

**CITY OF ROELAND PARK, KANSAS**  
**CITY COUNCIL MEETING MINUTES**  
Roeland Park City Hall  
4600 W 51st Street, Roeland Park, KS 66205  
Monday, July 22, 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.

Mayor Kelly said that former Mayor Steve Petrehn had passed away. Mayor Kelly said he served as mayor from 2005 to 2009 and served honorably and they appreciate his service. There was a moment of silence in his honor.

### **Roll Call**

City Clerk Nielsen called the roll noting that CMBR Thompson was absent.

### **Modification of Agenda**

CMBR Madigan asked that Item D be taken off the Consent Agenda so that it could be discussed. It was placed as Item I on New Business.

## **I. CITIZENS' COMMENTS**

**Galen Hansen** (5536 Juniper) Mr. Hansen spoke to the mill rate and its original increase in 2014 surrounding fears around Walmart. He said this has caused the City to have one of the highest mill rates in the county. He said that only \$1.4 million has been used with the rest of it being diverted elsewhere which is not what they were told would happen to the money. He said there is so much cash on hand in the General Fund that it is earning the equivalent of one mill. He also said that people are having problems coming to paying taxes and that the City has set aside an assistance fund. He added that people having to grovel for assistance to pay a tax seems unjust.

**Karen Kenney** - Ms. Kenney spoke to her concerns about Roe 2020 along with concerns of the sidewalk master plan. She said they will be narrowing lanes on Roe, putting a crosswalk in an obstructed view and the maintenance of a 6-8 foot sidewalk/bike trail is a concern. She said the City is asking homeowners to forfeit their legal right of the Uniform Act and KDOT law of just compensation by signing off rights of being paid for a tree that is removed off of property. She added that the final plans are not done and can be changed at any given time. For her property she wants to have her fence and landscaping replaced, her tree to stay as well as a 75-year old forsythia bush.

**Linda Fell** - Ms. Fell asked the City if they have acknowledged that more money was spent last year than was taken in. She said she did not know where the priorities lie with the Governing Body. She said the R Park committee had a plan and got grassroots support. Now, the City is talking about \$2 million of intergenerational spending. She said they need to take care of what they have and questioned whether they would be able to fix the streets. She said she did not approve of TIFs or transferring money to sales tax funds.

**James Hart** (5224 Roe) Mr. Hart said he believes they want to do the right thing with the money and all the intricacies, the numbers and the values of Roe 2020 project are brought forth. Questioned eminent domain and how much land is being taken, the widening of the streets, destruction of landscape.

**Steve Michnick** (5013 Howe) Mr. Michnick commented after reviewing the 2020 budget the City has spending problems. He also said they will continue to keep the mill levy flat and after looking at property appraisals there is an average 7 percent increase. He said he is not seeing the benefit of where the City is spending the money and expressed concerns about the Roe 2020 project. He said they need to go back and cut the mill rate and the spending.

## **II. CONSENT AGENDA**

**A. Appropriations Ordinance #931**

**B. June 17, 2019 Council Minutes**

**C. July 1, 2019 Special Called Council Minutes**

~~**D. Appointment of Judge, Prosecutor and City Attorney**~~ (Moved to New Business Item I)

**MOTION:** CMBR KELLY MOVED AND CMBR HILL SECONDED TO APPROVE THE CONSENT AGENDA AS AMENDED REMOVING ITEM D. (MOTION CARRIED 7-0)

## **III. BUSINESS FROM THE FLOOR**

### **Applications/Presentations**

*No presentations were made.*

## **IV. MAYOR'S REPORT**

*No report was given.*

## **V. WORKSHOP AND COMMITTEE REPORTS**

*No reports were given.*

## **VI. REPORTS OF CITY LIAISONS**

### **A. Update on Historical Marker Signs by the Public Works Committee**

CMBR Kelly, CMBR Hill and City Administrator Moody met with the museum director with the Johnson County Parks and History Museum and discussed ideas of items would be good to identify from an historical perspective. Included in those talks were the Roe House and the old pool site.

