

CITY OF ROELAND PARK, KANSAS
GOVERNING BODY WORKSHOP MINUTES
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
February 19, 2024, 6:00 P.M.

- Michael Poppa, Mayor
- Emily Hage, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member
- Tom Madigan, Council Member
- Jeffrey Stocks, Council Member
- Matthew Lero, Council Member
- Kate Raglow, Council Member
- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. City Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin
Dickens
Lero

Finance
Hill
Stocks

Safety
Madigan
Hage

Public Works
Faidley
Raglow

(Roeland Park Governing Body Workshop Meeting Called to Order at 6:34 p.m.)

Public comment

Keith Bokelman - Mr. Bokelman owns an Airbnb in Roeland Park and offered suggestions to the Governing Body to facilitate their discussion. He would like to see the requirement that a property be owner occupied changed to the owner having lived there at least one year and an owner only have one short-term rental property in the City. He also recommended a no partying policy, having a professional property manager, and that the property should not devalue itself or surrounding properties. He also suggested front door surveillance such as a Ring and conducting a head count to ensure the correct number of people are staying at the property. Mr. Bokelman will email detailed suggestions to his ward Councilmembers.

I. MINUTES

A. Governing Body Workshop Meeting Minutes February 5, 2024

The minutes were approved as presented.

II. DISCUSSION ITEMS

1. Short Term Rental Regulation Discussion

CMBR Raglow thanked staff for putting all of the information together for the Governing Body to review before their discussion on short term rentals. City Manager Moody said they tried to put together the historical discussions; that process that has been employed up to where they are today. He also summarized comments both in support and against short-term rentals.

City Attorney Mauer wanted to address some of the comments made by Mr. Bokelman. He said that practically and legally they cannot make an exception for just one person. They are also not legally able to discriminate against who would be permitted to have a rental in the city, whether between a resident or a corporation. He also said there would be difficulty with the “no partying” requirement and a suitable definition. He said there are existing code requirements to address noise and parking

that would be able to address those related issues. In regard to the “head count,” they do not monitor that in a single-family home.

Mayor Poppa said he was on the original task group that brought this item forward to address corporations buying up properties in the city when they are meant to be a primary residence. This is why they requested the units be owner occupied and that the owner was reachable and accessible in case there were issues. He said they cannot afford to have businesses grab up properties because of the increased effect it has on property values and the community cannot afford that.

CMBR Faidley said she did review what happened historically. She said there was an enormous amount of work done and at times it was rather contentious for fear of what might happen. She thinks they are past the fear, and this is not what is motivating her. She believes they struck a happy medium, but they still need to listen to the residents and staff. She said there is a current crisis for affordable good housing, and she cannot support any changes that will remove a valid home from the market. She said the only reason to go from a long-term rental to short-term is money and that you do make much more money with a short-term rental, but it defeats the goal for those who wish to make Roeland Park their home.

CMBR Hage noted in 2018, the ad hoc committee discussed a special use permitting process, and asked if that was explored further.

CMBR Madigan said he chaired the ad hoc committee on short-term rentals and worked with Wade Holtkamp. He said there was no consensus for a special use permit. He too went back and read the notes and said there are a lot of things that he said that they should change, for example, the penalty for not having a license. Compared to other Johnson County cities, theirs is quite low.

CMBR Hage said that Kansas City has put an ordinance in place for no short-term rentals in residential zoning. She does understand the concerns but also agrees they have struck a good balance while neighboring cities are struggling with this issue. CMBR Hage said the owner-occupied element is worth looking at and her concern is that they have the ability to maintain enforcement.

CMBR Lero said there are a fair number of properties listed in Roeland Park as a short-term rental and it seems like the houses are owned by an LLC and it is hard to believe they are someone’s primary residence. He said as it sits the ordinance is not enforceable and asked if they could find another way to address that.

CMBR Hill said that people obtain an LLC for a variety of reasons to keep property out of their personal name and isn’t necessarily for business purposes.

Mr. Mauer agreed and said what is recommended for a lawyer is to have nothing titled in their name.

CMBR Madigan said he too has problem with it being enforceable. He would like to see stricter fines with licensing noting that some cities are charging \$500. He would also like to see a residence requirement in Johnson County for the property owner.

Mr. Mauer said they could expand that to include Johnson County and Wyandotte County.

CMBR Hill asked if they could create a policy where the owner or property manager had to live within a certain range. Mr. Mauer said they already have a requirement within 30 concentric miles.

