

CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, February 18, 2019, 7:00 P.M.

- Mike Kelly, Mayor
- Erin Thompson, Council Member
- Vacant, Council Member
- Michael Poppa, Council Member
- Claudia McCormack, Council Member

- Tim Janssen, Council Member
- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Jennifer Hill, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Donnie Scharf, Public Works Director

Admin
Kelly
Madigan

Finance
Thompson
Vacant

Safety
McCormack
Janssen

Public Works
Poppa
Hill

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 with CMBR Thompson appearing by phone.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

CITIZENS' COMMENTS

Galen Hansen (5536 Juniper) Mr. Hansen requested the Governing Body slow the process of the phased development and asked that they deny the request to approve the task order prior to adoption. He believed this was a bait and switch on the development plan in that the November plan reflected a small or mid-sized structure and the structure being considered is now three times the original size and is considered a pavilion. He said that he believes a pavilion would be better suited for Nall Park.

I. CONSENT AGENDA

- A. Appropriation Ordinance # 925**
- B. January 22, 2019 Council Minutes**
- C. Community Appointment and Reappointment**
- D. 2019 CDBG El Monte Design Task Order**

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 7-0)

II. BUSINESS FROM THE FLOOR

A. APPLICATIONS/PRESENTATIONS

There were no items presented.

III. MAYOR'S REPORT

No report was given.

IV. WORKSHOP AND COMMITTEE REPORTS

There were no reports given.

V. REPORTS OF CITY LIAISONS

A. Aquatics

CMBR Madigan stated that Johnson County Parks and Recreation was open to the idea of marketing and advertising the Aquatics Center in Wyandotte County and Jackson County, Missouri to increase their patron count. They will also work with the JCPRD coordinator at the community center to look into cross-marketing the Aquatics Center and the community center.

There was also an agreement to change their rain check terms to be friendlier towards patrons.

Mr. Madigan said he viewed the meeting as quite productive. They received updates on the repairs to be completed by May 31st when JCPRD hands off the pool to Roeland Park.

B. Parks

CMBR Madigan said the Parks Committee meeting had a standing room only turnout and needed to be moved into the Council chambers. He said it was the largest turnout of a Parks committee meeting in their history.

Mr. Madigan said a group of people that live around R Park received a letter which said anyone regardless of residency will be able to reserve the proposed shelter. The letter stated it will bring strangers into their neighborhood on a regular basis. The open concept of the park is not the issue and all parks should be open to everyone. The issue is whether R Park is appropriate since it is extremely small and is surrounded by homes. The letter also stated the days of a quiet neighborhood park would be gone forever. The letter also said they would have a view of a restroom building forever there would consistently be more traffic.

CMBR Madigan, CMBR Poppa, CMBR Hill, Mayor Kelly and City Administrator Moody all attended that meeting. CMBR Madigan stated that City Administrator Moody did an excellent job answering concerns in spite of the tense atmosphere.

CMBR Madigan said the word pavilion, in reference to Mr. Hansen's earlier comments, is the term that has been used as long as there has been an R Park plan. He noted that originally it was called a wedding pavilion.

Mr. Madigan said his report is attached to the packet and outlines the remainder of the Parks Committee meeting.

CMBR Poppa said he was at the meeting and did hear the concerns from residents, but would say that overall the majority of the people in attendance were very supportive of the pavilion and the phased development plan, but it was great to have that discussion.

VI. UNFINISHED BUSINESS

There was no business discussed.

VIII. NEW BUSINESS

A. Council President Election

Mayor Kelly called for nominations for Council President.

CMBR Hill nominated CMBR Poppa for a second term.

CMBR Madigan nominated CMBR Janssen as Council President.

CMBR Poppa and CMBR Janssen offered their comments for reasons they should be elected as Council President.

Mayor Kelly called for the vote.

CMBR Poppa will remain as Council President for 2019 by a majority vote with CMBRS Poppa, Hill, McCormack and Thompson voting for CMBR Poppa and CMBRS Janssen, Madigan, and Kelly voting for CMBR Janssen.

B. Court Software

Staff has recommended approval of the court software by Incode to include data migration of five years of existing court records.

CMBR McCormack agreed with the necessity of purchasing the upgraded software, but disagreed with adding on more fines to this regressive tax. She stated her plan for the next year is to help reduce the burden of some of the funding on people who are getting misdemeanors and such. She said they do not need to add on to the burden that disproportionately affects the poor.

CMBR Poppa stated that is not currently reflected in the agreement or the agenda item.

City Administrator Moody said this concern was brought up in discussions and he did some investigation and incorporated his findings into the agenda item.

CMBR Madigan asked for clarification on what the yearly maintenance fee covered and the anticipated use they will have before there is a need for an upgrade. Mr. Madigan also wanted to know the length of time between the implementation of the software and the ability of the court clerk to clear up the backlog in the court. City Administrator Moody said the purchase agreement covers updates and upgrades to the software suite from Incode. The company does have a 99 percent retention rate and many area municipalities are also using this software. Mr. Moody said they are working on the backlog with the assistance of light-duty and part-time officers.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE PURCHASE OF COURT SOFTWARE AND RELATED HARDWARE FROM INCODE (TYLER TECHNOLOGIES), INCLUDING DATA MIGRATION OF FIVE YEARS OF EXISTING COURT RECORDS PER THE TERMS EXPRESSED IN THE ATTACHED PURCHASE AGREEMENT. (MOTION CARRIED 7-0)

C. Amendment of Policy for Employee Tuition Assistance

Mayor Kelly said this item has previously been discussed in a Workshop and there was agreement to place some additional restrictions on the amount of funds, adding in language that this be an annual process for reimbursement.

CMBR McCormack said a decimal point needs to be added under Item 1(c) to reflect a maximum reimbursement of \$2,500.00 per calendar year.

MOTION: CMBR MCCORMACK MOVED AND CMBR HILL SECONDED TO AMEND THE AMENDMENT FOR EMPLOYEE TUITION ASSISTANCE TO CHANGE ITEM 1(c) TO \$2,500 PER CALENDAR YEAR. (MOTION CARRIED 7-0)

MOTION: CMBR JANSSEN MOVED AND CMBR HILL SECONDED TO AMEND THE PERSONNEL POLICY FOR EMPLOYEE TUITION ASSISTANCE. (MOTION CARRIED 7-0)

D. Renew Agreement with I9 Sports

This item was discussed previously during the Workshop.

CMBR Hill asked how this agreement came to be with no fee for use paid to the City. City Administrator Moody said this was the first structured organization to reserve the space. I9 made an offer of providing the port-a-potties as well as the fertilizing of the field and staff felt the value associated with this was reasonable compensation. The other association that uses the field does pay a fee to the City.

Mayor Kelly said he did not feel that the use of the fields was free to I9 Sports. Their provision of a port-a-potty and fertilizer does provide a service as a barter to which there is value.

CMBR Kelly noted that the first sentence in Part B should read "overseeding" not "overseeing." He added that he would like to see an approval from the City to I9 for whatever work they're doing.

City Attorney Mauer said any improvement by the user must be approved in writing by the City. He recommended removing the language regarding permanent or semi-permanent structures and replacing it with language that any improvement must be approved by the City in writing.

MOTION: CMBR KELLY MOVED AND CMBR MADIGAN SECONDED TO AMEND SECTION B TO CHANGE "OVERSEEING" TO "OVERSEEDING" IN THE FIRST SENTENCE, AND REWRITING THE SECOND SENTENCE TO READ, "ANY IMPROVEMENT BY USER MUST BE APPROVED IN WRITING BY THE CITY." (MOTION CARRIED 7-0)

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE AS AMENDED A ONE (1) YEAR AGREEMENT EXTENSION WITH I9 SPORTS FOR 2019 FOR THE USE OF AREAS AT R PARK FOR RECREATIONAL SOCCER PROGRAMS. (MOTION CARRIED 7-0)

E. Renew Agreement with Black & McDonald

This item was discussed at the previous Workshop.

CMBR Poppa stated as mentioned in Workshop that if this contract is extended through 2019, the City will then take this back out to bid at the end of the contract extension.

MOTION: CMBR JANSSEN MOVED AND CMBR MADIGAN SECONDED TO RENEW THE AGREEMENT WITH BLACK & MCDONALD AT A COST NOT TO EXCEED \$21,694.40. (MOTION CARRIED 7-0)

F. Award Bid for 2019 Street Surface Maintenance Contract

Public Works Director Scharff asked the Council to approve the 2019 chip seal contracted street maintenance with Harbour Construction at a not to exceed price of \$130,330. Staff is also asking the Council to enter into an agreement for the 2019 UBAS contracted street maintenance with McAnany Construction, Inc. at a cost not to exceed \$116,069.

In 2015, the Public Works staff worked alongside the on-call City Engineer to develop a street maintenance program. Streets were then evaluated and rated as to their condition. Mr. Scharff showed a diagram of the streets planned for the 2019 UBAS treatment.

Mayor Kelly asked how they determine what streets receive chip seal and which receive UBAS.

Public Works Director Scharff said that typically the lower rated PCI streets receive chip seal as well as those considered to be a high maintenance street. UBAS is used on streets rated fair, satisfactory or good and is used to help maintain them.

Mayor Kelly asked if any of the streets receiving chip seal would be candidates for UBAS.

Dan Miller, on-call city engineer with Larkin Rynearson, said they could probably use the UBAS on some of the streets. The goal of the maintenance program is to touch a certain percentage of the City's pavement network each year, which is roughly 12 percent. They are working to get the City's streets on an eight-year cycle. They are also working within the street budget and UBAS is about 2½ times the price of chip seal, so it results in just a certain number of streets receiving that treatment.

Mayor Kelly asked what percent of the streets they were touching this year. Mr. Miller said he believed it was around ten percent, but would check on that figure and report back a definite number.

CMBR Kelly asked if there was an alternative to using chip seal. Mr. Miller said there are many different maintenance techniques available but anticipated that chip seal would continue to be used.

CMBR Kelly said his street was chip sealed and there was constant loose gravel on his street. He added that it is tough to walk on and is concerned about residents who do not have sidewalks being forced to walk down the chip sealed streets.

Mr. Miller said the chip seal being used in Roeland Park is a granite chip and is rough and crushed and is used to maintain skid resistance and has a long-term durability of the different chip seals.

Mayor Kelly said they have had feedback from residents that not only is there criticism of chip seal, but there has been a lot of praise on UBAS. He said he was hoping to see more streets receiving the UBAS treatment.

City Administrator Moody said \$80,000 is what Public Works will spend on materials for street repairs that the department will be doing in anticipation of the following year of those same streets receiving a final surface treatment, whether it is chip seal or a UBAS treatment.

Mayor Kelly asked if they could extend the time for a decision on the contracts until the Governing Body could discuss this further at a Workshop.

Mr. Miller said he would have to notify the two contractors and request permission to hold their bids for longer than 30 days. They would also need to communicate with Westwood Hills as they are also joining in the UBAS contract with the City, and they will not be able to do their work until Roeland Park orders the contract.

CMBR Poppa said he would like to table this item to the March Workshop as he wanted to see the actual contract and the updated PCI ratings for each of the streets.

Mayor Kelly clarified what they are requesting to review at the Workshop are the PCI ratings as well as the list of streets for proposed chip seal that do not have sidewalks, the actual agreements, and alternate street materials.

Mayor Kelly asked when Mr. Miller and Public Works Director Scharff go back to the contractors and ask them to hold the bids open to let the Governing Body know immediately if there is a problem or if it would affect their friends in Westwood Hills so that the Governing Body could have a special called meeting to address the issue.

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO TABLE THIS ITEM TO THE MARCH WORKSHOP TO DISCUSS FURTHER WITH ADDITIONAL INFORMATION. (MOTION CARRIED 7-0)

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO APPROVE ENTERING INTO THE AGREEMENT 2019 CHIP SEAL CONTRACTED STREET MAINTENANCE AND THE 2019 UBAS CONTRACTED STREET MAINTENANCE AS INDICATED IN THE AGENDA. (Motion was not voted on as it was tabled.)

G. Task Order for Design of Phase 1 R Park Improvements

Staff has recommended the approval of the task order with Lamp Rynearson that provides architectural and engineering design, bid and construction services for the first phase of improvements. The task order is contingent on the phase development plan being adopted by the Council as proposed and approved by the Park Committee.

CMBR Madigan asked if this has been approved by the Parks and Trees Committee. City Administrator Moody said the committee has been charged with making a recommendation to the Council concerning the phase development plan. They do not have that recommendation yet as they are still working on the review and approval of the phased plan. The committee has a special meeting set for February 28 where they will focus on the feedback they received at their last public meeting and will put together finalized changes which they will then forward on to the Governing Body.

City Administrator Moody said they are basing the scope of the task order on the current first phase of the master plan that the committee has been working on.

CMBR Madigan recommended tabling this discussion until after the committee's meeting on the 28th, and said what they will have to say is of great importance.

CMBR McCormack said the recommendation states that it is contingent upon the R Park Phased Development Plan being adopted. She said she is eager and knows a lot of Parks people are eager to move this forward. She said the scope of their discussion will be the size and design of the pavilion and the restroom.

City Administrator Moody said when they get a scope and fee in place for the Phase 1 design, it will look at the design of the pavilion and the restrooms because this phase reflects those structures in the first phase.

Mayor Kelly recommended against tabling the discussion as the concerns expressed are recognized in the task order.

CMBR Poppa said he agreed with the Mayor to move forward and stated on multiple previous occasions the Governing Body in its approval of the R Park Master Plan has given support to the updates. Moving forward with the contingent approval of the task order signals to the Parks Committee that they still support this.