CMBR Hill added ideas as far as incorporating codes into the sign to fill them in with more information and placing the signs on paths where people would normally walk in the City. She said it is an exciting project and is looking forward to narrowing down what they are going to focus on.

CMBR Madigan said there has been a sign at 10400 Roe Ave, Roe Park with an extensive history into the Roe family. He suggested that somebody look at it. He added that it troubles him that another City knows more about the Roe family than they do.

CMBR Hill said they would welcome CMBR Madigan to join their group and he said he would be happy to starting with the statue of Mr. Roe himself.

CMBR Faidley asked what was budgeted originally and how many signs would there be. CMBR Hill said it would be three to five signs and this was originally CMBR Fast's objective. \$30,000 has been budgeted.

## **VII. UNFINISHED BUSINESS**

### **A. 2020 Budget Discussion Continued - CIP and Bonding**

Mayor Kelly stated as they work on the budget they continue to fine tune it as well as handling additional issues that have risen outside of their control. They are using this time to hone down the budget. Staff will provide further information on changes that they have seen and the Governing Body will continue provide direction.

Ms. Jones-Lacy said there are several items in the staff report that have been updated and outlined in the actual budget document. They have received additional information and updated project costs on several capital projects and those did have an impact on the budget.

One of those budget impacts is to TIF 1. Johnson County approved a property tax appeal for Lowe's for the 2016 and 2017 tax years. The appeal equates to an almost \$350,000 reduction in the TIF 1 fund and is refunded in 2019. Recently this fund has been used for capital improvements, namely the Roe Boulevard project. To reflect this shortfall in the fund for the Roe 2020 project, staff is recommending a loan from the General Fund to be repaid in its entirety in 2021. Ms. Jones-Lacy said there is precedent for this with the Roe Lane project. General Fund monies were loaned to TIF 2 and were repaid over the course of two years. An alternative approach would be for the Council to use TIF 3 resources to cover the balance of this project. However, once this money is spent on the Roe 2020 project, it can no longer be used to incentivize development at the Rocks.

The Board of Tax Appeals (BOTA) also approved the 2016 tax year appeal by Wal-Mart using the dark store theory. It is anticipated the County will appeal this to the district court which will take some time to adjudicate. Staff has accounted for a \$126,500 reduction in property tax receipts. Even with approvals of the appeals and paying back the money to the General Fund there is a remaining positive ending fund balance.

CMBR Madigan asked how many businesses the county has settled with that are appealing under the dark store theory. Ms. Jones-Lacy said she could only speak to their jurisdiction and knows that they have settled with Lowe's and was a tax settlement. She said they have also settled with others. Walgreens is currently under appeal and they are waiting for a decision on Walmart before moving forward. Ms. Jones-Lacy added that the Walgreens appeals go back to 2015.

CMBR Hill also asked how many businesses in Roeland Park are appealing their assessments. Ms. Jones-Lacy said Walmart and Walgreens are currently under appeal. Lowe's, Mission Bank and Price Chopper have settled their appeals.

CMBR Janssen said with the approval of the appeals or settlements it will lower property taxes coming into the City. Ms. Jones-Lacy said that is the case and they have accounted for that. The assessor's office did reduce the tax value or assessed valuations for those properties in 2018.

There was majority support for staff's recommendation of the \$350,000 loan from the General Fund to be paid back the following year.

Ms. Jones-Lacy said with regard to the appeals they do not know when they will be adjudicated. They could happen several years down the line or as soon as next year. They are estimating that because they filed their appeals at different times that the first ones will be settled and reassessed and refunds will be issued in 2020 with another couple years addressed in 2021. If the amounts are more than estimated or settled sooner, then they will need to make adjustments in the TIF 2 fund.

There are some capital improvements planned out of the TIF 2 fund and they will reduce the scope of the budget for those projects which are flexible. Planned is a resurfacing of the parking lot at City Hall, some lighting and fixture improvements along with ADA improvements to the building.

CMBR Janssen asked why the \$350,000 cannot be paid directly from the General Fund. Ms. Jones-Lacy said the project is not budgeted in the General Fund and keeping the project accounting in as few places as possible simplifies the accounting.

