

AGENDA
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st St
September 19, 2016 7:00 PM

Pledge of Allegiance
Roll Call
Modification of Agenda

I. Citizens Comments

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. Comments about items that appear on the agenda will be taken as each item is considered. Citizens are requested to keep their comments under 5 minutes. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

A. Linda Mau

II. Consent Agenda

Consent agenda items have been studied by the Governing Body and will be acted on in a single motion. If a Council member requests a separate discussion on an item, it can be removed from the consent agenda and placed on new business for further consideration.

- A. Appropriation Ordinance # 896
- B. June 20, 2016 City Council Minutes
- C. July 18, 2016 City Council Minutes
- D. August 15, 2016 City Council Minutes
- E. Renewal of Building Inspection Service Agreement with Westwood

III. Business From the Floor

A. Applications / Presentations

- 1. Bishop Miege Homecoming Parade
- 2. Community Service Award
- 3. New Officer

IV. Mayor's Report

- A. Kansas Family and Community Education Week Proclamation (Sheri McNeil and Tim Janssen)
- B. Diaper Need Awareness Week Proclamation (Erin Thompson and Michael Rhoades)

V. Workshop and Committee Reports

- A. Workshop/Ad Hoc Summaries

VI. Reports of City Liaisons

- A. MARC – Bike & Pedestrian (Sheri McNeil and Becky Fast)
- B. MARC – First Tier Suburbs (Teresa Kelly and Erin Thompson)
- C. Stormwater Management Advisory Council (Jose Leon and Ryan Kellerman)

VII. Unfinished Business

VIII. New Business

- A. Voting Delegates to the League of Kansas Municipalities Annual Conference (est. time 5 min.)
- B. Discuss Preschool Play Area Fence Replacement at Community Center

IX. Ordinances and Resolutions:

- A. ORDINANCE NO. 931 AN ORDINANCE RELATING TO THE ADMINISTRATION OF THE CITY OF ROELAND PARK, KANSAS; AMENDING AND REPEALING EXISTING SECTIONS 1-204, 1-207, 1-208, 1-212, 1-217 AND 1-315 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS
- B. Poppa Version CHARTER ORDINANCE NO. 33 A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.
- C. Rhoades Version CHARTER ORDINANCE NO. 33 A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.
- D. Poppa Version CHARTER ORDINANCE NO. 34 A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR
- E. Rhoades Version CHARTER ORDINANCE NO. 34 A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR
- F. Ordinance No. 941 - Amendment Related to City Code on Signs

X. Reports of City Officials:

- A. City Administrator - Review 2017 Quarterly Status Report on Objectives

Welcome to this meeting of the City Council of Roeland Park. Below are the Procedural Rules of Council

The City Council 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 City Council meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the Mayor (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 City Council during Public Comments and/or before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor (Chair). Any person wishing to speak, whether during Public Comments or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the Mayor (Chair) calls for Public Comments or calls the particular agenda item
 - 1. **Public Comment on Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the City but are not specifically listed on the Agenda. A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls for Public Comments.

 - 2. **Public Comment on Agenda Items.** Public comment will be accepted on Agenda items. A member of the public, who wishes to speak on an Agenda item, including items on the Consent Agenda, must fill out a Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls the Agenda item.

- C. **Purpose.** The purpose of addressing the City Council is to communicate

formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

- D. **Speaker Decorum.** Each person addressing the City Council, 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 Council meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor (Chair) or a majority of the Council Members present, 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 City Council, each speaker shall limit comments to five minutes. If a large number of people wish to speak, this time may be shortened by the Mayor (Chair) so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once.** 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 Council.** Comment and testimony are to be directed to the Mayor (Chair). Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor (Chair). Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state their full name, address and 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 City Council welcomes your participation and appreciates your cooperation. If you would like additional information about the City Council or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: Citizens Comments- I.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Linda Mau**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Consent Agenda- II.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Appropriation Ordinance # 896**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



Appropriation Ordinance # 896

Type

Cover Memo

The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

City Hall (913) 722-2600 – Fax (913) 722-3713

Thursday, September 15, 2016

Appropriation Ordinance - 9/19/2016 - #896

An Ordinance making Appropriation for the payment of certain claims. Be it ordained by the Governing Body of the City of Roeland Park, Kansas:

Section 1: That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the City Treasury the sum required for each claim.

Section 2: This Ordinance shall take effect and be in force from and after its passage. Passed and approved this 19th day of September, 2016.

Attest:

City Clerk

Mayor

Total Appropriation Ordinance	\$	760,372.63
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There are sufficient funds in the General Fund to cover general fund expenditures.

Appropriation Ordinance - 9/19/2016 - #896

Vendor	Dept	Acct #	Description	Invoice Description	Amount	Chk #	Check /EFT
							Date
American Fidelity Assurance Co.	101	2052.101	Supplemental Insurance Payable	Invoice: 1410116A /	347.90	65992	347.90
American Fidelity Assurance	101	2052.101	Supplemental Insurance Payable	Invoice: B503544 /	1,490.36	65939	1,490.36
American Fidelity Assurance	101	2052.101	Supplemental Insurance Payable	Invoice: B468808 /	1,504.16	65993	1,504.16
Anthony Plumbing, Heating & Cooli	101	4225.101	Mechanical Permit	Invoice: 20160343 /	9.00	66014	9.00
Arboles Tree Trimming LLC	106	5321.106	Tree Maintenance	Invoice: 1410 /	1,400.00	65956	1,400.00
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131992 / street work	1,042.32	65957	4,266.94
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131914 / street work	1,045.33	65957	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131826 / streetwork	1,062.53	65957	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131805 / street work	1,116.76	65957	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132099 /	1,043.18	66015	8,370.23
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132118 /	261.01	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131054 /	679.40	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132079 /	358.19	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132057 /	758.04	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131362 /	754.23	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131442 /	700.04	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131454 /	1,395.35	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132181 /	1,040.17	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132209 /	678.86	66015	
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 131042 /	701.76	66015	
Maria Bello	101	4795.101	Miscellaneous	Invoice: 8/22/16 REIM /	60.00	65958	60.00
Bernie Electric Wholesale, Inc.	101	#####	Maintenace & Repair Building	Invoice: S100045365001 / light bulbs	78.52	65959	78.52
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76707903 /	1,737.40	65960	1,737.40
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76715695 /	1,737.40	66016	1,737.40
Blue Sky Cleaners	102	5224.102	Laundry Service	Invoice: 8/31/16 /	300.45	66017	300.45
Kelley Bohon	105	5206.105	Travel Expense & Training	Invoice: 8/4- 8/9/16 TRAVEL /	36.18	65926	36.18
Breeden Holdings, LLC	102	5211.102	Maintenace & Repair Equipment	Invoice: 1025894 /	17.50	65961	42.50
Breeden Holdings, LLC	106	5260.106	Vehicle Maintenance	Invoice: 1025806 / #103	25.00	65961	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1026086 /	35.00	65994	130.00
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 126060 /	95.00	65994	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1026117 /	35.00	66018	376.00
Breeden Holdings, LLC	106	5260.106	Vehicle Maintenance	Invoice: 1025830 /	341.00	66018	
The Bullet Hole	102	5206.102	Travel Expense & Training	Invoice: 359938 /	20.00	65995	20.00
Carter Waters Construction Matieri	106	5320.106	Grounds Maintenance	Invoice: 35088017 / Nall park bathroom	54.33	66019	54.33
CERI	105	5405.105	Dues, Subscriptions & Books	Invoice: 119 /	70.00	65940	70.00
C & G Rubber Stamp, Inc.	106	5306.106	Materials	Invoice: 113421 /	18.50	65962	18.50
City of Prairie Village	101	5407.101	Public Relations	Invoice: 2002 /	132.59	65996	132.59
Clarkson Power Flow, Inc.	106	5211.106	Maintenace & Repair Equipment	Invoice: 1001958 / hyd hoses for sw brc	122.75	65963	157.75
Clarkson Power Flow, Inc.	106	5211.106	Maintenace & Repair Equipment	Invoice: 1001960 / sweeper broom	35.00	65963	

Coleman Equipment Inc.	360	5504.360	Machinery & Auto Equipment	Invoice: 5327 / new skid steer	8/31/2016	67,538.85	65964	67,538.85
Occupational Health Centers of the	102	5207.102	Medical Expense & Drug Testing	Invoice: 1009630120 /	9/7/2016	127.00	65997	127.00
Consolidated Communications	101	5202.101	Telephone	Invoice: 8/9/16 /	8/25/2016	293.99	65941	293.99
Custom Tree Care, Inc.	104	5214.104	Other Contracted Services	Invoice: 15388 /	8/17/2016	133.00	65927	133.00
John DeMoss	102	5308.102	Clothing & Uniforms	Invoice: 8/4/16 MAGNUM USA /	8/17/2016	63.98	65928	63.98
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 446437 /	9/14/2016	135.00	66020	135.00
E. Edwards, Inc.	106	5308.106	Clothing & Uniforms	Invoice: KCKO77038 / shirts	8/31/2016	156.81	65965	156.81
E. Edwards, Inc.	106	5308.106	Clothing & Uniforms	Invoice: 9011612052 /	9/14/2016	137.74	66021	137.74
Mark Engravalle	102	5206.102	Travel Expense & Training	Invoice: 9/25-9/27/16 TRAVEL /	8/31/2016	85.00	65966	85.00
ETC Institute	101	5516.101	Strategic Planning	Invoice: 21569 /	9/7/2016	6,430.00	65998	6,430.00
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 8/25/16 HARPER /	8/25/2016	328.62	65942	328.62
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 9/8/16 HARPER /	9/7/2016	328.62	65999	328.62
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 5927005 /	9/7/2016	96.98	66000	96.98
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6015802 /	9/14/2016	96.98	66022	536.93
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6015787 /	9/14/2016	439.95	66022	
Gilmore & Bell, P.C.	200	5214.200	Other Contractual Services	Invoice: 36002 /	8/25/2016	724.80	65943	1,600.00
Gilmore & Bell, P.C.	370	5214.370	Other Contracted Services	Invoice: 36002 /	8/25/2016	336.00	65943	
Gilmore & Bell, P.C.	400	5214.400	Other Contracted Services	Invoice: 36002 /	8/25/2016	336.00	65943	
Gilmore & Bell, P.C.	410	5214.410	Other Contracted Services	Invoice: 36002 /	8/25/2016	86.40	65943	
Gilmore & Bell, P.C.	450	5214.450	Other Contracted Services	Invoice: 36002 /	8/25/2016	84.80	65943	
Gilmore & Bell, P.C.	480	5214.480	Other Contracted Services	Invoice: 36002 /	8/25/2016	32.00	65943	
Goodyear Auto Service Center	106	5211.106	Maintenace & Repair Equipment	Invoice: 1201085309 / big loader tire fi	9/14/2016	311.87	66023	311.87
David J. Grummon, P.A.	103	5209.103	Professional Services	Invoice: 8/9/16 /	8/17/2016	150.00	65929	150.00
Hampel Oil, Inc.	115	5302.115	Motor Fuels & Lubricants	Invoice: 90812541 /	9/14/2016	975.00	66024	975.00
Hanna Rubber Company	106	5211.106	Maintenace & Repair Equipment	Invoice: 443273 /	9/14/2016	8.00	66025	8.00
Johnson County Wastewater	101	5198.101	Sewer	Invoice: 8/4/16 MULTIPLE /	8/17/2016	236.96	65930	521.30
Johnson County Wastewater	106	5198.106	Sewer	Invoice: 8/4/16 MULTIPLE /	8/17/2016	284.34	65930	
Johnson County Wastewater	101	5198.101	Sewer	Invoice: 9/1/16 MULTIPLE /	9/14/2016	222.75	66026	565.16
Johnson County Wastewater	106	5198.106	Sewer	Invoice: 9/1/16 MULTIPLE /	9/14/2016	342.41	66026	
Johnson County Park & Recreation I	290	5409.290	Appropriation - Jo Co HR	Invoice: 9/6/16 4Q 50 PLUS PG /	9/7/2016	18,750.00	66001	18,750.00
Johnson & Wyandotte Counties	108	5405.108	Dues, Subscriptions & Books	Invoice: 16/17 DUES /	9/14/2016	340.00	66027	340.00
Ka-Comm., Inc.	360	5504.360	Machinery & Auto Equipment	Invoice: 141559 / CIP	9/7/2016	1,194.08	66002	1,194.08
KAT	106	5320.106	Grounds Maintenance	Invoice: SI85537 /	8/31/2016	171.50	65967	171.50
Kansas City Board of Public Utilities	101	5121.101	Franchise Exps/Traffic Signals	Invoice: 2834 8/25/16 /	8/31/2016	29.56	65968	29.56
KCP & L	101	5201.101	Electric	Invoice: 8/25/16 MULTIPLE /	8/31/2016	2,876.24	65969	3,614.99
KCP & L	106	5201.106	Electric	Invoice: 8/25/16 MULTIPLE /	8/31/2016	738.75	65969	
KCP & L	106	5201.106	Electric	Invoice: 1275 9/2/16 /	9/7/2016	1,752.81	66003	1,752.81
KDHE - Bureau of Water	106	5405.106	Dues, Subscriptions & Books	Invoice: 9/16-9/17 PERMIT /	8/17/2016	60.00	65931	60.00
Kansas Gas Service	101	5199.101	Natural Gas	Invoice: 1745/7836 8/12/16 /	8/25/2016	54.41	65944	100.90
Kansas Gas Service	106	5199.106	Natural Gas	Invoice: 1745/7836 8/12/16 /	8/25/2016	46.49	65944	
Charlie Kotcher	102	5308.102	Clothing & Uniforms	Invoice: 8/13/16 AMAZON /	8/25/2016	85.45	65945	85.45
Kansas One-Call System, Inc.	101	5120.101	Street Light Repair & Maintenance	Invoice: 6080439 /	9/14/2016	169.00	66028	169.00

Kansas State Treasurer	103	5228.103	Fees Due State of Kansas	Invoice: 8/16 COURT REV /	9/7/2016	2,292.50	66004	2,292.50
K&W Underground, Inc.	101	5214.101	Other Contracted Services	Invoice: J166047 /	8/17/2016	29,550.00	65932	29,550.00
Lamp, Rynearson & Assoc., Inc.	300	5209.300	Professional Services	Invoice: 316041010000003 /	9/14/2016	1,750.20	66029	1,750.20
League of Kansas Municipalities	105	5206.105	Travel Expense & Training	Invoice: 162131 /	8/31/2016	100.00	65970	100.00
League of Kansas Municipalities	108	5206.108	Travel Expense & Training	Invoice: 162350 /	9/14/2016	225.00	66030	225.00
The Legal Record	101	5204.101	Legal Printing	Invoice: L62518 /	8/31/2016	69.01	65971	321.44
The Legal Record	101	5204.101	Legal Printing	Invoice: L62519 /	8/31/2016	77.07	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62517 /	8/31/2016	35.37	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62521 /	8/31/2016	70.19	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62520 /	8/31/2016	28.95	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62578 /	8/31/2016	23.97	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62593 /	8/31/2016	16.88	65971	
The Legal Record	101	5204.101	Legal Printing	Invoice: L62639 /	9/7/2016	18.06	66005	18.06
Jose Leon	106	5206.106	Travel Expense & Training	Invoice: 9/8-9/10/16 TRAVEL /	8/17/2016	30.00	65933	30.00
Kansas City Series of Lockton Co., LL	101	5401.101	Insurance & Surety Bonds	Invoice: 7382091 /	9/14/2016	50.00	66031	50.00
Lowe's Business Acct./GEMB	106	5304.106	Janitorial Supplies	CK32185 Invoice: 1760 9/12/16 /	8/25/2016	43.75	32185	157.65
Lowe's Business Acct./GEMB	106	5306.106	Materials	CK32185 Invoice: 1760 9/12/16 /	8/25/2016	83.39	32185	
Lowe's Business Acct./GEMB	106	5306.106	Materials	CK32185 Invoice: 1760 9/12/16 /	8/25/2016	(16.91)	32185	
Lowe's Business Acct./GEMB	106	5320.106	Grounds Maintenance	CK32185 Invoice: 1760 9/12/16 /	8/25/2016	28.46	32185	
Lowe's Business Acct./GEMB	106	5320.106	Grounds Maintenance	CK32185 Invoice: 1760 9/12/16 /	8/25/2016	18.96	32185	
Lynn Peavey Company	102	5307.102	Other Commodities	Invoice: 321416 /	8/31/2016	5.95	65972	5.95
Mid America Peripheral Support	102	5214.102	Other Contracted Services	Invoice: 435901 /	9/7/2016	41.25	66006	82.50
Mid America Peripheral Support	105	5214.105	Other Contracted Services	Invoice: 435901 /	9/7/2016	41.25	66006	
Venessa Maxwell-Lopez	103	5209.103	Professional Services	Invoice: 8/19/16 /	8/25/2016	150.00	65946	150.00
Micro Center	102	5211.102	Maintenace & Repair Equipment	Invoice: 6280680 /	8/31/2016	92.92	65973	92.92
Midwest Public Risk	107	5126.107	Health Insurance	Invoice: B01Y0S /	8/31/2016	26,071.09	65974	26,071.09
Moss Printing	106	5306.106	Materials	Invoice: 8064 /	8/31/2016	291.40	65975	291.40
Murphy Tractor & Equipment Co. In	270	5438.270	In-house Street Maintenance	Invoice: 582520 / miller rental	8/31/2016	12,450.00	65976	12,450.00
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 8/25/16 PAYROLL /	8/25/2016	1,127.89	65947	1,127.89
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 9/8/16 PAYROLL /	9/7/2016	1,104.60	66007	1,104.60
Next To Nature Landscape, LLC	106	5214.106	Other Contracted Services	Invoice: 35849 /	8/31/2016	3,944.00	65977	3,944.00
O'Donnell & Sons Construction, Inc.	270	5438.270	In-house Street Maintenance	Invoice: 160001 / street work	8/31/2016	676.06	65978	676.06
O'Donnell & Sons Construction, Inc.	270	5438.270	In-house Street Maintenance	Invoice: 37146 /	9/14/2016	2,153.81	66032	2,153.81
O.J. DuPree Co., LLC	101	5210.101	Maintenace & Repair Building	Invoice: 14042 /	8/25/2016	2,437.00	65948	2,437.00
Custodian of Petty Cash	102	5452.102	Community Policing	Invoice: 8/3/16 /	8/25/2016	43.05	65949	43.05
Wex Bank	106	5302.106	Motor Fuels & Lubricants	CK32188 Invoice: 46717533 /	9/13/2016	410.74	32188	410.74
Pitney Bowes	101	5205.101	Postage & Mailing Permits	Invoice: 3301341373 /	9/7/2016	136.41	66008	136.41
Praxair Distribution Inc	106	5306.106	Materials	Invoice: 74113739 /	9/14/2016	26.38	66033	26.38
Balls Food Stores	102	5307.102	Other Commodities	Invoice: 638107 /	8/17/2016	55.79	65934	55.79
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 638116 /	8/25/2016	204.14	65950	204.14
Balls Food Stores	102	5452.102	Community Policing	Invoice: 638118 /	8/31/2016	15.98	65979	15.98
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 638130 /	9/7/2016	14.99	66009	14.99

Principal Life	107	5130.107	City Paid Life Insurance	Invoice: 8/17/16 /	8/25/2016	627.39	65951	627.39
Wex Bank	104	5302.104	Motor Fuels & Lubricants	CK32184 Invoice: 46596417 /	8/25/2016	48.59	32184	537.47
Wex Bank	106	5302.106	Motor Fuels & Lubricants	CK32184 Invoice: 46596417 /	8/25/2016	488.88	32184	
Wex Bank	102	5302.102	Motor Fuels & Lubricants	CK32186 Invoice: 46756884 / fuel	9/6/2016	1,892.42	32186	1,892.42
Rejis Commission	102	5214.102	Other Contracted Services	Invoice: INV0049907 /	8/31/2016	204.20	65980	204.20
Riteway Maintenance & Supply, LLC	101	5214.101	Other Contracted Services	Invoice: 15620 /	9/7/2016	910.00	66010	910.00
Michael Rhoades	108	5206.108	Technology/Training		8/17/2016	769.98	32183	
Road Builders Machinery & Supply (	270	5438.270	In-house Street Maintenance	Invoice: R32905 /	9/14/2016	1,800.00	66034	1,800.00
Roeland Park Community Foundatic	108	5103.108	Salaries - Elected Officials	Invoice: CKSEP /	9/1/2016	60.00	65989	60.00
Saltus Technologies	102	5214.102	Other Contracted Services	Invoice: 160907 /	9/7/2016	2,112.50	66011	2,112.50
Saltus Technologies	102	5214.102	Other Contracted Services	Invoice: 160912 /	9/14/2016	612.00	66035	612.00
George Schlegel	101	5230.101	Art Commissioner	Invoice: CHECKSEP /	9/1/2016	100.00	65990	100.00
SpeedTech Lights Inc.	102	5211.102	Maintenace & Repair Equipment	Invoice: S127330 /	8/25/2016	118.65	65952	118.65
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8040389271 /	8/17/2016	303.07	65935	619.33
Staples Advantage	101	5304.101	Janitorial Supplies	Invoice: 8040389271 /	8/17/2016	316.26	65935	
Staples Advantage	101	5301.101	Office Supplies	Invoice: S040480767 /	8/25/2016	79.98	65953	79.98
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8040673904 /	9/7/2016	225.29	66012	225.29
Stinson Leonard Street	101	5215.101	City Attorney	Invoice: 40017478-40017486 /	8/25/2016	11,492.92	65954	11,492.92
Stinson Leonard Street	101	5215.101	City Attorney	Invoice: 40022852-40022859 /	9/14/2016	11,366.49	66036	11,366.49
TASER International	102	5214.102	Other Contracted Services	Invoice: SI1450895. /	9/14/2016	555.00	66037	555.00
US BANK	104	5203.104	Printing & Advertising	Invoice: JONES-LACY 8/25/16 /	9/13/2016	125.00	32187	226.49
US BANK	101	5214.101	Other Contracted Services	Invoice: BOHON 8/25/16 /	9/13/2016	39.99	32187	
US BANK	106	5306.106	Materials	Invoice: LEON 8/25/16 /	9/13/2016	33.41	32187	
US BANK	101	5408.101	Miscellaneous Charges	Invoice: BOHON 8/25/16 /	9/13/2016	28.09	32187	
USIC Locating Services, LLC	101	5120.101	Street Light Repair & Maintenance	Invoice: 191982 /	8/31/2016	1,663.45	65981	1,663.45
Vance Brothers	270	5438.270	In-house Street Maintenance	Invoice: IC55326 / tack oil, rakes	8/31/2016	460.00	65982	343.80
Vance Brothers	270	5438.270	In-house Street Maintenance	Invoice: 65818 CREDIT /	8/31/2016	(116.20)	65982	
Verizon Wireless	102	5202.102	Telephone	Invoice: 9770879128 /	9/7/2016	295.48	66013	295.48
The Victor L. Phillips Co.	106	5211.106	Maintenace & Repair Equipment	Invoice: IL91430 /	8/31/2016	257.17	65983	257.17
The Victor L. Phillips Co.	270	5438.270	In-house Street Maintenance	Invoice: RK53380B /	9/14/2016	2,363.75	66038	2,363.75
Village Gardens	102	5307.102	Other Commodities	Invoice: 1173905 /	9/14/2016	93.00	66039	93.00
Water District No 1 of Johnson Cour	101	5197.101	Water	Invoice: 8/24/16 MULTIPLE /	8/31/2016	180.26	65984	1,203.56
Water District No 1 of Johnson Cour	106	5197.106	Water	Invoice: 8/24/16 MULTIPLE /	8/31/2016	1,023.30	65984	
WCA Waste Corporation	115	5272.115	Solid Waste Contract	Invoice: 990000106694 -2 /	8/17/2016	200.00	65936	34,693.52
WCA Waste Corporation	115	5272.115	Solid Waste Contract	Invoice: 990000135021 /	8/17/2016	34,493.52	65936	
WCA Waste Corporation	115	5272.115	Solid Waste Contract	Invoice: 990000147120 /	8/31/2016	34,493.52	65985	34,493.52
Wells Fargo Financial Leasing	101	5214.101	Other Contracted Services	Invoice: 5003299600 /	8/25/2016	222.75	65955	445.50
Wells Fargo Financial Leasing	102	5214.102	Other Contracted Services	Invoice: 5003299600 /	8/25/2016	222.75	65955	
Kathleen Whitworth	101	5410.101	Committee Funds	Invoice: 5/28-5/29/16 EXP /	8/31/2016	136.76	65986	174.00
Kathleen Whitworth	101	5817.101	RP Community Foundation Grant Exp	Invoice: 5/28-5/29/16 EXP /	8/31/2016	37.24	65986	
Wichita State University	105	5206.105	Travel Expense & Training	Invoice: 59909 /	8/31/2016	75.00	65987	275.00
Wichita State University	105	5206.105	Travel Expense & Training	Invoice: 59908 /	8/31/2016	200.00	65987	

The Wilson Group, Inc.	300	5501.300	Park Maint/Infrastructure	Invoice: 8/22/16 130099210 /	8/31/2016	14,329.83	65988	14,329.83
Johnny on the Spot	106	5320.106	Grounds Maintenance	Invoice: 1203348576 /	9/14/2016	150.00	66040	300.00
Johnny on the Spot	106	5320.106	Grounds Maintenance	Invoice: 1203248578 /	9/14/2016	150.00	66040	
WriteAway Transcription	101	5214.101	Other Contracted Services	Invoice: 6711 /	9/14/2016	1,351.50	66041	1,351.50
Forte	101	5214.101	Other Contracted Services	EFT#8/31/16 Invoice: 8/31/16 ALL ACCT	9/1/2016	198.81		
Forte	101	5214.101	Other Contracted Services	EFT#9/2/16 Invoice: 9/2/16 COURT WEI	9/2/2016	10.45		
Forte	101	5214.101	Other Contracted Services	EFT#9/2/16 Invoice: 9/2/16 ADMIN /	9/2/2016	10.45		
Forte	101	5214.101	Other Contracted Services	EFT#9/2/16 Invoice: 9/2/16 ADMIN WE	9/2/2016	10.45		
Forte	101	5214.101	Other Contracted Services	EFT#9/2/16 Invoice: 9/2/16 COURT /	9/2/2016	90.69		
KPERS	101	2040.101	KPERS Accrued Employee	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	1,676.04		
KPERS	101	2050.101	Insurance Withholding Payable	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	109.91		
KPERS	107	5123.107	KPERS City Contribution	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	2,564.31		
KPERS	101	2040.101	KPERS Accrued Employee	EFT#8/30/16 Invoice: 8/30/16 /	8/30/2016	1,674.84		
KPERS	107	5123.107	KPERS City Contribution	EFT#8/30/16 Invoice: 8/30/16 /	8/30/2016	2,562.49		
KPF	101	2045.101	KP&F Employee Withholding Payable	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	2,130.58		
KPF	101	2050.101	Insurance Withholding Payable	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	77.09		
KPF	107	5131.107	KP&F City Contribution	EFT#8/17/16 Invoice: 8/17/16 /	8/17/2016	6,084.86		
KPF	101	2045.101	KP&F Employee Withholding Payable	EFT#8/30/16 Invoice: 8/30/16 /	8/30/2016	2,046.79		
KPF	107	5131.107	KP&F City Contribution	EFT#8/30/16 Invoice: 8/30/16 /	8/30/2016	5,845.53		
Kansas State Treasurer	200	5834.200	Bond Principal (2010-1)	EFT#8/31/2016 Invoice: 8/31/2016 /	8/31/2016	260,000.00		
Kansas State Treasurer	200	5835.200	Bond Interest (2010-1)	EFT#8/31/2016 Invoice: 8/31/2016 /	8/31/2016	25,930.00		
Kansas State Treasurer	200	5842.200	Bond Principal (2011-1)	EFT#8/31/2016 Invoice: 8/31/2016 /	8/31/2016	105,000.00		
Kansas State Treasurer	200	5843.200	Bond Interest (2011-1)	EFT#8/31/2016 Invoice: 8/31/2016 /	8/31/2016	1,076.25		
Miller Management Systems, LLC	101	5214.101	Other Contracted Services	Invoice: EFTSEP /	9/1/2016	1,558.00		
						\$ 760,372.63		

Item Number: Consent Agenda- II.-B.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **June 20, 2016 City Council Minutes**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



June 20, 2016

Type

Cover Memo

MINUTES
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st Street
June 20, 2016 7:00 P.M.

- | | | |
|---|---|---|
| <ul style="list-style-type: none">○ Joel Marquardt, Mayor○ Becky Fast, Council Member○ Tim Janssen, Council Member○ Ryan Kellerman, Council Member | <ul style="list-style-type: none">○ Teresa Kelly, Council Member○ Sheri McNeil, Council Member○ Michael Poppa, Council Member○ Michael Rhoades, Council Member○ Erin Thompson, 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 |
|---|---|---|

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

PLEDGE OF ALLEGIANCE

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

ROLL CALL

City Clerk Bohon called the roll and noted that CMBR Fast was absent.

MODIFICATION OF AGENDA

The following items were added to the Consent Agenda:

- E. Mental Health Co-Responder
- F. Ordinance Amending Chapter 16
- G. Johnson County Human Services Minor Home Repair
- H. Johnson County Human Services Major Home Repair.

The following items from the preceding Governing Body Workshop were added to the City Council agenda under New Business:

- 5. Policy on Appointment of Governing Body Ad Hoc and Task Committees.
- 9. The branding committee ward representatives,
- 10. Branding committee interviewees selected by elected officials,
- 11. Update on special use permit 47th and Mission.
- 12. Discuss possibility of combining upcoming Ward IV Community Forum with Volunteer Appreciation Reception.

I. CITIZEN COMMENTS:

1. Linda Mau

Ms. Mau spoke about the Walmart lease renewal, the CAFR and the mill levy. She said the City's reserve of 100-200 percent violates the policy of the Council and requested monies returned to the citizens since Walmart has signed another five-year lease. She also said she would like for staff to stop saying it is very self-explanatory when looking at the CAFR.

II. CONSENT AGENDA:

- A. Appropriation Ordinance #893**
- B. Agreement with CBC for Old Pool Marketing**
- C. Fireworks Agreement**
- D. Skid Steer Purchase**

- E. Mental Health Co-Responder**
- F. Ordinance Amending Chapter 16**
- G. Johnson County Human Services Minor Home Repair**
- H. Johnson County Human Services Major Home Repair**

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA. (MOTION PASSES 7-0)

III. BUSINESS FROM THE FLOOR

A. APPLICATIONS/PRESENTATIONS

1. County Commissioner – Eilert and Howe – New County Courthouse

Johnson County Board of County Commissioners Chairman Ed Eilert and Johnson County District Attorney Steve Howe made presentations to the Council. Mr. Eilert thanked everyone at the city, along with Commissioner Ron Shaffer for the great job they do for the county. He also said the City trained Aaron Otto very well and said he was doing a great job.

Chairman Eilert said that there will be an issue on the November 2016 ballot involving the construction of a new courthouse, how to pay for it, and also a coroner's facility that the county does not have, but is needed.

Mr. Eilert said 400,000 people a year pass through the courthouse. He provided a history of the courthouse, noting that it was originally built in 1952, and there have been three subsequent additions with the last one in 1975. In the building are 23 courtrooms, the District Attorney's office, court trustees, clerks and the Justice Information Management System. When the jail was removed in 1975, not all of the supporting infrastructure was removed and some of that remains. The sewer pipes in the building have also begun to deteriorate and creates problems for the courtrooms that are located below the piping. The biggest issue currently is one of public safety. The current layout allows prisoners to mix with the public as they pass through the public hallways. In some cases the courtrooms are laid out to the extent that many times a juror at the end of the bench can reach out and almost touch the prisoner on a case that they're deciding. Mr. Eilert showed a layout of the current courthouse where the public moves and sits and also where the prisoners must move through and thus creates public safety concerns. He said if a victim is in the hallway and their attacker or perpetrator walks by on their way to the courtroom, it is very, very unsettling and happens many times. Mr. Eilert said those public safety issues could be addressed in a new courthouse.

Chairman Eilert addressed the aging infrastructure and its need for continuous improvements. Currently there is a large crack in an outside wall that runs from foundation to the top of the building.

The county's proposal is to demolish the current courthouse and return that to public green space. The new facility would be built immediately west of the Olathe City Hall.

The new courthouse would cost \$182 million and have 28 courtrooms. Wichita State University did a population demographic study of the state of Kansas. That study reports that over the next 50 years the population will go from about 600,000 to 1.2 million, which averages to 10,000 new people to Johnson County. At that rate, every six years Johnson County would have an increase in population that's equal to the current size of Manhattan, Kansas. The county needs to be in a position to handle the doubling of its population.

Mr. Eilert also reported that the current facility has problems with ADA requirements and does not meet minimum standards for ADA requirements.

A breakdown of the cost would be \$178 million for the new courthouse, \$3 million for tear down of the existing courthouse and \$1 million for returning the location to public green space.

A concept of the new courthouse was shown that included the traffic flow of the prisoners moving separately from the public. There would be secure elevators that would move them as well as secure holding area on each floor until they were moved immediately into their courtroom. The tunnel from the jail would be extended under Santa Fe to the new courthouse to the secure elevators and they would never mix with the public.

The new facility would be nine floors, six of which would be courtrooms, one floor for the District Attorney and another for the other for court services, with the first floor as public access and jury rooms.

CORONER FACILITY

District Attorney Howe addressed the need for a coroner facility noting that state statute requires every county to have a coroner and provide coroner facilities. Currently the facility Johnson County uses is located in Wyandotte County and owned by private ownership to which Johnson County is a client. When the county needs an autopsy, they have to get in line so to speak. The current county coroner has been with the county for 20 years and the building is fairly deficient in what they need and it is also is not accredited. It does not allow the coroner to collect DNA and trace evidence. They do not have a clean room where that evidence can be taken and processed. The coroner has to send all that out for processing.

Another issue with the Wyandotte facility is that public safety officers, police officers, and district attorney representatives many times have to be present and view the autopsy. In the current facility these folks are standing right beside the coroner. There needs to be a clean, secure area for them to view the autopsy. If they are dealing with an infectious disease, they don't know.

The proposed facility will be located immediately to the south of the Crime Lab on land that the County already owns. The facility will cost \$19 million and will have the latest 21st technology. The coroner says it is almost impossible in the current facility to take full advantage of that technology especially in prosecuting criminal acts. The coroner does about 250 autopsies a year. Some are criminal, many are civilian such as an unattended death.

Chairman Eilert addressed the financing mechanism recommended for the \$182 for the courthouse and the \$19 million for the coroner's facility. The commissioners looked at different financing options. One method is to use property tax. It would be necessary to levy almost two mills of property taxes for 20 years to pay for the two projects. The interest on that 20-year debt would be about \$85 million and would need to be added to the original cost. Other option, which the county is recommending, is the authority to add a quarter-cent sales tax that has to be used for public safety. This tax would sunset in ten years. The quarter-cent sales in Johnson County is expected to raise about \$30 million a year. By state statute the county must share a third of that tax back to its cities. The projects would be bonded and the \$20 million the county received from the tax would pay off those bonds. By issuing bonds and paying off over that ten-year period interest would be \$42 million as opposed to the \$82 million with a 20-year mill levy increase. Also the cost of the project will be shared by everyone who shops in the county and not only property owners bearing the cost.

Mr. Eilert did note that there is some resistance from cities for an additional sales tax as they are already approaching 10 percent. He said Roeland Park would be estimated to receive \$1.8 million over the ten-year period of time.

Chairman Eilert said they also looked at the option of continuing with the current courthouse. To renovate and modernize the existing courthouse would cost \$200 million with \$8-10 million to meet the ADA requirements. With regards to maintenance they would need to use the new construction standards to upgrade the HVAC and lighting and exterior upgrades. With a new building there will be less maintenance and is estimated to save \$7 million in maintenance costs. He also said that it is impossible to upgrade the current courthouse to address those safety concerns he mentioned earlier.

The county is offering tours of the courthouse to see first-hand some of the issues that they have to deal with in the existing building.

(A video was shown to the Governing Body)

Commissioner Eilert urged a yes vote in support of the new courthouse in November. He said they will be putting together an advocacy group of individuals who want to support the courthouse and help get information out to the residents.

Mr. Eilert thanked everyone for allow him and Mr. Howe to make their presentations and wished the Mayor a happy birthday.

Mayor Marquardt thanked him for his presentation and the cake.

2. Arts Committee Update

Marek Gliniecki, Chairman of the Arts Advisory Committee, said there were some changes to the Calendar of Events. Added for July 22nd is the Music Under the Stars event the Arts Committee is doing in conjunction with Johnson County Parks and Recreation at the Community Center. There will be a bicycle safety talk and demonstration and a free drawing for a child's bike and three free helmets. There will also be other activities for families and children. Of the Music Under the Stars they will be using the piano received last year from Pianos on Parade. They hope to have it tuned and moved outside for the event.

The Arts Committee will also be having an art auction fundraiser. Their previous exhibitor has prior commitments, so they are looking to fill that spot in. The current exhibit is by Matt Hankel, photograph, who does some mixed media. Mr. Gliniecki said he appreciates him exhibiting his work at the City.

Mr. Gliniecki said the Arts Committee was allocated \$1,000 by the Council, which they appreciate. At the end of May they had spent \$376 and will be using the remaining \$624 to the Music Under the Stars event and one or two other main events that are coming up, plus some odds and ends.

3. CLK Holdings, LLC, dba Mosquito Squad – Home Occupation License

CLK Holdings LLC, dba Mosquito Squad - Home Occupation License

Christina Kangethe with Mosquito Squad of Kansas City addressed the Council and is applying for a home occupancy business license. She would like to operate her business completely out of her home this year and potentially next year as they look to expand. She was partnering with Mosquito Squad of Greater Kansas City and has expanded and needs to be more centrally located to her customers for right now. She also provided her state license in addition to her general liability insurance.

Mike Flickinger, City Building Official, said this request came about accidentally after receipt of phone calls that she did not have a business license. This type of business, according to city law, is neither prohibited nor permitted, so it is before the Council as a conditional use permit. His concern is they do not know what the chemicals are that are being used, the hazards of cleaning out the equipment, and should there be a spill, what goes into stormwater system. He also expressed concerns about chemicals stored on site as well as the equipment. Another concern was with regards to parking, trucks, and employees. He would like to have MSDS (Material Safety Data Sheets) sheets available as well as for the Fire Department so they know what they might be dealing with what chemicals may be stored on-site. Mr. Flickinger also expressed concern with regards to traffic, environment, and the neighbors.

CMBR McNeil inquired if Ms. Kangethe had an organic option and whether her products were safe to use around pollinators and the bees. Ms. Kangethe said she works closely with the EPA and has a diluted product that targets

only mosquito-sized bugs and smaller. Though she works with the EPA, the franchisor also provides access to several scientists to make sure they're being as environmentally conscious as can be.

CMBR Rhoades inquired as to the types of chemicals used and whether there is an explosive risk to a residential neighborhood. Ms. Kangethe said they house more than just all- organic products including permethrin and other chemicals in limited quantities.

Mayor Marquardt asked for staff for their recommendation. Mr. Flickinger said he has tried to research the chemicals, but would recommend waiting on approval as he would like to see the MSDS sheets submitted to staff and the Fire Marshal to review any flammability, explosive, or environmental hazards. He would also like assurance that in the event something happened, are they prepared and the steps they would take to react.

Mr. Flickinger also said he would be willing to work with the applicant. He has received one complaint regarding an excess of cars parked on the street in the last year and has been unable to verify if they were employees. Therefore, he felt he did not have enough information to make a recommendation.

CMBR McNeil expressed concern with runoff and would like further information.

CMBR Kelly said she did research and most other tree and lawn care companies do this type of mosquito treatment. She also expressed concern about targeting pollinators. If they plan to look at that as an issue, then they also need to look at other contractors such as Ryan Tree. Also if they're storing chemicals, that too needs to be investigated. Ms. Kelly said she has read that to protect pollinators it is best to spray at night. The EPA has a mosquito misting system and other useful information.

The Governing Body did not make a decision, but requested more information and will take the matter up again when it is presented.

4. Roeland Park Recognized as a Community for All Ages

CMBR Kelly showed the plaque the City received and thanked the Sustainability Committee for helping to achieve the bronze designation in the Community for All Ages recognition program. This program is used as a lens to create policy and help inform decision-making in City. The bronze phase is about awareness. Following a presentation the Council passed a resolution to participate in the pilot program. The Sustainability Committee has also done outreach at public events. CMBR Kelly has spoken with each committee and awareness is a continuing process. They are seeking to not only address the needs of the aging population, but also the young population. They have discovered that aging folks want the same thing as the younger populations. They are moving on to the silver level where they will review all policies and what is in place and will continue working with staff and the committees on that. The goal is to be recognized for the silver award in November. The gold level will actually be applying the policy set forth. This can be part of the comprehensive plan, strategic plan and parks plan by adding the Community for All Ages verbiage and checklists. CMBR Kelly said she is very appreciative to the all the volunteers, the staff and the support they have received from MARC in doing this. This is definitely a good thing for the city.

(Applause)

Mayor Marquardt thanked CMBR Kelly recognizing her work as well as all the volunteers.

5. Commerce Bank Update

Brent Hall, representative from Commerce Bank provided the monthly updated requested by the Council. Last month he notified the City that the bank had a signed contract with a buyer for their excess property. The bank is working with the buyer to get the drawings and civil work done so they can file an application with the City for the project. They are also working with consultants to get information to provide a timeline of what the process will be. In July, they hope to have the information and would like to talk to Council about the development

agreement and an amendment so there is time to get everything done and September 1st is the next requirement to start building.

Aaron March with the White Goss law firm said he had a meeting with City staff where the purchaser of the excess property reviewed through their plan. It became clear what they wanted to do could not be achieved under the existing approved preliminary development plan. They will need to go through the process of amending the preliminary development plan and file a preliminary plat and then a final plat. The process will take longer than the current September 1 deadline. They are requesting the ability to move forward with due haste, but not have the Sword of Damocles hanging over them. They want to take the time to plan it right, submit the proper documents in the right level of detail so that staff and Council can make an informed decision. Mr. March would ask for the Council and staff's consideration in considering amending or extending the performance deadline to give them a little bit of breathing room.

Mayor Marquardt asked for a specific time extension expectation. Mr. March said he would defer to City staff. City Administrator Moody said he was comfortable working with Commerce to develop a timeline. He said they were more focused on getting the steps that need to be accomplished, amending the development agreement and developing a more preliminary development plan. Mr. Moody expects the project will get through that process and be at a point where there is a building permit being issued to satisfy the time limit that was approved by the Council, but not by the September 1 deadline. Ideally, he would like to have something to discuss at the next Workshop and to vote by the next Council meeting.

IV. MAYOR'S REPORT

A. PROCLAMATION JAN DUNCAN (Michael Poppa and Tim Janssen)

CMBR Poppa read the proclamation into the record.

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE PROCLAMATION OF THANKS TO JAN DUNCAN. (MOTION PASSED 7-0)

(Applause and photos were taken)

Mayor Marquardt thanked Mr. Duncan and the Citizens Initiative Committee for donations of their personal time and money, and for all those who support the City's parks.

V. WORKSHOP REPORTS

CMBR Thompson said the City audit was presented by RSM. They also reviewed and discussed the voting procedures and ordinances for Council President. A discussion was started with regard to a change in election dates and the discussion will continue at the July 5th Workshop. They reviewed the agreement with CBC for the marking of the caves property and that was approved earlier in the Consent Agenda. They also continued their budget discussion, approved the fireworks agreement and reviewed the skid steer beds, which were also approved on the Consent Agenda.

Redevelopment Committee. Jason Glasrud from CBC was on hand to review and discuss the business terms with the Sunflower Development for the caves. On June 22nd, the Redevelopment Committee will be going on a tour of sites with rope courses, an ice skating rink/volleyball venue and a couple other places to review possible options for the caves site. All Councilmembers were encouraged to join in to see the potential development ideas. They will be meeting at City Hall at 8:45 leaving at 9:00

VI. REPORTS OF CITY LIAISONS

There were no City Liaison reports.

VII. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

VIII. NEW BUSINESS

A. 4937 PARISH RE-PLAT

City Attorney Shortlidge addressed the Governing Body stating that the information in packet is misleading and that by state statute plats are approved by the Planning Commission. The only role of the Governing Body is to accept dedications of land. If there are easements on the plat, the Governing Body would accept the dedication.

Jim Lambie, Lambie Custom Homes, 8712 W. 151st asked for the blessing of the Council on the re-platting of two lots into three at 4937 Parish.

Ms. Jones-Lacy said the Planning Commission had reviewed the plat and Julie Mohart, Chair of the Planning Commission was present to support the project and also to answer any questions the Council might have. They are recommending approval of the three plats. Mr. Lambie came before the Planning Commission, explained his project, and received the recommendation of approval by the Commissioners.

Ms. Mohart said there was a lot of it was education and Mr. Lambie explained everything thoroughly. There was some worry of a natural spring in the area and some concern of areas that might cause a problem. She said the project actually looks like it is going to be an improvement to the neighborhood. She added that Mr. Lambie is well known for doing really good work and think overall this will definitely have a positive impact on the community.

Mayor Marquardt noted the property is south-southwest of the Roesland Elementary.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO ACCEPT THE DEDICATION OF LAND TO RE-PLAT LOTS 37 AND 38 OF THE MISSION RIDGE SUBDIVISION AT 4937 PARISH ROAD. (MOTION PASSES 7-0)

B. APPOINTMENTS TO BRANDING COMMITTEE

Mayor Marquardt said Item 5 from the Workshop needs to be completed before beginning this discussion.

C. POLICY ON APPOINTMENT OF GOVERNING BODY AD HOC AND TASK COMMITTEES. (Workshop #5)

Staff reviewed the proposed policy for the benefit of the public and Council. City Administrator Moody said the policy was developed to clarify when an ad hoc committee versus a task group would be established. There was a side-by-side comparison to help distinguish the difference between the two types of committees. He noted the discussion has centered around four or more Governing Body members wanting to be on an ad hoc and how what would be handled, to remain an ad hoc or trigger the entire Council.

CMBR McNeil thinks if up to five express an interest, it should come back to Workshop for more discussion to determine if it stays with Council or goes on to an ad hoc.

CMBR Thompson the way the policy is written the Mayor would never be on an ad hoc unless one of the four Councilmembers said they didn't want to be on it.

CMBR Poppa said it defers to the co-chairs of the service area the issue would fall under, and then to two other members.

CMBR Rhoades felt there was a lot of discussion needed and the item should be tabled to another Workshop. He did state that if the Mayor wants to be on an ad hoc committee he should be able to.

There was Council discussion of how many members could be on the committee without triggering possible KOMA/KORA regulations for the Governing Body and how to decide who should be on it.

City Attorney Shortlidge said if non-committee members show up at meeting they would be inviting trouble.

Mayor Marquardt asked for opinions on whether the number of members could trigger the full Governing Body.

CMBR Poppa said he would like the policy written of up to four members of the Governing Body can be on the ad hoc committee. They can also discuss at a Workshop who those members would be.

CMBR Kelly said she likes the policy as written and added if people want to be part of the conversation, they're welcome to show up.

CMBR Thompson said she is fine with up to four, but thinks whoever wants to do it should be able to. If over four, they should be able to talk about it and get it down to four.

Mayor Marquardt asked if there was agreement to strike "Governing Body positions on an ad-hoc committee shall first be offered to the co-chairs of each of the four service areas of the City Council," along with, "If any co-chair of any service area or committee decline to serve in the ad-committee membership shall be offered to the Mayor."

CMBR Rhoades stressed the need for language to address more than four Governing Body members wanting to serve on a committee.

CMBR Kellerman recommended language to state that an ad hoc committee shall consist of up to four members of the Governing Body; if more than four, becomes a Workshop item.

Mayor Marquardt said he felt that was redundant, but does not see a problem with stating that.

CMBR Thompson sees a point in adding language if six people are interested and the Council only votes for four, not everyone would get to be on the committee. She also does not see that such an issue would go back to the Workshop.

There was agreement to add language stating if five or more members of the Governing Body want to be on an ad-hoc, then it will return to the Governing Body Workshop.

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA SECONDED TO ADOPT ORDINANCE 930 AS AMENDED.
(MOTION PASSED 7-0)

D. THE BRANDING COMMITTEE WARD REPRESENTATIVES (Workshop #9)

City Clerk Bohon she has received two Council recommendations, Tom Madigan, Ward I and Sara Martin, Ward III.

CMBR Kelly's choice for Ward IV is Susan Welford, who she said has completed and submitted an application.

CMBR Rhoades asked if the Councilmembers previously on the committee would remain.

CMBR Poppa said that will be discussed and decided at this meeting.

CMBR Kelly said she has talked with a citizen currently on the committee and he wishes to remain on it. He was also a representative for the Strategic Plan. Ms. Kelly said it is important that the strategic plan be represented through the branding process.

CMBR Kellerman questioned whether it was addressed in the RFP that the Branding Committee would see it to the end from start to finish adding that the original committee consisted of CMBR Poppa, CMBR Kellerman, CMBR Rhoades and resident Mike Hickey.

City Administrator Moody said the RFP references that the Branding Committee would work with the consultant through the process adding that it does not state who the Branding Committee will consist of, but states that the committee will work with the consultant through the process.

CMBR Kelly added that the RFP stated that the committee would consist of, not the same committee. She does support the original committee continuing, but adding more depth is going to give them a little more support because it is a student project.

City Administrator Moody clarified that the agreement that was entered into with Benedictine states that there will be a Branding Committee consisting of so many elected officials and so many non-elected officials. Council recommended the four non-elected officials be one from each ward, language not detailed in the agreement, but is the intent of the Council. He added that it is important to get the volunteers together and up to speed to be ready for their first meeting July the 12th with Clay Johnston and the intern from Benedictine, and that it is important to stay on the schedule that was in the agreement. Mr. Johnston put forth three intern choices and City Clerk Bohon and City Administrator Moody picked who they preferred. His first task will be working to have ready for the July 12 meeting ideas for branding specific questions.

Mayor Marquardt said he would be willing to serve on the committee if everyone agreed.

CMBR Kellerman said he recalled that CMBR McNeil had offered her assistance and said he would support that. He said that CMBR Thompson's choice of Sarah Martin is not his choice for a Ward III representative and recommended Devin Long, a Roeland Park resident.

CMBR Rhoades said the representative choice for Ward II would be Tony Marin.

Mayor Marquardt said they would review the backgrounds of the recommended persons and then the Council would discuss and make their decisions.

CMBR Kellerman asked for further clarification on the who and how would serve on the committee. His understanding is that it would be the four that is on the original committee, three Councilmembers and Ward IV resident Mike Hickey.

CMBR McNeil received clarification that she could attend the meetings without it an issue.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO SEAT THE BRANDING COMMITTEE THAT WILL CONSIST OF CMBRS RHOADES, POPPA AND KELLERMAN, AND NON-ELECTED INDIVIDUALS TO INCLUDE TOM MADIGAN (WARD I), TONY MARIN (WARD II), SARAH MARTIN (WARD III), SUSAN WELFORD (WARD IV), AND MIKE HICKEY (WARD IV). (MOTION PASSED 7-0)

E. BRANDING COMMITTEE INTERVIEWEES SELECTED BY ELECTED OFFICIALS (Workshop #10)

City Administrator Moody said he is not looking for an action, but asked that each Councilmember give the names and numbers of three people, for a total of 24, who they feel would have an investment in the City.

F. UPDATE ON SPECIAL USE PERMIT 47TH AND MISSION. (Workshop #11)

Ms. Jones-Lacy said this property has been sold to Colby Capital. The City has been in talks with the new owner. City Administrator Moody and Ms. Jones-Lacy met earlier today trying to determine if the owner wanted to file a new special use permit in order to continue the terms of the previous owner's permit. The owner has also indicated that they have every intention of cleaning the site up prior to the expiration in the existing special use permit that expires August 2016. Until they get a restaurant tenant, they would like to maintain the parking availability to the neighboring business Taco Republic. They are working to get application information in to go through the process. By August 3rd, the owner is to remove all concrete, asphalt and related materials not needed for parking or access to the parking spaces or food truck locations is the existing deadline.

G. DISCUSS POSSIBILITY OF COMBINING UPCOMING WARD IV COMMUNITY FORUM WITH VOLUNTEER APPRECIATION RECEPTION. (Workshop #12)

CMBR Poppa asked City Clerk Bohon if it would be possible to combine the forum and the reception together. She said that would be fine.

CMBR Poppa said the Ward IV Community Forum will focus on the volunteer efforts of the Citizens Advisory Committees.

CMBR Kelly said she and CMBR Poppa will meet with staff and the committee chairs to coordinate the recognition aspect for the volunteers. The committees will also do a combined PowerPoint presentation and be present to meet the people and answer questions.

IX. ORDINANCES AND RESOLUTIONS

There were no ordinances or resolutions to approve.

X. REPORTS OF CITY OFFICIALS

There will be a Board of Zoning Appeals appointment recommendation at the next Workshop agenda.

XI. ADJOURNMENT

MOTION: CMBR KELLY MOVED AND CMBR MCNEIL SECONDED TO ADJOURN. MOTION PASSED 7-0

(Roeland Park City Council Meeting Adjourned)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-C.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **July 18, 2016 City Council Minutes**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



July 18, 2016 minutes

Type

Cover Memo

MINUTES
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st Street
July 18, 2016 7:00 P.M.

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

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

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

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

PLEDGE OF ALLEGIANCE

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

ROLL CALL

City Clerk Bohon called the roll and noted that CMBR Janssen was absent. CMBR Thompson arrived after the start of the meeting.

