

COMMITTEE OF THE WHOLE MEETING
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, July 13, 2015, 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

- Mark Pentz, Interim City Admin.
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

Admin

Chair, Janssen
Co-Chair, Poppa

Finance

Chair, Rhoades
Co-Chair, Kelly

Safety

Chair, McNeil
Co-Chair, Thompson

Public Works

Chair, Fast
Co-Chair, Kellerman

CMBR Fast called the meeting to order at 6:00 p.m. All members were present and agreed to approve the agenda and to allow a statement from Police Chief Morris during his 2nd Quarter Statistics report.

I. APPROVAL OF MINUTES:

- A. May 12, 2015 Committee of the Whole
- B. June 1, 2015 Committee of the Whole
- C. June 15, 2015 Committee of the whole

The Committee approved the minutes as submitted.

II. REPORTS OF COMMITTEES

1. Admin – Ethics Ordinance Review by the City’s Ethics Attorney

David Waters, the City’s Ethics Attorney, reviewed with the Committee the Ethics Ordinance the Governing Body passed earlier in 2015. The overview was of the ethics rules the City currently has in place, noting that they focus primarily on conflicts of interest, maintaining independence of judgment, not entering into transactions or contracts where one would have a personal or financial interest, how to treat each other and the tone of communications. Mr. Waters has reviewed Kansas State Statute K.S.A. 75-4301(a) and stated that even though Roeland Park has its own code, it must check state code for compliance. There was discussion of the verbiage in the code to better clarify what determines a conflict of interest, or to ensure that there are no personal advantages obtained by either the Governing Body, staff, or family members. If a conflict does arise, it is necessary to state on the record the nature and extent of the conflict, and for the party to recuse themselves from the item and abstain from voting. The affected party may remain present at the meeting since their absence might present possible quorum issues. They are to provide no guidance and should not participate in the discussion.

Mayor Marquardt posed the question of whether he should recuse himself from projects regarding his firm’s working with companies that have purchased land in Roeland Park. Mr. Waters said he recommends it be disclosed to the Governing Body and circumstances will depend on whether to abstain or not. The Council should use their own judgment with regards to ethics as it is about appearances.

There was some brief discussion regarding actions to be taken for a breach of ethics. Some options were an expression of disappointment, reprimand, censure or removal from position. If there are any questions as to whether it’s an ethical situation, the conversation should start with the Mayor and City Administrator who would determine when to contact the ethics attorney. Mr. Waters recommended trying to handle the issue in-house before seeking assistance. He reminded everyone that they can request a formal opinion from the ethics attorney, but this takes time, money and resources. Mr. Waters said his primary duty and loyalty is to his client, the City of Roeland Park.

Mr. Waters concluded his presentation suggesting the Council review the ethics ordinance more closely to familiarize themselves with it. He then expressed his congratulations to the newest members of the Council and thanked everyone for their time.

CMBR Fast recommended the new Councilmembers present any questions to Mr. Pentz who would then work with Mr. Waters to answer them.

Mayor Marquardt said he would like to alter the agenda to discuss the City Administrator selection process later in the meeting.

2. Finance – Budget Update

Interim Administrator Pentz had three significant points to bring to the Committee's attention.

The year-end balance with the completion of the audit at the end of 2014 was \$1,922,771, higher than the projected \$1,797,951. By the end of 2018, the projected General Fund reserve was 14.41 percent of expenditures. With this one change it is now projected at 15.8 percent. The City's goal is 16.7 percent.

The General Fund expenditure account for the TIF fund expenditures has been increased from \$230,000 to \$251,200.

The Council decided to shift the majority of the corrugated stormwater replacement out of the Special Infrastructure Fund to the TIF 2 Fund (McDonald's/City Hall). There is about a million dollars from the fund that will expire in 2021 if not utilized. Ms. Jones-Lacy and Mr. Pentz met with Gary Anderson from Gilmore & Bell, the firm who advises the City on TIF projects.

Public Works Director Leon has also worked with Shafer, Kline & Warren (SKW), on the use of the funds and timelines of the projects. There is a new map list that identifies locations and expenditures for each replacement area. The map denotes the TIF 2 area and its stormwater line. It is anticipated that the TIF district will be able to finance the vast majority of storm drainage improvements. Mr. Leon is researching whether the plan needs to be amended to be able to do these projects. He asked that the Committee recommend moving ahead with these improvements.

Ms. Jones-Lacy addressed property valuation changes. She said a public hearing will be noticed for August 10. She added that property valuations have been increased by the county and the total property tax levy is a little bit higher than in 2015. She added the mill levy will remain the same, but the property tax levy has increased. The result of this is a need to approve a resolution prior to adopting the budget. This approval can be done on the same night as the public hearing.

CMBR Fast said she felt the Governing Body should communicate with residents the reasons for the valuation changes they will see on their tax bill.

Ms. Jones-Lacy stated she will publish the mill levy rate so the residents will see the property valuation changes are not something that the City is imposing.

Interim Administrator Pentz reminded everyone of the Open House Public Forum with regard to the proposed 2016 budget. They will have story boards and tables set up and various department heads will be on hand to provide information and answer questions. Police Chief Morris has offered to have some equipment on display so that the citizens can see where their money goes. The meeting starts at 6 p.m. on August 10th.

3. Public Works – R Park Amenities Process, Survey and Design Development Plan

Public Works Director Leon is requesting a survey of R Park stating that it is a nice park that has received a lot of attention and with the requests for amenities and the development of a master plan it is important to have this. Mr. Leon said the survey should be the first step in improving the park and will allow them to have a document, a plan that has the current information of R Park there, the trail, the trees, the tennis courts, the parking, etc. They have not had a survey since items have been put in place in the past year and is important due to discussions of the addition of a shelter and a possible remodeling of the tennis courts.

Interim Administrator Pentz said a survey will establish the contours of the land as this is important to determining the elevations as to where things would be placed. It is also necessary to know how amenities will affect storm drainage and also how the facilities relate to one another. The survey also will identify areas beyond the park's boundaries.

Public Works Director Leon is requesting a task order for SKW in the amount of \$6,000, which includes finding the property boundaries of the park. The survey will also help determine the future of 55th Terrace.

Mayor Marquardt expressed his support of the survey adding that it will help with the future design of the park. He added that a lot of people have donated things such as benches and fountains and a lot of them were not placed with a thought to the final plan. He said that currently the tennis court is situated so that players face into the sun. He also added that the drinking fountain is placed close to the parking lot and might have been better situated between the play area and a shelter. The survey will also act as a tool for the Public Works Department to locate the park's amenities. Mayor Marquardt said he would like to have input from all the committees to identify what they would like to have added to the park.

CMBR Thompson has spoken with Shea Geist who would like to see the survey completed by the end of the calendar year. She also expressed a concern of only volunteers working on the project as things might not be completed in a timely manner.

CMBR Fast noted that the R Park Stakeholders would have a meeting to discuss future designs in the park. Mayor Marquardt noted the R Park Stakeholders include the Public Works Director, City Administrator, Mayor, liaison to Parks, the City Council President, and the Chair of the Parks Committee. Mayor Marquardt has also asked one of the donors to sit in on the committee.

CMBR Kellerman wanted clarification that a donor stakeholder did not buy into their position on the committee, which the Mayor said no one has purchased a position on the committee. Mayor Marquardt believed the Council Committee would oversee the overall process, but the stakeholders will see the process through to finalization.

Interim Administrator Pentz discussed funding for the park's projects could come from the Special Infrastructure Fund as a result of the corrugated pipe replacement being shifted to TIF 2 funds. There is \$101,000 in the Special Infrastructure Fund for corrugated replacement. \$21,000 would be for the survey and landscape-architectural services. The \$80,000 balance could go to a reserve fund for future projects that the Council would decide where to allocate those funds. The 2015 funds combined with 2016 will be \$170,000 to the Special Infrastructure Fund.

CMBR Kelly supported moving ahead with the process and developing a plan since there is currently money in the budget.

CMBR Fast wanted to divide this topic into two issues. She wanted to know if there was support first to recommend the survey, and then secondly the design for the park.

Mayor Marquardt stated he e-mailed committee chairs on July 3rd and would like their input by August 7th.

Public Works Director Leon reiterated his desire for a survey as the boundaries need to be delineated because of homes adjacent to the park on 55th Terrace. He also added that an updated survey will reflect that the school is gone, the trail has been added and also the location of the trees. The contour lines are necessary in the planning of a shelter and if the

tennis courts are to be moved. The survey will not only give the location of all the items, but also their dimensions. SKW will utilize survey information from when the school was demolished which resulted in the price of the survey being dropped to \$6,000, a \$2,000 reduction.

CMBR Fast stated the donors are anxious to have their benches placed in the park. She supported getting the survey, placing the benches, but to hold off on the design plan.

CMBR Kelly noted that having a plan reduces a duplicate effort and benches need to be a part of the plan.

CMBR Janssen said he supports the master plan, but doesn't believe a rushed plan is the best plan.

CMBR Fast said the discussion of park design should be discussed at either a September or August meeting to allow for the Stakeholder and Parks committees to meet. She supported moving forward with the survey, but felt the design discussion could be brought up on another day.

The majority of the Committee recommended to move ahead with having a survey completed.

CMBR Fast asked for comment on a future design plan discussion. CMBR Thompson said she would like to see the design plan go forward and that the sooner, the better, and the happier everyone will be.

CMBR Rhoades questioned the total amount of money in the design plan and did not want to see this rushed through.

Mayor Marquardt said he would like to see the elements added to the park placed in a way that would not require them to be moved in the future. He said the process may seem like it's rushed and it may seem like a lot of money for a design concept, but as an architect this feels like the normal process. He is unsure on the future of the tennis courts, whether there would be one or two, or if they will even be incorporated in the design plan.

CMBR Fast asked the Mayor who would decide what would be a part of the design plan. Mayor Marquardt is proposing a process to get input from all the committees and groups and that the stakeholders would make that decision.

CMBR Kelly said that a meeting has been set with stakeholders, and times have been set for the committees to give input. That information will be what directs the design team and the eight-week, timeline seems sufficient.

CMBR McNeil inquired of the source of funds for the designs. Mayor Marquardt said there is a group interested in looking at the design for the shelter who would like to do a fundraiser for its construction. There has been interest expressed in having an orchard planted. If the design plan includes the amount of each item it will help focus the donations so it can be incrementally built out as efficiently as possible. Mayor Marquardt said the items on the design plan will be done when we have time, when we have money, and what we feel is a priority.

CMBR McNeil also expressed a safety concern and functional issues at Nall Park. She stated she doesn't want to see too much work being done at R Park for things that aren't necessary when Nall Park has needs that are necessary.

CMBR Fast spoke to Mr. Tom Madigan who stated that Parks are part of the City's infrastructure and is a reason why, in addition to libraries and schools, people come to Johnson County. Mr. Madigan feels that so many things have been neglected at R Park just like Nall Park. He relayed to CMBR Fast that all these plans for other projects the City can find money for, but is not able to find the same amount of money to do basic repairs at the parks. Mr. Madigan expressed to CMBR Fast that he would like to see money put aside for repairs and maintenance.

Mayor Marquardt stated he did not believe that the plan for R Park is taking anything away from Nall Park. He added that \$100,000 is going to be opened up and there is no budget for the parks. He likes all of the ideas presented and wants to move ahead and see what's possible.

CMBR McNeil wanted affirmation from the Mayor that they were not rushing or slapping something together to get it done. Mayor Marquardt stated there are a lot of people who are giving their time to this, donated time as well as the professionals, and other projects would not take longer. He added that people get restless looking at a design and are anxious to move forward.

CMBR Fast received an agreement of the Committee to move forward.

CMBR Rhoades said he would like to see the word “Stakeholder” removed from the committee title. Mayor Marquardt said he is a part of the group and wanted to narrow the members down to the heavy influences. He said he’s been involved in such a process many times where it is used and believes it to be appropriate. He did say, however, he would be happy to change it if the Committee requested. There was no decision made to change and it was agreed to be discussed at some future time.

4. Public Works – Nall Park Task Order

Interim Administrator Pentz stated this item came up for discussion in June, but he did not realize there was \$10,000 budgeted in the Building Equipment Replacement Fund for this task order. Mr. Pentz spoke with previous City Administrator Otto who said the monies can be used at the Council sees fit.

CMBR Fast stated this fund is normally for repairs, not professional services and that task orders usually come out of Professional Services.

Public Works Director Leon brought this item before the Committee in June and is requesting \$11,600 for a task order provided by SKW. As a reminder, the primary focus is to get the bathroom updated and electrically and mechanically functional. Also included in the task order is the electrical and lighting at the shelter house as well and getting the drinking fountain working again. Mr. Leon stated there is \$10,000 reserved for repairs at Nall Park that to date has not been spent. Mr. Leon said the Committee has a couple options. One is to approve the task order as it. Second, is to create a different task order for just the repairs to the drinking fountain and the shelter. A third option would be to tear down the bathrooms. The fourth option would be to create a task order to repair the drinking fountain and shelter and to refurbish the bathroom for a different purpose.

Mayor Marquardt said he was hesitant to move forward with the disc golf discussion at this time. He said he would be okay with a task order going forward as long as the work did not affect the design of the disc golf being planned.

CMBR Fast said a plan is being designed now to work around the existing elements in the park. She added that the owner of a new disc golf store is looking to bring disc golf to the area schools and will design the pads at Nall Park. After completion of the plan, he will make presentations to the Parks Committee and the City Council.

CMBR Poppa expressed his support of approving the task order.

CMBR Rhoades questioned the need for lighting if the parks are closed at night. Chief Morris expressed that lights help with any safety issues.

The majority of the Committee agreed to move to the Council agenda for a vote to approve the task order.

5. Public Works – 2015 Stormwater Maintenance Project

Mr. Leon noted the updated information on the 2015 Stormwater Maintenance Project that was discussed earlier in the meeting. SKW is 95 to 99 percent done with the design plans. Mr. Leon will be asking the Governing Body for approval to go out for bid at the next Council meeting on July 20.

The Committee agreed to put this item on the Consent Agenda for the City Council meeting.

6. Public Works – 2015 Street Maintenance Phase I

Mr. Leon discussed the improvements on Howe Drive between 40th and 50th Street and its structural problems. He added that at 52nd Terrace and Howe, two manholes have settled incorrectly. Finally, an ADA ramp will be installed at the southeast corner at R Park for access to the trail.

The Committee agreed to put the RFP request on the Consent Agenda for the City Council meeting.

7. Public Works – 2015 2nd Quarter Statistics

Police Chief Morris clarified that the City park hours are between 6 a.m. and 10 p.m., April 1st to October 31st, and from 8 a.m. to 8 p.m. to November 1st to March 31st, with the exception of Granada Park, which is open from 8 a.m. to sunset. Chief Morris said the information was online and further information could be found there.

Mayor Marquardt commented that some people use the schoolyard as a park and they need to leave by sunset.

Chief Morris reviewed the 2nd quarter statistics. He clarified that even though statistics include reports of an offense, it doesn't necessarily mean that they occurred, but that they are reported offenses. The second quarter consisted of reports of 2 rapes, 13 assaults, 5 burglaries, 54 thefts, and 5 auto thefts. In total, there were 227 reports, 76 arrests of which 67 of those were adults. There were 32 accidents. Chief Morris noted that his officers work all accidents in Roeland Park regardless of size. His department also issued 554 citations and conducted 1,960 calls for service. In all, incidents for 2015 have gone down to 227 when compared with figures from 2010.

Mayor Marquardt requested a break out of business district incidents to exclude the Boulevard Apartments. Chief Morris said there were about two calls a day to the apartment complex and his department was at Walmart almost every day. The apartment complex had more domestic calls while there were more property crime calls at businesses like Price Chopper, Walmart and Lowe's, and accidents in the parking lot. He noted that all reports and their locations are on the website on the Weekly Update.

Chief Morris related the incident from July 6 when Officer Engravalle was called to Walmart in regards to a shoplifting incident. The incident involved a woman with children who were shoplifting diapers and baby wipes. Officer Engravalle was required to write a citation, but he also bought diapers and wipes for the family from his own money. The details of the incident were sent to the *Prairie Village Post* who interviewed the officer, and wrote a nice article. The article went viral and was picked up by national news networks, *People* magazine, other countries have called, many with offers to help the family. The officer has raised over \$14,000 with the help from media and radio stations. A bank account at Mission Bank has been opened. Chief Morris also congratulated his staff for fielding all the calls. He added this is a reflection on his officers, which reflects on everyone in the City. He is looking to have a formal recognition of Officer Engravalle put on the agenda for August 20th. He thanked the *Prairie Village Post* and the Governing Body for the support to allow them to do their job and their support when they do their job.

CMBR McNeil asked about the progress with the Digi-Ticket. Chief Morris said the system needs to be formatted with the fine schedule and the ticket form created.

8. Ad-Hoc Development Update

There was discussion regarding the development of the old pool site. Mayor Marquardt noted that trees growing on the site are tearing at the natural landscape that is the uniqueness of the site. The Committee needs to discuss how the TIF funds are to be used and what power the City Administrator would have in the expenditure of those funds.

Interim Administrator Pentz said that the TIF funds are being set aside currently in a general sense.

Mayor Marquardt said it needs to be decided first how to reinforce the ceilings and if all of them are to be used. The next question would be do we want to remove the cave ceilings behind or in the front to allow for more square footage.

CMBR Thompson stated she believes this is an opportunity for the City to do something really cool, and would set ourselves apart and be a real attraction for the whole metropolitan area. She encouraged the Council to take the necessary steps to take advantage of money in the TIF fund that expires in 2018.

CMBR McNeil agrees with CMBR Thompson and thanked the Mayor for having a vision for something other than a strip mall.

Mayor Marquardt said that a citizen who met him at the door when he was running for Mayor put the seed in his head for the project. He is highly motivated and wants to motivate the committee so as to move as soon as possible.

CMBR Fast requested minutes be kept from the ad-hoc meetings. Mayor Marquardt agreed that someone should take notes.

Committee members agreed to let the City Administrator move ahead with expenditures of the TIF funds.

The Committee then discussed a dollar limit that could be spent by the City Administrator.

CMBR Kelly felt comfortable with the group's oversight of the funds to allow \$100,000 as a cap for projects.

Mayor Marquardt recommended doing some excavation and to have the engineer analyze and give a report on what his analysis would be for the capacity at the site. He added that the excavation is needed to better understand the structure. Mayor Marquardt also felt it was prudent to hire an engineer who is confident about evaluating sites such as this.

III. NON-ACTION ITEMS

CMBR Fast announced the list of upcoming meetings.

July 20 - Closed meeting to start at 5:30 p.m.

City Council meeting to start at 7:00 p.m.

July 21 - City Administrator meeting.

July 27 - Meeting at 5:30 p.m. to narrow down names for City Administrator and to set up meetings.

August 3 - Committee of the Whole

August 10 - Committee of the Whole & Budget forum

August 17 - Committee of the Whole meeting

City Council meeting

IV. ADJOURNMENT

(City of Roeland Park Committee of the Whole Meeting Adjourned.)