

**GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall - 4600 W 51st St
Monday, December 7, 2015 6:00 PM**

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| <ul style="list-style-type: none">• Joel Marquardt, Mayor• Erin Thompson, Council Member• Becky Fast, Council Member• Michael Poppa, Council Member• Ryan Kellerman, Council Member | <ul style="list-style-type: none">• Tim Janssen, Council Member• Teresa Kelly, Council Member• Sheri McNeil, Council Member• Michael Rhoades, Council Member | <ul style="list-style-type: none">• Keith Moody, City Administrator• Jennifer Jones-Lacy, Asst. Admin.• Kelley Bohon, City Clerk• John Morris, Police Chief• Jose Leon, Public Works Director |
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Admin	Finance	Safety	Public Works
Janssen (S)	Rhoades (S)	McNeil (S)	Fast (S)
Poppa (J)	Kelly (J)	Thompson (J)	Kellerman (J)

I. APPROVAL OF MINUTES

A. September 14, 2015

II. DISCUSSION ITEMS:

1. Marketing and Branding Discussion (est. time 30 min.)
2. KCATA to Discuss Additional Bus Stops (est. time 15 min.)
3. Large Trash (Dumpster) Bags (est. time 15 min.)
4. 2015 Budget Amendment (est. time 5 min.)
5. Donation Policy (est. time 15 min.)
6. Review of Council Training Policy (est. time 15 min.)
7. Reappoint Ad-Hoc Development Committee (est. time 5 min.)
8. Short-Term Rental Regulation (Airbnb) (est. time 45 min.)
9. City Hall ADA Improvements (est. time 5 min.)
10. Pending Items - An Ordinance Revision that Raises the Age to Buy Cigarettes, Electronic Cigarettes, and Tobacco Products in Roeland Park to 21 Years of Age.

III. NON-ACTION ITEMS:

IV. ADJOURN

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**
- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be

shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.

- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.
- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.
- H. **Agendas and minutes** can be accessed at www.roelandpark.org or by contacting the City Clerk

The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.

COMMITTEE OF THE WHOLE MEETING
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, September 14, 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

- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

Admin

Chair, Kellerman
Co-Chair, Janssen

Finance

Chair, Poppa
Co-Chair, Rhoades

Safety

Chair, Kelly
Co-Chair, McNeil

Public Works

Chair, Thompson
Co-Chair, Fast

I. MINUTES

1. June 29, 2015

II. REPORTS OF COMMITTEES

1. Public Works

a. SKW Study on Nall Park Trail to Community Center

Public Works Director Leon presented the Shafer, Kline & Warren (SKW) Study to the Committee.

CMBR Fast reminded everyone the topic is for informational purposes only and not a time for discussion on the merits of the project.

Matt Eblen from SKW addressed the Committee said that the purpose of the report is the City's desire to connect the Community Center with Nall Park by a trail. The City would also like to make the trail ADA accessible. Some of the issues of the project are a 25-foot drop from the Community Center to the park, erosion problems and being able to adequately direct water run-off. Mr. Eblen presented several possibilities for a trail, some of which are not able to be ADA compliant. He also provided pricing options for the different plans.

Public Works Director Leon spoke in favor of being able to mitigate erosion issues in the construction of the trail.

CMBR Kelly would like to see the stormwater issues addressed and inquired whether stormwater funding could be utilized to offset some of the costs. She added that the Bike-Walk ad-hoc committee was looking into trail connectivity and they would like to look at options provided by SKW.

b. SKW Study on Drainage and Parking Community Center

Mr. Eblen's report also addressed the drainage issues and traffic patterns at the Community Center. He added that the traffic pattern around the Community Center is unsafe as it is not well marked and the one-way direction is not adhered to. He recommended a change to the traffic pattern and increasing the amount of parking. Some of the changes would increase storm drainage runoff, but that a system would be installed to mitigate those issues.

Police Chief Morris commented that while the traffic pattern around the Community Center is not ideal he has had no accident reports or traffic issues. His only reports are people remaining after hours at the Center.

The Committee discussed possible parking chances and driving route options around the Community Center. Mr. Eblen also presented possible resolutions to drainage issues addressing how to divert the stormwater.

CMBR Fast thanked Mr. Eblen for the time spent on studying the area and coming up with potential solutions for the City.

2. Safety – STO and UPOC

Chief Morris presented the Standard Traffic Ordinances for the cities and the Uniform Offense Code adopted by the Kansas League of Municipalities. The changes have been reviewed by City Attorney Shortlidge, Judge Karen Torline and City Prosecutor Frank Gillman. Chief Morris requested approval at the next Council meeting so it can be published and implemented.

CMBR Thompson noted a typo in Section 10.4(d) and recommended changing “and” to “an.”

The Committee agreed to move this item to the Consent Agenda for approval.

3. Finance – Resolution Appointing City Officials Responsible for Implementation of the City Investment Management Program.

Ms. Jones-Lacy reminded the Committee that the Council had previously adopted the Investment Management Program in May.

Jeff White, a representative from Columbia Capital, the City’s Financial Advisor, said that approval of this resolution is one step to allow the start of full implementation of the City’s investment management program. Currently there is no specific authority in the City delegated to the City Administrator or anyone else for the creation and closing of financial accounts. This resolution appoints the City Administrator and the Assistant City Administrator/ Finance Director as authorized officials to take those actions. Mr. White added that these are the City’s accounts and will never bear the names of City officials. This is simply administrative authority to open and close accounts.

CMBR Rhoades suggested, and there was Committee agreement, to change the language to “may delegate”.

The Committee agreed to move this to the Consent Agenda for approval.

4. Finance – Fee Resolution

Ms. Jones-Lacy said this resolution will set a fee structure for repeat inspections for those failing to resolve issues after the first inspection. The process will give an opportunity to fix issues after a first inspection, but if issues remain unacceptable this will give the City an opportunity to impose a fee for repeat inspections.

The Committee agreed move this forward to the Consent Agenda for approval.

5. Finance – July Financials

Ms. Jones-Lacy reported that the City’s revenues and expenditures have fluctuated. One positive aspect is that spending is currently 6.21 percent below expected expenditures. Revenues are below budget with sales tax underperforming all year. Lower sales taxes have been recognized by other Johnson County cities including Overland Park, Leawood and Mission. Franchise fees are up, however, by almost ten percent above budget. The City has also started receiving Google franchise fees. Property taxes are down about 2.6 percent. Court fine revenues are up and about ten percent over budget for the year. TDD 1 and TDD 2 continue to underperform, but revenues have been a little bit better. TDD 2 is currently in default and TDD 1 is projected to fall into default later this year. CID revenue continues to come in strong and nothing has been spent as of its inception. The

fund balance as of July is a little over a million and will assist with redeveloping the lot after the departure of Walmart.

There was brief Committee discussion on the possible use of the CID funds.

Ms. Jones-Lacy said she was looking to update the form of presentation for the finance report.

6. Admin – Commerce Bank Development Agreement Extension

Interim Administrator Pentz said in August, the City Council approved an extension to the Development Agreement Amendment with Commerce Bank until October 1, 2015, to give time for the City to discuss with Commerce Bank the possibility of moving forward with the creation of the CID that would then be used to pay for Commerce Bank's share of the intersection improvements. The City has a CARS grant to fund the City's half of the intersection improvements for 2016. Public Works Director Leon would like the design completed this winter with construction set to begin in the spring of 2016. The City's Bond counsel had advised to put a CID in place before the intersection improvements as a mechanism to recapture the bank's share of the funds, which are to be 50 percent or about \$55,000. Repayment would be collected through a sales tax to be imposed on the retailers at that property in the future.

During discussions Commerce appeared open to the idea and provided them with a copy of the City's CID policy. Each share of the project is \$55,000. The fees associated with creating the CID were estimated to be \$25,000. Noting the fee cost in relation to the improvements, Commerce questioned whether it would be worth it on a small project to create a CID as the fees would apply to attorneys and financial advisors.

Interim Administrator Pentz said by doing the CID, the City would be fronting the money for Commerce Bank, with repayments to the City coming back over a 15 to 20-year period in small amounts repaid by sales tax. Commerce raised the possibility of City fronting the money and to be reimbursed over a period of time will full reimbursement at the time the property is sold, or a date certain. Interim Administrator Pentz said he would recommend a date certain end of 2016. This money could then be budgeted for in 2017.

There was agreement by the Committee to move this discussion to the City Council agenda for September 21st.

7. Admin – Voting Delegates to the League of Kansas Municipalities Annual Conference

Ms. Jones-Lacy said the City is required to appoint two voting delegates for the annual meeting at the League of Kansas Municipalities Annual Conference. Historically staff has been appointed and is recommending that she and City Clerk Bohon represent the City at the meeting.

The Committee agreed to move this for approval on the Consent Agenda.

8. Admin – Custodial Services RFP

City Clerk Bohon would like to issue a new two-year custodial services RFP. There will be a walk-through of the facilities on October 8th for those interested with final bids to follow.

The Committee agreed to move the RFP onto the consent agenda for approval.

9. Admin – Ad-Hoc Development Group

Interim Administrator Pentz said when the Ad-Hoc Development Group was created it was anticipated to end in August. The committee has moved forward and currently has several items they are working on. Shafer, Kline and Warren is also working with the committee. A caves geotechnical engineering firm out of St. Louis, who has

done the first phase of the structural integrity of the ceiling and walls, will be doing the second phase of that study. SKW is working on specifications to bid out the clearing and cleaning up of the site to make it more presentable and accessible. They are also doing a very detailed ULTA survey. Staff is recommending the work of the committee be extended for minimally six months, then reassess its progress.

The Committee discussed the possibility of broadening the scope of committee. Some ideas presented were the possibility of the committee to be a liaison with staff for the Johnson Drive & Roe project as well as with Mission and 47th Street.

CMBR Fast commented she has spoken with a developer who said that Roeland Park has an economic engine off of I-35 and that the City has not utilized the exits to their full potential. She added that the redevelopment plan include both sides of Roe. One option would be to purchase a building from the Boulevard to reap the sales tax.

The Committee agreed to approve on the Consent Agenda the extension of the work of the Ad-Hoc Development Committee. They would also like to see the group pursue other projects in the City.

10. Admin - Rental Inspection Update

Ms. Jones-Lacy said the interior rental inspection program is set to begin in January 2016. There will be systematic inspections of the Boulevard Apartments. Inspections of single-family rentals will be completed when the tenant moves out. There will be no more than one inspection per property per year.

Training sessions are scheduled for landlords with the goal of the sessions is that landlords and tenants are aware that there are regulations that they need to follow. The meetings will be hosted at the Community Center. There will be advertising on the City's website as well as in the newsletter. Postcards are to be mailed to all registered landlords. The meeting dates are for October 7th & November 4th, both at 6:00 p.m. but it is only necessary to attend one meeting. All are welcome to attend. CMBR Fast will provide an introduction during the presentation. Mike Flickinger, the City's building inspector, will be providing the majority of the presentation.

11. Admin – Ordinance 920 – An Ordinance of the Governing Body of the City of Roeland Park, Kansas Removing Project Area 2A from Redevelopment District No. 2 and Terminating Tax Increment Financing for Project 2A.

Interim Administrator Pentz earlier advised that Project 2A within TIF District 2 reached its 20-year limit at the end of August. The Ordinance acknowledges and formalizes this fact and a copy of the ordinance will be provided to the county so that when taxes are levied at end of year that the taxes should be distributed as they normally would to all taxing jurisdictions. The approximate amount returning to the City is \$4,694.

The Committee agreed to move this forward for approval on the consent agenda.

12. Admin – Amendment to the TIF District No. 2 and Project Plan Areas.

The reconfiguration of TIF District 2 to exclude 2A that has expired consolidates Area 2B (north Aldi & Walgreens) and 2D (City Hall and QuikTrip), and will become one project area set to expire in 2021. The Project Plan will be amended to make it clear that the TIF will be paying for the corrugated pipe replacement within the project area and is an authorized activity.

The Committee agreed to move this forward for approval on the consent agenda.

13. Admin – Committee Process

CMBR Poppa and CMBR Janssen have been reviewing the Committee meeting process and made the following recommendations of a six-month pilot program:

- Committee of the Whole designation be changed to Workshop.
- There would be one Workshop on the first Monday of every month.
- There will be one Council meeting every third Monday.
- A Workshop will be scheduled as needed before the Council meeting.

CMBRS Poppa and Janssen also made the following recommendations to the development of the meeting agenda:

- The City Administrator, Mayor and Council President will set the Workshop agendas.
- The Council President will preside over the Workshop.
- The Mayor will preside over the Workshop in Council President's absence.
- Dissolve standing committees and standing committee chairs.
- Former committee chairs will be representatives to their respective City Departments.
- Former chairs would be representatives to the respective City departments of the former standing committees.
- Each Workshop to include a future Workshop report section. This will help to outline ideas for possible future Workshop agenda items by filling out an action form prior to the meeting and then Councilmember will have two minutes at the meeting to present their idea to determine an interest from the rest of the Council.

The Committee discussed the new agenda recommendations and agreed that they liked a lot of the recommendations. They also liked being able to vet a topic before in-depth discussions. The Committee agreed to discuss the possible changes at a future Committee of the Whole meeting.

III. NON-ACTION ITEMS

A. Committee Minutes

- 1. Planning Commission**
- 2. Board of Zoning Appeals**

Ms. Jones-Lacy said the Planning Commission and Board of Zoning Appeals are taking up a number of issues related to front porch regulations, demolition of buildings and sign regulation issues. There will also be an amendment to the City code for dangerous and unsafe structures to comply with state law.

Issues regarding dumpster bags is pending for the last COW in September.

There is also an opening on the Planning Commission following the passing of Linus Orth from Ward 2. The Commission has nominated William Ahrens. They are hoping for his approval at the next Council meeting.

The Board of Zoning Appeals is having a difficulty making a quorum and would like to have a new Ward 2 representative appointed. CMBR Rhoades stated he is working on it.

B. Pending Items

- 1. Franchise Gas Ordinance – October**
- 2. Parks Master Plan on Maintenance**
- 3. Use of TIF 2 Funds**

- 4. January 2016 – 5 Top Priorities for Budget**
- 5. December – Air BNB**
- 6. Council President/Council Committee Process**

Ms. Jones-Lacy noted that upcoming meetings are scheduled for October 5, 12 and 19th.

There has been an application for the Parks Committee by Patrick Franken with a recommendation from the Parks Chair to nominate him. Judy Orth has received a lot of donations in honor of Linus Orth and has applied for a position on the Roeland Park Community Foundation.

(Roeland Park Committee of the Whole Adjourned at 8:11 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: Councilor Fast and City Administrator
Committee/Department: Admin.
Title: **Marketing and Branding Discussion (est. time 30 min.)**
Item Type: Discussion

Recommendation:

Staff recommends the Board make any desired edits to an RFP and provide direction to staff on how/when to proceed with distributing the RFP.

Details:

Council has indicated an interest in proceeding with a branding process to accomplish one of the first recommendations from the Strategic Planning process. Council President Fast has provided the attached memo as supporting information. Also attached is bio sheets from two local residents who will be in attendance to share their insight on community branding projects. Two examples of RFP's for branding services used in the metro recently have been massaged into drafts for your consideration. The RFP's provide explanation of the services being requested.

ATTACHMENTS:

Description	Type
☐ branding memo	Cover Memo
☐ Allen Foley Cover	Cover Memo
☐ Allen Foley Background	Cover Memo
☐ GUTS Branding-Kurt Bartolich	Cover Memo
☐ Branding RFP Sample 1	Cover Memo
☐ Branding RFP Sample 2	Cover Memo

MEMORANDUM

TO: ROELAND PARK CITY COUNCIL
FROM: BECKY FAST, WARD 1 COUNCILOR
SUBJECT: INFORMATION ON REBRANDING PROCESSES
DATE: DECEMBER 2, 2015
CC: KEITH MOODY, CITY ADMINISTRATOR

As agreed upon at the November 23rd Workshop, I have detailed below two options by neighboring cities as examples for a rebranding process for the City of Roeland Park.

1) City of Mission – “Mission Forward” Promotional Campaign

- a. The City of Mission engaged the work of Kevin Fullerton, Springboard Creative and Mission resident to rebrand the city’s business district. Springboard Creative offered pro bono services to the City of Mission. The agreement was later formalized in a contract. Signs, printing, and additional costs regarding social media, signage was not included in the contract. The goal was a positive and unified voice focusing on the Johnson Drive rehabilitation project to help businesses thrive in historic, downtown Mission.
- b. City of Mission governing body agreed for Mr. Fullerton to move forward and work with staff, Johnson Drive businesses and the Downtown Visioning Committee. An RFQ was not issued as the campaign was initiated quickly.



2) City of Merriam – Rebranding Project

- a. The City of Merriam initiated a request for qualifications and professional services from branding and marketing companies. The message was to focus on “who we are” and to promote the City of Merriam as a desirable and preferred place to do business. The project scope was developed by staff and a committee was appointed that included residents, council members, and staff to interview the companies that submitted their bid and to review their portfolio. The committee identified the selected company from the bids and presented their selection to the governing body for approval.
- b. The appointed committee continued to work with their selected company on logo and brand development. The committee presented several options to the governing body and the “Merriam Just Right” theme was the chosen brand and implemented on streets signs, park signs, city vehicles, web site, and all city publicity materials.



Hello Governing Body of Roeland Park, Kansas

I would like to introduce myself. My name is Allen Foley; I have been a current resident of Roeland Park, KS for the last 10 years. In that time, I have quietly watched our city and our surrounding communities grow and the demographics change. I am proud to see the advancements in our city government and its ability to keep up with the times.

A while back when answering questions on an online survey for strategic planning, I noticed a question about branding our city. Being that I have vast experience in this matter, I decided to call on my council member and offer my assistance. I will admit that my efforts were a little selfish as I have seen many attempts to brand end up in a waste of money. Quite simply there are not only individuals with decision-making status but there are professionals out there who claim they understand the complicated science of brand. The matter of brand is not to be taken lightly as it exemplifies the heart and soul of our city not only to ourselves, but also to all who see us from the outside. Needless to say, I did not want to see a failure happen in my community, especially when I am involved in supporting my community's tax base.

Having been in the business for many years but now currently practicing part-time, the art of branding, I reached out to a business that I felt confident that I could team with, who is one of the most successful brand companies in Kansas City. That company is GUTS Branding. The owner, Kurt Bartolich, not only has a very successful proven track record, but he simply he understands brand. And most of all, he has experience in working with city governments in branding their cities.

Mr. Bartolich and myself, when the time comes available, would like to be a part of the process but at this time we are here to simply offer you assistance on what you can expect when you brand or possibly re-brand our community of Roeland Park.

Enclosed you will find bios detailing our accomplishments in destination and community brand development. Mr. Bartolich will be handling the brief presentation due to our very small time restraint. I would however, be happy to talk at length anytime in private to those who have any questions. Both of our contact information is included within.

Thank you for this opportunity,
Allen Foley

BRIEF BACKGROUND OF ALLEN FOLEY

3920 West 53rd, Street
Roeland Park, KS 66205

(913) 236-0075
foleysolutions@earthlink.net

QUALIFICATIONS:

- An enthusiastic, confident leader with over 25 years of progressive business experience with exceptional skills in marketing communications and design, and a strong emphasis on brand consistency.
- Entrepreneurial professional with proven success in project management. Recognized for excellence in completing multiple projects with attention to detail, professionalism, within budget and within timeline.
- Success as an individual contributor or within a team, with the ability to communicate clearly to all members.
- Able to provide strategic direction and clarity when solving internal and external marketing problems.
- Valuable knowledge attained both as a marketing business owner and full-time corporate employee.
- Experiences include:

Brand Identity	Video Direction	Art Direction	Sales	Writing
Logo Development	Internet Strategy Design	Project Management	Public Relations	Photography
Media Negotiation	Promotion	Billboard Design	Animation	Video Editing
Radio Production	Market Research	Set Design	Direct Mail	Script Development
Commercial Production	New Program Development	Corporate Video	Periodical Marketing	Political Marketing

CAREER CHRONOLOGY: (As it pertains to Brand and Design Professional Experiences only)

SEMI-RETIRED (Continue Professional Experiences on a part-time or as needed basis) 2007 to Present

FOLEY MARKETING, BRANDING & DESIGN – West Palm Beach, FL / Roeland Park, KS 2003 - 2007

Business was focused on supplying marketing, branding and design tools for small businesses. Worked mostly with start up ventures Quickly diagnosed and applied recommended marketing principals with an outcome of profitable results. Efforts to various businesses increased profits three to five fold increased staffing and as applied increased business expansion.

NBC TELEVISION / SCRIPPS HOWARD BROADCASTING – Kansas City, MO 1984 –2001

Full-time corporate creative manager with staff, for in-house marketing, advertising and promotions.

Creative highlights included:

- Single-handedly launched and introduced a new broadcast television station into market - KMCI-TV38.
- Worked as part of a team that launched FOX Television in Kansas City.
- Worked as part of a team that launched NBC41 on KSHB during Kansas City network turnover.
- Started a new News Department for Scripps Television, which migrated to Kansas City's NBC news.
- Personally developed many original news and entertainment television programs.
- Carefully made various corporate purchases well over \$1,000,000 collectively throughout career.
- Managerial accomplishments included: budgeting, hiring and training over 30 employees, working closely with all corporate departments as proactive problem solver and working directly with clients.
- Won many prominent local and national awards for creative print and video production throughout career.

EDUCATION: Bachelors Degree in Visual Communication from the University of Kansas

Two Brand Portfolio's are available on request.



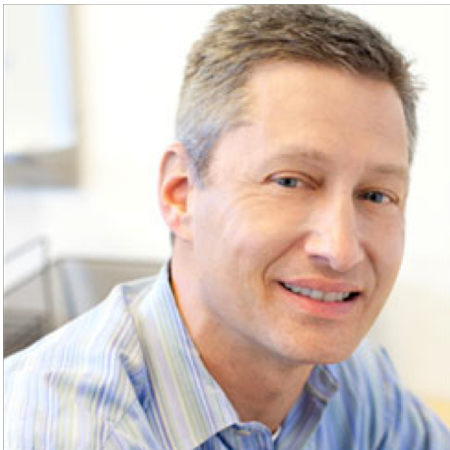
4505 W 78th St
Prairie Village, KS 66208

gutsbranding.com
gutsbranding.blogspot.com

913.232.6048

ABOUT GUTS BRANDING

GUTS Branding was launched in 2009 by Kurt Bartolich to coalesce the three beliefs that have defined his 25 years of birthing and repositioning brands: A brand should be created objectively (research) not subjectively (conjecture), built upon a tangible point of distinction not a conceptual premise, and sustained through consistency in every action, word and decision.



**Kurt Bartolich, Founder
GUTS BRANDING**

The merging of these ideals combined with decades of refining a proprietary brand positioning process, predicated on research methods that mine consumer attitudes, has helped create marketplace distinction for destination brands such as The City of Emporia, Kansas, Chase County, Kansas, Kansas Main Street, and Van Till Family Farm Winery. Other GUTS Branding engagements include Van Andel Institute, Teach for America, Choice Solutions, Formical, SUR-TEC, West Michigan Cancer Center, Sutherlands Home Improvement, Cates Heating and Cooling, Baldwin State Bank, and *The Emporia Gazette*, to name a few.

Prior to GUTS BRANDING, Bartolich's impressive portfolio of research and brand engagements included Hy-Vee Food and Drug, The Iowa Lottery, The Don Bosco Center, The Heart of America United Way, the Canadian Broadcasting Corporation, the Armed Forces Radio & Television Network, the Jacksonville Jaguars, Carondelet Health, Liberty Hospital, three political campaigns, and over 30 television and newspaper brands.

Bartolich, who cut his teeth as an agency executive and senior brand consultant at Frank N. Magid Associates, the global leader in media brand research and strategy, has testified as an expert brand witness and is a frequent presenter, including the Kansas Main Street State Conference in 2012 & 2014, the Flint Hills Regional Coalition in 2013, and most recently (October 2015) the Rotary Club of Kansas City. He also maintains a recurring role as a brand instructor for Kauffman Foundation's *FastTrack*™ entrepreneurship program.

Request for Proposal Professional Services – Branding

OPPORTUNITY

The City of Roeland Park seeks the services of a professional, full-service marketing and communications firm to provide comprehensive, strategic and innovative branding services. The City completed a strategic planning process in 2015 with the assistance of Wichita State University. Establishing an identity for the community was identified as a priority by the Strategic Planning Committee and the City Council is moving forward to achieve this priority.

The City welcomes proposals that reflect pro-bono services.

ANTICIPATED SCOPE OF SERVICES

The scope of this project has been separated into four phases:

1. **Insight Gathering** - The selected firm will attend up to two (2) public meetings led by the City's Branding Committee and synthesize the feedback from these meetings into direction on the branding effort. The firm will also conduct additional one-on-one interviews with a series of community stakeholders. *Anticipated timeframe: January-February 2016*
2. **Identity Development** - The selected firm will develop a brand position and promise statement, key messages, logo, tagline, and color palette for the City. The Community Branding Committee will provide input during this phase. The selected firm will make a presentation of the proposed brand identity to the City Council for approval. *Anticipated timeframe: Spring/Summer 2016*
3. **Collateral Development** - Once the brand is developed and approved by the City Council, the selected firm will work with staff to create the following items: business cards, letterhead, envelopes, newsletter template, and website updates. *Anticipated timeframe: Fall 2016*
4. **Brand Implementation** - Once the new brand has been developed, the selected firm will serve in an "on-call" capacity for the City for a term of up to three (3) years. This phase will include developing and providing a variety of promotional, publicity and advertising plans, and informational materials consistent with specifications provided by the City. A scope of work and fee will be negotiated for each individual project.

Successful completion of each phase will be required before the City will engage with the selected firm to continue to the next phase.

CRITERIA FOR SELECTION

The submission package should be emailed to kbohon@roelandpark.org in a PDF file format, the submittal shall include:

A. Qualifications and Experience

- a. Provide the qualifications and experience of the firm, key project staff and any sub-consultants, as needed.
- b. Include details of the team's experience working with municipalities and/or other companies or organizations related to the work of local government.

B. Representative Projects

- a. Provide the names and references for a minimum of three (3) similar projects, including a narrative of the project, project collateral, associated costs, and contact information for the client.

C. General Project Approach

Firms may be called for interviews following review of submittals and prior to final award determination.

If you have any questions, please contact:

Kelley Bohon

City Clerk

(913) 722-2600

kbohon@roelandpark.org

The City of Roeland Park
Requests for Proposals
Brand Image: Research, Creative, and Marketing Strategies

The City of Roeland Park (City) requests the submission of proposals by qualified consultants interested in helping us research, create and develop promotion strategies for a new brand image that can be used by the City. This is the first comprehensive marketing effort that the City has attempted. This brand image should allow some flexibility for our various stakeholders/audiences/target groups.

This RFP will assist in identifying and selecting a consultant capable of delivering the highest quality of support including process recommendations, approaches on soliciting input from stakeholders, research methods, creative design experience and implementation strategies. The City expects the consultant to submit a proposed scope of work that will yield an effective design and implementation recommendations backed with broad community support. It is anticipated that a team with various areas of expertise may respond, so long as there is a lead consultant designated for the project. The City encourages consultant teams to use their experience and their knowledge to develop a creative approach to this project that will be as effective as possible including suggesting additional elements, modifying existing elements or re-sequencing elements in order to significantly increase the chances for the branding effort to be successful. The selection process will favor a scope of work that the city believes to most effectively address the project description.

The City welcomes proposals that reflect pro-bono services.

Background

For over 30 years, the City of Roeland Park logo has included the icon of a tree along with the City name. The city has used the following taglines in the past: “The Best Little Town in Town” and “The City of Trees”. The City is not satisfied with our current marketing position and is looking to more effectively convey the image of who we are. The City wishes to either create a new brand or reposition portions of the current brand to enhance our overall marketing strategy. The brand should be somewhat flexible in approach for the various users; however the branding should reinforce a common message.

Roeland Park is a ring Kansas City suburb. Although a first ring suburb, the community’s 2010 demographics reflect the lowest average age for all of the communities in Johnson County. This is influenced by the city’s convenient access to downtown KC and affordable housing compared to other first ring communities. Our population of roughly 7,000 people and employment base of approximately 1,800 makes Roeland Park a relatively small community within a major metropolitan area. The City has a history of being supportive of the arts, requiring 1% of all development dollars be invested in artful elements. The community is home to a large catholic population supporting the highly regarded St. Agnes parochial school and Bishop Miege high school. The community’s commercial district resides along the main north south thoroughfare which carries the communities name sake, Roe Boulevard.

Project Description

- A. **Research** - Based on your knowledge and expertise, please compose a suggested plan of action with specific details of timeline and approach to gather information about our community’s unique qualities that helps us clearly identify who we are. This research

should include input from our key stakeholders, residents, business community, other community leaders as well as targeted audiences outside of our city. Analysis of competitor marketing strategies should be included.

- B. **Community Branding Committee** – The consultant will be expected to work with a group of representatives (Community Branding Committee) appointed by stakeholder organizations at approximately three (3) pre-scheduled meetings during the project. The Committee will serve as an advisory body for the City and consultant to gain feedback on the research, creation/development, and implementation phases. The committee will be expected to represent the interests of their organizations as well as communicate back to their organizations as to the status of the project. The consultant will be expected to engage the Community Branding Committee in such a way that “buy-in” is achieved and the committee members become advocates for the project. The consultant will be expected to submit a plan including dates and approach to engage the Committee.
- C. **Creation/Development of Brand Image** – The consultant will be expected to submit a recommended plan of action with specific details of timeline and approach including options for tagline, logos, general ad design, and suggestions of conveying our overall message and/or the Roeland Park experience.
- D. **Implementation Strategies** – A key function of the consultant will be to recommend strategy options for implementation of a plan that incorporates a central marketing/branding theme that permits flexibility for the targeted audience and that ensures the integrity of the campaign. Additionally, the implementation strategy should include consideration/proposals for an ongoing campaign. The consultant will need to guide us through options and their respective costs.
- E. **Evaluation/Results through measurement** – The consultant will be expected to submit timeframes and evaluation measures for the effectiveness of the brand image.

Proposal Submission

Proposals submitted in response to this request shall contain at a minimum the elements listed below. Additional material may be submitted at the consultant team’s discretion.

- 1. **Consultant team.** This section shall include a brief description and history of each firm in the consulting team. If multiple firms are included, it shall also include a description of the role that each firm will play in this project and the location of the office(s) in which firm personnel assigned to this project are located.
- 2. **Team personnel.** This section shall include a resume for each professional assigned to this project from each firm. At a minimum, the resume shall include information on their educational background, relevant experience, and professional certifications. This section shall also include the role that each person will play in this project. Please do not include principals or officers in the firm who will not play an active role in this project.
- 3. **Proposed scope of work and project schedule.** This section shall include a detailed description of each task, the timing of each task and the work products resulting from each task. The scope of work should take into account the generalized project description, but

should include additions or modifications that the consulting team, based on their experience, believes would result in a more creative and effective end product.

4. **Relevant experience.** Proposals shall include a listing and description of similar projects completed by the consultant team or members of the consulting team, including the goals of the project, a synopsis of the work that was done by the consultant, and an evaluation of the on-going success of the project. Each description shall include contact information for someone with the client agency who was directly involved with the project when it was underway and is able to provide information on current project status.
5. **Cost.** Each proposal shall contain a firm cost estimate for the work contained within this project. Actual contract cost will be negotiated with the selected consultant based upon a negotiated scope of work and personnel assignments.

Selection Process and Timeline

The selection of a consulting team and approval for city staff to proceed with negotiation of the contract will be handled by the **Community Branding Committee** with final approval by the full City Council.

Proposals should be submitted via email in a PDF file to the City Clerk at:
kbohon@roelandpark.org

To be considered for selection, proposals must be received in the City Clerk's office by 5 PM on **December 31, 2015**.

It is anticipated that the Branding Committee will select two to five consultant teams for interviews to be held the **second week of January**. The City is aiming for a signed contract and a project kick-off by the **first part of February**.

If you have any questions, you may contact Keith Moody, City Administrator, at 913-722-2600.

Available Resources

- The City of Roeland Park's web-site is www.roelandpark.net.
- Information regarding city history is available on the City's web-site.
- Information on demographics and development trends is available at Quickfacts:
<http://quickfacts.census.gov/qfd/states/20/2060825.html>
- Citizen survey is **available at ?**
- Strategic planning document is **available at ?**

Item Number: DISCUSSION ITEMS- II.-2.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/4/2015
Submitted By: Jose Leon, Director of Public Works
Committee/Department: Public Works
Title: **KCATA to Discuss Additional Bus Stops (est. time 15 min.)**
Item Type: Report

Recommendation:

To move the 8 new bus stop locations recommended by KCATA in Roeland Park to the December 21st council meeting for approval..

Details:

In October of 2015 KCATA representative Shawn Strate presented the idea of two new bus stops at 48th & Roe Blvd. At that time Mr. Strate briefly mentioned KCATA's wanting to add additional bus stops outside of the two at 48th & Roe. KCATA was unsure where the bus stops would be located but would let us know as soon as they could.

Staff has been working with KCATA to notify the City on the new bus stop additions. In total, there are 8 bus stop locations KCATA would like to add in Roeland Park. The break down is as follows:

- 2 - County Line Road, between Mission Road and Roe Lane
- 2- 48th Street, between Roe Lane & Roe Blvd.
- 4 - Roe Blvd, between 48th Street & Johnson Drive

At some locations, the KCATA would like to pursue ADA-compliant concrete pads for boarding.

This will need to go through staff for approval. This will also include construction which will impact the right of way.

ATTACHMENTS:

Description



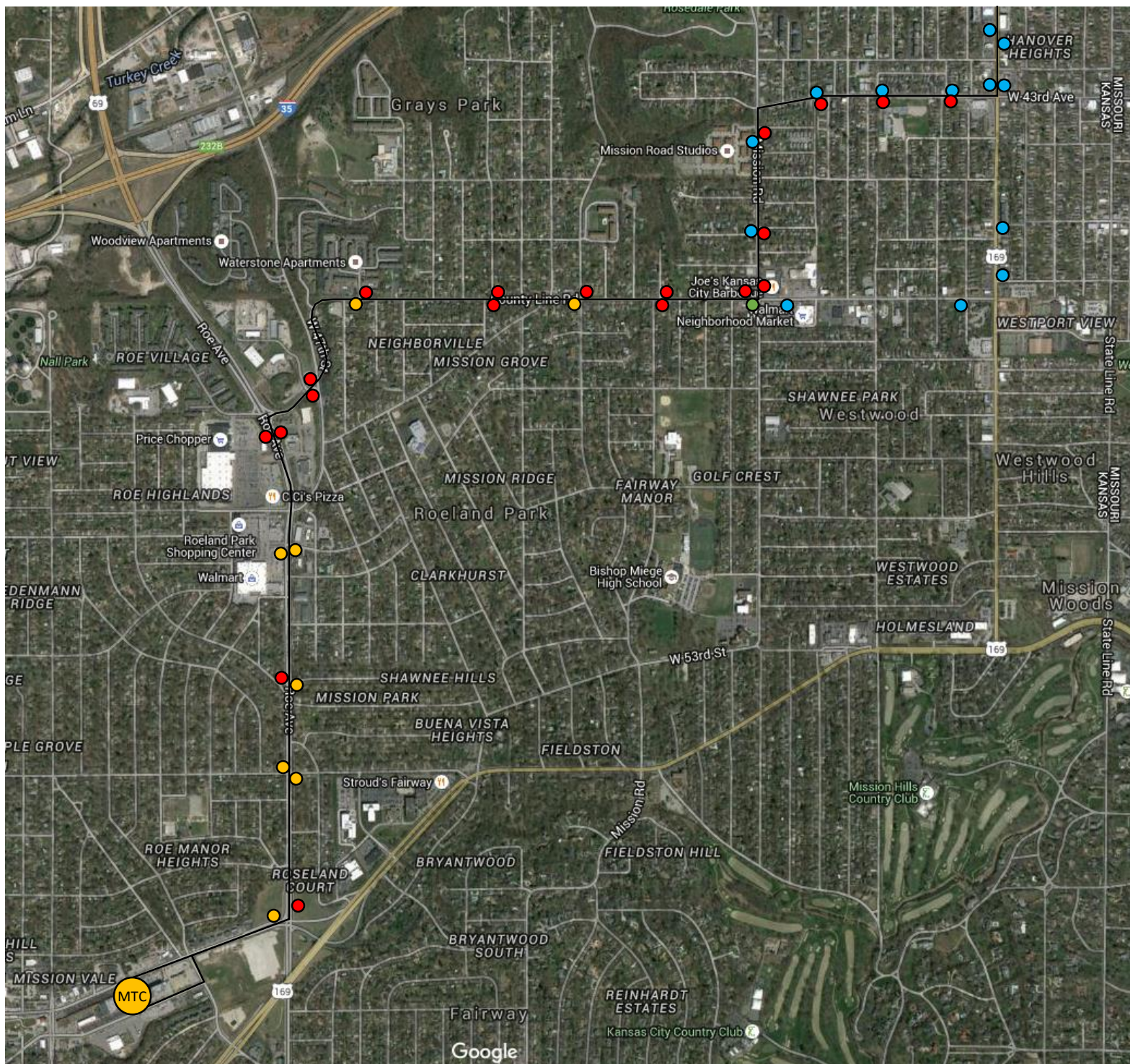
Bus Stops Map

Type

Backup Material

107 Extension to MTC – Stop Locations

- Existing 107 stop, to remain
- Add 107 stop
- Existing JO stop, replace or add 107
- JO stop to remove, no 107 stop



Item Number: DISCUSSION ITEMS- II.-3.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/2/2015
Submitted By: Mayor and Assistant CA
Committee/Department: Admin.
Title: **Large Trash (Dumpster) Bags (est. time 15 min.)**
Item Type: Discussion

Recommendation:

To discuss regulation of large dumpster bags within the City of Roeland Park.

Details:

Currently the City of Roeland Park only regulates dumpsters as "portable storage units" within the City Code (see below for an explanation on existing code). A member of the governing body suggested we look at regulating the use of dumpster bags within the City limits. The options would include:

- A time limit for how long the bags can sit at the curb, AND
- Stipulations on the location of the bags, AND
- Height requirements of a minimum of 6 feet high, OR
- Banning the use of bags entirely within City limits.

The bags are provided through several manufacturers, the biggest being Waste Management Bagster bags. These are generally purchased at hardware stores for \$30. The customer would fill the bags up to 3,300 lbs and schedule a pickup with bagster. Once scheduled, the collector will pick up the bag within three business days. Attached you will find photos of these bags and a summary of how the program works.

For reference, staff reviewed the regulations of neighboring cities on this issue. None of the Cities reviewed had specific regulations on these containers. They indicated they would regulate them as dumpsters or trash containers. Attached is a summary of neighboring city practices.

Additional Information

The City of Roeland Park city code regulates the use and storage of dumpsters within the City limits. Referred to in Article 19, Sect. 4-1901 as a "portable storage unit" is defined as follows:

- For purposes of this article, portable storage unit means any container, with or without wheels, designed for the storage of personal property of a non-hazardous nature which is typically rented to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. *The term "portable storage unit" shall include dumpsters used for such purposes.*

Existing regulations on dumpsters include

Sec. 4-1902. - Placement of Portable Storage Units.

Portable storage units must be placed on a concrete or asphalt surface in front of the dwelling, but no closer than ten feet from the front property line. The Building Inspector may waive this restriction for good cause shown. No portable storage unit shall be placed on any street or public right-of-way or on the street side or a corner lot where traffic visibility is obstructed. Provided, however, for properties on Roe Boulevard and other locations where, due to traffic safety concerns, topography or other special conditions, a portable storage unit may not be placed in a driveway and still allow for off-street vehicular parking on the site, placement of a portable storage unit on the property must be approved by the Chief of Police under such conditions as may be reasonably imposed. (Ord. No. 858, § 3; Code 2013)

Sec. 4-1903. - Duration of Placement.

A single portable storage unit may be temporarily placed on any single-family dwelling or duplex zoned property for up to 30 days in any six-month period; provided, however, that an additional 15 days may be authorized by the Building Inspector for good cause shown. With the permission of the Building Inspector, portable storage units needed due to construction or major remodeling purposes requiring a building permit may be allowed to remain on the property for the period of the initial building permit.

(Ord. No. 858, § 4)

Sec. 4-1904. - Number of Units Allowed.

No more than one portable storage unit shall be placed on any property; provided, however, that with the permission of the Building Inspector, any person moving into or out of a property may be allowed two portable storage units.

(Ord. No. 858, § 5)

Sec. 4-1905. - Permits.

No person shall place or use a portable storage unit on any property without first obtaining a permit from the Building Inspector. The permit fee shall be in an amount set forth in a resolution adopted by the Governing Body. Should any portable storage unit be placed on any property without first obtaining a permit, the owner or occupant of the property causing the unit to be placed on the property shall pay a penalty of \$30.00 dollars in addition to the permit fee.

(Ord. No. 858, § 6)

ATTACHMENTS:

Description	Type
▣ Neighboring City Regulations	Cover Memo
▣ Bagster Regs and Pics	Cover Memo

City of Olathe

D. Commercial. Commercial customers shall be required to dispose of solid waste in containers meeting the specifications established by the City Manager pursuant to Section 6.04.030 (c). The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing contents therefrom. The containers shall be fully accessible to collection equipment, public health personnel and fire inspection personnel.

E. Nonconforming containers may be collected together with its contents and disposed of. (Ord. 12-28 § 1, 2012; Ord. 09-42 § 3, 2009; Ord. 08-84 § 4, 2008; Ord. 06-88 § 2, 2006; Ord. 05-124 § 2, 2005; Ord. 03-72 § 1, 2003; Ord. 01-09 § 1, 2001; Ord. 94-87 § 2, 1994.)

D. Points of Collection. 1. Residential. All solid waste, recyclables and yard waste shall be picked up at the curb. Overflow volume containers shall not weigh more than fifty (50) pounds. 2. Multi-Family Residential. All solid waste and yard waste shall be picked up at the curb or at the location of the container. City employees will not go upon private property to collect solid waste, except areas that are open to the public, such as business parking lots and private alleys. 3. Commercial. All solid waste shall be picked up at the location of the container. City employees will not go upon private property to collect solid waste, except areas that are open to the public, such as business parking lots and private alleys.

Prairie Village

Regulates dumpster bags as trash. The owners are to have the bag removed within 7-10 days. The primary issue is that the owner is slow in getting these bags removed.

Overland Park

Does not regulate dumpster bags specifically. They would be treated like trash containers which must be collected once/week and would have to be covered.

Mission

Mission has a general construction/demolition waste ordinance which would include these units. Below are the regulations.

Section 235.045 Construction and Demolition Waste Containers.

[Ord. No. 1270 §1, 8-20-2008]

A. Construction and demolition waste containers may be stored on any residential, institutional, commercial or industrial establishment where a valid building permit has been issued and construction is in progress. Construction and demolition waste containers shall be removed upon the completion of construction.

B. Construction and demolition waste containers are permissible on any residential, institutional, commercial or industrial property at any time for a fifteen (15) day period, not to exceed one (1) time per year. A permit must be obtained for such fifteen (15) day period from the Director.

C. The owner, occupant or contractor for every construction site where a construction and demolition waste container is on hand shall place all construction and demolition waste at least once per day into a construction and demolition waste container and maintain such containers and the area surrounding them in a clean, neat and sanitary condition.

Westwood

Westwood does not have specific regulations on this but would regulate them as dumpsters. The Building Inspector said that Westwood has no regulations concerning materials/structure of dumpsters or the visibility of the contents. He said they would consider stating that the contents cannot be visible on the building permit application as a condition of issuance.



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You don't have to wait for a dumpster to be delivered or finish your project within a rental time period.



GONE.

SCHEDULE YOUR COLLECTION ONLINE OR BY PHONE.

When you're done, simply schedule and pay for a pickup so you can move onto the next task. The average cost is \$140 per bag, but varies by area.

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Item Number: DISCUSSION ITEMS- II.-4.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: Jennifer Jones-Lacy
Committee/Department: Admin.
Title: **2015 Budget Amendment (est. time 5 min.)**
Item Type: Report

Recommendation:

To recommend approval of the attached budget amendment for 2015 during a public hearing at the December 21st Council Meeting.

Details:

At the end of each fiscal year, City staff evaluate the budget to determine if any funds are projected to exceed the original budget as listed in the state budget form. In 2015, there are two funds that may exceed budget authority. Below are the funds and the reasons for exceeding the amount budgeted.

Fund	Budgeted	Projected	Reason
TIF 1 A/B - Bella Roe	\$438,000	\$1,208,000	For the first time since issuance, the bonds on the TIF debt became callable. Due to available receipts, the City decided to pay additional principal on the

bonds to retire the debt early. We're estimated to retire the debt 2 years early with reduced payments in 2022.

The increased budget authority is necessary to account for a transfer of community center reserve funds to Fund 27C -

Equipment/Bldg Reserve Fund \$353,997 \$610,889

Community Center that was not originally planned. The projected budget is likely more than what the City will spend, but this will ensure the necessary budget authority.

This is a cleanup action that will fulfill state requirements to meet budget authority. All expenses were previously authorized by Council. This requires approval at a public budget hearing which has been published in the Legal Record for December 21, 2015.

ATTACHMENTS:

Description	Type
 2015 Amended Budget	Exhibit

2015

Notice of Budget Hearing for Amending the

2015 Budget

The governing body of

City of Roeland Park

will meet on the day of 12/21/2015 at 7 p.m. at 4600 W. 51st Street Roeland Park, KS 66205 for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at www.roelandpark.org
and will be available at this hearing.

Summary of Amendments

Fund	2015 Adopted Budget			2015 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
TIF 1 A/B - Bella Roe			438,000	1,208,000
Equipment/Bldg Reserve			353,997	610,889
			0	0
			0	0

Jennifer Jones-Lacy

Official Title: Finance Director

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Item Number: DISCUSSION ITEMS- II.-5.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 10/23/2015
Submitted By: Staff
Committee/Department: Admin.
Title: **Donation Policy (est. time 15 min.)**
Item Type: Other

Recommendation:

Staff recommends Council proceed with adoption of the policy with any edits they deem appropriate.

Details:

The attached donation policy has been drafted using the city of Fairway's donation policy, which is a comprehensive and well developed policy. It has been formatted to reflect Roeland Park, with language that makes the policy applicable to a wide variety of donations not merely park or art.

Changes discussed at previous Workshops are reflected in red-line as are some edits developed after reviewing the policy with Parks and Arts committees. The costs entered for standard donation items are based on price, freight, installation, and plaques. The policy spells out an amount for standard items in order to provide quick response to those who may be interested in donating one of the basic (common) memorial items. Items proposed to be donated that are not listed would be referred to the appropriate committee for review and recommendation to the Council for consideration.

ATTACHMENTS:

Description	Type
☐ Draft Policy with Edits	Backup Material

Donation Policy

Approved /2015

Effective /2015

Purpose: The purpose of this policy is to establish guidelines, standards and procedures for the installation and care of donated improvements, either as a result of a cash or physical property donation. These donations may include, but are not limited to elements such as, park benches, trees, plants, picnic tables, public art, plaques, statues, signs, play features, fountains and other appropriate aesthetic or functional amenities and accessories which enhance the quality of life in Roeland Park. The City of Roeland Park desires to encourage donations, from both individuals and groups, both public and private, while at the same time manage aesthetic impacts and mitigate on-going maintenance cost.

Guidelines established by this policy shall apply to all donations to the City of Roeland Park. Standards established by this policy will apply to purchased equipment, installation techniques, donation acknowledgements and long term care of all donations.

STANDARDS FOR DONATIONS

Acquisition or Purchase: The City and the community have an interest in ensuring that elements purchased and installed be of high quality related to style, appearance, durability and ease of maintenance. The City staff will approve and coordinate the purchase and installation of all elements.

Appearance and Aesthetics: The City and the community have an interest in ensuring the best appearance and aesthetic quality of their public facilities. Elements and/or their associated donation acknowledgements should reflect the character of their surroundings. All elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

Maintenance: Donated elements and/or their associated donation acknowledgement, become City property. Accordingly, the City has the duty to maintain the donation for the expected life cycle of the donation. The City, at its sole discretion, may choose to replace or remove the donated element.

Repair: The community has an interest in ensuring that all elements remain in good repair. In addition, the public has an interest in ensuring that the short and long-term repair costs are reasonable. Repair parts and materials must be readily available. Donated elements must be of high quality to ensure a long life, be resistant to weather, wear and tear, and to acts of vandalism. Due to factors beyond the City's control, it cannot guarantee the longevity of the donation.

Cost: The City has an interest in ensuring that the donor covers the full cost for the purchase, installation and routine maintenance (if applicable) during the expected life cycle of the donated elements. The donation cost shall also include the cost of the donation acknowledgement/memorial plaque, ~~and~~ any related delivery and installation costs applicable. A separate fee schedule is maintained in which the City will detail costs for donations, installation and maintenance.

PROCEDURE FOR MAKING A DONATION

The City of Roeland Park will manage all donations located on City park property, with the assistance of the City Public Works Department.

Application: The donor must contact the Administrative Department to determine whether a donation may be accepted based upon criteria contained in this policy. If a donation can be accepted, the donor will complete an application form. Applications are available through the mail, in-person or via e-mail. Completed applications and payment will be made to the Administrative Department for review and processing.

Approval: The Public Works Director, upon determining that the donation request meets the criteria provided in this policy, may make a recommendation to the City Council for approval of the donation. The City Council may consider the request at its regularly scheduled meeting. The City Council must approve all donations that come with conditions and create obligations. Monetary donations that do not include conditions are encouraged and welcomed and may be approved by the appropriate staff person. ~~requests prior to the City accepting any donations.~~

CRITERIA FOR ACCEPTANCE

Master Plan: To accept donations of elements for a specific facility, City staff will determine whether or not the donation falls within the scope of a Master Plan. If no plan exists, the City may accept the donation under certain circumstances. The donation must: 1) not interfere with the intended current or future use of the facility, 2) not require the relocation of other equipment or infrastructure to accommodate the donation unless agreed upon by the City and relocation paid for by the donor, 3) comply with guidelines of the City's insurer and 4) must comply with all deed restrictions as well as local, state and federal guidelines (if applicable). In the opinion of the City, a facility may be determined to be fully developed and the opportunity for donations would not be available.

Donations Not Specifically Listed or Part of a Master Plan: There may be donations possible, other than those expressly listed or contained within this policy. The City may accept those donations subject to review and recommendation of the appropriate committee.

Donation Acknowledgements/Memorial Plaques/On-line Registry: Donation acknowledgements and memorial plaques, as approved by the City, will be placed on or near the donated element at the

sole discretion of the City. Such acknowledgements and plaques will be made of bronze and purchased through the City. The cost for these items is incorporated in the cost of the donation. In cases where bronze plaques are not feasible, City staff may suggest alternative types. These types will be in character with the intent of this section and acknowledgements shall be tasteful and subtle; the City Council must approve all text for donation acknowledgements/memorial plaques. The City will maintain an “On-line Registry” of all donations to the City of Roeland Park. The registry will be located within the City of Roeland Park web pages at www.roelandpark.net.

OTHER DONATIONS

~~There may be donations possible, other than those expressly listed or contained within this policy. The City may accept those donations subject to review of the appropriate committee.~~

CONDITIONS

Location: Although suggestions will be considered for a particular location, placement of elements will be at the discretion of the City Council.

Installation: Installation of donated elements, including the donor acknowledgement/memorial plaques, will be completed by City personnel or a third party chosen by the City. The installation will be scheduled at a time and date as determined by the Public Works Department so as to not unnecessarily interfere with routine maintenance activities.

Removal and/or Relocation: The City reserves the right to remove and/or relocate donated elements and their associated donation acknowledgements/memorial plaques, when they interfere with site safety, maintenance, construction activities or if damaged beyond repair [in the opinion of the City Administrator](#). In accordance with previously stated procedures in this policy, the City will send a letter to each identifiable donor notifying the donor of any action related to the disposition of the donation. In certain situations, such as safety or emergency situations, the notification may be made after the action taken. In the event a donation must be permanently removed, the City will, when feasible, seek an alternate location consistent with this policy. If no alternate location can be found, the acknowledgement/memorial plaque and element (if appropriate), at the donors request, may be given to the donor.

Memorial and Donation Schedule

Park Bench with Back (including acknowledgment Plaque)	\$850.00 \$2,440
Bench without Back (including acknowledgment Plaque)	\$2,150
Picnic Table	\$2,515
Trash Receptacle	\$1,815
Tree (species must be selected from the City’s preferred list)	\$225.00 \$1,300

Other memorial and donation requests may be accepted. Staff will add to this list as necessity dictates.

Memorial and Donation Application

Name of Donor: _____

Address of Donor: _____

Phone Number: Home: _____ Other: _____

E-mail _____

Description of Donation: _____

Please describe your understanding of any special maintenance requirements for the item as well as who is anticipated to complete the maintenance (i.e. city or donor):

Wording on Memorial Acknowledgement: _____

My signature below indicates that I have received a copy of the Memorial and Donations Policy and agree to all the provisions and procedures as outlined.

Requested by _____

(Please Print

Signature of Donor _____

Date _____

Staff Use Only.

Date Received _____

Staff Initials _____

Staff Recommendation to City Council: Approve Deny

Council Review Date: _____ Approved Denied

Order Date: _____ Installation Date _____

Item Number: DISCUSSION ITEMS- II.-6.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: City Administrator
Committee/Department: Admin.
Title: **Review of Council Training Policy (est. time 15 min.)**
Item Type: Discussion

Recommendation:

Details:

Councilor Rhoads requested at the prior workshop that the review of the training policy for the elected officials be placed on the agenda for discussion, the council supported that request.

Specifically Councilor Rhoads would like to see the policy concerning the use of training funds be amended so that these funds could also be used to pay for technology (hardware and software) that are integral to the research and education process undertaken by the elected officials.

The Council could amend the attached policy, adding section E to the which would clarify that training funds may be spent on technology hardware and software used in research and education of the elected officials.

ATTACHMENTS:

Description	Type
 Council Training Policy	Exhibit

**Policy on Governing Body Training
and Travel Budget Expenditures**
Adopted February 17, 2014

This policy and the funds addressed herein are for the Governing Body only.

A.) Funds will be divided into two categories:

- 1.) Individual training funds- 60 percent of the training and travel line item will be divided equally among each of the nine members of the governing body.
 - a. Each member may determine how they wish to use these funds at individual training events or for one event.
 - b. These funds will not carry forward from year to year and instead any unspent balances will be contributed to the cash carry forward in the next budget.
- 2.) Larger event participation- 40 percent of the training and travel line item will be used to support participating in Leadership Northeast, League of Kansas Municipalities annual meeting (when not in Overland Park), and the Nation League of Cities Spring or Fall conferences.
 - a. Request for support from this fund will be considered by the governing body twice a year (January and June).
 - b. Attendance shall be on a rotating basis as follows:
 - i. The Mayor has first priority every year.
 - ii. The Councilmembers use the following method:
 1. longest length of time since last trip in that specific event
 2. Seniority on the Council

If no individual applies for funds to attend one of these three programs then the remaining balance can be used for another large event participation or additional support to an individual that has already been selected to attend a large event.

The attendee must pay 50% of the meals, travel and other expenses of receipts provided for large events (if budget provides). Registration and classes will be paid at 100% for large events (if budget provides).

B.) Reimbursement Rates & Meals -

- 1.) Travel by personal car at the IRS-approved rate. In-state mileage shall be calculated by the City Administrator using the shortest distance method, plus five (5) miles per each day, or part thereof, that the person is engaged in City business. Out-of-state travel will be at actual odometer readings.

- 2.) Other transportation, lodging and miscellaneous expenses at actual cost upon the submission of proper vouchers/receipts.
- 3.) At actual cost upon the submission of proper vouchers/receipts for expenses not associated with travel requiring an overnight trip.
- 4.) For travel requiring an overnight trip, the following per-diem (no receipts necessary) shall apply, or pro-rata based on the following:

In State		Out of State	
Breakfast	\$5.00	Breakfast	\$10.00
Lunch	\$10.00	Lunch	\$20.00
Dinner	\$15.00	Dinner	\$30.00

- 5.) Banquets, lunches and other meals included in the registration fee or prepaid with the conference will be deducted from the per diem rate.

C.) Attendance/Cancellation -

- 1.) All reservations and conference registrations are provided to staff.
- 2.) Cancellation policies for lodging, air fare and conference shall be obtained in writing and provided to staff.
- 3.) It is understood that non refundable tickets or lodging costs are not reimbursable if the trip is cancelled by the attendee for any reason. All efforts will be made by attendee to follow procedure in notifying staff of their predicament as soon as possible, and follow the training policy outline below to see if any costs can be redirected for another council member travel to said conference.
- 4.) If a member of the governing body registers for an event and the City covers any cost of that event but are unable to attend, they should first notify staff and address the following:
 - a. They will notify other members of the governing body in order to try to fund a substitute.
 - b. If no other member of the governing body is able to attend then a refund of the event will be pursued.
 - c. If no refund is available, then the member of the governing body will reimburse the City for the amount paid by the City.
- 5.) If any special arrangements are made after exhausting the items listed above, said arrangements are to be confirmed in writing.

D.) Presentation of Event Materials/Information to Council/Staff-

- 1.) After the training session is over the attending member of the governing body shall present information discussion and share materials with other members of the body at a committee of the whole meeting.

Item Number: DISCUSSION ITEMS- II.-7.
Committee
Meeting Date: 12/7/2015



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: City Administrator
Committee/Department: Admin.
Title: **Reappoint Ad-Hoc Development Committee (est. time 5 min.)**
Item Type: Discussion

Recommendation:

Details:

This committee was appointed for a term that ends on 12/31/15. The committee has work yet to complete and reappointment through 12/31/16 makes sense.

Item Number: DISCUSSION ITEMS- II.-8.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: Jennifer Jones-Lacy
Committee/Department: Administration
Title: **Short-Term Rental Regulation (Airbnb) (est. time 45 min.)**
Item Type: Discussion

Recommendation:

To review and consider the regulation of short-term rental programs, such as Airbnb in Roeland Park.

Details:

Based on governing body comments from the meeting on November 23rd, the Council sub-committee recommends the following changes to the City Code based on regulations of short-term rentals.

1. **Prohibition of short-term rentals with exceptions** - Include a new section banning short-term rentals within the City limits except when the rental is the owner's principal residence and the owner resides in the premises rented for at least 275 days/year.
2. **Inspection of short-term rentals** - Require full house inspections for all short-term rentals that follows our rental code.
3. **Prohibited home occupations** - Provide further clarification for what constitutes a "boarding house" by referencing KS 36-501(b)(3) and provide a definition of "tourist home".

Attached you will find the recommended changes based on Council recommendations. The blue text indicates the initial recommended changes and the highlighted text indicates new recommendations.

From November 23, 2015 meeting

As websites like Airbnb become more popular, the governing body decided to review regulating these short-term rentals. Prairie Village recently decided to require these rentals to be licensed and follow the same regulations as other rentals in the City by including these rentals within their definitions. The code language from Prairie Village can be found below. The League of Kansas Municipalities also provided a model ordinance which would requiring licensing for short-term rentals to include an annual fee.

If the City of Roeland Park decides to regulate these units the same as other rentals in the City, they would be subject to internal and external inspections in addition to rental fees of \$75/annually. Currently Roeland Park has five properties located on Airbnb. Three of these are single room rentals, one offers a full house rental and one offers both.

Staff recommends that only the rooms being rented be subject to internal inspections and that these only occur once/year maximum, similar to the way single-family rentals are scheduled. Attached are the sections of Roeland Park's Code that would need to be updated to include short-term rentals.

ATTACHMENTS:

Description		Type
☐	Short-Term Rental Code Updates	Cover Memo
☐	Decision Matrix	Cover Memo

Sec. 5-702. - Same; Definitions.

- (a) Owner shall mean any person, partnership, firm or corporation who, alone, jointly or severally with others is the title holder of any property upon which a dwelling is located. For purposes of the article, owner shall include the titleholder, any employee or agent of the titleholder, a trustee serving for the benefit of any titleholder, a conservator of the estate of any titleholder, or an executor or administrator of the estate of any deceased titleholder.
- (b) Property shall mean the lot, tract, or parcel of real estate upon which a dwelling is located.
- (c) Single family dwelling for purposes of this article is any dwelling located on property which has been zoned as Single Family Residence District pursuant to the zoning laws of the City.
- (d) Dwelling is any building or portion thereof, which is designed or used for residential dwelling purposes.
- (e) Duplex is a dwelling designed for or occupied exclusively by two families.
- (f) Multi-family dwelling is a dwelling or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.

~~(g) Short-term rental shall mean renting of a housing unit on a temporary basis to tourists as an alternative to a hotel. Also known as a vacation rental.~~

~~(g) Short-term rental means any dwelling, dwelling unit, rooming unit, room or portion of any dwelling unit, rooming unit, room rented or leased for valuable consideration for periods of time less than 30 days, but excludes tourist homes or boarding houses. A short-term rental is a use that is accessory to such dwelling, dwelling unit, rooming unit, or room.~~

Sec. 5-702(b) Short-term rentals are prohibited except:

- (a) The rental is of the owner's principal residence;
- (b) The owner resides in the premises rented for a period of at least 275 days in each calendar year;

- Sec. 5-706. - Same; Inspection.

(a) Purpose. Upon receipt of a properly completed application and license fee, the City shall cause the dwelling and the property upon which it is located to be inspected by the City Building Official or such official's designated representative. The City Building Official or his or her designated representative shall inspect the dwelling and the property upon which it is located to determine the following:

- (1) That the use of the property is in compliance with the applicable zoning laws.

(2) That based upon an inspection of the exterior of the dwelling, the dwelling meets the requirements of the applicable building codes and standards contained in Chapter IV.

(3) That no condition exists on the exterior of the dwelling or on the property upon which the dwelling is located which constitutes a violation of any other Code section or ordinance of the City.

If the City Building Official finds that the dwelling and the property upon which it is located meets the requirements specified herein, then he or she shall approve the application and notify the City Clerk that the property has passed the inspection.

(b) Single family dwellings and duplexes, including permissible short-term rentals. Internal and external inspections of single family dwellings and duplexes may be conducted at any time upon the request of the owner or the tenant. External inspections shall be conducted annually at the time an application is submitted for a license or a renewal license. Beginning on January 1, 2016, upon any dwelling becoming vacant, the owner shall notify the City and an internal inspection shall be conducted in the presence of the owner or the owner's representative prior to the dwelling being occupied by a new tenant, unless the dwelling has been inspected within the previous 12 months. Short-term rentals that only rent a room will only be required to have the living quarters being used by the tenant inspected. Failure of the owner to notify the City that a dwelling has become vacant within 15 days after vacation of the dwelling shall be a public offense.

(c) Multi-family dwellings. Internal and external inspections of multi-family dwellings may be conducted at any time upon the request of the owner or the tenant. Beginning on January 1, 2016, internal and external inspections of each dwelling unit in a multi-family dwelling shall also be conducted by the Neighborhood Services staff without request approximately once every four years; multi-family dwelling units shall be systematically selected for such inspections.

(d) Reinspections. If, upon inspection of a dwelling, the Neighborhood Services staff determines that the dwelling is not in compliance with applicable City ordinances, staff will discuss a schedule and process to achieve compliance with the owner or tenant. Reinspections shall be conducted to ensure that appropriate corrective action has been completed.

(Ord. No. 905, §§ 2, 4, 2-16-2015)

Article 6 – Home Occupations

Section 5-601 - Definition

(b) Tourist House shall mean every building or other structure which is kept, used maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests. A tourist home shall accommodate more than seven guests in more than three rooms furnished with sleeping accommodations, regardless of whether common facilities for the serving or preparation of food are maintained.

Sec. 5-604. - Prohibited Occupations.

The following are prohibited as home occupations:

- (a) Dance studios;
- (b) Veterinary clinics, animal hospitals, stables, kennels;
- (c) Funeral homes, mortuaries;
- (d) Nursery schools;
- (e) Private clubs;
- (f) Automotive repair or paint shops;
- (g) Appliance or equipment repair shops;
- (h) ~~Tourist homes; and~~
- (i) Boarding house. As defined in KSA 36-501(b)(3)

Decision Matrix
Proposed Short-Term
Rental Regulations
(Submitted by Councilor Fast)

Regulate short term rentals and allow rentals for tourists in RP

Yes or No

Yes or No

Require Owner Occupied

(Suggested by Councilor McNeil)

Yes or No

Yes or No

External/Internal Inspections - Full House Inspections

(Suggested by Councilor Rhoades)

Yes/NO

License and Fee

\$75.00 same as residential

Consider \$35.00 same as Blvd Apartments –commercial

(Suggested by Councilor Fast)

Enforce current ordinance and do not allow short-term term rentals for tourists

(Suggested by Councilor Kellerman)

Add language to the code to clarify that short-term rentals are not allowed

Yes or No

Call Special Called Council Meeting on December 14th to enact changes in the code

Item Number: DISCUSSION ITEMS- II.-9.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/3/2015
Submitted By: Mayor
Committee/Department: Admin.
Title: **City Hall ADA Improvements (est. time 5 min.)**
Item Type: Discussion

Recommendation:

Staff recommends adopting a plan to address ADA issues at City Hall.

Details:

At the time the City Hall renovations were completed in 2012 many ADA related improvements were completed. A list of what items have been addressed and what remains to be addressed is attached. The spreadsheet also includes cost estimates to address the item. ADA law requires there be a plan in place for how a building owner intends to address outstanding issues. The existing spreadsheet can serve as the basis for a plan by identifying order of priority and a projected timeline in addressing the items.

ATTACHMENTS:

Description	Type
 City Hall ADA Items	Cover Memo

ADA Compliance Issues - Preliminary assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

Office Building: Roeland Park City Hall, 4600 W. 51st Street, Roeland Park, KS 66205 (Report assumes built prior to 1992, \$1M renovation 2012)
Survey Date: July-August 2014: Primary participants: Mike Johnson (E.C.), Don Pruitt (HTK), Abby Mulcahy (HTK), Joel Marquardt (RP)

SKW 5/5/2015

The following rating system is based on our opinion of likely legal interpretation of the ADA. It is our understanding that final determination may only be made in a court of law.

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- C - we believe this item is likely to be found as a "readily achievable", and if so, would be required to be fixed as soon as possible.
- D - we believe this item would only be required to be corrected when modified, or per the "20% rule" when modifications to the building's primary functions are made.

No.	Item	A	B	C	D	Technical Violations/Comments (Section #'s below noted per the 2010 ADA Guidelines) General: HTK Architects documents and therefore the Excel Constructor's scope did not conform to the Building Code or ADA to include accessibility upgrades required up to the disproportionality rule of 20% costs of primary function construction. Further, it is very possible that the work should be held to a higher standard than the Title III 20% rule, but rather the Title II standards for City facilities. It has not been decided how City will pursue this general issue of compliance.]	Estimated cost for remediation
1	Parking					<u>General Parking, Access Aisles and Route</u> . [The City: Per the ADA, it appears the priority of money spent towards accessible upgrades was to begin with entry to the building including parking stalls and access path to site and building. All items in this "Parking" section should have been addressed before interior items were addressed.]	
			X			1. There are 2 attempted accessible parking stalls; 3 required where 51 to 75 stalls are provided (51 in lot + 9 end-in on street). Section 208.2. Photo 47.	\$24,700
						1. Confirmed by SKW. 3 required with 1 for van (208.2.4). For informational purposes - for parking space requirement, the building has 3 floors of 5200 SF each for total of 15,600 SF. Parking at 4 spaces per 1000 SF (office zoning) yields 62.4 spaces required.	Cost Reasonable
			X			2. Accessible parking stalls have no signs; parking and "van accessible" signs required (5'-0" to bottom). Section 502.6. Photo 47.	Incl w/item 1
						2. Confirmed by SKW.	
			X			3. Accessible parking stalls and access aisles have the following slopes from north to south 4.6%, 4.5%, 4.9%; 2.08% maximum allowable. Sections 502.4. Photos 47 thru 49. [The City: A possible reasonable solution could be move the stalls and restripe three stalls to make two accessible just south of the electric charging station. The slopes and path need to be reviewed before this is found as a "reasonable" solution according to the City.]	Incl w/item 1
						3. Confirmed by SKW. All slopes across parking (south to north) exceed 2.00% maximum allowable in the attempted parking and access aisle. East west slopes are less than 2.00% maximum allowable. An alternate to above solution at the east/electrical charging area would be to modify the first 3 parking stalls west of the cooling tower fence (reserved police parking) to obtain one van and one vehicle space, and then have one vehicle space at the electrical charging station. Recommend concrete parking in the accessible stalls and access aisles for slope control. Will need transition areas to match existing pavement. Potential spot milling will be required for the access path to the building ramp.	
			X			4. The curb ramp building access just east of the north doors has an 8.6% slope; 8.33% maximum allowable. Section 406. Photo 50. (Consideration for straight in landing and ramp to west should be used).	\$5,400
						4. Confirmed by SKW. Not only is the ramp slope just above the 8.33% allowable, no flat landing area is provided for turning movement. Replace existing ramp with flat landing (less than 2.00% maximum in both directions), with new ramps to east (and west) not to exceed 8.33% maximum for distance of 6 feet. Cross slopes of ramps less than 2.00% maximum.	Cost Reasonable
						<u>Electrical charging station</u>	
		X				5. The electrical charging station has no accessible parking stalls (4.6%, 3.0% slopes), no access aisle and no signs; required. Sections 206.2.2, 502.4. Photos 53, 54, 55. [The City: Because there are less than 4 stalls to this facility, it appears accessible stalls to the electrical charging station may not be required.]	Incl w/item 1
						5. Confirmed by SKW. The slopes in this area of the parking lot are conducive for accessible parking and aisle access to meet the overall parking count (see 3 above).	
						<u>Passenger Loading Zones</u>	
			?		?	7. There is no accessible passenger loading zone where one is provided (south entrance with steps); level, marked, 5' x 20' access area required. Section 206.2.1, 209.2, 503.1 through 503.5. Photos 57, 52. [The City: Slopes will need to be assessed to see whether striping a portion and/or adding curbs to the north door is a reasonable solution.]	Provide price Scope??
						7. Confirmed by IAA. Where provided, passenger loading zones shall comply with 209.2. Passenger loading zones, shall provide at least one passenger loading zone complying with 503 in every continuous 100 linear feet of loading zone space, or fraction thereof (209.2.1). Passenger loading zone provided at South entrance to building, but does not comply with 503 requirements. Therefore, an additional accessible loading zone, complying with 503 should be provided to meet the requirements of 209.2.1.	
						<u>Accessible Route to street and sidewalk - Accessible route found through drive aisle out southwest drive entry.</u>	
						<u>Route to Public Transportation - None public transportation on site found, so no work appears required.</u>	

ADA Compliance Issues - *Preliminary* assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

Office Building:

Roeland Park City Hall, 4600 W. 51st Street, Roeland Park, KS 66205 (Report assumes built prior to 1992, \$1M renovation 2012)

Survey Date:

July-August 2014: Primary participants: Mike Johnson (E.C.), Don Pruitt (HTK), Abby Mulcahy (HTK), Joel Marquardt (RP)

IAA 5/5/2015

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No.	Item	A	B	C	D	Technical Violations/Comments (Section #'s below noted per the 2010 ADA Guidelines) <i>General: HTK Architects documents and therefore the Excel Constructor's scope did not conform to the Building Code or ADA to include accessibility upgrades required up to the disproportionality rule of 20% costs of primary function construction. Further, it is very possible that the work should be held to a higher standard than the Title III 20% rule, but rather the Title II standards for City facilities. It has not been decided how City will pursue this general issue of compliance.]</i>	Estimated cost for remediation
2	General					<i>General interior</i>	
				X		1. All interior common doors to be tested for 5lb. Maximum push and pull force requirements. All doors tested by architect were over the 5 lb. max. force allowed for interior, non-fire-rated doors, Section 404.2.9. <i>[The Contractor: We will adjust.]</i>	Contractor to fix - Complete
				X		2. All doors to be tested for maximum speed of close requirements. All doors tested by architect were under the 5 seconds min. (2 1/2 to 3 seconds typical) from 90 degrees to 12 degrees open. Section 404.2.8.1. <i>[The Contractor: We will adjust.]</i>	Contractor to fix - Complete
				X		3. All flush override mechanism for toilet fixtures tested required 6 to 8 lbs. of force to operate; 5 lbs. max. allowable for operable parts. Section 309.4. <i>[HTK believes this is not a requirement as it is an override for an automatic flush operator.]</i>	N/A
						3. Confirmed by IAA. Flush controls shall be hand operated <u>or</u> automatic. Hand operated flush controls shall comply with 309. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum (309.4). Hand operation has been provided, and therefore shall comply with 309 requirements.	
3	Elevator			X		1. No hoistway jamb signs on any of the 3 levels; required. Section 407.2.3.1. Photos 59, 60, 63. <i>[Excel Constructors: We will have our subcontractor address this.]</i>	Contractor to fix - Complete
			X			2. Door reopening device held the doors open for 4 seconds; 20 seconds min. required. Section 407.3.3.3. <i>[Excel Constructors: We will have our subcontractor address this.]</i>	Contractor to fix - Complete
				X		3. No "X" car stop button; required. Section 407.4.7.1.3., Photo 62. <i>[Excel Constructors: We will have our subcontractor address this.]</i>	Contractor to fix - Complete
						4. IAA Comment. Elevators provided for passengers shall comply with 407 (206.6). Inside minimum dimension of elevator car with centered door location shall be 80 inches side to side, 51 inches back wall to front return, and 54 inches back wall to inside face of door (Table 407.4.1). 78-1/4 inches side to side provided, non-complying. 49-1/4 inches back wall to front return provided, non-complying. Existing elevator car configurations that provide a clear floor area of 16 sq. ft. min. and also provide an inside clear depth 54 inches min. and a clear width 36 inches min. shall be permitted (407.4.1 EX). Existing elevator car is provided with a floor area exceeding 16 sq. ft. and also provides an inside clear depth of 54 inches and a clear width of 36 inches in alignment with the centered door location. No action required.	

ADA Compliance Issues - *Preliminary* assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

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4	1st Floor				<u>General</u>	
		X			1. The building hours, services and phone numbers sign is on reflective glass of both north and south sets of entry doors and some letters are 1/2" tall; signs are to have a non-glare background with 5/8" min. height letters. Sections 216.3, 703.5. Photo 56. [Excel Constructors: We will look into adding a scrim over the sign such that the letters are fully visible but background not reflective. This must be tested first and accepted by the City to make sure the general graphics are not compromised.] [solution?: Laminate lightly translucent film over violation text on glass (22 1/2" wide x 15" high w/ 3/8" trim)]	Contractor to fix- pending
					1. Reviewed by IAA. Building directories, menus, occupant names, building addresses, and company names and logos shall not be required to comply with 216 (216.1 EX 1).	
		X			2. Building directional signage at the south entry doors stair landing has information behind glass; non-glare required for directional signs. Sections 216.3, 703.5.1. Photo 77. [All do not believe this is a requirement.]	N/A
		X			3. There is no accessible entrance sign with the international symbol of accessibility; required where not all doors are accessible. Sections 216.6, 703.7.2.1. [The City: Architect and Contractor should have provided for this at the north doors as a sign element was added with the hours of operation.]	\$500
					3. Confirmed by IAA. Where not all entrances comply with 404, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1 (216.6). No identification of North accessible entrance has been provided.	
		X			4. There is no directional signage at the south entry door directing users to the accessible north door; required when not all entrances are accessible. Sections 2016.6, 703.5. Photo 56. [The City: Architect and Contractor should have provided for this.]	\$500
					4. Confirmed by IAA. Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404 (216.6). No directional signage indicating the location of the nearest accessible entrance has been provided at or leading up to the South entrance. ADVISORY: Where a directional sign is required, it should be located to minimize backtracking. This could mean locating a sign at the beginning of a route, not just at the inaccessible entrance to the building (A216.6).	
		X			5. There is not an accessible entry sign at the south door; required when not all entries are accessible. Section Photo 58. [The City: This appears to be a duplicate comment to #3 above.]	N/A
		X			6. The underside of the central stair on the first floor is not protected underneath where it protrudes from 27" to 80" off the floor; required. Section 307.4. Photo. [The City: We will plan to provide objects for cane-detection below the stair.]	N/A - City to fix
					6. Confirmed by IAA. Vertical clearance shall be 80 inches high min. Guardrails or other barriers shall be provided where the vertical clearance is less than 80 inches high. The leading edge of such guardrail or barrier shall be located 27 inches max. above the finish floor (307.4). Existing clearance beneath South open stair at first floor is less than 80 inches.	
		X			7. The police public window transaction counter protrudes 8" off the wall at 35 3/4"; 4" max. allowable between 27" and 80" (note: counters on 2nd floor are either cane-detectable, or small enough in our interpretation to be considered "in a protective alcove"). Section 307.2. Photos 75, 76. [The Contractor: We will devise a cane-detectable solution below the counter.]	\$2,400

ADA Compliance Issues - *Preliminary* assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

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					7. Confirmed by IAA. Objects with leading edges more than 27 inches and not more than 80 inches above the finish floor or ground shall protrude 4 inches maximum horizontally into the circulation path (307.2). Transaction counter depth extends 8 inches beyond wall surface and its leading edge protrudes into the circulation path > 4 inches and is mounted higher than 27 inches above finish floor.	
					7a. IAA Comment. Where provided, at least one of each type of service counter shall comply with 904.4. Where counters are dispersed throughout the building, counters complying with 904.4 also shall be dispersed (227.3). Service counters shall comply with 904.4.1 or 904.4.2 (904.4). A portion of the counter surface that is 36 inches long min. and 36 inches high max. above the finish floor shall be provided. A clear floor or ground space complying with 305 shall be positioned for a parallel approach adjacent to the 36 inch min. length of counter (904.4.1). Transaction counter height is 37-1/2 inch height above finish floor and does not comply.	
					7b. IAA Comment. Transaction counter depth/length infringes on maneuvering clearances for Door 110 to/from Clerk 110 area. Front approach, push side, with closer and latch requires 48 inch minimum depth x width of door opening plus additional 12 inches min. beyond latch (404.2.4.1).	
					7c. IAA Comment. Similar to item 7b above, 'Med Return Disposal' should be repositioned to allow for proper maneuvering clearances at Door 108B to/from Squad 108. Provide for a hinge approach, push side (404.2.4.1).	
	X				8. The phone in the Police break area has buttons that are 63" high; 48" max. high reach allowable. Section 308.3.2. Photo 64. [The City: HTK Architects should have discussed this as an item to amend with this project if within the 20% rule of required expenditures. We understand that when asked, the City representatives asked that these items be left as existing to remain.]	\$490
					8. Confirmed by IAA. Where public closed-circuit telephones, public courtesy phones, or other types of public telephones are provided, public telephones shall be provided in accordance with 217 for each type of public telephone provided (217.1). Where public telephones are provided, wheelchair accessible telephones complying with 704.2 shall be provided in accordance with Table 217.2. For 1 or more single units, provide 1 public telephone per floor or level that is wheelchair accessible (217.2). A clear floor or ground space complying with 305 shall be provided. The clear floor or ground space shall not be obstructed by bases, enclosures, or seats (704.2.1). 30 inch x 48 inch clear floor space has not been provided at telephone location, and is obstructed by existing countertop/cabinets.	
					8a. IAA Comment. Obstructed High Reach. Where a clear floor or ground space allows a parallel approach to an element and the high side reach is over an obstruction, the height of the obstruction shall be 34 inches max. and the depth of the obstruction shall be 24 inches max. (308.3.2). Countertop configuration adjacent to telephone location is 37-1/2 inch height. Where the reach depth exceeds 10 inches, the high side reach shall be 46 inches max. for a reach depth of 24 inches max. Height of telephone exceeds 46 inches above finish floor.	
	X				9. The counter in the Police break area is 37 1/2" high; 34" max. height is allowable. Section 308.3.2. Photo 64. [The City: HTK Architect should have discussed this as an item to amend with this project if within the 20% rule of required expenditures. We understand that when asked, the City representatives asked that these items be left as existing to remain.]	\$2,100
					9. Confirmed by IAA. Kitchenettes shall comply with 804. The kitchen work surface shall be 34 inches max. above the finish floor (804.3.2).	

ADA Compliance Issues - *Preliminary* assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

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				9a. IAA Comment. Kitchenettes shall comply with 212 and 804. A clear floor space complying with 305 positioned for a forward approach shall be provided. Clear floor space shall be centered on the kitchen work surface and shall provide knee and toe clearance complying with 306. Configuration of cabinets beneath work surface does not allow for knee and toe clearance required. Cabinets could not be removed without removing or replacing the kitchenette work surface (804.3.1).	
	X			10. Many items in the Police break area are outside of reach ranges of 48" max. high reach (57" paper towel (20" over counter); 57" convection oven) Sections 308.3.1, 308.3.2. Photo 64. [The City: HTK Architects should have discussed this as an item to amend with this project if within the 20% rule of required expenditures. We understand that when asked, the City representatives asked that these items be left as existing to remain.]	\$2,600
				10. Confirmed by IAA. Wall mounted accessories and counter supported appliances do not comply with obstructed reach requirements. Obstruction height (countertop) exceeds 34 inches max. allowed. Height of accessories exceed 46 inches max. allowed (308.3.2).	
				10a. IAA Comment. First Aid cabinet at Police break area not positioned to allow proper approach clearances and not mounted at height to comply with unobstructed or obstructed reach heights (308.2.1, 308.3.2). Loose furnishings should be rearranged to allow for proper maneuvering clearances and reach heights to comply. Unobstructed Forward Reach height = 48 inches max. Obstructed High Side Reach = 46 inches max. (height of obstruction shall be 34 inches max and depth of obstruction shall be 24 inches max.).	
	X			11. There is an 11 1/2" pull clearance to the Squad Room door; 18" min. required. Section 404.2.4.1. Photo 67 [HTK Architects should have discussed this as an item to amend with this project if within the 20% rule of required expenditures. We understand that when asked, the City representatives asked that these items be left as existing to remain.]	\$630
				11. Confirmed by IAA. Loose furnishings at pull side of Door 108B should be repositioned to provide proper maneuvering clearances required, 18 inches min. at latch side of door for front approach, pull side (4.4.2.4.1).	
				11a. Confirmed by IAA. Built in casework at pull side of Door 108C does not allow for proper maneuvering clearances required (4-3/4 inch provided), 18 inches min. at latch side of door for front approach, pull side (4.4.2.4.1). Loose furnishings (file storage and worktop) at pull side of Door 108C should be repositioned to provide proper maneuvering clearances required, 60 inch min. depth (404.2.4.1).	
	X			12. There is a 30" narrow passage between counters in the Squad Room near the door to the main office; 32" min. required. Section 403.5.1. Photo 67. [The City: HTK Architects should have discussed this as an item to amend with this project if within the 20% rule of required expenditures. We understand that when asked, the City representatives asked that these items be left as existing to remain.]	\$0
				12. Confirmed by IAA. Clearances between work surfaces at Door 108C path of circulation is 30 inches. The clear width of walking surfaces shall be 36 inches min. The clear width shall be permitted to be reduced to 32 inches min. for a length of 24 inches max. (403.5.1). Loose furnishings at pull side of Door 108C should be repositioned to provide proper clear circulation width.	
	X			13. There is an 8" push clearance adjacent to the Records Room door; 12" max. allowable for doors with closers. Section 404.2.4.1. Photo 65. [The City: The City will look into a solution as the clearance is affected by movable furniture.]	N/A - City to fix
				13. Confirmed by IAA. Loose furnishing at push side of Door 104 to Records Room should be repositioned to provide proper maneuvering clearances required, 12 inches min. at latch side of door for front approach, push side, door provided with both closer and latch (404.2.4.1).	

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IAA 5/5/2015

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	X			14. There is a 42" pull clearance perpendicular to the fire standpipe room door within Records; 48" min. required. Section 404.2.4.1. Photo 66. [The City: If the furniture layout was discussed, or shown in the drawings, the Architect should have informed the City of this issue. The City will look into a solution as the clearance is affected by movable furniture.]	N/A - could take door off if necessary
				14. Confirmed by IAA. If door were to be removed from standpipe closet, 42 inches min. clearance would be required for a side approach at doorway without door (404.2.4.2).	
				<i>Public Unisex Toilet Room (attempted accessible restroom)</i>	
	X			15. The sign is mounted on the door without raised letters or Braille; on the latch-side wall with raised letters and Braille required. Sections 703.2, 703.4.2. Photo 33. [HTK Architects: We will review to suggest the best location. The City: This will need to be in conjunction with possible replacement or relocation of the drinking fountain as that is obstructing the approach to the necessary sign location.]	Contractor to fix - Location?
				15. IAA Comment. Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices (703.4.2 EX). Sign location at push side of door is acceptable as long as door is not held in the open position. Installed sign at time of review appears to have raised lettering and braille.	
	X			16. The accessible toilet has 44 1/2" clear space from the sidewall to the urinal; 60" min. required. Section 604.8.1.1. Photo 37. [HTK Architects: We suggest the urinal be removed. The City: plumbing counts need to be verified to find if this solution is acceptable.]	\$4,900
				16. Confirmed by IAA. The required clearance around the water closet shall be permitted to overlap the water closet, associated grab bars, dispensers, sanitary napkin disposal units, coat hooks, shelves, accessible routes, clear floor space and clearances required at other fixtures, and the turning space. No other fixtures or obstructions shall be located within the required water closet clearance (604.3.2). Clearance around a water closet shall be 60 inches min. measured perpendicular from the side wall and 56 inches min. measured perpendicular from the rear wall (604.3.1). Currently, the urinal is mounted on the wall within the required clearance area around the water closet, non complying. Urinal is mounted 44-1/2 inches measured perpendicular from the side wall.	
				16a. IAA Comment. Urinals shall be the stall-type or the wall-hung type with the rim 17 inches max. above the finish floor. Urinals shall be 13-1/2 inches deep min. measured from the outer face of the urinal rim to the back of the fixture (605.2). Urinal rim is mounted 28-1/2 inches above the finish floor, non complying.	
	X			17. Toilet seat is 15 1/2" from centerline to sidewalk; 16" to 18" required. Section 604.2. Photo 37. [Excel Constructors: We will look into how to modify the toilet and/or plumbing for compliance, possibly using an "offset flange".]	Contractor to fix - Complete
				17. Confirmed by IAA. The water closet shall be positioned with a wall or partition to the rear and to one side. The centerline of the water closet shall be 16 inches min. to 18 inches max. from the side wall or partition (604.2). Water closet appears to be installed 16-1/2 inches from centerline to side wall.	
				18. There is no 18" vertical side grab bar; required. ANSI 604.5.1. Photo 37. [The City: Since this is an ANSI/Building Code rule that wasn't adopted at the time of construction, the item does not need to be changed.]	N/A
	X			19. The far end of the side grab bar is mounted 53" from the plumbing wall; 54" minimum required (also 12" max. from rear support). Section 604.5.1. Photo 37. [Excel Constructors: We will modify the grab bar to comply.]	Contractor to fix - Complete
				19. Confirmed by IAA. The side grab bar shall be 42 inches long min., located 12 inches max. from the rear wall and extending 54 inches min. from the rear wall (604.5.1). Side grab bar provide is 42 inches long, located 12-1/4 inch from the rear wall, non complying, and extends 54-1/4 inches from the rear wall. Grab bar should be repositioned so that it is located 12 inches max. from the rear wall.	

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		X			20. The rear grab bar mount is 11" from the toilet centerline; 12" and 24" min. are required for the two mounts. Section 604.5.2. Photo 37. [Excel Constructors: We will modify the grab bar to comply.]	Contractor to fix - Complete
					20. Confirmed by IAA. Grab bars shall be provided on the side wall closest to the water closet and on the rear wall (604.5). The rear wall grab bar shall be 36 inches long min. and extend from the centerline of the water closet 12 inches min. on one side and 24 inches min. on the other side (604.5.2). Rear grab bar has not been provided.	
		X			21. The toilet paper dispenser is mounted about 1/4" from the side grab bar; 1 1/2" min. clearance required under grab bars. Section 609.3. Photo 37. [Excel Constructors: We will modify the installations to comply.]	Contractor to fix - Complete
					21. Confirmed by IAA. The space between the grab bar and projecting objects below and at the ends shall be 1-1/2 inches min. (609.3). Space between the bottom of the side wall grab bar and top of toilet paper dispenser is 2 inches.	
		X			22. The lavatory rim is mounted 34 1/4" above the floor; 34" max. allowable. Section 606.3. Photo 36. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
					22. Confirmed by IAA. Lavatories and sinks shall be installed with the front of the higher of the rim or counter surface 34 inches max. above the finish floor (606.3). Height of wall mounted sink rim is 34 inches above finish floor.	
		X			23. The bottom of the mirror reflective surface over the lavatory is 41 1/2" above the floor; 40" max. allowable. Section 603.3. Photo 36. [Excel Constructors: We will modify the installations to comply.]	Contractor to fix - Complete
					23. Confirmed by IAA. Mirrors located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 40 inches max. above the finish floor (603.3). Bottom of mirror is 40 inches above finish floor.	
		X			24. The bottom of the mirror reflective surface not over the lavatory is 52 1/2" above the floor; 35" max. allowable. Section 603.3. Photo 35. [Excel Constructors: This is an existing unit which was asked by be reused. We will provide scrim options to cover the mirror so it is not useful as a mirror. The City: Architect should advise a client of non-compliant fixtures requested to be reused.]	\$400
					24. Confirmed by IAA. Mirrors not located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 35 inches max. above the finish floor (603.3). Bottom of mirror over recessed trash can is 51-1/2 inches above finish floor, non complying.	
		X			25. The paper towel dispenser protrudes 7" off the wall at 51 1/2" above the floor; 4" max. allowable between 27" and 80" above the floor. Section 307.2. Photo 35. [Excel Constructors: The City provided and installed this item, so it should not be included in the list for the Architect and Contractor.]	w/item 24
					25. Confirmed by IAA. Objects with leading edges more than 27 inches and not more than 80 inches above the finish floor shall protrude 4 inches max. horizontally into the circulation path (307.2). Reposition paper towel dispenser outside of circulation path and at height complying with required reach ranges per 308.	
					25a. IAA Comment. Unobstructed Forward Reach. Where a forward reach is unobstructed, the high forward reach shall be 48 inches max. (308.2.1). Paper towel dispensers are mounted at 51 inches + above finish floor.	
					25b. IAA Comment. Operable parts shall comply with 309. A clear floor or ground space complying with 305 shall be provided. Operable parts shall be placed within one or more of the reach ranges specified in 308 (309.1 - 309.3). Light switch is located behind the swing of the door, and at 50 inches above finish floor.	

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				<u>Police-Only Unisex Toilet Room</u> . [HTK Architects: These rooms are not required by the Building Code, therefore not required to be ADA compliant. The City: We believe that "if provided", all toilet rooms are to be accessible and compliant. Both parties will review the Codes and possibly discuss with the DOJ via their ADA Hotline. Even if not made accessible, non-accessible toilets are to have signage directing users to the nearest accessible toilets.]	Prices below should not include finishes
	X			26. Toilet room is not accessible; where provided, required to be accessible. Section 213.2, 603. Photo 39 thru 45. (Note: Although patrol officers may not have disabilities, other officers or police workers may and should have access to the same facilities as their co-workers.)	See below
				26. IAA Comment. Existing restroom is not in compliance with accessibility standards. Per IBC Chapter 11 Accessibility, toilet rooms and bathing rooms shall be accessible (1109.2). Where toilet rooms are provided, each toilet room shall comply with 603 (213.2). Where bathing rooms are provided, each bathing room shall comply with 603 (213.2). In alterations where it is technically infeasible to comply with 603, existing toilet or bathing rooms shall not be required where a single unisex toilet room or bathing room complying with 213.2.1 is provided and located in the same area and on the same floor as existing inaccessible toilet or bathing rooms (213.2 EX 1).	
	X			27. There is no "T" or circular turn around within the toilet room; required. Section 304.3.1, 2., 206.2.2. Photos 40 thru 45.	\$23,400
	X			28. Entry door has only 28" wide clearance; 32" min. clear required. Section 404.2.3. Photo 39.	w/item 27
	X			29. 5 1/2" pull clearance to wall on the inside; 18" min. required. Section 404.2.4. Photo 40.	w/item 27
	X			30. No accessible toilet stall, 34" clear width; 60" min. required. Section 604.8.1.1. Photo 43.	w/item 27
	X			31. No grab bars; required. Section 604.5. Photo 43.	w/item 27
	X			32. Toilet stall door opens in, has no door pulls on either side, is not self-closing and has an approximate 36" clear width; opens out, with pulls both sides, self-closing with a 32" min. clear width required. Sections 604.8.1.2, 404.2.3. Photo 43 N/A	N/A
	X			33. There is no clearance under the lavatory due to cabinet obstruction; 27" min. clear required. Sections 606.2, 304. Photo 41.	w/item 27
	X			34. The light switch is 50" above the floor; 48" max. allowable. Section 308.3.1. Photo 40. [The City: Since the work was done prior to the 2010 ADA being adopted, it does not appear this would have been part of the scope.]	N/A
	X			35. Neither paper towel dispenser dispenses below 48"; 48" maximum allowable reach range. (If user could reach the paper, it would require tight grasping to remove, which is not allowed). Sections 308.1, 2.3, 309.4. Photo 42: N/A	N/A
	X			36. Toilet paper is centered 14" to face of toilet; 7" to 9" required. Section 604.7. Photo 43.	w/item 27
				36B. Shower is not accessible and has no bench, grab bars, etc.; required. Sections 600, 608.1, 608.2, 608.3. Photo 44.	w/item 27
				<u>Drinking Fountain</u>	
	X			37. There is only one low drinking fountain provided; a high wheelchair accessible fountain is required where drinking fountains are provided. Section 211.1, 211.2, 602.7. Photo 46. [HTK Architects: This was an existing drinking fountain to remain so is not in the scope of work. The City: If it falls within the 20% rule, then it is required to be switched out with double accessible "hi-lo" drinking fountains.]	\$3,500
				37. Confirmed by IAA. Where drinking fountains are provided on a floor, or within a secured area they shall be provided in accordance with 211. No fewer than two drinking fountains shall be provided. One drinking fountain shall comply with 602.1 through 602.6 and one drinking fountain shall comply with 602.7 (211.1 & 211.2). Only one drinking fountain has been provided complying with 602.1 through 602.6. No secondary drinking fountain has been provided to comply with requirements of 602.7, "Drinking Fountains for Standing Persons." Provide high configuration drinking fountain, with spout height between 38 inches min. and 43 inches max. above finish floor.	
				<u>Misc.</u>	

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					38. IAA Comment. Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side. Signs containing tactile characters shall be located so that a clear floor space of 18 inches min. by 18 inches min., centered on the tactile characters, is provided beyond the arc of any door swing between the closed position and 45 degree open position (703.4.2). Enclosed Egress Stair 101 identification sign is located alongside door latch, 7" from latch to centerline of sign. Sign should be repositioned 9" from latch to centerline of sign to allow 18 x 18 clear floor space to remain centered on sign and beyond arc of door swing.	
					39. IAA Comment. Entrance to Clerk Area (Door 110) does not allow for proper maneuvering clearances at latch side of door at push side (11-3/4 inch provided). 12 inches min. required for front approach, door provided with closer and latch (404.2.4.1).	
					40. IAA Comment. Wall cabinets and soffit at push side of Door 108C to Squad Room do not allow for proper maneuvering clearances at latch side of door at push side. 12 inches min. required for front approach, door provided with closer and latch (404.2.4.1). There shall be no projections into the required clear opening width lower than 34 inches above the finish floor or ground. Projections into the clear opening width between 34 inches and 80 inches above the finish floor or ground shall not exceed 4 inches (404.2.3). Bottom of cabinets is mounted at 4'-11-3/4 inches above finish floor and projects more than 4 inches. Depth of cabinets is 15 inches from wall surface.	
					41. IAA Comment. In alterations, stairs between levels that are connected by an accessible route shall not be required to comply with 504, except that handrails complying with 505 shall be provided when the stairs are altered (210.1, EX 2). Handrail extension at bottom of stair shall return to a wall, guard, or the landing surface (505.10.3). Modify handrail condition at bottom of South open stair at first floor to comply.	
					42. IAA Comment. Edge protection complying with 405.9.2 shall be provided on each side of ramp runs and at each side of ramp landings (405.9). A curb or barrier shall be provided that prevents the passage of a 4 inch diameter sphere, where any portion of the sphere is within 4 inches of the finish floor surface (405.9.2). Installed ramp curb at Court Room 113 must be a minimum of 4 inches height above ramped surface.	
					43. IAA Comment. Alterations to jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards for a minimum of 3%, but no fewer than one , of the total number of cells being altered to provide mobility features complying with Section 807.2. Where provided, central holding cells and court-floor holding cells shall comply with 231.3. Where provided and not separated by age or sex, at least one cell complying with 807.2 shall be provided. Holding Cell 118 shall provide required turning space complying with 304. Where benches are provided, at least one bench shall comply with 903. 30 x 48 inch clear floor space not provided at the end of the bench and parallel to the short axis of the bench. Bench shall be 42 inches min. length x 20 inches min. depth. Back wall support at bench shall extend 18 inches min. above the seat surface. Top of bench seat surface shall be 17 inches min. and 19 inches max. above finish floor. Toilet facilities provided as part of the cell shall comply with 603. No fewer than one water closet and one lavatory shall comply with 603 through 610.	
					44. IAA Comment. Where entrances used only by inmates or detainees and security personnel are provided at judicial facilities, detention facilities, or correctional facilities, at least one such entrance shall comply with 404 (206.4.9). Exterior entrance to Booking Area 119, used only by detainees and security personnel does not allow for proper maneuvering clearances at manually operated swinging door, latch side of door at pull side. 24 inches min. required for latch approach, pull side, door provided with closer. 18 inches min. required for front approach with 60 inches min. depth, pull side. Existing equipment located within maneuvering clearance area at exterior of building.	

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5	2nd Floor				<u>General</u>	
					<u>Men's Room (attempted accessible toilet room)</u>	
		X			1. The sign is mounted on the door without raised letters or Braille; on the latch-side wall with raised letters and Braille required. Sections 703.2, 703.4.2. Photos 19 thru 24. [HTK Architects: We will review to suggest the best location. The City: This will need to be in conjunction with possible replacement or relocation of the drinking fountain as that is obstructing the approach to the necessary sign location.]	Contractor to fix - Location?
					1. IAA Comment. Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices (703.4.2 EX). Sign location at push side of door is acceptable as long as door is not held in the open position. Installed sign at time of review appears to have raised lettering and braille.	
		X			2. There is only 5 1/2" of wall space adjacent the latch of the door to the drinking-fountain paper towel dispenser; 12" min. required for 6" min. sign having 18" wide floor space centered on the sign. Section 703.4.2. Photo 20. [The City: If the City installed this after the project, then the City is responsible for correction.]	\$750
					2. Confirmed by IAA. Hinge approach, push side, door provided with both closer and latch complies and does not require additional clearance beyond the latch at the push side of door (404.2.4.1). There shall be no projections into the required clear opening width lower than 34 inches above the finish floor. Projections into the clear opening width between 34 inches and 80 inches above the finish floor shall not exceed 4 inches (404.2.3). Paper towel dispenser is mounted on wall within required maneuvering clearances at pull side of door, between 34 inches and 80 inches and protrudes from the wall more than 4 inches. 18 inches min. clearance required adjacent to latch at pull side of door, front approach (404.2.4.1).	
					2a. Doors shall not swing into the clear floor space or clearance required for any fixture (603.2.3). Door swing infringes on clear floor space required for lavatory.	
		X			3. The toilet flush valve is mounted about 7/8" from the under side of the rear grab bar; 1 1/2" min. clearance required under grab bars. Section 609.3. Photo 23. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
		X			4. The side horizontal grab bar is mounted 13" from the plumbing wall; 12" max. allowable. Section 604.5.1. Photo 23. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
		X			5. The side vertical grab bar is mounted 38 1/2" above the floor; 39" to 41" required. ANSI 604.5.1. Photo 23. [The City: Since this is an ANSI/Building Code rule that wasn't adopted at the time of construction, the item does not need to be changed.]	N/A
		X			6. The lavatory rim is mounted 35" above the floor; 34" max. allowable. Section 606.3. Photo 21. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
		X			7. The paper towel dispenser protrudes 7 1/4" off the wall at 44" above the floor; 4" max. allowable between 27" and 80" above the floor. Section 307.2. Photo 20. (While trash below "protects" while being cane detectable, trashcan blocks the pull clearance to the entry door, so would need to be removed) [The City: If the City installed this after the project, then the City is responsible for correction.]	\$750
					7. Confirmed by IAA. Objects with leading edges more than 27 inches and not more than 80 inches above the finish floor shall protrude 4 inches max. horizontally into the circulation path (307.2). Reposition paper towel dispenser outside of circulation path and at height complying with required reach ranges per 308.	
					7a. IAA Comment. Urinals shall be the stall-type or the wall-hung type with the rim 17 inches max. above the finish floor. Urinals shall be 13-1/2 inches deep min. measured from the outer face of the urinal rim to the back of the fixture (605.2). Urinal rim is mounted 17-1/2 inches above the finish floor, non complying.	

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				7b. IAA Comment. A clear floor or ground space complying with 305 positioned for forward approach shall be provided at urinal (605.3). The clear floor or ground space shall be 30 inches min. by 48 inches min. (305.3). 30 inches min. width of clear floor space has not been provided at urinal, 29 inches provided.	
				7c. IAA Comment. Door for toilet compartment shall be self-closing (604.8.1.2).	
				7d. IAA Comment. Toilet compartment layout and door location does not comply with 604.8.1.2. Latch approach has been provided by is shifted towards approach direction, leaving less than 4 inches between latch and side partition from inside of toilet compartment for push approach. Hinge side of door should have been located 4 inches max from sidewall, and water closet and grab bars positioned off of side partition in lieu of sidewall in order to comply with requirements. 12 inches min. clear required at latch side, push side of door with closer (404.2.4.1).	
				<u>Women's Room (attempted accessible toilet room)</u>	
	X			8. The sign is mounted on the door without raised letters or Braille; on the latch-side wall with raised letters and Braille required. Sections 703.2, 703.4.2. Photo 25. [Excel Constructors: We will relocate the sign.]	Contractor to fix - Location?
				8. Confirmed by IAA. Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices (703.4.2 EX). Fire extinguisher cabinet infringes on clear floor area at latch side of door, therefore sign location at push side of door is acceptable as long as door is not held in the open position.	
	X			9. Flush override requires 7 lbs. pressure to operate. 5 lbs. max. force allowable for operable parts. Section 309.4. Photo 32. [HTK believes this is not a requirement as it is an override for an automatic flush operator.]	N/A
				9. Confirmed by IAA. Flush controls shall be hand operated <u>or</u> automatic. Hand operated flush controls shall comply with 309. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum (309.4). Hand operation has been provided, and therefore shall comply with 309 requirements.	
	X			10. The toilet flush valve is mounted about 1/16" from the under side of the rear grab bar; 1 1/2" min. clearance required under grab bars. Section 609.3. Photo 32. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
	X			11. The side horizontal grab bar is mounted 13" from the plumbing wall; 12" max. allowable. Section 604.5.1. Photo 32. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
	X			12. The rear grab bar mount is 11 1/2" from the toilet centerline; 12" and 24" min. are required for the two mounts. Section 604.5.2. Photo 32. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
	X			13. The lavatory rim is mounted 34 3/4" above the floor (counter at 34"); 34" max. allowable to higher of counter or rim. Section 606.3. Photo 27. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
	X			14. Insulation on pipes below the lavatory are not tight and do not cover the pipes to be insulated; required. Section 606.5. Photo 30. [Excel Constructors: We will modify construction to comply.]	Contractor to fix - Complete
	X			15. The paper towel dispenser protrudes 7 1/4" off the wall at 44" above the floor; 4" max. allowable between 27" and 80" above the floor. Section 307.2. Photo 26. (While trash below "protects" while being cane detectable, trashcan blocks the pull clearance to the entry door, so would need to be removed) [The City: If the City installed this after the project, then the City is responsible for correction.]	w/item 5.7
				15. IAA Comment. Objects with leading edges more than 27 inches and not more than 80 inches above the finish floor shall protrude 4 inches max. horizontally into the circulation path (307.2). Paper towel dispenser appears to be mounted outside of the required circulation path and is mounted at a height complying with required reach ranges per 308.	
				15a. IAA Comment. Door for toilet compartment shall be self-closing (604.8.1.2).	

ADA Compliance Issues - *Preliminary* assessment by City for Architect

updated: 1/10/2015 ; budget cost added 2/18/15

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Survey Date:

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IAA 5/5/2015

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					15b. IAA Comment. Toilet compartment layout and door location does not comply with 604.8.1.2. Latch approach has been provided by is shifted towards approach direction, leaving less than 4 inches between latch and side partition from inside of toilet compartment for push approach. Hinge side of door should have been located 4 inches max from sidewall, and water closet and grab bars positioned off of side partition in lieu of sidewall in order to comply with requirements. 12 inches min. clear required at latch side, push side of door with closer (404.2.4.1).	
					<u>Drinking Fountain</u>	
	X				16. There is only one low drinking fountain provided; a high accessible fountain is required where drinking fountains are provided. Section 211.1, 211.2, 602.7. Photo 19. [HTK Architects: The existing drinking fountain was moved in the project. City: Since the unit was relocated, it should have been made compliant. Move defibrillator to new location per Chief.	\$3,500
					16. Confirmed by IAA. Where drinking fountains are provided on a floor, or within a secured area they shall be provided in accordance with 211. No fewer than two drinking fountains shall be provided. One drinking fountain shall comply with 602.1 through 602.6 and one drinking fountain shall comply with 602.7 (211.1 & 211.2). Only one drinking fountain has been provided complying with 602.1 through 602.6. No secondary drinking fountain has been provided to comply with requirements of 602.7, "Drinking Fountains for Standing Persons." Provide high configuration drinking fountain, with spout height between 38 inches min. and 43 inches max. above finish floor.	
					<u>Misc.</u>	
					17. IAA Comment. Fire Extinguisher cabinet and Defibrillator cabinet at Hallway 202 are not positioned to allow proper approach clearances (305).	
					18. IAA Comment. Swinging door and gate surfaces within 10 inches of finish floor measured vertically shall have a smooth surface on the push side extending the full width of the door or gate. Tempered glass doors without stiles are not required to have 10 inch bottom rail only if the top of the bottom rail tapers at 60 degrees min. from the horizontal. Protruding hardware is not allowed in the 10 inch high area (404.2.10). Existing frameless, tempered glass door at City Council Chambers 219 has a 4 inch projecting bottom rail with a flat top surface, and does not comply.	
					19. IAA Comment. Edge protection complying with 405.9.2 shall be provided on each side of ramp runs and at each side of ramp landings (405.9). A curb or barrier shall be provided that prevents the passage of a 4 inch diameter sphere, where any portion of the sphere is within 4 inches of the finish floor surface (405.9.2). Installed ramp curb at City Council Chambers 219 must be a minimum of 4 inches height above ramped surface.	
					20. IAA Comment. The landing clear length shall be 60 inches long min. (405.7.3). The landing clear width shall be at least as wide as the widest ramp run leading to the landing (405.7.2). Landing clear length at top of ramp, matching ramp width, does not comply.	

updated: 1/10/2015 ; budget cost added 2/18/15

IAA 5/5/2015

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	X			7. Toilet room is not accessible; where provided, required to be accessible. Section 213.2, 603. Photos 2 thru 9.	
				7. IAA Comment. Existing restroom is not in compliance with accessibility standards. Per IBC Chapter 11 Accessibility, toilet rooms shall be accessible (1109.2). Where toilet rooms are provided, each toilet room shall comply with 603 (213.2). In alterations where it is technically infeasible to comply with 603, existing toilet or bathing rooms shall not be required where a single unisex toilet room or bathing room complying with 213.2.1 is provided and located in the same area and on the same floor as existing inaccessible toilet rooms (213.2 EX 1). Unisex toilet room has not been provided in the same area and on the same floor as existing inaccessible toilet room.	
	X			8. There is no directional sign to accessible toilet rooms; required when not all toilets are accessible. Section 216.8. Photo 2. [The City: This should have been done if not all accessible. Since all is to be fixed, this will no longer be needed.]	N/A
	X			9. The sign is mounted on the door without raised letters or Braille; on the latch-side wall with raised letters and Braille required. Sections 703.2, 703.4.2. Photo 2.	Contractor to fix - Location?
				9. Confirmed by IAA. Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices (703.4.2 EX). Sign location at push side of door is acceptable as long as door is not held in the open position. Raised characters shall comply with 703.2 and shall be duplicated in braille complying with 703.3.	
	X			10. Entry door has only 26 3/4" wide clearance; 32" min. clear required. Section 404.2.3. Photo 2.	\$18,300
	X			11 Entry door has 3" pull clearance from the latch to the adjacent wall; 18" min. required. Section 404.2.4. Photo 3.	Incl w/item10
	X			12. No accessible toilet stall, 36" clear width; 60" min. required. Section 604.8.1.1. Photos 6, 7.	Incl w/item10
	X			13. Toilet stall door opens in and has 24 1/2" clear width; opens out, with a 32" min. clear width required. Sections 604.8.1.2, 404.2.3. Photos 6, 7, 8.	Incl w/item10
	X			14. No grab bars; required. Section 604.5. Photo 7.	Incl w/item10
	X			15. Toilet seat is 15 1/2" from centerline to sidewalk; 16" to 18" required. Section 604.2. Photo 7. N/A	N/A
	X			16. Toilet paper is centered 14" to face of toilet; 7" to 9" required. Section 604.7. Photo 9.	Incl w/item10
	X			17. The coat hook on the stall door is mounted 65 1/2" above the floor; 48" max. height allowable. Sections 308.2, 3, 4.	Incl w/item10
	X			18. There is no clearance under the lavatory due to cabinet obstruction; 27" min. clear required. Sections 606.2, 304. Photo 4.	Incl w/item10
	X			19. No insulation on pipes below the lavatory; required. Section 606.5.	Incl w/item10
	X			20. The bottom of the mirror reflective surface not over the lavatory is 46 3/4" above the floor; 35" max. allowable. Section 603.3. Photo 5.	Incl w/item10
				20a. IAA Comment. Urinals shall be the stall-type or the wall-hung type with the rim 17 inches max. above the finish floor. Urinals shall be 13-1/2 inches deep min. measured from the outer face of the urinal rim to the back of the fixture (605.2). Urinal rim is mounted 28 inches above the finish floor, non complying.	
				<u>Women's Room (accessibility not attempted)</u> [HTK Architects: These rooms are not required by the Building Code, therefor not required to be ADA compliant. The City: We believe that "if provided", all toilet rooms are to be accessible and compliant. Both parties will review the Codes and possibly discuss with the DOJ via their ADA Hotline. Even if not made accessible, non-accessible toilets are to have signage directing users to the nearest accessible toilets.]	
	X			21. Toilet room is not accessible; where provided, required to be accessible. Section 213.2, 603. Photos 10 thru 17.	Provide price

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				21. IAA Comment. Existing restroom is not in compliance with accessibility standards. Per IBC Chapter 11 Accessibility, toilet rooms shall be accessible (1109.2). Where toilet rooms are provided, each toilet room shall comply with 603 (213.2). In alterations where it is technically infeasible to comply with 603, existing toilet or bathing rooms shall not be required where a single unisex toilet room or bathing room complying with 213.2.1 is provided and located in the same area and on the same floor as existing inaccessible toilet rooms (213.2 EX 1). Unisex toilet room has not been provided in the same area and on the same floor as existing inaccessible toilet room.	
	X			22. There is no directional sign to accessible toilet rooms; required when not all toilets are accessible. Section 216.8. Photo 10. [The City: This should have been done if not all accessible. Since all is to be fixed, this will no longer be needed.]	N/A
	X			23. The sign is mounted on the door without raised letters or Braille; on the latch-side wall with raised letters and Braille required. Sections 703.2, 703.4.2. Photo 10.	Contractor to fix - Location?
				23. IAA Comment. Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices (703.4.2 EX). Signage for Women's R.R. 323 has been installed at pull side of door and does not comply. Signage shall be located alongside the door at the latch side per 703.4.2. Raised characters shall comply with 703.2 and shall be duplicated in braille complying with 703.3.	
	X			24. Entry door has only 27 3/4" wide clearance; 32" min. clear required. Section 404.2.3. Photo 10.	\$18,300
	X			25. No accessible toilet stall, 34" clear width; 60" min. required. Section 604.8.1.1. Photos 13, 15, 16.	Incl w/item10
	X			26. Toilet stall door opens in and has 24 1/2" clear width; opens out, with a 32" min. clear width required. Sections 604.8.1.2, 404.2.3. Photo13.	Incl w/item10
	X			27. No grab bars; required. Section 604.5. Photo16.	Incl w/item10
	X			28. Toilet seat is 15 3/4" from centerline to sidewalk; 16" to 18" required. Section 604.2. Photo 16.	Incl w/item10
	X			29. Toilet manual flush operator is on wall side; required to be on wide side of toilet. Section 604.6. Photo16. [The City: since this was bought new, it should have been replaced with an accessible fixture. Verify final solution is accessible.]	Contractor to fix - Complete
	X			30. Toilet paper is centered 13" to face of toilet; 7" to 9" required. Section 604.7. Photo 16.	Incl w/item10
	X			31. The coat hook is mounted 64 1/2" above the floor; 48" max. height allowable. Sections 308.2, 3, 4. Photo 17.	Incl w/item10
	X			32. There is no clearance under the lavatory due to cabinet obstruction; 27" min. clear required. Sections 606.2, 304. Photo 12.	Incl w/item10
	X			33. No insulation on pipes below the lavatory; required. Section 606.5.	Incl w/item10
	X			34. The bottom of the mirror reflective surface not over the lavatory is 47" above the floor; 35" max. allowable. Section 603.3. Photo 11.	Incl w/item10
	X			35. The light switch is 49" above the floor; 48" max. allowable. Section 308.3.1. Photo 11. [The City: Fixes done prior to new ADA so it appears this was not required to be modified]	
				<u>Drinking Fountain</u>	
	X			36. There is only one low drinking fountain provided; a high wheelchair accessible fountain is required where drinking fountains are provided. Section 211.1, 211.2, 602.7. Photo 18. [HTK Architects: This was an existing drinking fountain to remain so is not in the scope of work. The City: If it falls within the 20% rule, then it is required to be switched out with double accessible "hi-lo" drinking fountains.]	\$3,500

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					36. Confirmed by IAA. Where drinking fountains are provided on a floor, or within a secured area they shall be provided in accordance with 211. No fewer than two drinking fountains shall be provided. One drinking fountain shall comply with 602.1 through 602.6 and one drinking fountain shall comply with 602.7 (211.1 & 211.2). Only one drinking fountain has been provided complying with 602.1 through 602.6. No secondary drinking fountain has been provided to comply with requirements of 602.7, "Drinking Fountains for Standing Persons." Provide high configuration drinking fountain, with spout height between 38 inches min. and 43 inches max. above finish floor.	
					<u>Misc.</u>	
					37. IAA Comment. Where public closed-circuit telephones, public courtesy phones, or other types of public telephones are provided, public telephones shall be provided in accordance with 217 for each type of public telephone provided (217.1). Where public telephones are provided, wheelchair accessible telephones complying with 704.2 shall be provided in accordance with Table 217.2. For 1 or more single units, provide 1 public telephone per floor or level that is wheelchair accessible (217.2). A clear floor or ground space complying with 305 shall be provided. The clear floor or ground space shall not be obstructed by bases, enclosures, or seats (704.2.1). 30 inch x 48 inch clear floor space has not been provided at telephone location at Armory 305, and is obstructed by existing furnishings.	
					38. IAA Comment. Unobstructed Reach. Where a forward reach is unobstructed, the high forward reach shall be 48 inches max. (308.2.1). Height of telephone at Armory 305 exceeds 48 inches above finish floor.	
					39. IAA Comment. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides (404.2.7). Door operating hardware has not been provided at sliding doors at entry to Open Office 309 tenant space.	
					40. IAA Comment. Where doorways are located adjacent to a ramp landing, maneuvering clearances required by 404.2.4 shall be permitted to overlap the required landing area (405.7.5). The landing clear length shall be 60 inches long min. at bottom of ramp run (405.7.3). Ramp landing has not been provided at base of ramp run prior to sliding doors at entry to Open Office 209 tenant space, allowing proper area for maneuvering clearances. The maneuvering clearance area currently overlaps the ramp, not the required landing area.	
					41. IAA Comment. In alterations, stairs between levels that are connected by an accessible route shall not be required to comply with 504, except that handrails complying with 505 shall be provided when the stairs are altered (210.1, EX 2). At the top of a stair flight, handrails shall extend horizontally above the landing for 12 inches min. beginning directly above the first riser nosing (505.10.2). Existing handrail at South open stair extends only 9 inches past top riser nosing.	
					42. IAA Comment. Kitchenettes shall comply with 804. The kitchen work surface at Room 304 shall be 34 inches max. above the finish floor (804.3.2).	
					43. IAA Comment. Kitchenettes shall comply with 212 and 804. A clear floor space complying with 305 positioned for a forward approach shall be provided. Clear floor space shall be centered on the kitchen work surface and shall provide knee and toe clearance complying with 306. Configuration of cabinets beneath work surface at Room 304 does not allow for knee and toe clearance required. Cabinets could not be removed without removing or replacing the kitchenette work surface (804.3.1).	
					44. Confirmed by IAA. Counter supported appliances do not comply with obstructed reach requirements. Obstruction height (countertop) exceeds 34 inches max. allowed. Height of accessories exceed 46 inches max. allowed (308.3.2).	

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					45. IAA Comment. Where sinks are provided, at least 5 percent, but no fewer than one, of each type provided in each accessible room or space shall comply with 606. Clear floor space complying with 305, positioned for a forward approach, and knee and toe clearances complying with 306 shall be provided. Sink to be installed with the front of the higher of the rim or counter surface 34 inches max. above the finish floor.	
					46. IAA Comment. At least 50 percent of shelf space in storage facilities shall comply with 811 (804.5). Storage elements shall comply with at least one of the reach ranges specified in 308 (811.3). Obstructed High Reach. Where a clear floor or ground space allows a parallel approach to an element and the high side reach is over an obstruction, the height of the obstruction shall be 34 inches max. and the depth of the obstruction shall be 24 inches max. (308.3.2). The high side reach shall be 46 inches max. for a reach depth of 24 inches max. Bottom of upper cabinet storage exceeds 46 inch height.	
					47. IAA Comment. Vault 312 is being used as Storage. Vault access door requires more than 5 pounds max. force allowed for pulling open interior, hinged non-fire rated doors. Locking lever mechanism requires more than one motion to open door (4.4.2.9).	
					48. IAA Comment. Where provided, at least one of each type of service counter shall comply with 904.4. Where counters are dispersed throughout the building, counters complying with 904.4 also shall be dispersed (227.3). Service counters shall comply with 904.4.1 or 904.4.2 (904.4). A portion of the counter surface that is 36 inches long min. and 36 inches high max. above the finish floor shall be provided. A clear floor or ground space complying with 305 shall be positioned for a parallel approach adjacent to the 36 inch min. length of counter (904.4.1). Transaction counter at Reception 313 is 42 inches above finish floor and does not comply.	
					49. IAA Comment. Transaction counter depth at Reception 313 extends 4-1/2 inches beyond wall surface and its leading edge protrudes into the circulation path > 4 inches and is mounted higher than 27 inches above finish floor (307).	
					50. IAA Comment. Door from Reception 313 to Open Office 314 tenant space does not allow for proper maneuvering clearances at latch side of door. 12-7/8 inch provided at pull side of door. 18 inches min. required for front approach, pull side (404.2.4.1).	
					51. IAA Comment. Entrance to Break Room 319 does not allow for proper maneuvering clearances at pull side of door (45-1/2 inch depth provided). 48 inches min. required for latch approach, pull side, without closer (404.2.4.1).	
	Total					\$88,910

Item Number: DISCUSSION ITEMS- II.-10.
Committee 12/7/2015
Meeting Date:



City of Roeland Park Action Item Summary

Date: 12/1/2015
Submitted By: Erin Thompson, Michael Poppa, Teresa Kelly
Committee/Department: Admin.
Title: **Pending Items - An Ordinance Revision that Raises the Age to Buy Cigarettes, Electronic Cigarettes, and Tobacco Products in Roeland Park to 21 Years of Age.**
Item Type: Ordinance

Recommendation:

Details:

Both Kansas City, MO and Kansas City, KS recently raised the age to legally buy cigarettes to 21. The Shawnee Mission School District issued a statement position encouraging governing bodies of the fourteen Johnson County municipalities served by the Shawnee Mission School District to consider increasing the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

Attached is the ordinance passed by the Unified Government raising the age to buy cigarettes, electronic cigarettes, and tobacco products.

The City Attorney has confirmed that Roeland Park has the authority to adopt such an ordinance.

ATTACHMENTS:

Description	Type
☐ Unified Government Ordinance Setting Age of 21 to Buy Tobacco	Backup Material



Staff Request for Commission Action

Tracking No. 15241

Full Commission Meeting Date: 11/19/2015

Committee: Full Commission

Date of Standing Committee Action: October 26, 2015

(If none, please explain):

Publication Required: Yes 11/26/2015

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/13/2015	Misty Brown, Senior Attorney	x5067	mbrown@wycokck.org	Legal

Item Description:

An ordinance revision that raises the age to buy cigarettes, electronic cigarettes, and tobacco products in Kansas City, Kansas to 21 years of age, submitted by Misty Brown, Senior Attorney. .

Action Requested:

Consideration of ordinance revision.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Tobacco 21, Information Sheet

Published _____

ORDINANCE NO. _____

An ordinance relating to raising the age to buy tobacco products to 21 years of age in the City of Kansas City, Kansas; amending Section 22-204.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 22-204 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

ARTICLE VI. – OFFENSES AGAINST PUBLIC MORALS

Sec. 22-204. Selling, Giving or Furnishing cigarettes or tobacco products to a minor or selling cigarettes or tobacco products to any person under 21 years of age.

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute to any person under the age of 18 years any cigarettes, electronic cigarettes, or tobacco products; or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 18 years of age; or
 - (3) Sell to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products.
- (b) It shall be a defense to a prosecution under subsection (a) of this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 18 years of age or sold the cigarettes, electronic cigarettes or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products; and
 - (4) To purchase the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish

that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

- (c) It shall be a defense to a prosecution under subsection (a) of this section if:
- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 18 or more years of age or the defendant sold the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.
- (d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age or the individual directly selling the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (e) *Electronic cigarette or e-cigarette* means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. E-cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- (f) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."
- (£g) Violation of this section is a class B violation punishable by a minimum fine of \$200.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2015.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Misty Brown, Assistant Counsel



TOBACCO ~~eighteen~~ twenty-one

Reducing Youth Smoking in KCK & Wyandotte County

The Problem:

- » The primary cigarette source for underage smokers is their 18 to 20 year old peers.
- » Over 80% of high school seniors are older than 18 when they graduate.
- » Adolescent brains are still developing and are uniquely sensitive to nicotine addiction.
- » More than 95% of long-term smokers started before age of 21.
- » While youth cigarette smoking is slowly declining, e-cigarette use among youth has more than doubled in recent years.
- » E-cigarettes contain nicotine, toxic chemicals and carcinogens and are currently available to 18-year-olds.
- » Smokers cost up to 40% more than non-smokers in health care costs.
- » For private businesses, smoking employees have an excess cost of, on average, \$5,816 per year.

Our Proposal:

- » **Increase the minimum age of sale and purchase of tobacco products, e-cigarettes, vapor products and paraphernalia to 21.**

The Health Impact:

- » Data from Needham, MA shows a nearly 50% reduction in tobacco use by teens since their Tobacco 21 policy change in 2005. This decrease significantly exceeded reductions in peer communities over the same amount of time.
- » March 2015, Institute of Medicine study estimated that Tobacco 21 would reduce smoking among 15-17 year old by 25% and among 18-20 year olds by 15%
- » Fewer smokers before 18 lead to fewer long-term smokers reducing overall smoking rates by an estimated 12%.

The Business Impact:

- » A recent study from The Ohio State University estimated that the average smoker costs a private employer \$5,218 per year in excess costs related to their smoking.
- » The American Journal of Public Health - "Retail Impact of Tobacco Sales Age to 21 Years" - estimated only a 2% decrease in annual total tobacco sales due to Tobacco 21.

Supporters:

- » 75% of U.S. adults, including 70% of current smokers.
- » Over 80 cities in seven states and the entire state of Hawaii have passed Tobacco 21.
- » Health organizations throughout the KC metro area.

