

Roeland Park City Council

Administrative Committee

Agenda

June 22, 2009

Meeting Chair: Toni Hull Co Chair: Bill Art

1. Call to order
2. Old Business
 - a. Percent for Art
 - b. 3 dog ordinance revision and visiting dog ordinance
 - c. RFQ – Mayor August Appointments (City Attorney, City Prosecutor)
 - d. RFQ – City Engineer
 - e. Council Action Item Summary Form
3. New Business:
 - a. Consider Councilmember “call in to a council meeting” protocol.
 - b. Phone number published for Public to call in
 - c. Noise Ordinance (Music / Ice Cream Truck)
 - d. Ordinance pertaining to special election
 - e. Long-term Goal Setting and Short-term non-monetary Goal Setting (Set Date)
 - f. Council Conduct- Bob Meyers
 - g. Review Chapter 16-280 regarding set-backs.
 - h. Ethics Ordinance. Consider having each Councilmember review this ordinance at the start of each Mayoral term and affirm by signature that the ordinance has been reviewed and is understood.
 - i. Consider having Councilmembers be paid per regularly scheduled council meetings. This would come to \$250.00 per meeting or the \$500.00 per month for both meetings officially attended.
 - j. Discussion of Food provided for Council workshops

a. Percent for Art

I have attached several links for Percent for Art Programs that are in effect around the US. If you would like copies of any of these, please let me know and I will have copies made.

Programs

- [Hawaii](#)
- [Philadelphia](#)
- [New York](#)
- [Chicago](#)
- [San Francisco](#)
- [Minnesota](#)
- [Chapel Hill](#)
- [Oregon](#)
- [Montana](#)
- [New Hampshire](#)
- [Western Australia](#)
- [Palm Desert](#)
- [New Haven](#)
- [Toronto](#)
- [Massachusetts Institute of Technology](#)
- [Roanoke, Virginia](#)

b. Third Animal Ordinance Revision

Per council's request, Keeping Large Number of Animals; Special Permit needs to be revised to allow the City Clerk and City Administrator to approve a special permit for the first dog or cat requested. If the request is for more than one additional dog or cat, then the request will be submitted to the governing body for approval. The following section of the code will need to be revised to reflect this change.

2-123. KEEPING LARGE NUMBERS OF ANIMALS; SPECIAL PERMIT.

- (a) No person or household shall own or harbor more than two dogs of six months of age or older or more than one litter of pups, or more than two cats of more than six months of age or more than one litter of kittens, or engage in the commercial business of breeding, buying selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a special permit from the governing body. The fee for such special permit, or any renewal thereof, shall be \$100.00. Those persons who have received governing body approval to keep more than two dogs or more than two cats prior to the effective date of this ordinance shall be exempt from the requirement to pay such special permit fee, or any renewal thereof; provided, however, that this exemption shall no longer apply if a special permit is suspended or revoked as hereinafter provided.
- (b) Special permits must be renewed annually. No special permit shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the premises and compliance with the applicable laws of the city. If the city clerk has not received any protest against the premises, the city clerk may issue a renewal of an existing special permit at the same location without any report from the animal control officer. If the animal control officer finds that the holder of any special permit is violating any law of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the city clerk, and the special permit shall not be renewed except after a public hearing before the governing body.
- (c) The animal control officer or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a special permit shall constitute consent to such entry and inspection.
- (d) The governing body may suspend or revoke a special permit if, pursuant to a public hearing, it finds any of the following:
 - (1) The premises are being maintained in violation of any applicable law of the State of Kansas, or of the city.
 - (2) The premises are being maintained so as to be a public nuisance.
 - (3) The premises are being maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.
- (e) This section shall not apply to and will not be construed to require a special permit for a licensed veterinarian to operate an animal hospital.

(Ord. 742, Sec. 1; Code 2007)

b. Visiting Dogs Ordinance

Over the past years, the Visiting Dog section of the Code has caused some problems with enforcement. This section refers to both cats and dogs; however if there are complaints it would be with dogs. Also, the code does not address when the 30 days begins or if they must comply with the other animal code ordinances. Therefore someone could bring their animal to visit and leave during the 30 days and then come back and start the 30 days over again. Also, if the Roeland Park resident already has one or two dogs/cats and the visitor brings 2 with them, does the no more than two dogs at a residence ordinance kick in? What about rabies vaccinations? If Animal Control comes upon a property where there are more than two dogs, they have been told by residents that the others are just visiting. These issues have been a problem for Animal Control to deal with since we allow visiting dogs. Westwood is the only other city under NEACC that allows visiting dogs.

It is my recommendation that the Visiting Dogs section 2-205 be removed from the city code book and allow Animal Control and City Hall to address any complaint on an individual basis.

If you are incline to keep the section, I recommend that there be a registration, fee and the 30 days be change to 30 days in a calendar year so that they are tracked and we make sure the animals are properly vaccinated. This would be cumbersome for the residents and staff, since there are few that we would even know are here in the city. We would most likely only hear of a visiting animal on a complaint driven basis.

~~2-205. VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog or cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times.~~

~~(Ord. 408, Sec. 16; Code 1986)~~

c. RFQ – Mayor August Appointments (City Attorney, City Prosecutor)

Proposed Timeline:

June 22RFQ Recommendation from Committee to Council - July 6 council meeting

July 11Publish RFQ notice in paper

July 31RFQ Submission deadline 10 am

Aug 3.....City Prosecutor/City Attorney Review Committee Meeting, 6 pm (selection of interviewees)

Aug 5-11 ..City Prosecutor/City Attorney Review Committee, █ pm (interviews and recommendation)

Aug 12.....Recommendation to staff by noon, email recommendation to governing body for 8/17 meeting

REQUEST FOR QUALIFICATIONS

The City of Roeland Park is seeking legal services for the position of City Prosecutor. The position is part-time, appointed by the Mayor with consent of the Council. Roeland Park is a Mayor-Council form of government with a full-time City Administrator. The City Prosecutor serves at the will of the Governing Body, and the position is appointed in August of each year.

The City Prosecutor must be a licensed, practicing attorney in the State of Kansas. The City Prosecutor may be associated with a firm, but one individual will be identified for this position and will be accountable for the scope of services described below.

SCOPE OF SERVICES

- The City Prosecutor will work closely with the Municipal Judge, City Attorney, Administrative staff, and the Police Chief. Primary responsibilities include prosecution of misdemeanors and traffic violations that occur within the City of Roeland Park and violations of Roeland Park City Ordinances. Services would include attendance at hearings to represent the City of Roeland Park as prosecutor in Municipal Court and preparation for such hearings.
- A monthly arraignment docket is scheduled at 8 am on the second Wednesday of each month. It concludes when all persons appearing have been arraigned, which is typically by 10:30 am. There is another 8am docket scheduled on the fourth Wednesday of each month. This docket is designed to handle pleas, motions and any sentencings before the court. It, too, concludes when all cases are heard. There is a similar docket held on the first Wednesday of each month, beginning at 6 pm. The prosecutor typically arrives prior to court to begin negotiating pleas and preparing for motions; while the cases are actually submitted to the court beginning at 6:30 pm. Trials are scheduled on the third Wednesday evening of each month. The prosecutor arrives by 6:00 pm to prepare for trials and finalize any negotiations, with the trials commencing at 6:30 pm or shortly thereafter. Trial dockets run as long as necessary to conclude all cases.
- There is occasion when a case is appealed to the Johnson County District Court. The prosecutor would be required to continue his/her representation of the City of Roeland Park at those hearings. The prosecutor would be compensated at an hourly rate for appellate work.
- Services would also include serving as legal advisor to the Police Department, availability to discuss cases and prompt response to legality issues. These services would be compensated at an additional hourly rate established as part of the professional services agreement.

STATEMENT OF QUALIFICATIONS REQUIREMENTS

- Documents should include letter of interest and resume(s) with a description of your law firm/private attorney practice and services the firm/private attorney is capable of providing, including an explanation of how these services will best meet the City's needs.
- A list of references regarding reputation and qualifications of the law firm/associate designee assigned to prosecutorial duties or private attorney.
- Disclosure of any pending litigation or judgments rendered against the law firm/private attorney in any matter relating to professional activities of the firm, including any pending complaints to the Kansas State Bar Association.

COMPENSATION

The City and Prosecutor will receive a flat fee \$1,000 per month for prosecution services as set by ordinance. Additional legal services such as legal advice to the Police Department and appellate work are compensated at an hourly rate established as part of the professional services agreement.

PROPOSAL SUBMITTAL REQUIREMENTS

1. Documents should include letter of interest and resume(s) with a description of your law firm/private attorney practice and services the firm/private attorney is capable of providing, including an explanation of how these services will best meet the City's needs.
2. A list of references regarding reputation and qualifications of the law firm/associate designee assigned to prosecutorial duties or private attorney.
3. Disclosure of any pending litigation or judgments rendered against the law firm/private attorney in any matter relating to professional activities of the firm, including any pending complaints to the Kansas State Bar Association.

Deadline for submission of qualifications is July 31, 2009, 10 am.

John E. Carter, City Administrator
City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205

If you have questions or require additional information, please call Mr. Carter at 913-722-2600.
Thank you for your interest in the City of Roeland Park.

REQUEST FOR QUALIFICATIONS

The City of Roeland Park is seeking legal services for the position of City Attorney. The position is part-time, appointed by the Mayor with consent of the Council. Roeland Park is a Mayor-Council form of government with a full-time City Administrator. The City Attorney serves at the will of the Governing Body, and the position is appointed in August of each year.

The City Attorney must be a licensed, practicing attorney in the State of Kansas. The City Attorney may be associated with a firm, but one individual will be identified for this position and will be accountable for the scope of services described below.

SCOPE OF SERVICES

The general scope of services requested in the City Attorney function are:

- Provide legal advice to the Governing Body and designated staff of the City.
- Prepare and/or review agreements, contracts, ordinances, resolutions, deeds and other legal instruments as needed.
- Counsel the City on personnel matters such as employee grievances, personnel actions, unemployment hearings, and other personnel matters.
- Attend all regular Council meetings plus occasional special meetings or work sessions as needed. Regular meetings are set at 7:00 p.m. on the First and Third Monday of each month.
- Attend all Planning Commission and Board of Zoning Appeals, or other meetings. This is expected to be a monthly occurrence.

SELECTION CRITERIA

Criteria for selection of the City Attorney will include the following:

- General qualifications of the candidate(s) for the position.
- Experience in municipal law.
- Timeliness, responsiveness and follow-through.
- Availability between meetings for occasional questions on matters of law.

REFERENCES

Please provide municipal references from cities where you have served as City Attorney.

FEES

The City is seeking a fixed monthly fee for City Attorney. Overhead and ancillary charges should be incorporated into those fees. It is understood that special projects might arise which

are outside the day-to-day scope of operation, so please indicate how those costs would be charged. In addition, please indicate the manner in which any litigation would be handled. There is no pending material litigation at this time.

PROPOSAL SUBMITTAL REQUIREMENTS

Please prepare your proposal following this sequence:

- 1) **Cover letter:** Signed by an authorized representative of the firm committing to provide the legal services described above.
- 2) **Resumes:** Provide complete resumes of the person designated by the firm to be the City Attorney.
- 3) **Qualifications:** Provide professional experience and qualifications of the firm and the designated individual to provide the services specified in this Request for Qualifications. Please provide the client name and contact information for any similar local agencies your firm now represents as City Attorney. Also, please provide a complete list of all local agencies and districts the firm now represents.
- 4) **Compensation and billing practices:** Provide a description of the proposed compensation schedule and the firm's billing practices. Monthly invoices describing the services in detail, showing hours, and identifying the lawyer providing the services are required. The City Council will also consider alternatives to the standard hourly rate approach.
- 5) **Insurance.** Provide proof of professional liability insurance and workers compensation insurance.
- 6) **Confidentiality.** Describe how your firm protects client confidentiality while at the same time benefiting from the in-house store of knowledge and experience gained from representing other local agencies.

Deadline for submission of qualifications is July 31, 2009, 10 am.

John E. Carter, City Administrator
City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205

If you have questions or require additional information, please call Mr. Carter at 913-722-2600. Thank you for your interest in the City of Roeland Park.

Item No. _____
Council Meeting Date _____

**City of Roeland Park
Action Item Summary**

Date: _____

Submitted By: _____ Committee/Department: _____

<input type="checkbox"/> <i>Ordinance</i>	<input type="checkbox"/> <i>Resolution</i>	<input type="checkbox"/> <i>Presentation</i>
<input type="checkbox"/> <i>Agreement</i>	<input type="checkbox"/> <i>Discussion</i>	<input type="checkbox"/> <i>Other</i>

Recommendation:

Details:

Financial Impact

Amount of Request:		
Budgeted Item? <input type="checkbox"/> Yes <input type="checkbox"/> No	Budgeted Amount:	
Line Item Code/Description:		

From: Zamboni, Kelly J. (SHB) [mailto:KZAMBONI@shb.com]
Sent: Friday, June 05, 2009 12:34 PM
To: Foster, Adrienne
Subject: Roeland Park Councilmember

Dear Mrs. Foster,

My wife and I reside in Roeland Park, and enjoy all the community has to offer. My concern relates to the city's nonexistent noise ordinance for residents of the community.

For example, someone in our neighborhood consistently plays their music loud enough to hear in our home which is located across the street and two doors down. When we contacted City Hall it was explained that this person has the right to play their music as loud as they want until 11pm.

In 2001, Overland Park adopted a noise ordinance for its residents:

For residential property, the noise level may not exceed 60 decibels between 7 a.m. and 10 p.m. and 55 decibels between 10 p.m. and 7 a.m.

Here are my questions:

1. Will the city be introducing such an ordinance in the future?
2. What is my right as a productive member of the community to discourage residential noise pollution?

I would appreciate prompt attention to this situation due to its adverse impact on my family. I look forward to your response.

Thank you

Kelly J. Zamboni
RMD Trainer
2555 Grand Boulevard
Kansas City, MO 64108
PHONE: 816.474.6550 x33530
FAX: 816.421.5547
KZAMBONI@SHB.COM
www.shb.com

ARTICLE 8. NOISE

- 8-801. PURPOSE. It is found and declared that:
- (a) The making and creation of loud, unnecessary or unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing;
 - (b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and
 - (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public prohibitions hereinafter contained and enacted, are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.
- (Code 1986)
- 8-802. STANDARDS. The standards which shall be considered in determining whether a violation of this article exists shall include, but shall not be limited to the following:
- (a) The volume of the noise;
 - (b) The intensity of the noise;
 - (c) Whether the nature of the noise is usual or unusual;
 - (d) Whether the origin of the noise is natural or unnatural;
 - (e) The volume and intensity of the background noise, if any;
 - (f) The proximity of the noise to residential sleeping facilities;
 - (g) The nature and zoning of the area within which the noise emanates;
 - (h) The density of the inhabitation of the area within which the noise emanates;
 - (i) The time of the day or night the noise occurs;
 - (j) The duration of the noise;
 - (k) Whether the noise is recurrent, intermittent or constant; and
 - (l) Whether the noise is produced by a commercial or noncommercial activity.
- (Code 1986)
- 8-803. PROHIBITION GENERALLY. (a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city. The provisions of this article shall not apply to such occasional and infrequent uses as authorized by special permit of the city council upon showing by an applicant and determination by the city council that the proposed use is not detrimental to public health, safety or welfare.
- (b) The acts mentioned in the following sections of this chapter among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.
- (Code 1986)

- 8-804. HORNS, SIGNALING DEVICES, ETC. (a) The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any reasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time is unlawful.
- (b) The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust. (Code 1986)
- 8-805. RADIOS, PHONOGRAPHS, LOUDSPEAKERS, ETC. (a) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, loudspeakers, phonograph, tape player, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto is unlawful.
- (b) The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section. (Code 1986)
- 8-806. CONSTRUCTION OR REPAIRING OF BUILDINGS. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. is unlawful, except in case or urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest, the inspector may grant permission for such work to be done within the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for work is awarded or during the progress of the work. (Code 1986)