CMBR Janssen said he does not support this item any less by wanting to work off the final plan. He is not comfortable with approving a draft contingent on anything. He asked if there were any foreseeable significant changes to come out of the Parks meeting. City Administrator Moody said he could not predict that and CMBR Janssen said that was his concern.

MOTION: CMBR MADIGAN MOVED AND CMBR JANSSEN SECONDED TO TABLE FURTHER DISCUSSION ON THIS ITEM UNTIL AFTER THE FEBRUARY 28, 2019, MEETING OF THE PARKS AND TREES COMMITTEE. (MOTION FAILED 2-5 WITH CMBRS POPPA, THOMPSON, HILL, MCCORMACK AND KELLY VOTING NO.)

CMBR Hill said she had some concerns about some of the items added into this phase such as the addition of parking, closing of Juniper Drive and the hammerhead. She asked that if they approve this phase is that giving approval for those items.

City Administrator Moody showed the draft of the first phase of the R Park Plan which includes the restroom, two handicap parking spaces adjacent to the restroom, paved sidewalk areas connecting the parking to the pavilion, and the removal of the asphalt on the north end. The Master Plan does reflect the opportunity to add parking which is shown as part of Phase 2 and encompasses adding soccer fields and putting in a hammerhead.

CMBR Hill said she wanted to be clear that the extra things are what they can choose to do moving forward but that they are not the pavilion.

MOTION: CMBR MCCORMACK MOVED AND CMBR KELLY SECONDED TO APPROVE THE TASK ORDER WITH LARKIN RYNEARSON TO PROVIDE ARCHITECTURAL AND ENGINEERING DESIGNS, BID AND CONSTRUCTION SERVICES FOR THE FIRST PHASE OF IMPROVEMENTS AT R PARK CONTINGENT UPON THE R PARK PHASED DEVELOPMENT PLAN BEING ADOPTED BY COUNCIL, INCLUDING PHASE 1 IMPROVEMENTS REFLECTED IN THE DRAFT VERSION OF THE DEVELOPMENT PLAN. (MOTION CARRIED 6-1 WITH CMBR MADIGAN VOTING NO.)

H. Approve Construction of Water Main Extension to serve "The Rocks"

This item was discussed during the previous Workshop.

CMBR Madigan asked about the City's financial responsibility for this project. City Administrator Moody said crossing under 48th Street and taking the water line north to Boelte-Hall's dead-end is the amount of installation to be approved. WaterOne will pay to bring it to the south side of 48th Street and the City would be responsible for taking across the street and up to Boelte-Hall and would be paid for out of the TIF 3 fund.

CMBR Janssen clarified that after the work is completed the TIF 3 fund balance would be approximately \$160,000.

MOTION: CMBR MCCORMACK MOVED AND CMBR HILL SECONDED TO APPROVE THE COMPLETION OF WATER MAIN EXTENSIONS IN COORDINATION WITH WATER MAIN WORK BEING COMPLETED BY WATERONE AS PART OF THE ALDI STORE RECONSTRUCTION, NOT TO EXCEED \$120,000. (MOTION CARRIED 7-0)

IX. ORDINANCES AND RESOLUTIONS

There were no ordinances or resolutions presented.

X. WORKSHOP ITEMS

No items were discussed.

XI. REPORTS OF CITY OFFICIALS

A. City Administrator's Report

City Administrator Moody said they are working at pulling together interviews for the Public Works superintendent position.

The pick-up of all of the leaves is complete and they are approaching the completion of picking up the limbs. They have completed more limb pick-up in-house than what they had anticipated.

B. Finance Director's Report

Ms. Jones-Lacy gave a reminder that March 1st is the next Business Breakfast at 8 a.m. They will be bringing in a CPA to share tax tips for businesses.

She has been working with sub-group of the 47th Street Overlay Committee for the 47 Foodie Fest which will be held Sunday, May 19th from 12-5 p.m. Details will be forthcoming. The City will issue a special event permit and alcohol will be served. Cities have been asked for financial contribution to help support marketing the event and also for rental of tables, chairs and tents.

City Clerk Bohon noted it is on the Community Calendar.

C. Public Works Director's Report

Public Works Director Scharff said there will be a winter storm coming tomorrow night. He said his staff is ready and the trucks are prepped. He said they are a little low on salt, but are anticipating salt to be delivered tomorrow. He asked everyone to be careful driving around tomorrow evening.

Mayor Kelly said on behalf of his family and everyone else he appreciates that it has been a rough winter for Public Works especially short-handed and thanked them for all they do.

D. Police Chief's Report

Police Chief Morris told everyone to slow down.

XII. ADJOURN

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

(Roeland Park City Council Meeting Adjourned at 8:23 p.m.)



Mike Kelly, Mayor



Kelley Bohon, City Clerk