

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, December 19, 2022, 6:00 P.M.

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| <ul style="list-style-type: none">○ Mike Kelly, Mayor○ Trisha Brauer, Council Member○ Benjamin Dickens, Council Member○ Jan Faidley, Council Member○ Jennifer Hill, Council Member | <ul style="list-style-type: none">○ Tom Madigan, Council Member○ Michael Poppa, Council Member○ Kate Raglow, Council Member○ Michael Rebne, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ Erin Winn, Asst. City Administrator○ Kelley Nielsen, City Clerk○ John Morris, Police Chief○ Donnie Scharff, Public Works Director |
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Admin
Raglow
Dickens

Finance
Rebne
Hill

Safety
Poppa
Madigan

Public Works
Brauer
Faidley

(Roeland Park Council Meeting Called to Order at 6:00 p.m.)

Pledge of Allegiance

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

Roll Call

City Clerk Nielsen called the roll. CMBR Rebne was absent. All other Governing Body members were present. Staff members present were City Administrator Moody, City Attorney Mauer, Public Works Director Scharff, Police Chief Morris, and City Clerk Nielsen.

Modification of Agenda

There were no modifications to the agenda.

I. Citizen Comments

Judy Hyde (5113 W. 58th) Ms. Hyde, a representative from the City’s Sustainability Committee, said the committee gave considerable thought to the different options for the City’s protection of its tree canopy. The committee voted to protect all the trees in Roeland Park. They realize that is not a popular idea and understand the rationale behind it as they themselves are homeowners. She added that there are some things that people do not feel they should be regulated on, but they do believe in this instance that protection of the trees is for the greater good of the City.

Ms. Hyde also thanked Mayor Kelly for his service to the city and for being an advocate for all things climate related and she is looking forward to his service as Johnson County Commission Chair.

Joel Marquardt (5021 Clark) Mayor Emeritus Marquardt thanked them for following up on the Buena Vista sidewalk project and is glad he will not be seeing baby strollers in the street anymore. He is also happy to see at the house across the street from the school does not have trees covering the sidewalk any longer and noted that Wade Holtkamp from Codes is always helpful and receptive. He also added that the art projects in the City are amazing and appreciates the efforts from the Arts Committee and the Governing Body. Mr. Marquardt added that he is looking forward to the development at the Rocks

and that it has been a long time coming. He noted that he lives close to Southridge Presbyterian and is looking forward to development going in on that site, but the neighbors are concerned about the final plans and he is looking forward to seeing those. He concluded by expressing his thanks and appreciation to Mayor Kelly and what he has done, and what the staff and the Governing Body have accomplished through their dedication and focus. He said he is looking forward to the peaceful transition of power.

Mayor Kelly thanked Mr. Marquardt for his service and ongoing dedication to the City.

II. Consent Agenda

- A. Appropriations Ordinance #1010**
- B. City Council Meeting Minutes December 5, 2022**

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

III. Business from the Floor - Proclamations/Applications/Presentation

There was no Business from the Floor.

IV. Mayor's Report

No report was given, but the Mayor made some closing comments at the end of the meeting.

V. Reports of City Liaisons and Committee

No reports were given.

VI. Unfinished Business

There was no Unfinished Business

VII. New Business

Mayor Kelly provided some background on The Rocks development project on which they would be discussing and voting. There was a public hearing held December 5, 2022. The Planning Commission made a finding that the TIF 4 project plan is consistent with the City's Comprehensive Plan and staff is recommending approval of the plan.

City Attorney Mauer provided additional project information and was available for questions along with Jeff White from Columbia Capital and Kevin Wempe, Special Finance Counsel, from Gilmore Bell.

Mr. Mauer said The Rocks was originally a part of TIF 3. A special taxing district was created carving out only The Rocks property to become TIF 4. The property within TIF 4 is the Rocks, and TIF 4 only applies to The Rocks. It does not affect any other taxes or jurisdictions in the City.

The Community Improvement District (CID) is a 2 percent sales tax that is only applied within the TIF 4 district. These monies will go into a special fund to help reimburse the developer for their extraordinary development costs.

The City will also issue Industrial Revenue Bonds (IRBs) for the limited purpose of owning the property until such time as the materials to build The Rocks project have been acquired. The materials will be purchased with no sales tax.

Mr. Mauer noted that the Development Agreement was presented at the Council's last meeting. The version presented tonight reflects some minor stylistic changes throughout. The most significant change is that Evergy has preliminarily agreed to relocate the duct bank, the transmission lines parallel to Roe Avenue and along The Rocks towards the future extension of Roe Parkway. He noted this will be a huge cost savings to the taxpayers.

There is also a remedy section that includes penalty numbers and financial impacts. Following discussions, they settled on a strong incentive for the developer to fully comply. They want to avoid the situation that if the developer did not build something, then they would be in a better off position. There is also included what Mr. Mauer calls the "Mission Gateway Clause" giving the City the right to repurchase the site if the developer does nothing from the beginning, does not start, or if the development stalls.