The County also settled with The Mission Bank and the City must refund some of their taxes from the 2016 and 2017 tax year. The estimate is that the City will refund taxes of \$23,840 in FY 2019. This creates a negative balance in the fund as all receipts received are turned over to the trustee to pay outstanding debt. As such, the TIF 2c fund will need to borrow \$10,787 from the General Fund and repay it in 2020.

CMBR Poppa asked if this is the same situation where the General Fund would loan to TIF 1. Ms. Jones-Lacy said this particular fund goes into a deficit because the monies sent to them ended up getting clawed back from prior years. They cannot have a fund in deficit and need to do the transfer on a temporary basis.

The City Engineer provided a revised cost estimate for the 57th and Roeland Dr. storm sewer project slated for 2020 and it is significantly less than originally estimated. The budget went from \$900,000 to \$250,000 reducing the City's cost estimate by \$650,000. The project is more repair than replacement which addresses the cost change. This frees up resources in the Special Infrastructure Fund (27D) that pays for park improvements and also some street improvements.

The Engineer also provided a revised cost estimate for the Reinhardt residential street reconstruction from Pawnee to 48th Street and that totals \$1,129,712 with \$112,000 for design in 2020 and the balance for construction in 2021. This has been updated in the Special Street Fund.

Staff also updated the 2018 CARS Roe Lane project which did carry into 2019. The cost estimates have been revised to reflect all revenues and expenses.

Ms. Jones-Lacy said when they completed the debt service and retired the debt on the pool Johnson County and Parks and Recreation were holding \$157,500 in bond reserves for the City in the Kansas Municipal Investment Pool. That amount has been sent back to the City. This is shown as a deposit in the fiscal year 2019 projected budget and will now be a part of the unrestricted fund balance.

\$16,000 was added to the Equipment Reserve Fund to update the building automation system for City Hall, a system which also controls the HVAC. The system was installed in 2012 but needs to be updated due to the outdated computer platform. The current system is on an old server that is not in use and they have some security concerns. Staff will do a bid to see what other options are available. It should be completed this year as funds will come out of existing reserves.

CMBR Janssen asked for clarification that this is for the software management system itself. Ms. Jones-Lacy said it is the telemetry system, the server and the software. All the controllers will be expected to be in working order with this estimate.

Based on all of the changes incorporated the General Fund subsidy to the Special Infrastructure Fund is estimated to be \$300,000 in 2019. They will take it down to zero in 2020, \$630,000 in 2021 and \$50,000 in 2022. This keeps the ending cash balance at 27 percent in 2019 and 25 percent in 2020-2022.

As a reminder, all of the money that goes to the Special Infrastructure Fund is used for capital projects so that they can pay for a lot of the improvements and repairs on a cash basis as opposed to issuing additional debt.

As reported, sales taxes county-wide are down overall. This is particularly true for Roeland Park as Aldi has been closed. They have also seen a reduction in the City's share of sales tax as well as overall in the County's share. The 2019 budget reflects a 5 percent decline in City taxes compared to 2018's actual collections, and a 2 percent decline in county-share taxes when compared to 2018. In 2020, there is no projected growth in City sales taxes and a 1 percent growth in the county's share. It is projected to be flat because of Roe Boulevard improvements and is where most of the City's businesses exist. Also there were refunds issued by KCP&L, which those fees are a sales tax generator for the City. In 2021, they are projecting a 2 percent growth from the 2018 city sales tax receipts, as we expect 2021 to reflect a more typical year. The county-share sales tax for 2021 is projected at a 1 percent growth from 2020, which is the standard projected growth for sales taxes.

The presentation moved to potential debt service. According to Columbia Capital, the City's investment advisor, in issuing debt of \$1.25 million the City will maintain positive ending fund balances in out years. They also said there is no difference between issuing \$1 million or \$2 million in terms of significant interest rates or carrying costs. Reducing the borrowing by \$750,000 approximately can still achieve improvements on the same timeline.

Mayor Kelly thanked Ms. Jones-Lacy for her presentation saying that her budgeting award was well-deserved and recognized that there was a lot of work that went into this.

CMBR Madigan asked what the identified use is for the \$2 million. Ms. Jones-Lacy said it is for R Park improvements, the phased development plan, and the Aquatics Center improvements. CMBR Madigan asked if the funds can be used for something else. City Administrator Moody said they can be at the Council's direction.

Mayor Kelly opened the discussion of borrowing a lesser amount than \$2 million but still borrow to pay for improvements. Ms. Jones-Lacy said borrowing less will reduce the amount available in out years they will have less available in the fund to do projects. They do have a ten-year capital improvement budget laid out and believe that to be funded sufficiently at this time.

CMBR Janssen wanted to discuss the recent property sold at \$1.2 million what to do with those proceeds noting that it is close to what they need to borrow. He asked why they couldn't then cash fund the projects. He added that when the Public Works site is sold, they can use those proceeds to buy the new Public Works site. City Administrator Moody reviewed what was discussed at the last meeting. They have accounted for the southern property being sold. They show those resources going to the Equipment and Building Reserve Fund, which is also where they show the replacement of the Public Works building. He then reviewed the issue of trying to find a Public Works site and the difficulty they have had.

CMBR Madigan said he does not understand why they're contemplating borrowing money when they will have the \$1.2 million out of the sale of the Roe & Johnson property.

CMBR Hill clarified that there is not much of a difference in borrowing less than \$2 million and the interest rate is not notably different. City Administrator Moody said if they spread out over \$2 million the borrowing per dollar on \$2 million is less than a \$1 million but shouldn't drive them to borrow more than they need.

CMBR Hill said she is proud of the City and that they have gone pay-as-you-go thus far and need to continue on normal budget. But making improvements that citizens have requested now is the time to bond and they can make that happen and get the jobs done as quickly and as efficiently and as least costly as possible.

CMBR Hill said as far as planning for Public Works they do not want to be in a situation where if they sold the property they would have no place to go.

CMBR Poppa thanked Ms. Jones-Lacy for all the work on this and showing them an alternative to bonding less than \$2 million and it is important to know. He said he would like to see that budget and that they need to position themselves for the future.

CMBR Kelly asked if the deal has closed. City Administrator Moody said the deal is not final. There are a few remaining steps that need to be completed. Earnest money is on deposit with the closing company.

There was majority consensus to lowering the borrowing to \$1.25 million.

The updated budget will be presented on August 5th.

CMBR Janssen stated it would be difficult for residents to see the sitting on 1.2 million in cash, have the highest mill and then borrowing \$1.25 million.

CMBR Poppa reiterated his previous position that until the state removes the tax lid he is not in favor of lowering the mill levy. He also said that Roeland Park does not have the businesses that other cities do and that they are in the median of actual property tax revenue gained from the mill. It has been lowered the past two years 5.2 mills.

CMBR Janssen said he has sat through 5 budget seasons and this is the most vocal that residents have been to come up and speak specifically to the mill. He said a good faith effort would be 2 mill.

CMBR Hill said they have heard from numerous residents about lowering the mill. They have also in the past month gotten 10 e-mails from residents saying not to lower it and to bond money for the pool and park.

CMBR Faidley said it is hard to grasp that the problems of the appraisals are not set by the City. The appraisals are making the taxes go up and it's not because of the Governing Body's decisions.

Mayor Kelly said this is a state legislative issue. They took away local control with the tax lid. He said the cities are advocating with the Kansas League of Municipalities to try to get that local control back. Until the bills come for a vote, they as a city need to remain prudent.

CMBR Hill said they need to remember as property values increase the benefit they are getting from that does too. They want to live in a good city that has amenities and things to do.

CMBR Madigan said of the 5.2 mill lowered how much has been mandated by state regulations. Ms. Jones-Lacy stated that last year the lowered mill was a reflection of the tax lid because the assessed valuation went up so significantly that they were in a position where needed to lower the mill rate. CMBR Madigan said last year several councilmembers offered to cut back on their goals to help lower the mill levy. Ms. Jones-Lacy said the first year it was lowered 2.5 mills was entirely the Council's decision. The subsequent year they statutorily needed to lower the mill.

There was not a consensus to lower the mill levy this year and Ms. Jones-Lacy noted that it is not mandated by the state to do so.

There was a general consensus to move forward with the budget.

## **B. Approval of Roe 2020 Plans**

Mayor Kelly said in reviewing general engineering plans there is a current set of plans attached as well as a memo from GBA discussing this version of plans. These are not material changes of the plans.

CMBR Janssen asked for a tentative last date to turn the plans in to the state and stay on course. He said there are still some checks to be completed.

Dan Miller with Lamp Rynearson said the plan sets need to be submitted by September 1st.

CMBR Faidley said they looked at the Rosewood Roe intersection. Mr. Miller said they have done a little shading of the island nose to make it easier to establish a presence in the turn area.

CMBR Janssen said that since they have until September 1<sup>st</sup> to put forth the final plans maybe they should wait until after their Q&A with residents.

CMBR McCormack said it has been a long process and everyone cannot read all the minutes and be at every event; however, there have been a lot of opportunities to learn about this project. She is highly motivated to move forward and said this project is good for the City. CMBR McCormack asked what would be the worst case scenario if this does not get approved at the next Council meeting. Mr. Miller replied it would be that the City would lose \$4.6 million in funding or set the project timeline back and need to reacquire easements.

CMBR Poppa said they need to stand by their word and have a public information session, but these items are mutually exclusive.

CMBR Hill wants to make sure the residents have the information and that they hold that meeting. At this point they have three-fourths of the easements needed and they need to move forward.

CMBR Madigan said if he were to hear they were having a meeting but the Council was to go ahead and approve the project before then he would be very upset. He would be in favor of having the meeting with the residents and then moving forward to approval.

**MOTION:** CMBR POPPA MOVED AND CMBR HILL SECONDED FOR CONTINUED APPROVAL OF THE PLANS FOR ROE BOULEVARD 2020. (MOTION CARRIED 5-2 WITH CMBR MADIGAN AND CMBR JANSSEN VOTING NO.)

## **VIII. ORDINANCES AND RESOLUTIONS**

### **A. Resolution 670 - A Resolution Declaring it Necessary to Acquire Private Property in the City Of Roeland Park, Kansas for the Purpose of Widening, Constructing, Reconstructing and Maintaining Roe Boulevard Improvement Project 46 N 0661-01 and Further Directing the City Engineer or Designee to Cause a Survey to Be Made of the Land Needed for Such Improvement.**

Mayor Kelly said that Donoho has acquired the majority of easements needed from both residential and commercial properties along Roe Boulevard. They are temporary construction easements for the Roe 2020 project. Mayor Kelly added that this project scored the highest of STP funded projects. It is a project that has been designed and consulted with by people with over 100 years of experience in the industry in order to make sure the project achieves the goals that Roeland Park is looking for the community. This project will increase pedestrian access, increase choice of transportation options, maintain the look, the feel and character of the heart of the community that reflects the diversity and talent of residents that live there.

They would like to have a hundred percent of participation with obtaining easements. Mayor Kelly said this project is in the best interest of the City, residents and the future residents of Roeland Park and looks forward to it helping increase the economic activity and the quality of life for its residents.

CMBR Poppa wanted clarification made that these are temporary easements and the City is not taking ownership of land. City Administrator Moody characterized it as the City is temporarily using their property to grade and install the portion of the driveway that goes beyond the right-of-way. There are a handful of permanent sidewalk/utility easements. They provide for a segment of the sidewalk to encroach upon their private property and are necessitated by the Americans with Disability Act design criteria. They will use eminent domain to acquire temporary construction easements and in some cases permanent sidewalk or utility easements. They are not acquiring right-of-way to build a bigger road through the corridor.

City Attorney Mauer said time is their enemy and if they do not stay on track they will either lose the project in total or create the potential of redoing something again. They have already acquired two-thirds of the easements and if they don't stay on time they may have to redo it again. If they have to go to eminent domain it is a lose-lose for everyone because the small amount of impact that's occurring will never cover the cost that they would incur to have an attorney represent them or to try and do it



themselves given that it is only a temporary easement. They could actually ask for an offset because they will actually be improving their property by giving them more greenspace.

**MOTION:** CMBR KELLY MOVED AND CMBR MCCORMACK SECONDED TO APPROVE RESOLUTION 670 DECLARING IT NECESSARY TO ACQUIRE PRIVATE PROPERTY IN THE CITY OF ROELAND PARK, KANSAS FOR THE PURPOSE OF WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING ROE BOULEVARD IMPROVEMENT PROJECT 46 N 0661-01 AND FURTHER DIRECTING THE CITY ENGINEER OR DESIGNEE TO CAUSE A SURVEY TO BE MADE OF THE LAND NEEDED FOR SUCH IMPROVEMENT. (MOTION CARRIED 7-0)

## **IX. NEW BUSINESS**

### **A. Appointment of Aquatics Advisory Committee Members**

Mayor Kelly said six residents are being recommended for the committee.

Leonard Tocco, one of the committee volunteers, addressed the Governing Body. He said he is excited to continue the progress the City has been doing with the pool and to get it into the next state for future Roeland Park residents.

Mayor Kelly thanked Mr. Tocco for his continued volunteer efforts to help the City of Roeland Park. He said that he worked with Darin Hansen at a pool years ago and was the manager of an aquatics center.

(Comments inaudible due to static)

There was agreement that CMBR Madigan and CMBR Janssen would serve on the Aquatics Center Committee.

**MOTION:** CMBR MADIGAN MOVED AND CMBR KELLY SECONDED TO APPROVE THE APPOINTMENT OF MEMBERS TO THE AQUATICS CENTER ADVISORY COMMITTEE. (MOTION CARRIED 7-0)

### **B. Approve Task Order for Community Center Conceptual Design Project**

**MOTION:** CMBR MADIGAN MOVED AND CMBR FAIDLEY TO APPROVE THE TASK ORDER WITH SFS ARCHITECTURE TO MOVE FORWARD ON THE 2019 CONCEPT DESIGN OBJECTIVE FOR THE COMMUNITY CENTER. (MOTION CARRIED 7-0)

### **C. Identify a Standing Committee or Create an Ad Hoc Committee to Lead Community Center Design Project**

CMBR Hill recommended that this item be published with the PIO to let residents know of the new committee and the application process.

An action item to appoint members will be presented at the August Council meeting.

**MOTION:** CMBR HILL MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO LEAD THE COMMUNITY CENTER DESIGN PROJECT. (MOTION CARRIED 7-0)

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

CMBR Faidley asked if the analysis done in 2012 by GBA is dated or not accurate at this point. City Administrator Moody said the familiarity that they have with the building is what draws them to GBA. None of the mechanicals have been changed and that is what they will focus on. They are more affordable because they have that familiarity.

**MOTION:** CMBR KELLY MOVED AND CMBR MADIGAN SECONDED TO AMEND THE MOTION THAT THE PROJECT DOES NOT EXCEED \$9,800. (MOTION CARRIED 8-0)

**MOTION:** CMBR HILL MOVED AND CMBR MADIGAN SECONDED TO APPROVE A SCOPE OF SERVICES WITH GBA TO DEVELOP BID SPECIFICATIONS FOR HVAC OPTIONS AT THE COMMUNITY CENTER AT A PROJECT COST NOT TO EXCEED \$9,800. (MOTION CARRIED 7-0)

### **E. Agreement with Confluence for Comp Plan Update Services**

Confluence is the consultant being used for the Planning Sustainable Places project and appreciates everyone who has come out to the three open houses. They have asked that Confluence provide services for the Comprehensive Plan update at a cost of \$65,000. This includes public meetings as well as additional meetings with the Planning Commission, the advisory committee and the Governing Body.

Ms. Jones-Lacy said updates to the responses to the original RFQ for the Planning Sustainable Places grant project are included in the staff report.

CMBR Faidley stated the report said they had good turnout for the events. She attended the first event and it had a good turnout. The second event she thought was moderate and had to leave the third event before everyone got there. She also didn't see that they did any promotion for it and asked if the City was promoting those public engagement events. City Administrator Moody said they were shared on the City's social media avenues available to them.

CMBR Faidley added the work that needs to be accomplished from the Comprehensive Plan differs significantly from the work that was done for PSP. Ms. Jones-Lacy said it is a larger scope project but the comp plan would encompass what was created for the PSP project.

CMBR Faidley also noted that there was citizen comment that Confluence is not effective. She noted at the last meeting they were harried, arrived last minute, set up and not being ready.

Mayor Kelly said they have had a good interaction with citizens. He said Chris Kline from Confluence when tackling hot-button issues handled it graciously and has done a nice job interacting with the public. At steering committee meetings the members have been pleased with the work product shown to them. He did add that there is always an opportunity for improvement. Personally he is happy with Confluence and glad they went with them.

CMBR Madigan said that after reading the comments made by the committee that chose Confluence and looking at the scoring he has less of an issue about using them, but the information needs to be more prominent on the website and easier to find.

**MOTION:** CMBR MCCORMACK MOVED AND CMBR HILL SECONDED TO REVIEW THE PROPOSAL FROM CONFLUENCE FOR THE COMPREHENSIVE PLAN UPDATE AND CONSIDER ENTERING INTO THE

AGREEMENT FOR SERVICES, WITHOUT GOING THROUGH A QUALIFICATIONS BASED SELECTION PROCESS SPECIFIC TO THE COMP PLAN UPDATE AS CONFLUENCE WAS SELECTED AS THE PLANNING SUSTAINABLE PLACES PROJECT CONSULTANT THROUGH A QUALIFICATIONS BASED SELECTIN PROCESS. (MOTION CARRIED 7-0)

#### **F. Discuss Changing Regular Council Meeting Date and Time**

CMBR Poppa said the agenda this evening is proof to him that they need two Council meetings per month to vote on items to be more efficient.

Mayor Kelly said there is no perfect way to schedule the meetings. The purpose was to try to find a more efficient and a more transparent way to host meetings and get as much information to residents as possible, allowing two weeks in between having to vote on an item when something needs to be passed expeditiously. They would have two Council meetings to vote, and be able to discuss items with their constituents and receive feedback before having to take a vote. That is the benefit of amending the ordinance.

CMBR Hill asked if the Council would consider keeping the 6 p.m. Workshop and the 7 p.m. Council meeting and have them twice a month.

CMBR Janssen suggested two Council meetings per month (inaudible comment about Workshop)

CMBR Madigan said to keep it the way it is until after the budget so the residents know. He said he is in favor of CMBR Hill's idea of the Workshop up front. He would also like to see a more detailed agenda.

Mayor Kelly said there is a special call on August 5<sup>th</sup> to vote on the budget and now is an appropriate time to look at the future schedule.

CMBR Kelly said he could support Council meeting after Workshop but was against two meetings.

CMBR Poppa said he liked having set times but the meat of the work happens in Workshop and allowing only one hour doesn't make sense to him. By the time it gets to Council it should have been worked enough that all they need to do is listen to public comment and then vote on it. Limiting Workshop to one hour does a disservice to everyone.

City Attorney Maurer said one point to consider flipping and having Workshop first then the meeting is they can start the meeting at 6 and when it is done go immediately into Workshop because voting and actual work will be done at 6 and everyone will have notice of that. If they flip and finish Workshop early they cannot go right into a Council meeting and have to wait.

CMBR Faidley said having an established time is very important.

Mayor Kelly said they are not changing the amount of hours in a meeting but they would have two opportunities before voting.

CMBR Kelly said if they miss a Workshop, then they will have an opportunity at Council to make their point.

**MOTION:** CMBR POPPA MOVED AND CMBR HILL SECONDED TO APPROVE ORDINANCE 982 AS INCLUDED IN THE PACKET. (MOTION CARRIED 4-3 WITH CMBRS MADIGAN, JANSSEN, AND KELLY VOTING NO.)

POLL THE COUNCIL

FAIDLEY - Y MADIGAN - N JANSSEN - N HILL - Y McCORMACK - Y KELLY - N POPPA - YES.

**MOTION:** CMBR POPPA MOVED AND CMBR HILL SECONDED THAT ORDINANCE 982 WOULD BE EFFECTIVE SEPTEMBER 2019 WITH TWO COUNCIL MEETINGS PER MONTH BOTH FOLLOWED BY A WORKSHOP. (MOTION CARRIED 4-3 WITH CMBRS MADIGAN, JANSSEN, AND KELLY VOTING NO)

POLL THE COUNCIL

FAIDLEY - Y MADIGAN - N JANSSEN - N HILL - Y McCORMACK - Y KELLY - N POPPA - YES.

**G. Agreement with NEU Soccer Club for Use of R Park**

Public Works Director Scharff said NEU approached him requesting the use of the soccer field/greenspace August 1 through October 30<sup>th</sup> from 5-7 p.m. Monday through Thursday. The use of the field will only be for practices. This agreement is similar to the one they had with I-9 Sports which has been sold.

**MOTION:** CMBR HILL MOVED AND CMBR POPPA SECONDED TO APPROVE NEU SOCCER CLUB AGREEMENT FOR THE USE OF R PARK SOCCER ACTIVITIES (MOTION CARRIED 7-0)

**H. Approve Change Order #3 for 2018 CARS Roe Ln Project**

CMBR Janssen asked for some clarification and that it looked like there was a lot of pipe, asphalt and sidewalk. Public Works Director Scharff said some of the quantities were underrun for the project and some went over. The City will be reimbursed \$16,000 from CARS.

**MOTION:** CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE CHANGE ORDER #3 FOR THE 2018 CARS ROE LANE PROJECT AT A COST NOT TO EXCEED \$27,856.55. (MOTION CARRIED 7-0)

**I. Appointment of Judge, Prosecutor and City Attorney (Item D from Consent Agenda)**

Mayor Kelly said that per code this must be done on an annual basis. This would be to reappoint Steve Maurer as City Attorney, Karen Torline as Municipal Judge and Frank Gilman as City Prosecutor.

CMBR Madigan said they have lost track of the fact that January 1 is when they make appointments and would like to keep all reappointments at the same time.

Mayor Kelly said they can discuss the reappointment process in December.

**MOTION:** CMBR POPPA MOVED AND CMBR HILL SECONDED TO REAPPOINT STEVE MAURER AS CITY ATTORNEY; KAREN TORLINE AS MUNICIPAL JUDGE AND GILMAN AS CITY PROSECUTOR.  
(MOTION CARRIED 7-0)

**X. REPORTS OF CITY OFFICIALS**

Mayor Kelly said the reports of the City officials are online for review by their constituents. Instead of asking the Governing Body officials to go through their reports he asked for questions on those reports.

**A. May 2019 Financial Report**

CMBR Madigan asked how close are they on the CID? Ms. Jones-Lacy said they are there and cut off collection of sales tax midpoint of the year. They had a situation with Walmart where they weren't submitting their sales taxes properly as of the beginning year. The state is tracking this down and it's something Walmart has done across the board.

**B. Progress Report on Sidewalk Maintenance Program**

CMBR Hill asked how they were dealing with the sidewalk maintenance trip hazards. Public Works Director Scharff said the method they are using is cheaper than replacing the panel and they only address the panels to where they're heaved up and are a hazard. This will also meet ADA requirements.

CMBR Hill asked about Aldi. Ms. Jones-Lacy said August 14<sup>th</sup> is the expected date to open.

**C. Public Works Quarterly Report**

CMBR Faidley -asked Public Works Director Scharff when decorative panels for the shade structures in R Park will be in place. He said they have reached out to the vendor and they are anticipating getting them back by the end of the week and hope to have them installed the following week.

**D. 2nd Quarter Safety Statistics**

Mayor Kelly said that crime continues to fall in Roeland Park compared to years past. He said he appreciates the work the Police Department continues to do and thanked them for keeping the City safe.

Police Chief Morris said theft is still a problem, cars being stolen with keys left in them and windows being down stuff stolen. He said that there are just some things they can't fix.

**E. Strategic Plan Progress Report: 2nd Quarter**

**F. 2019 Objectives Progress Report: 2nd Quarter**

**XI. WORKSHOP ITEMS**

**XII. ADJOURN**

**MOTION:** CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO ADJOURN. (MOTION CARRIED 7-0)

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



Kelley Nielsen, City Clerk



Mike Kelly, Mayor