

**GOVERNING BODY WORKSHOP MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, December 5, 2016 6:00 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

CMBR Thompson called the meeting to order at 6:00 p.m. CMBRS Fast and Kellerman were absent.

**I. MINUTES**

1. October 17, 2017

The October 17, 2017 Governing Body Workshop minutes were approved as submitted.

**Announcements and Updates**

Police Chief John Morris announced that the Police Department is now operating with a full staff. Recently joining the department is Shannon Anthony Mesa from Osage City who previously worked with the Kickapoo Tribal Police and is close to finishing his field training.

(Applause)

Chief Morris introduced Kathy Bolek, the new court clerk. From Pleasant Valley, Missouri. (Applause)

(Applause)

City Clerk Bohon announced upcoming events and schedules.

**2016**

12/6 - Tree Lighting at Sweany Park will be at 6:00 p.m. Bishop Miede President Dr. Joseph Hornback and Coach Jon Holmes will flip the switch.

12/9 - Staff Holiday Party at the Community Center will begin at 6:00 p.m. Donations of \$25 are requested.

12/26 - City Hall will be closed for the Christmas holiday.

**2017**

1/2 - City Hall will be closed for the New Year's Day holiday.

1/3 - Governing Body Workshop at 6:00 p.m., a change from January 2<sup>nd</sup>.

1/16 - Martin Luther King Day - City offices will be closed.

1/17 - Governing Body Workshop and City Council meetings will be moved to this date.

**Public Comment**

**Mike Madigan** - Mr. Madigan spoke to the issue regarding the status of Walmart and that information has been reported from outside of the City. He said it is time for the City to let the citizens know what is going on with Walmart.

## II. DISCUSSION ITEMS:

### 1. On Call City Engineer Selection

Public Works Director Leon reported they received ten responses to the RFQ after which they interviewed five teams and the panel agreed on Dan Miller, the point of contact with Larkin, Lamp Rynearson, as the one they would like to pursue an agreement with.

CMBR Janssen asked about the term of the agreement and Mr. Leon said it will be a three-year agreement with one year extensions beyond that.

Dan Miller addressed the Governing Body and thanked the Council for allowing them to be of service to Roeland Park. He also stated his firm has a history with Roeland Park dating back to the early 2000s and is looking forward to be of service again and to feel free to contact him. He also added that he previously worked at the City of Overland Park for 31 years, and previously worked with Public Works Director Leon. He enjoys being a City engineer and using his extensive experience for other cities.

Mayor Marquardt said they received a few good applicants, but it was clear with Mr. Miller's deep experience with engineering and the relationships he has in the metro that he is the right choice.

The Governing Body agreed to move this item for approval to the December 19 City Council Consent Agenda.

### 2. Amendment to Salt Dome Agreement

Public Works Director Leon presented a modified agreement to include the asphalt apron put in place in front of the doorway where salt equipment needs to enter and exit the facility. There is some cost associated with the placement of the asphalt apron and the City of Fairway is requesting 50 percent of that cost.

The Governing Body agreed to move this item for approval to the December 19 City Council Consent Agenda.

CMBR Rhoades said he would like to add the discussion of the Economic Development Ad Hoc Committee to the end of the agenda to which everyone agreed.

### 3. Mowing Contract Extension

Public Works Director Leon is seeking an extension of the contract with Next to Nature who was chosen last year. He said they performed reasonably well, and has spoken with them about concerns and believes they will do an even better job in 2017.

CMBR Poppa asked if there are a cost savings by contracting the City's mowing. Public Works Director Leon said the City realized approximately 20-21 percent cost savings. They will realize even larger savings in 2017, as the rates did not change per the agreement.

City Administrator Moody added that the money spent on the contract is basically the same as budgeted for part-time seasonal employees that were not hired. There were also savings on fuel, less depreciation on the City's mowers, and it also freed up a significant amount of time that Public Works employees were able to use to do more asphalt repair in the city. So, beyond savings in dollars, it allowed for more street-related maintenance.

The Governing Body agreed to move this item for approval to the December 19 City Council Consent Agenda.

### 4. Streetlight Maintenance Contract Extension

Public Works Director Leon presented a contract extension with Black & McDonald for streetlight maintenance and repairs. Included in the agreement extension is a 1½ percent cost increase. This has been assumed in the budget as it is anticipated to continue in the agreement through 2018. Mr. Leon has also worked with Black & McDonald to produce a map that represents their work orders for 2014-2016.

CMBR Rhoades asked for clarification of the fee payment. Public Works Director Leon said it is a fee paid to Black & McDonald to be the maintenance contractor for street lighting regardless of the amount of work done. CMBR Rhoades wanted to know how much it would be per repair. Public Works Director Leon said that even a part-time employee performing the work would still cost more than the \$21,000 fee payment paid to Black & McDonald.

Mayor Marquardt asked how they are notified for streetlight maintenance. Public Works Director Leon said the Public Works Department can notify them as well as the police department, a citizen who notifies city or someone could contact them directly.

Mayor Marquardt asked for some examples of the work they do. Public Works Director Leon said they repair poles, adjust the lighting. They also proactively do evening patrols looking for lights that are not working correctly. Mayor Marquardt asked about shielding the lights to eliminate shining directly into a house. Public Works Director Leon said Black & McDonald do not recommend shielding lights and the wattage is not adjustable.

City Administrator Moody said the lights are not adjustable, but the fixture can be changed or the bulbs can be changed out for color brightness or intensity.

The Governing Body agreed to move this item for approval to the December 19 City Council Consent Agenda.

#### **5. 2017 Street Maintenance SKW Task Order 35**

Public Works Director Leon said the task order to work with Shafer Kline & Warren for the 2017 street maintenance program is to identify the streets that will receive surface treatments on in 2017. Mr. Leon would like to put this out for bid in January 2017.

CMBR Janssen asked why this was not given to the new city engineer instead of SKW. Public Works Director Leon said that SKW has already done the work with the specifications and is already in play or nearing completion. He added that this will probably be the last task order with SKW's name attached to it.

CMBR Rhoades asked of the \$22,710 how much will actually be going towards the streets. Mr. Leon said this amount is for specification preparation and inspection and not for the street work itself.

The Governing Body agreed to move this item for approval to the December 19 City Council Consent Agenda.

#### **6. Set Topics for Community Forum Monday, January 23**

CMBR McNeil said that the Branding Committee has asked to be allowed to present at the January Community Forum if they are ready. Originally scheduled for the forum was the future of the pool, but they will not have all the needed information in time to slow down the rumors. They are requesting to have the pool discussion at the April Community Forum.

City Administrator Moody said they are behind in the branding process and should have a presentation ready by January so that the Governing Body is familiar with everything and able to get a consensus on the work product, the synthesized report and the logo before the forum. He added that the Branding Committee is also meeting December 8 at 6:00 p.m. at which time they will pick someone to make the presentation. Mr. Moody encouraged all Councilmembers to attend the committee meetings as they are occurring more frequently in an effort to try and finish up their work. They are looking at designs and now is a good time to participate.

CMBR Kelly added that the Community Forum might also be a good opportunity to discuss the mill levy. The Governing Body discussed adding this to the end of the Community Forum. Mayor Marquardt said they should be prepared as there will probably be questions with regard to Walmart.

Mr. Madigan, member of the Branding Committee, said they are working to present to the Council a minimum of three choices at a Governing Body Workshop.

There was agreement that Ward II would host the January Community Forum and Ward I would put on the April Community Forum.

CMBR Janssen asked City Administrator Moody to invite some representatives from Benedictine College to the January forum. City Administrator Moody would extend an invitation to Clay Johnston, Assistant Professor and Program Chair of Marketing at Benedictine College, and ask him to participate since he has led the branding process from Benedictine.

## **7. October Financials**

Ms. Jones-Lacy reported that property taxes are coming in strong and sales and use tax revenues are about 12.2 percent higher than last year and 1.3 percent above projections. Franchise fees are lagging as they have been over the year primarily due to natural gas prices. Court fines continue to exceed projections noting that more people are choosing to double their fines in an effort to avoid driving penalties.

In the General Fund, revenues are up five percent as of October compared to 2015. The biggest gains are in property and sales tax collections for the year. Business licenses are down and they are researching the causes for that. Expenditures are also down from 2015, which can be attributed to savings due to lower health insurance expenditures and fewer equipment expenses. The City's utilities, phone and internet expenses are also down and the City is continuing to work with Johnson County to transition to the county's internet service.