Short-term rentals have become a way for someone to own their own home, and they cannot toss that out the window when it doesn't suit the needs. Also, short-term rentals are usually pristine as they rely on complimentary reviews to stay in business. Also, Mr. Holtkamp used to research the listings, which is how they enforced the licensing requirements. They do need to look at Mr. Bokelman's situation to honor his request and see what they can do.

CMBR Dickens said he is not interested in making a lot of changes and likes the balance they have struck. The housing crisis, which CMBR Faidley pointed out, does stick in his mind.

Mayor Poppa said that enforceability has come up. They have not been able to enforce this because they do not always know the information of whether it is owner-occupied. He said they continue to look at the sites, locate them, speak with the owners, a majority of them are Airbnb in Roeland Park, and the owners do follow the guidelines of the ordinance.

Ms. Jones-Lacy added they have sent letters recently to those they suspect of not following the guidelines. Everyone has specific documents to go through and sign that they are the legal owner of the property and that they live there to be able to get the license. They do follow up with the registered owners of unlicensed properties and try to get them to comply.

CMBR Lero said it is easier to get away with a long-term being in bad shape for a longer time than it is for a short-term. He also said that the fear of short-term rentals has changed. He said it also brings that extra income into the city as well.

CMBR Faidley said she would like to avoid dog whistles and that she has had a substantial number of long-term renters in her area. She also noted that the state of a property falls to the property owner and the city has the ability to enforce codes across the board. She said that a lot of people need those long-term rentals to be available.

The Governing Body continued to discuss enforceability of the codes, fines, limiting locations and numbers owned by an individual.

CMBR Raglow concluded the discussion and said they are all torn. Individually, she would like to side with Mr. Bokelman. Everyone wants the ability to be able to make their lives better, afford their house, provide for education, and save for retirement. She proposed they have another discussion about opening the rentals to residents of Johnson County versus owner-occupied.

CMBR Madigan said he would like to have that discussion soon.

CMBR Raglow said she appreciated Mr. Bokelman coming several times to speak with them, in addition to the phone calls and emails he has sent, and that they appreciated him doing the right thing. She said they need to determine how they can make this a better process for people.

Mayor Poppa suggested adding the discussion to their codes review.

CMBR Raglow noted there was majority consensus to discuss the matter again regarding residency requirements.

CMBR Dickens would like them to shrink the 30-mile radius down to 15-20 miles.

There was agreement to make the penalties stronger if a property is not properly licensed. City Manager Moody said there is no apprehension in an increase in fines. He said if a person is fraudulent of where they live in Roeland Park, they will face the same challenge within a 15-mile radius. He emphasized that if someone is willing to forge their information it will not matter if it is a Roeland Park address or some other address. He said they can restrict the density of use in an area.

CMBR Stocks asked about a transient guest tax. Ms. Jones-Lacy said they do collect that on short-term rentals.

CMBR Madigan noted the licenses have to be renewed annually and the property owner has to attest to the information and have an inspection.

There was majority consensus to look at radius/mileage residency requirements, increasing penalties regarding licensing, and addressing Mr. Bokelman's situation.

2. Review Mission Road Preliminary Designs and Provide Direction

City Manager Moody introduced their guests from the City of Westwood and members of the engineering team as they are working on the joint project. He stated they began discussing conceptual designs back in 2021. This is a CARS funded project and will include city resources from both Roeland Park and Westwood. Tonight, they are seeking input from the Governing Body on two design elements, the bike lanes and street lighting. Currently lights are on the east side but because of the physical environments, it points to lights being on the west side as a better approach.

Public Works Director Scharff said they have finished the preliminary plans and the survey and want to get their submission to CARS, which is due March 8th.

Greg Van Patten, Project Manager with Lamp Rynearson, said this is slated as a 2025 CARS project for Mission Road. He reviewed the existing conditions of the project area and noted there is an interlocal agreement that has been executed by Roeland Park and Westwood. He also showed the proposed changes to the road to include bike lanes, lighting, changes to the St. Agnes parking lot, and a geometric improvement at Mission Road and 53rd Street.

CMBR Hill said she wants to make sure the Council understands the history and their priority to make the City more walkable and include bike paths. She said they have heard the residents voice concerns about parking and no parking on the Westwood side. She wants to make sure that in Roeland Park the side streets are not marked with no parking, so they are available.

CMBR Lero asked how they would address the people that they are no longer able to park on the street. Mr. Van Patten said it would require a significant amount of excavation to allow for on-street parking would not be practical. City Manager Moody said it largely affects the four properties at the northern end of Mission Road and there are not any east-west streets to park in lieu of Mission. He also said it is difficult to expand those four properties.

CMBR Hill asked if they had addressed speeding on Mission Road. Mr. Van Patten said with the 5-foot bike lanes and the 10-foot driving lanes it should naturally encourage people to drive slower.

CMBR Hill said that in changing the curb at St. Agnes, they would be getting rid of their primary parking spot that they auction off. Mr. Van Patten said they need to meet with St. Agnes to discuss the project.

Mayor Poppa said he does not support speed bumps on Mission Road and jokingly added that he would support them if Westwood Mayor Waters paid for it all.

The Governing Body then reviewed the location of the four houses most impacted on Mission Road.

CMBR Faidley asked about the survey and noted that the street is not heavily parked, and they were giving people an option for bump out parking.

CMBR Dickens said the lighting on the street is difficult now and that it will be especially important to the project.

CMBR Hage asked if it would be possible for residents to park at nearby businesses outside of their normal hours. She also suggested adding a crosswalk for people would make the area safer. She also agreed with the importance of lighting due to the number of students walking. Mr. Van Patten said there is a 48th Street crosswalk.

Westwood City Administrator, Leslie Herring, said she would be happy to speak with Westwood Chiropractic to see if the business owner would be amenable to any kind of shared parking. She said at their city hall they have plenty of parking and allow residents who do not have enough room to park there. They have not allowed on-street parking for decades and it's just something that people get used to. She said she understands how difficult it is to take something away once people have it.

CMBR Faidley noted the Westwood residents can park for two hours during the hours of midnight and 6 a.m. but not overnight.

CMBR Madigan asked if they are devaluing the properties by eliminating parking for the residents, especially those that have a one-car driveway. If so, they should be compensated. He also asked if the bike lanes have to be open 24 hours a day.

City Manager Moody said they previously discussed whether it is permissible to park over a bike lane, and they have not taken that position here. On Elledge, it is marked not to park in the bike lanes.

CMBR Madigan asked in putting in bike lanes and doing away with parking, is there no possibility, no room on Mission Road for a sidewalk, road, and bike lanes. City Manager Moody said there is not.

CMBR Hill said she appreciates the work everyone has put in on this. She noted that some cities can never park on the street and that sometimes they have to do things for the greater good.

There was some discussion about the ability to park over the bike lanes during the night and moving vehicles in the morning. It was noted that a majority of cycling accidents happen when someone opens a door.

CMBR Raglow said she would like to move forward with the item as presented including eliminating on-street parking and doing the bump-out pads where they can and where residents would like them. There was majority agreement for this.

Public Works Director Scharff said a neighborhood meeting is planned for February 28th from 6 to 8 p.m. at the Roeland Park Community Center

3. Review Roe Parkway Preliminary Designs and Provide Direction

Public Works Director Scharff provided an update for the Roe Parkway project. He said this provides a connection between Roe Boulevard and Roe Parkway and includes redoing Roe Parkway. It will complete the connection with a reconfiguration of the cul-de-sac.

Dan McGhee, Senior Project Manager with Lamp Rynearson, met with residents and commercial property owners along the area to talk about project needs. They will be finalizing plans and taking them out to bid. Mr. McGhee reviewed the two phases of construction and their components. Anticipated completion of the project is the spring of 2025.

CMBR Faidley asked if, in the work at the bottom of hill, whether there would be a crosswalk to make it safer to cross on 48th street? Mr. McGhee said it is ADA accessible but is not sure if it is a designated crosswalk. Ms. Faidley also asked about the mature tree that will be lost and if there is an effort to replace it. Mr. McGhee said they can discuss that.

CMBR Faidley asked if the sidewalk will dead end. Mr. McGhee said it will continue all the way to Roe Boulevard right to the back of the curb. City Manager Moody said it will provide access to the northernmost property line to the EPC project. If Bolte Hall were to redevelop, there would be an opportunity to extend out to Roe Parkway.

III. NON-ACTION ITEMS

There were no minutes presented.

IV. ADJOURN

CMBR Raglow adjourned the meeting.

(Roeland Park Workshop Adjourned at 8:18 p.m.)