The requirements for the restaurant have stayed the same and will be there at the beginning. It will be up to the patrons of the restaurant to determine if it will stay.

The Governing Body will need to rezone and establish a plat to create a new district for the property as well as approve acceptance of the easements and conveyances within.

There is a modification to the land purchase contract. The final development plan has been pushed back and will come before the Governing Body later in March. The due diligence has been extended until they get their final approvals.

Mayor Kelly thanked Mr. Mauer for his diligent work on this project noting that the Roeland Park team has worked hard. He also thanked Mr. White and Mr. Wempe who were in attendance at the meeting as well as Brendan O'Leary from EPC, Austin Bradley and Bob Johnson from the Polsinelli firm. He thanked everyone for trusting them with the process and he is looking forward to the good times ahead.

CMBR Hill asked what they are anticipating pulling in tax-wise other than from the restaurant. Mr. Mauer said the retail space of 3,500 square feet for the restaurant will provide the sales tax.

City Administrator Moody added that both the commercial and residential spaces will capture the TIF increment. The commercial space is taxable at a higher percentage. The majority of the value will lie around the 300,000 square feet of residential to capture the most tax. Over the anticipated 20-year life, they expect to capture about \$16.4 million in TIF revenue. The restaurant is anticipated to capture \$1 million over its 22-year CID life. Sales tax on materials through the IRBs is expected to be about \$2.1 million and is part of the incentive package being offered, not to exceed 25 percent.

CMBR Hill asked how the taxes are collected on the housing units. City Administrator Moody said the property owner pays the property tax to the county. The county then tracks the increment capture. The City takes those funds and uses them to refund the developer for reimbursable expenses.

CMBR Poppa said he is excited about the project. He noted in the development agreement the annual \$5,000 from the developer for community support to the Northeast Johnson County Chamber or an alternative community initiative. Mr. Poppa asked what those initiatives were and if there weren't any, to maybe remove that phrase as the Chamber does help them continue their business growth.

City Administrator Moody said that they cannot guarantee that the Chamber will stay in place the entire length of time, and would bring into question the \$5,000. By adding alternative community initiative, they can designate the funds to another entity.

CMBR Faidley asked about the electrical duct work by Evergy. City Administrator Moody said that must be completed by October 1, 2023.

A. Ordinance 1036 - Approving TIF 4 Project Plan

A roll call vote was taken for this ordinance motion.

MOTION: CMBR HILL MOVED AND CMBR DICKENS SECONDED TO ADOPT ORDINANCE 1036 - APPROVING THE TIF 4 PROJECT PLAN. (MOTION CARRIED 8-0 WITH MAYOR KELLY VOTING YES.)

B. Ordinance 1037 - Creating the Rocks CID and Levying a CID Sales Tax

MOTION: CMBR DICKENS MOVED AND CMBR HILL SECONDED TO APPROVE ORDINANCE 1037, CREATING THE ROCKS COMMUNITY IMPROVEMENT DISTRICT AND LEVYING A CID SALES TAX. (MOTION CARRIED 7-0.)

C. Resolution 700 - Intent to Issue IRBs for Sales Tax Exemption for EPC Project

MOTION: CMBR FAIDLEY MOVED AND CMBR RAGLOW SECONDED TO APPROVE RESOLUTION 700 - INTENT TO ISSUE INDUSTRIAL REVENUE BONDS FOR SALES TAX EXEMPTION FOR THE EPC PROJECT. (MOTION CARRIED 7-0.)

D. Resolution 701 - Approving Development Agreement with EPC

MOTION: CMBR POPPA MOVED AND CMBR RAGLOW SECONDED TO APPROVE RESOLUTION 701 - APPROVING THE DEVELOPMENT AGREEMENT WITH EPC. (MOTION CARRIED 7-0.)

E. Ordinance 1038 - Rezoning The Rocks Site

MOTION: CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE ORDINANCE 1038 REZONING THE ROCKS SITE. (MOTION CARRIED 7-0.)

F. Accept Easements, Public Infrastructure, and Right-of-Way Dedication and Vacation for The Rocks Final Plat and Approve Payment in Lieu of Parkland Dedication

CMBR Faidley asked what the standard easement is along Roe Boulevard south of 48th Street. City Administrator Moody responded the right-of-way width continues to vary until 51st Street and tends to be wider north of 51st. They are establishing a commercial standard 11 foot back of curb to the right-of-way line, and is a consistent width adjacent to areas around the site.

MOTION: CMBR DICKENS MOVED AND CMBR BRAUER SECONDED TO APPROVE ACCEPTING THE EASEMENTS, PUBLIC STORM DRAINAGE INFRASTRUCTURE, ROE PARKWAY RIGHT-OF-WAY DEDICATIONS, AND THE ROE BOULEVARD RIGHT-OF-WAY VACATION INCORPORATED INTO THE ROCKS FINAL PLAT. (MOTION CARRIED 7-0.)

G. First Amendment to Land Purchase Agreement with EPC

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECONDED TO APPROVE THE AMENDMENT TO THE LAND PURCHASE AGREEMENT WITH EPC WHICH CLARIFIES THE END OF THE DUE DILIGENCE PERIOD AND RESETS THE DEADLINE FOR PUTTING A LEASE IN PLACE FOR THE PUBLIC WORKS SITE. (MOTION CARRIED 7-0.)

Mayor Kelly thanked everyone for their diligence and hard work as well as the dedication of staff and their partners at EPC. He said they have been working toward this day and they should be proud of the efforts they have put in thus far.

CMBR Brauer also thanked those who do not live in Roeland Park for their work in putting this project in their community. She asked the developers to remember this means a lot to the residents here in the City and represents a project that has been decades in the works. CMBR Brauer said this will truly change the lives of every person who lives in Roeland Park. She knows that construction is hard and delays happen, and there are unforeseen setbacks, but she asked them to please not throw in the towel and remember that people are counting on them to finish and they as a City are committed to helping them make that happen.

H. Approve Task Order with SFS for Architectural Service Related to Renovations at New Public Works Facility

Mayor Kelly said they have until October 21, 2023, to complete the relocation of Public Works. Phase 1 is the title insurance commitment, building condition assessment, and the ALTA survey has been completed. No issues have been seen that would deter the City from moving forward with the purchase of the site. This task order allows them to complete the renovations and will get them closer to closing at the beginning of next year.

City Administrator Moody said this allows them to continue to make progress for relocation. There will be some prioritization of different components of renovation. Staff will be briefing the Council as they go along. The RFP construction manager at risk process has begun and they will be bringing back a recommendation to the Governing Body and from there, they will be putting together cost numbers and order of construction projects.

MOTION: CMBR DICKENS MOVED AND CMBR POPPA SECONDED TO APPROVE A TASK ORDER WITH SFS FOR ARCHITECTURAL AND PROJECT MANAGEMENT SERVICES RELATED TO THE PUBLIC WORKS FACILITY RENOVATIONS. (MOTION CARRIED 7-0.)

VIII. Ordinances and Resolutions

A. Ordinance 1039 - Establishing a Tree Preservation Policy

CMBR Madigan said he received an email from Ardie and Gretchen Davis, and is in agreement with them, that there is a compelling need for more education regarding the role of trees and the environment. He said the citizenry is responsible for the planting and care of trees and that does not seem to be understood by the public, nor the role the Governing Body takes in this. He motioned that the item needs to be tabled until the concerns were addressed and the public was better informed.

MOTION: CMBR MADIGAN MOVED AND CMBR POPPA SECONDED TO TABLE THE ITEM UNTIL THE PUBLIC IS MORE INFORMATION IS GIVEN TO THE PUBLIC. (MOTION CARRIED 5-2 WITH CMBRS HILL AND FAIDLEY VOTING NO.)

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO ACCEPT ORDINANCE 1039, VERSION 1 TO GO INTO EFFECT 90 DAYS FOLLOW ITS PASSAGE, TO COVER TREES IN THE FRONT YARD, SIDE YARD, AND THOSE IN THE RIGHT-OF-WAY. (NO VOTE WAS TAKEN AS THE ITEM WAS TABLED.)

IX. Reports of City Officials

A. Mayor's Comments

Mayor Kelly said this was his last formal Council meeting as mayor. He thanked his fellow Governing Body members for their time, trust, and even disagreements, which has made the City a better place. He hoped that change and progress will continue. He asked them to utilize him as a resource and a sounding board, and as a colleague, he will be available to them. He also thanked the staff as the backbone of the City noting that as governing bodies change, they dedicates their lives to the community, and he thanked them for their passion and friendships. He also recognized his family who supports him as he has given up free times and weekends to do the job. Mayor Kelly noted the kindness and generosity of his family and the family of Roeland Park. He said when you take time to get to know your neighbors, good things happen. He said it all started in 2014 with the Citizens Academy, then joining the Sustainability Committee and the Community Foundation Advisory Board. He said it is amazing what citizens and neighbors can do when they collectively work together. He said there is a lot of talent in Roeland Park that already exists and it has been his honor to help and offer his service.

Adjourn:

MOTION: CMBR HILL MOVED AND CMBR RAGLOW SECONDED TO ADJOURN. (THE MOTION CARRIED 7-0.)

(Roeland Park City Council Meeting Adjourned at 6:48 p.m.)


Kelley Nielsen, City Clerk


Michael Poppa, Mayor