Revenues are being collected on schedule and have been coming in as projected or even better than expected. Several bond and interest payments are to be made in December, which will show an increase in the bond and interest fund. This includes a pool payment, several bond payments and City Hall debt service. They are also anticipating making one payment to Terracon for their work at the caves. Expenditures in the Special Street Fund are higher than projected due to two CARS projects completed in 2016.

## **8. 2016 Budget Amendment**

There is only one fund over budget which is the Valley State Bank TIF. Because all revenues received are sent to the trustee to pay debt service and they have collected more than anticipated, a budget amendment is needed to make sure they are not violating state law.

A public hearing will be held December 19 at the beginning of the Council meeting.

## **9. Committee Appointments and Reappointments**

City Clerk Bohon read the following appointments/reappointments into the record.

- Appoint Courtney Craig to the Board of Zoning Appeals (BZA)
- Reappoint Paula Gleason to the Board of Zoning Appeals (recommended by CMBRS Rhoads and Janssen)
- Reappointment Kyle Rogler as the At-Large member to the Planning Commission
- Appoint Laura Steele, Shawn Roeland and Eric Haig to the Sustainability Committee
- James Kenally and Randy King to the Parks Committee
- Tawny Sanders and Amy Logan to the Events Committee
- Linda Leonard and Corey Vogel to the Arts Committee
- Reappointment of Moffit Ferguson to the Arts Committee

Mayor Marquardt said he received an application from Shawn Roeland, who is not a resident of Roeland Park, but would like to be on the Sustainability Committee. Mayor Marquardt spoke with him and believed he was well-intentioned, had an interesting background and also received agreement from the chair of committee who did not have any issues. Ward I is still planning on making a recommendation. Paula Gleason from Ward I serves in that capacity and would like to continue with the Planning Commission. She is also to be reappointed to the BZA, but this is not a ward appointment. Mayor Marquardt said he was fine with the reappointment, but would like to see different people participating on the committees.

CMBR McNeil was curious about the appointment of Shawn Roeland to the Sustainability Committee who is from Merriam. City Administrator Moody said the chair of Sustainability has been networking with other cities, and suggested this may be a way to get involved.

There was some discussion of non-residents being added allowed to serve on committees. Mayor Marquardt said it should be added to City Code if it is the will of the Council that if someone is not a resident of Roeland Park, then they cannot be a member of a committee.

Mayor Marquardt said Mr. Roeland did apply for both the Planning Commission and the BZA, but let him know that he did not think they were appropriate positions for a non-resident. He added this is a person who is looking to get involved. He believed they were in school and wanted to increase their knowledge of cities and also wanted to help out, but was unable to get on committees in their own city at that time.

City Administrator Moody said they encourage people who are interested in volunteering on a committee to attend several meetings before they are actually appointed.

CMBR Poppa said he would like to hear from Mr. Roeland before appointing him and asked to have him come to a Council meeting.

There was agreement to add this item to New Business at the December City Council meeting. Mayor Marquardt said he would contact Mr. Roeland to see if he can come.

CMBR Thompson asked CMBR Rhoades to submit something if he's interested in changing the requirements of committee participation.

#### **10. Changes to Type 1 Special Event Terms**

Ms. Jones-Lacy presented changes proposed by the staff as the result of an annual event that occurs in October that St. Agnes participates in which they put up several small crosses and have some signs for. The crosses are indicative of what is considered a special event. In order to ensure that they are meeting City Code, not violating any ordinances and making sure the signs allowed, it was proposed to make a change to the Special Event permit language.

One of the changes would restrict an activity where people are congregating or participating in an outdoor activity to the hours of operation between 8:00 a.m. and 11:00 p.m.

The proposed language for Roeland Park Municipal Code Section 16-703 will be:

*(d) Advertising signs and symbols marking a special event shall be limited to a maximum duration of 31 days, and to a maximum frequency for similar events of four non-consecutive times per calendar year. The number and location of the signs and symbols shall not be limited by the City. However, the width of any given sign shall not exceed eight feet (8') in length and the overall height of any sign shall not exceed four feet (4') above grade.*

This will allow for the regulation of any school or church with regard to placing signs for a special event within the city and to still be within parameters of City Code. This language was approved by the Planning Commission on November 22nd.

CMBR Kelly asked if since this is an annual event whether it means they could put up crosses that could be eight feet across and as many as they wanted. Ms. Jones-Lacy said the language basically states they are not going to regulate signage in association with a special event for a Type 1 organization or Type 1 special event.

CMBR Kelly said she did not agree with giving that much latitude and opening it up to anyone that meets that criteria.

CMBR McNeil asked if they were getting into First Amendment rights and not being able to regulate the content of signs. CMBR Thompson clarified they are not regulating the content, but the size, time, place and manner is not included in the First Amendment.

CMBR Poppa said he believed at one point they looked at this as an art installation and so there was not a need to modify the code to allow for 4x8-foot signs on properties that match this description.

Ms. Jones-Lacy said that after reviewing the code one option would be to have St. Agnes come before the Council on an annual basis and request special permission to do this display.

Mayor Marquardt said the issue needed to be looked at further if only for the public welfare to live next to a display for four months out of the year.

CMBR McNeil said if they were required to come annually before Council to ask for permission that could be frightening because there is no guarantee they would receive approval. If it is in the ordinance, then they will know they have the guarantee. CMBR McNeil said she would like to see it as part of the ordinance, but agreed the Governing Body should take its time on this.

CMBR Rhoades said if there is not going to be a vote on this item he would like to take the other ordinance dealing with signs off Council meeting agenda and resolve them together as they are both related.

Mayor Marquardt agreed that all parts needed to be looked at. He said he does recognize the church does have an annual event and the City should accommodate what they have done to date and try to figure out on how to work with them on their freedom of expression.

CMBR Janssen suggested limits to one 4x8 sign and then each additional sign six square feet or less.

Mayor Marquardt said the timing should be separated by 30 days and not be consecutive. Ms. Jones-Lacy stated the ordinance already lists the frequency for similar events as six non-consecutive times per calendar year.

CMBR Janssen said he believed this would limit the number of special events or City-sponsored events throughout the city if the language were changed. The only reason for changing the code is because the crosses are being considered as signs. He also asked if they could be interpreted as an art installation with some signs. Ms. Jones-Lacy said the City Attorney has interpreted them as signs. Originally staff interpreted them as lawn art, but later it became clear that are to be considered as signs.

CMBR Kelly recommended limiting the footprint of the display.

There was discussion with regards to event signs at Roesland Elementary and how the ordinance would affect them. Mayor Marquardt said there should be discussion with the school about their sign uses. He said there

should be a way to meet the needs of all the groups without getting overly technical and too deep in convoluted jargon.

CMBR Kelly said the real test will be how the ordinance is applied in the end and what kind of feedback they get from the residents.

CMBR Thompson recapped that from the discussion they want to look at a further separation in time between events, the number of times per year, the size of the display area, the size of the signs and looking into what other schools are doing.

CMBR Poppa said he would like to see how the next city attorney interprets the cross.

Ms. Jones-Lacy said she will talk to the St. Agnes community about how many signs they have and the general size of the area of the display.

CMBR Rhoades said if they are calling a cross an individual sign, but also calling it a display, could they consider the entirety as a one sign-display.

City Administrator Moody said limiting the total signage to a total square footage would be a way to address the situation.

Mayor Marquardt asked Ms. Jones-Lacy to talk to the schools regarding the number of events they see as important for them, the number of signs for those events and the sizes of those signs. He said this is pertinent to the discussion of one big event and the multiple smaller events.

CMBR Kelly said she liked the idea of limiting the square footage of the signs themselves.

CMBR Janssen said he liked limiting the display area as a percent of the square footage of the entire property versus a set square footage. CMBR Kelly agreed that was a good suggestion.

CMBR Thompson thanked Ms. Jones-Lacy for her work on this.

#### **11. Sale vs. Lease of City Property**

City Administrator Moody said that the Development Committee has been discussing the old pool property as well as the northeast corner of Johnson Drive and Roe Boulevard property. Non-binding term sheets have been executed for the pool site that indicate the City's preference. The upper portion that would face Roe Boulevard is anticipated to be a sale of the property. The lower portion that fronts to 48th Street is anticipated to be a lease. Mr. Moody said the pros of leasing the property is that it gives the city longer term control and provides a steady stream of revenue. It would likely be a 20-year lease for a substantial sized building. By selling the property outright the money can be used for capital purchases by the city and avoid potential bond issuances. With a sale there would be more potential buyers versus with a lease.

CMBR Thompson said as a member of the Economic Development Committee they have not discussed this topic, but have anticipated the sale of the land and funds being used to purchase the Public Works building.

CMBR Rhoades said this was discussed at the beginning and it was decided as a group to lease the lower portion and sell the upper portion as potentially two or three plats of land sold individually or as a whole, but they wanted to retain the lower portion as a lease option.

City Administrator Moody said if the city decided to lease the property it would need to decide whether to manage the property or have a property manager. He added that the city has a little experience in managing property noting the lease of space at City Hall.

There was some general discussion as to the location of the new Public Works building with Mr. Leon adding that they are looking within a 1- 1½ mile radius of the City.

CMBR Thompson said that the city would have a say in the property and be able to exert some control if it were to be sold as it would need to approve a site plan before construction.

City Administrator Moody said the property could be rezoned for a specific use, but the more restrictions placed on it the more difficult it becomes to find a use for the land.

CMBR Janssen expressed concerns about the city being a landlord and felt the property should be sold outright, then use the funds for a new Public Works building. He also stated this project represents new construction in the city for the first time in 20 years.

CMBR Kelly said if the property is sold it will need a well-crafted selling agreement.

CMBR McNeil was asked to write down the concerns she has with the city's selling of property. Ms. McNeil said she believes the city has given away too much control and has not been listening to the residents when it is clear that they have been asking for a sit-down restaurant.

The Governing Body asked for Mr. Moody's opinion with regards to leasing or selling the property. Mr. Moody said he likes being able to maintain control of the site and the revenue stream over a period of years. He felt they could mitigate the risk with a good contract. With a good team in place they could strike a fair market deal, but would like to see clawback provisions with a specific time period established. He said he leans towards a sale, but believes the lease option has merit.

The majority agreement of the Governing Body was to lease the lower portion and sell the upper part of the property.

CMBR Thompson welcomed students from Shawnee Mission North who were attending the Governing Body Workshop meeting.

## **12. Ad Hoc Development Committee Renewal**

The Economic Ad Hoc Development Committee members were appointed through January of 2017, and requesting reappointment through January 2018.

CMBR McNeil said she would like to be on the committee.

CMBR Kelly also said she would like to be on the committee and volunteered previously, but was not noticed as quickly as others. She would like to have a discussion about making it fair to all who want to volunteer.

CMBR Janssen said the ad-hoc is comprised of up to four Governing Body members and recommended bringing the issue back for further discussion at the next Council meeting.

CMBR Thompson said she would like to stay on the committee, and that they have developed a good rapport and built good relationships with CBC and some of the developers. She stated that all are always welcome and able to be a part of the discussion. She also suggested that the same people remain on the committee.

Mayor Marquardt expressed his desire to remain on the committee.

CMBR Janssen stated he does not wish to be on the committee, but enjoys seeing the work product and told them to keep it up.

CMBR McNeil appreciates the work of the committee and was on the committee for 1-1½ years and then it fell away. Now that it is encompassing the pool site she is disappointed not being on the committee because when asked she said yes, but was not noticed as quickly as others. She agreed with CMBR Kelly that they need to rethink ad-hoc committee appointments.

The item will be placed onto the December 19 agenda under New Business.

### **III. NON-AGENDA ITEMS**

Public Works Director Leon addressed the leaf pickup program in response to e-mails sent to the Governing Body and staff about why they are not extending the fall leaf pickup program. He said the equipment used for leaf pickup is also the same equipment for snow and ice removal and the vehicles need to be transitioned and be prepared for snow and ice events. He also wanted to make clear that the Public Works Department prioritizes snow and ice before leaves.

The Governing Body agreed to discuss the leaf program further at an upcoming workshop.

### **IV. ADJOURNMENT**

*(Roeland Park Governing Body Workshop Adjourned at 8:15 p.m.)*