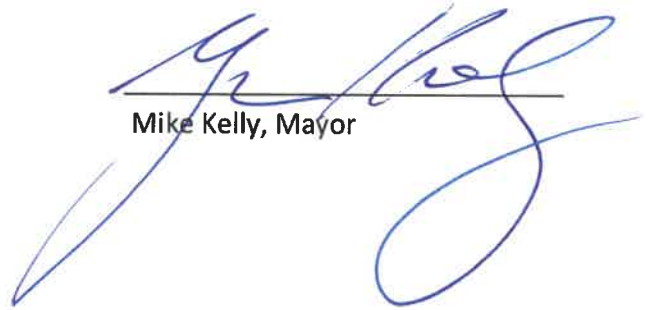
X. ADJOURN

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

(Roeland Park City Council Meeting Adjourned at 7:29 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor