

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, June 17, 2019 7:00 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 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

Continued Pool Discussions was added as the first Workshop Item.

CMBR Janssen requested to remove from the Consent Agenda the cereal malt beverage license request by Aldi and place it under New Business.

I. CITIZENS COMMENTS

JAMES HART (5224 Roe) Mr. Hart thanked City staff and said he appreciated the effort they put into the city. He also expressed his concerns about loss of property frontage due to the Roe 2020 project and the installation of a walking/biking trail. He said that he does not currently see many bikers did not believe the trail would be used nor would it be appealing to bikers.

DAVID MEHNERT (4201 W. 54th Terr.) Mr. Hart provided Mr. Mehnert's comments who wanted to know if there was a petition seeking a bike lane, and if so could they see it. He also questioned that given the removal of the median and trees and adoption of the full lane on the west side, is there a plan to turn Roe into a 6-lane thoroughfare.

MAREK GLINIECKI (5229 Reinhart) Mr. Gliniecki, Chair of the Arts Advisory Committee, wanted to draw everyone's attention to the artwork of Anthony AO Oropeza, a Roeland Park resident, that is on display in the Council chambers.

Mayor Kelly congratulated Mr. Oropeza and noted how many talented individuals are within the City of Roeland Park. He also thanked Mr. Gliniecki for the work the Arts Committee does to highlight the talent which helps beautify and inspire the City.

KAREN KENNEY (5306 Roe) Ms. Kenney spoke to the Roe 2020 project. She said residents along Roe were promised a Q&A, then informed that the City Council would meet with them one-on-one. Ms. Kenney stated a group setting is a better approach to express concerns of safety and other issues. She also added that she was first told her hackberry tree would be trimmed, but has now been informed it will be removed.

II. CONSENT AGENDA

A. Appropriations Ordinance #930

B. May 20, 2019 Council Minutes

~~**C. Aldi CMB License**~~ *(Item moved to New Business)*

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

III. BUSINESS FROM THE FLOOR

Applications/Presentations

No presentations were made.

IV. MAYOR'S REPORT

A. Naming of R Park Pavilion

Mary Schulteis said that the day of the art sculpture dedication it was decided to do something for Ardie and Gretchen Davis for all their efforts at R Park. The decision was made to name the pavilion in their honor. Ms. Schulteis said she is proud to be a part of the tribute to them.

Laura Yankoviz (5540 Juniper) read the tribute into the record.

(Applause)

Mrs. Davis said these things cannot happen without the help of the community. They have come together and worked together for the common good. She also thanked everyone for the honor. It was their hope the word "community" could be in the name someplace because that's what they have is a wonderful community.

(Applause)

Mr. Davis thanked everyone and echoed the sentiment of having the word "community" in the name of the pavilion.

(Applause)

Mayor Kelly said their selfless work continues to inspire all of them and thanked them for all they continue to do for the community.

MOTION: CMBR HILL MOVED AND CMBR POPPA SECONDED TO NAME THE PAVILION THE GRETCHEN AND ARDIE DAVIS COMMUNITY PAVILION. (MOTION CARRIED 8-0)

V. WORKSHOP AND COMMITTEE REPORTS

No reports were given.

VI. REPORTS OF CITY LIAISONS

No reports were given

VII. UNFINISHED BUSINESS

There was no unfinished business discussed.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinance 981: Amending Section 8-902 Clarifying Mowing of ROW Responsibility

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO APPROVE ORDINANCE 981: AMENDING SECTION 8-902 CLARIFYING MOWING OF RIGHT-OF-WAY RESPONSIBILITY. (MOTION CARRIED 8-0)

B. Resolution 668: Exempting Certain Properties from Mowing Right of Way

CMBR Kelly asked why the City is maintaining commercial properties that are included in this resolution.

Ms. Jones-Lacy said these are properties that the City has maintained the right-of-way for a very long time. The property on Skyline Drive is a large ditch in the right-of-way and the City has historically maintained this and they are trying to remain consistent. East of Roe at 4700 and 4710 they have been maintaining that large swath of right-of-way also. In front of QuikTrip and VideoWorks at 5031 is also a large section of right-of-way that abuts the sidewalk.

Public Works Director Scharff replied to CMBR Janssen that the property is currently being maintained under the current mowing contract.

CMBR Kelly asked who brought these properties to the City's attention. Ms. Jones-Lacy said staff took the initiative since they have been mowing it for so long and it is possible the property owners do not even recognize this as their responsibility.

Mayor Kelly clarified that they are maintaining easements and are not taking an ownership interest in the land and not taking on any liability, but only maintaining the right-of-way.

City Attorney Mauer added that the right-of-way is the surface use of land. The City does not own the dirt but has the ability to walk over it. For certain irregular pieces of property that are either difficult for the landowner to mow or are exceeding large due to a large right-of-way, the City has historically mowed these properties. Staff has made the decision to document all the parcels that the City will maintain.

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO APPROVE RESOLUTION 668: EXEMPTING CERTAIN PROPERTIES FROM MOWING RIGHT-OF-WAY. (MOTION CARRIED 8-0)

MOTION: CMBR THOMPSON MOVED AND CMBR JANSSEN SECONDED TO AMEND THE MOTION TO INCLUDE THE PROPERTIES AT 4844 FONTANA AND 4846 FONTANA. (MOTION CARRIED 8-0)

IX. WORKSHOP ITEMS

A. Continued Discussion Concerning Pool Improvements

Mayor Kelly opened the discussion by stating that the Roeland Park Aquatics Center is now fully owned by the City of Roeland Park and thanked everyone who participated in the ceremony last Saturday, noting that CMBR Madigan cut the ribbon for the grand reopening.

CMBR Madigan said he would like to see the free swim day become an annual event.

Dave Schwartz from Water's Edge reviewed the anticipated plan which includes removal of the current water slide, plunge pool and vortex. The diving board and the climbing wall have been renovated and replaced. Shade structures are to be included as part of the plan. In the zero-depth area there would be a toddler slide as well as some sprays, a shade structure over a seat in the water, a ramp along the bulkhead, as well as ADA access. There is also room in the budget for two floatables. Big features to be added would be an enclosed tube slide and removal of the sand area as well as the wading pool and replacing it with a spray ground and a small play structure that has features for the toddlers.

The project cost and total City cost for all of these improvements is \$1.64 million and includes the construction, design fees, and demolition.

There was a consensus to see this iteration of \$1.64 million in the next budget presentation.

CMBR Faidley asked if they would need to do bonding if they went with this plan for the next swim season. Ms. Jones-Lacy said they could do the project without bonding by moving other projects further down the pike. She said it is feasible but difficult.

B. Discuss Short-Term Rental Regulations

Mayor Kelly thanked Code Enforcement Officer Wade Holtkamp, CMBR Madigan and CMBR Janssen, and including advice from the prosecuting attorney, for working with him to review the short-term rental regulations.

Mr. Holtkamp worked through the process of strengthening the application to be sure that compliance would be met with rentals as they ran into difficulty with the current code. The group met and discussed various topics identified as challenges such as verification that a residence is owner-occupied and the ability to require documentation that is not required for permanent full-time rentals in the City. Some suggestions would be to now ask for a passport or driver's license to determine principal address. The owner would also be required to attest to that on a notarized statement with the understanding that it is a felony in Kansas for making a sworn false statement. The owner would also be required to live in the residence 320 days out of the year. Another challenge they met was the need for a better definition in the notification of neighbors adjacent to the rental property. Also for those in non-compliance, the current code does not allow the City to assess fees to their property or taxes, and that amount would be determined by the judge. Staff has also recommended that this be a complaint-driven process if there are issues.

CMBR Poppa said the original intent of allowing these types of rentals in the City is because of Roeland Park's ideal location. He asked if during the application process the owner/occupant knows that when they sign the application they are the owner occupant and that this is their primary residence. Mr. Holtkamp said, yes, it is their primary residence. They cannot 100 percent can prove that, but they do expecting an amount of good faith, but they are doing the most that they can.

CMBR Faidley asked how many LLCs were doing this type of rental. Mr. Holtkamp said he does not have a number, and has been looking at Johnson County AIMS to see who owns property in the City. He did note that one came up on Roe as an LLC out of Kansas City, Missouri. They have converted the property, the whole house, and have turned the garage into an arcade. He noted the house is also very busy. Mr. Holtkamp added that they did temporarily suspend the code process until the Governing Body gave them direction for keeping what they have, how to strengthen the code, or what items to drop.

CMBR Kelly asked as chairperson of the Ad Hoc Development Committee how many people were doing this in the City. He said it would be very interesting to see if they can get someone, whether an intern or a consultant, to find out that information and then be able to pass that along to a potential hotelier.

CMBR Thompson said they did pass the hotel tax so these properties should be bringing in revenue to the City and should be automatically taken out of the Airbnb bookings. She added that these properties are revenue makers for the city and it continues to support them. She stated that she has no problem clarifying the code and making it easier for people to understand. She did not support a \$700 a month fine for non-compliance and felt that \$100 was more reasonable. She also did not support notifying all the people within a 100 foot radius of the property.

CMBR Janssen was on the committee and he took away that it is very difficult to enforce the owner-occupied part of it. He sees it as difficult to enforce and would consider striking it altogether. He did add that informing the neighbors is an important aspect.

CMBR Kelly would like an area available on the website to allow for complaints and notification to the Codes office for noncompliant short-term rentals. Mr. Holtkamp said that is possible and would be a matter of organizing the website to accommodate for that.

CMBR Hill agrees with CMBR Thompson that an Airbnb is typically for people who want a different experience. She added that they are less likely to see big parties and the owners will more likely keep their properties updated and nice because they are trying to rent them out.

CMBR Poppa said that since long-term rentals do not notify residents, he would be in favor of taking that component out.

This item will come back before the Governing Body at a Workshop and there was consensus to see a rendition of changes to the code regarding Airbnb ordinances. There was a consensus on imposing fines for non-compliance and the majority felt \$350 is a good place to start. Non-payment of fees would be assessed against property taxes. The Governing Body would also like a photo of the City permit on the online platform of the part-time rental. They would also require a local contact within 30 concentric miles. There was general consensus to notification provision #5 requirements, the short-term rental should remain owner occupied for 320 days and be notarized that it is their primary residence.

C. Discuss Changing Regular Council Meeting Date and Time

D. Discuss City's Willingness to Provide Maintenance at a Mobility Hub

X. NEW BUSINESS

A. Approve Task Order for Community Center Conceptual Design Project

B. Approve Service Agreement with GBA to Develop Bid Specs for Heating and Cooling Options for Community Center

C. Appoint Russell McCorkle to Park Committee

MOTION: CMBR MCCORMACK MOVED AND CMBR THOMPSON SECONDED TO APPOINT RUSSELL MCCORKLE TO THE PARKS COMMITTEE. (MOTION CARRIED 8-0)

D. Executive Session

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO RECESS INTO EXECUTIVE SESSION IN ORDER TO DISCUSS THE POTENTIAL OF A REAL ESTATE TRANSACTION PURSUANT TO THE REAL ESTATE EXCEPTION OF THE KANSAS OPEN MEETING ACT, K.S.A. 75-4319(b)(6). THE OPEN MEETING TO RESUME IN 20 MINUTES IN COUNCIL CHAMBERS. (MOTION CARRIED 8-0)

(Roeland Park City Council in Executive Session)

MOTION: CMBR HILL MOVED AND CMBR JANSSEN SECONDED TO RECESS TO EXECUTIVE SESSION FOR AN ADDITIONAL 30 MINUTES. (MOTION CARRIED 8-0)

E. Potential Sale of Property

F. Aldi CMB License (previously Consent Agenda Item C.)

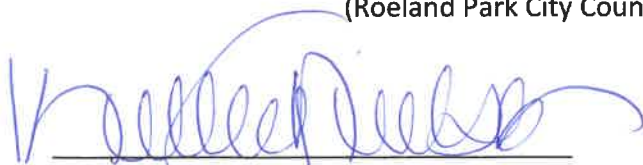
MOTION: CMBR JANSSEN MOVED AND CMBR HILL SECONDED TO APPROVE THE CEREAL MALT BEVERAGE LICENSE FOR ALDI. (MOTION CARRIED 8-0)

XI. REPORTS OF CITY OFFICIALS

XII. ADJOURN

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

(Roeland Park City Council Meeting Adjourned at 9:23 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor