

**CITY COUNCIL MEETING MINUTES  
CITY OF ROELAND PARK, KANSAS  
Roeland Park City Hall  
4600 W 51st Street, Roeland Park, KS 66205  
Monday, April 17, 2017 7:00 P.M.**

- Joel Marquardt, Mayor
- Becky Fast, Council Member
- Tim Janssen, Council Member
- Ryan Kellerman, Council Member

- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Poppa, Council Member
- Michael Rhoades, Council Member
- Erin Thompson, Council Member

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

**Admin**

Poppa  
Fast

**Finance**

Kelly  
Janssen

**Safety**

Thompson  
Rhoades

**Public Works**

Kellerman  
McNeil

**PLEDGE OF ALLEGIANCE**

Mayor Marquardt called the meeting to order and led everyone in the Pledge of Allegiance

**ROLL CALL**

City Clerk Bohon called the roll noting that CMBR Fast went home sick after the Governing Body Workshop.

**MODIFICATION OF AGENDA**

The following items were added to the agenda under New Business:

- Web site design RFP
- Web site ad hoc committee creation
- 51<sup>st</sup> Street Survey (Workshop #4)

**NEW EMPLOYEE INTRODUCTION**

Donnie Sharp, Public Works Superintendent, introduced the department's new employee Frankie Reeves.

The Mayor and Council welcomed Mr. Reeves to the City.

(Applause)

**PUBLIC HEARING ON THE CDBG APPLICATIONS**

Mayor Marquardt opened the public hearing.

City Administrator Moody reviewed the three possible project applications to give the public an opportunity to be able to make comment.

Staff has put together three applications at a request of \$200,000 each. CDBG funds require matching funds from the City. There is a \$100,000 limit per entity per year, but up to \$200,000 can be awarded to a project. If they are awarded the \$200,000 in one year, the City is precluded from applying again the following year. One requirement for qualification is that 33 percent of residents in the project area must qualify as either low to moderate income.

Attached in the packet were details of the three possible projects applications: a street mill and overlay program, a sidewalk project along Nall Avenue that leads to Nall Park, and lastly a variety of improvements to the Community Center and the Aquatics Center. These projects are all currently listed on the City's CIP.

Attached to the agenda are maps that denote the areas of the project and provide an accurate representation of who will benefit from the projects.

Staff's recommendation is to submit Project Number 1, the mill and overlay program. Also included in the packet are the criteria by which the applications will be scored by the CDBG committee. Staff feels the street project has the greatest potential and recommend its submission. Only one of these three projects can be submitted as each one meets the \$200,000 threshold.

Mayor Marquardt asked for any comments from the public.

CMBR Janssen asked if the mill and overlay program included any sidewalks or maintenance of existing sidewalks.

Public Works Director Leon said there are no sidewalks on this project street and there are no high priority sidewalks identified on the 2010 sidewalk map. Included in the cost estimate are some curbs and a couple driveway aprons that would need to be replaced.

CMBR Poppa asked how the streets in the first application are currently rated. Public Works Director Leon said these streets are in poor condition, but are the very upper tier of poor where it is still worth investing in them with mill and overlay versus surface treatment.

City Administrator Moody said the estimated costs are based upon doing a mill and overlay. There are dollars included in the application for replacements of sections of curb that should also be replaced.

CMBR McNeil asked if the \$200,000 is just the mill and overlay and asked for a price to do a more in-depth repair and to put in a sidewalk on one side.

Public Works Director Leon said the actual total cost of this project is more than \$200,000, an amount that represents the contribution that the county gives through the CDBG program. The cost of the total project is approximately \$330,000. He added if the street were to be fully reconstructed it would be significantly more money.

CMBR McNeil asked what condition the mill and overlay would bring the streets up to and how long should they expect the repairs to last. Public Works Director Leon said the streets will be brought up to good condition and with the practices they have implemented in their in-house street maintenance program they believe they can keep the street in good condition for 20-plus years.

Mayor Marquardt closed the Public Hearing.

## **I. CITIZEN COMMENT**

*There were no citizen comments.*

## **II. CONSENT AGENDA**

- A. Appropriation Ordinance #903**
- B. February 20, 2017 Minutes**

**MOTION:** CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA.  
(MOTION PASSED 7-0).

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

- A. Applications / Presentations**
  - 1. Peddler's License – Eric Schmitt**

City Clerk Bohon said Mr. Schmitt was not present and requested to move this item to the May Council meeting.

Mayor Marquardt asked how to handle someone who does not have a peddler's license. City Administrator Moody would encourage people to call City Hall during business hours and they will send someone from Codes Enforcement out to visit with them. After hours, it is recommended to call the Police Department.

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

- A. Proclamations – National Police Week (Michael Poppa and Sheri McNeil)**
- B. Proclamations - National Public Works Week (Michael Poppa and Teresa Kelly)**
- C. Proclamations - National City Clerk Week (Michael Poppa and Teresa Kelly)**
- D. Proclamations - National Bike Month (Teresa Kelly and Erin Thompson)**
- E. Proclamations - Arbor Day (Tim Janssen and Erin Thompson)**

Mayor Marquardt thanked Chief Morris, Public Works Director Leon, and their departments for their work. He also thanked Ms. Bohon as City Clerk. Mayor Marquardt thanked the liaisons in celebration of National Bike Month and Arbor Day.

CMBR Kelly said that Bike Month happens every year, but based on the work from the year-long ad hoc committee, some of the City staff, the county, school staff, volunteers and others are ready to roll out the first Bike to School Day in Roeland Park. This is a new initiative and pilot program called Walk, Roll and Stroll to School to be held May 4. The group came together to create a safe route to school and this is the first public event to identify safe streets to school and where improvements are needed.

**MOTION:** CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO ACCEPT THE NATIONAL POLICE WEEK, NATIONAL PUBLIC WORKS WEEK, NATIONAL CITY CLERK WEEK, NATIONAL BIKE MONTH, AND ARBOR DAY PROCLAMATIONS. (MOTION PASSED 7-0)

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

##### **A. Workshop Summary**

Mayor Marquardt read into the record the meeting notes attached to the Council agenda.

##### **B. Ad Hoc Committee Summary**

CMBR Poppa read into the record the meeting notes from the April 10 meeting. He added that they have coined the name "The Rocks on Roe" for the old pool site and are planning a visit on April 26th and invited the Governing Body along with anyone that's interested to visit the site and view the process that has been made so far.

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

##### **A. Stormwater Management Advisory Council (Jose Leon and Ryan Kellerman)**

Public Works Director Leon reported that the SMAC committee met in March and he has attached the meeting agenda to the packet. For 2017, the committee approved about \$23.3 million in expenditures for SMAC projects. In 2018, they have an estimated \$17.7 million of SMAC projects that they are looking to approve for construction. Mr. Leon said the SMAC committee has reorganized their philosophy and approach to the SMAC program to give more funding to a watershed based improvement. This has allowed for opportunities for communities to take advantage of funding that would be available for maintenance items such as corrugated metal pipe replacement.

#### **VII. Unfinished Business**

*There was no Unfinished Business to discuss.*

#### **VIII. New Business**

##### **A. Creation of Ad Hoc Committee**

**MOTION:** CMBR THOMPSON MOVED AND CMBR POPPA SECONDED TO ADOPT AN AD HOC FOR THE SELECTION OF THE NEW WEBSITE. (MOTION PASSED 7-0)

**MOTION:** CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO NOMINATE AND APPROVE CMBR FAST, CMBR KELLY AND CMBR JANSSEN TO THE AD HOC COMMITTEE. (MOTION PASSED 7-0)

**B. CDBG Project Selection**

**MOTION:** CMBR JANSSEN MOVED AND CMBR KELLERMAN SECONDED TO APPROVE PROJECT NUMBER ONE, THE STREET MILL AND OVERLAY PROJECT, FOR THE CDBG GRANT. (MOTION PASSED 7-0)

**C. Survey for 51<sup>st</sup> Street Task Order (Workshop Item #4)**

Public Works Director Leon said this is a design survey for 51<sup>st</sup> Street from Cedar and 50<sup>th</sup> Terrace on the west side of Roe Boulevard scheduled to be a 2019 CARS project.

CMBR McNeil said she is not in favor of this as there are already sidewalks on one side of the street. She would rather see the money be put towards the Nall sidewalk project or another project rather than spending \$11,000 for a survey and then the construction costs.

Public Works Director Leon said they could not do the project without a survey even for a mill and overlay. The federal government requires driveway aprons and sidewalks be addressed for ADA ramps and compliance, all which require a survey. Mr. Leon said it is vitally important as a City to get ahead of the curve in design with projects. Designing projects in the same year of its construction or three months before does not do the City any favors as it does not allow any sort of public outreach and limits the time schedule and puts staff in a bind to communicate the impact of the project with residents.

Mayor Marquardt said he appreciates Ms. McNeil's concerns about adding a second sidewalk as he believes there are other places that are a higher need for a second sidewalk. The project would still need to be surveyed whether it had sidewalks on one or both sides.

**MOTION:** CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE LARKIN LAMP RYNEARSON TASK ORDER NUMBER 3 AS STATED IN THE ACTION FORM AND DISCUSSED IN WORKSHOP. (MOTION PASSED 5-2 WITH CMBRS MCNEIL AND KELLERMAN VOTING NO.)

**POLL THE COUNCIL**

**MCNEIL - N JANSSEN - Y RHOADES - Y KELLERMAN - N THOMPSON - Y KELLY - Y POPPA - Y**

**IX. Ordinances and Resolutions:**

**A. Ordinance No. 941 - Amendment Related to City Code on Signs**

Ms. Jones-Lacy said there was an issue with the ordinance that came up during the signing of the ordinance on Wednesday. There was a clause that the Mayor had wanted to include and was discussed and had consensus during the Workshop, but was inadvertently omitted in the packet. The City Attorney said the ordinance needs to be approved again. The original one was never in effect as it was not signed, nor was it published. The Mayor vetoed the original Ordinance 941, explaining that a clause was omitted. It is now before the Council in the proper form.

CMBR Kellerman asked if the term "imaginary lines" is a legal term. Ms. Krstulic said it's not a legal term of art, but as long as it is understood and can be interpreted it can be used.

**MOTION:** CMBR KELLY MOVED AND CMBR POPPA SECONDED TO APPROVE THE REVISED ORDINANCE NO. 941 REGARDING SIGN REGULATIONS. (MOTION PASSED 7-0)

CMBR Rhoades asked for a point of clarification if an item is a time sensitive matter voted on by Council, could the Mayor veto something after it has been passed by the Council. City Administrator Moody said the Mayor could veto it. If he waits and doesn't sign it, after so many days it can become law without him signing it. The Mayor's veto can be overridden by a two-thirds vote of the Council. If that happened, the Council could have a special call meeting.

**B. Ordinance 949 - Changes to Type 1 Special Event Terms**

Ms. Jones-Lacy said this ordinance was approved at the last Council meeting with five yes votes and three no votes. As this was an original action by the Planning Commission it required a super majority vote without having to send it back to the Planning Commission. It was again before the Council to vote on or to send back to the Planning Commission with the Council's recommendations.

**MOTION:** CMBR JANSSEN MOVED AND CMBR KELLERMAN SECONDED TO REMAND ORDINANCE 949 BACK TO THE PLANNING COMMISSION FOR CONSIDERATION OF CHANGES AS OUTLINED BY THE CITY COUNCIL. (MOTION PASSED 4-3 WITH CMBRS THOMPSON, KELLY AND POPPA VOTING NO.)

**POLL THE COUNCIL**

**MCNEIL - Y JANSSEN - Y RHOADES - Y KELLERMAN - Y THOMPSON - N KELLY - N POPPA - N**

The City Council moved into recess as the City Attorney reviewed the code on whether the Mayor could cast a vote that would make a difference.

(Roeland Park City Council in recess)

Ms. Krstulic said she does not believe the Mayor has the ability to vote in this circumstance. §1-202 sets forth the powers of the Mayor and specifies that the Mayor is entitled to vote only in an instance where the members of the City Council who are present are tied, which is not the instance here.

§1-113 discusses motions and talks about motions carrying when there's a majority quorum in favor, so the Mayor does not have the ability to vote in this instance.

Mayor Marquardt thanked her for that clarification and noted the ordinance is remanded back to the Planning Commission.

**C. Resolution 651 - 2018-2022 CARS**

The focus of this resolution is to look at future CARS projects. Public Works Director Leon showed a map, Exhibit A in the packet, delineating the CARS projects for the City. The City of Fairway would like to split the cost of milling and overlaying 53<sup>rd</sup> Street from Mission Road to Reinhardt and Nall Avenue from 51<sup>st</sup> to 58<sup>th</sup> Street as a 2022 project.

A resolution has to be adopted by the Council and submitted to the county for official consideration by the CARS program.

**MOTION:** CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO APPROVE RESOLUTION NO. 651, A RESOLUTION APPROVING THE PROPOSED 2018-2022 FIVE-YEAR PROGRAM UNDER THE COUNTY ASSISTANCE ROAD SYSTEM, OTHERWISE KNOWN AS CARS. (MOTION PASSED 7-0)

**D. Ordinance R Park Event Parrty in ARRR Park**

City Clerk Bohon said this is a reoccurring ordinance issued for the city-wide block party to allow alcohol.

CMBR McNeil asked if the City could be held responsible if someone was on City property at a City event and over-imbibed and caused an issue.

Ms. Krstulic responded that you cannot stop someone from filing a lawsuit against you, but it would be unlikely that there would be any liability to the City and believed that the City would have some insurance that might come into play.

CMBR Janssen said it seemed like the city-wide block party is being merged in with the pirate party at R Park and is concerned about promoting alcohol consumption with something that has been billed as a very family-friendly event all day.

CMBR Poppa clarified that this would not be for the City to serve alcohol, but would be as in years past for BYOB. CMBR Janssen just worried about the message they were sending. CMBR McNeil agreed with that and would like to see some of the events be truly family-friendly. CMBR Kellerman had the same feelings.

CMBR Janssen said he would support an ordinance if there were breweries involved.

CMBR Thompson said if you are coming with your family it is up to you what message you want to send to your family and if you do not want to bring alcohol, then you do not have to, and believes this is a personal decision.

CMBR Poppa agreed with CMBR Thompson's comments and added that this exact ordinance has been approved the past two years for the block party which has been promoted as a family event and there have been no incidents.

**MOTION:** CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE ORDINANCE NO. 952 TO ALLOW ALCOHOL AT THE R PARK SUMMER COMMUNITY BLOCK PARTY ON JUNE 10, 2017. (MOTION PASSED 5-2 WITH CMBRS MCNEIL AND KELLERMAN VOTING NO.)

## **POLL THE COUNCIL**

**MCNEIL - Y JANSSEN - N RHOADES - Y KELLERMAN - N THOMPSON - Y KELLY - Y POPPA - Y**

### **X. Workshop Items:**

### **XI. Reports of City Officials:**

Ms. Jones-Lacy said the Overland Park tour is Thursday and CMBR McNeil and CMBR Fast will be attending. Four Planning Commissioners will be there as well as three staff members. They will come back and share the information they glean from the tour.

City Administrator Moody said they have not located the vehicle that was "borrowed without permission" but they are still looking. Staff is working on the budgets to make a formal presentation to the Council. They have expanded the budget document so that it has more historical information and will continue to have the three-year budget projection.

City Clerk Bohon provided a list of upcoming events.

April 24 - Community Forum, p.m. at the Community Center.

April 29 - DEA Drug Take Back, 10-2 at Price Chopper

Arbor Day Event at 11:00 a.m.  
Shred Event hosted by the City of Fairway

CMBR Poppa said there will be no alcohol at the Arbor Day event

**XI. ADJOURNMENT**

**MOTION:** CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO ADJOURN. (MOTION PASSED 7-0).

(City of Roeland Park Council Meeting Adjourned)

/S/ \_\_\_\_\_  
Joel Marquardt, Mayor

/S/ \_\_\_\_\_  
Kelley Bohon, City Clerk