MODIFICATION OF AGENDA

The following items were added to the Consent Agenda:

- D. SKW Task 34, Roe Boulevard Traffic Study
- E. 2016 Stormwater Maintenance Project Schedule

The following items from the preceding Governing Body Workshop were added to the City Council agenda under New Business:

- 7. Ordinance Formalizing Workshop Procedures
- 8. Ordinance Modification Suggestion for Mayor's Powers
- 9. Council President Election Process Proposed Changes
- 10. Renewal of Condo Lease to Scenic Roads
- 12. Discussion on Use of Executive Session

Also the Commerce Bank Development Agreement Amendment will be added to the Applications/Presentations, Item 4, Commerce Bank Update.

2017 BUDGET PUBLIC HEARING

Mayor Marquardt opened the public hearing and asked for public comment with regard to the 2017 budget. Seeing none, the public hearing was closed.

I. CITIZEN COMMENTS:

1. Loretta Carson (5532 Roe)

Ms. Carson spoke on behalf of the Citizens Fundraising Initiative for R Park and said that the people were seeing their improvements. She also thanked the Mayor, City Council, Public Works and staff for their assistance, cooperation and fiscal support in bringing in more than \$100,000 worth of much needed improvements during the last two years. She presented the Council a thank you poster and asked that it be put on display as a way of sharing their thanks to the City with the general public. She said the Initiative looks forward to continuing their work with the City in improving R Park for the benefit of the entire City.

2. Ardie Davis (5206 W. 58th Street)

Mr. Davis thanked the elected leaders and staff for their leadership toward making R Park a new destination for residents of all ages. He said people walk, jog, play, walk their dogs, visit, picnic and relax on the new benches and use the new drinking fountain. He also thanked the exemplary Police Department for the peace of mind they provide so the people know they are in a safe place. He strongly supports the initiative in restoring the tennis courts in the park which will be enhanced with pickleball.

Mayor Marquardt also expressed his thanks to Public Works Director Leon and his department for working with the citizens to optimize what they can all do together. He also thanked Police Chief Morris, the Parks Committee, and the Council.

II. CONSENT AGENDA:

- A. Appropriation Ordinance #894**
- B. Leaf Pickup Contracts Westwood and Westwood Hills**
- C. BZA Committee Appointment**
- D. SKW Task Order 34, Roe Boulevard Traffic Study**
- E. 2016 Stormwater Project Maintenance Schedule**

MOTION: CMBR MCNEIL MOVED AND CMBR FAST SECONDED TO APPROVE THE CONSENT AGENDA. (MOTION PASSES 7-0)

III. BUSINESS FROM THE FLOOR

A. APPLICATIONS/PRESENTATIONS

1. KCATA PRESENTATION – Pam Curtis and Jameson Auten

Pam Curtis was on hand to share information about a new micro-transit service that's now serving the Roeland Park area called Bridj. She introduced Jameson Auten with the Kansas City Area Transportation Authority (KCATA), who gave a description of the new program.

Mr. Auten from KCATA introduced himself to the Governing Body. He said KCATA is moving beyond transit in 40-foot buses. Bridj is their first foray into a type of service called micro-transit, a new service delivery model that is popping up across the country. Kansas City was the first city and the first authority to enter into a partnership with a company of this nature. It is an at-base service designed to operate pop-up express service. First you download an app to your device, put in your starting point (origin), destination, and it will let you know if you're in the service area and then will book trip. It has been priced to match regular bus fare. The cost per trip is \$1.50 per trip. When the app is first downloaded, it gives ten free rides. The service has been in operation since May 7 and is designed to be a computer that runs in the morning and runs in the evening, from 6:30-9:30 in the morning and 3:30 to 6:30 in the evening. There is no midday serviced and is geared towards work-based commutes.

CMBR Fast said she thanked KCATA for working with the City to add the bus stops on Roe, which is now on a major line to KUMED.

Mr. Auten said they were pleased to work with the City to make sure everyone has an opportunity to get where they need to be.

Mayor Marquardt asked about the shelters to be installed. Mr. Auten said that is handled out of another department, but he can get the information and report back to the Council.

CMBR Kellerman inquired about the size of the vehicle. Mr. Auten said they are 14-passenger Ford Transit vehicles wrapped in the Bridj colors. The program has partnered with Ford. The vehicle also provides accessible transportation for those who might need assistance.

Mr. Auten said the app creates rally points. It tells the user where to meet the bus, is a point-to-point service, not door-to-door, and usually requires a five to ten-minute walk.

CMBR McNeil asked about the rally points. Mr. Auten said currently they are at KUMed, West 39th, Hospital Hill and Union Station. They also have areas at the River Market and towards the east end of Kansas City.

Ms. Curtis said the program is good for people who live in the Roeland Park area, but work at KUMed or Hospital Hill, who already have to park in satellite parking and then get another vehicle to get to the hospital. Bridj is a more streamlined service from their home to work.

CMBR Fast recommended reaching out to the residents living in the City who work at KUMed. Ms. Curtis said she would be happy to provide something to send out that's tailored specifically to Roeland Park.

Mayor Marquardt thanked them for coming and informing them of this new program.

2. Community Events Update – Scott Ferrel

Scott Ferrel (5531 Sherwood Drive) Mr. Ferrel said the City-Wide Block Party was decently attended. He said they had some weather issues and overlaps with other things going throughout Johnson County and the metro area, but they had a great time and appreciated everyone who was able to attend.

Barktoberfest is Saturday, October 8 and the music and most of the vendors are lined up and agreed to. CMBR Fast said other committees have a staff liaison and asked Mr. Ferrel if he thought that would be helpful to his committee. He said that CMBR Poppa was their Council liaison and they have a liaison with JCPRD from the Community Center adding that the group doesn't have too much need.

Mayor Marquardt said he appreciates their efficiency and if he finds they ever need staff to please let them know and stated the committee has been great for the city.

Mr. Ferrel said they have it down to a science and it's pretty streamlined. He said they may even end up with a surplus this year. He also thanked everyone for their support, the Citizens Fundraising Group, Chief Morris and Director Leon.

3. Arts Committee Update – Scott Ferrel

Marek Gliniecki, Chair of the Arts Advisory Committee invited everyone to Music under the Stars, Friday, July 22 at 6:00 p.m. at the Community Center. There will be resident musicians playing on the piano plus other instruments. The event is family-oriented. There will be a bicycle decoration contest, parade and a bicycle safety seminar. They are also giving away one or two bicycles and safety helmets.

Mr. Gliniecki said he appreciates the Council's support for the arts.

CMBR Fast said it was a great event last year and she really enjoyed it.

4. Commerce Bank Update

Ms. Jones-Lacy provided a brief update noting that Commerce Bank has submitted a revised agreement that is attached to the agenda; however, it states on the action form it shows a removal of the \$5,000 renewal payment. Commerce Bank opted to put that back into the agreement. There was a small change in one of the "whereas" clauses as it referred to the hospital as a micro-hospital. The word "micro" has been removed.

Mayor Marquardt asked regarding the clause noting a six-month extension would bring it to March 1st, and whether that should be changed to nine-month extension. City Attorney Shortlidge clarified the six-month extension is from September 1 to March 1.

Aaron March, attorney for Commerce Bank, with the White Goss law firm and Mr. Brent Hall from Commerce Bank were also in attendance. Mr. March asked the Council to consider approving the extension of time to perform the sequence of events to move the project forward. He also asked to amend the Preliminary Development Plan, which they propose to serve as the preliminary plat. They will also have a final plan and a final plat application. Commerce bank will making a presentation to the Redevelopment Committee July 19th. They anticipate getting through the approval process based on staff analysis by September 23rd, when it would come back before Council for approval of the amendment. At that time they would request the zoning, plat and land use approvals. They also will need time to work up construction drawings. Commerce Bank is trying to beat the March 1st extension deadline for start of vertical construction.

The proposed hospital will be called the Hospital of Roeland Park. It is a small hospital with 16,870 square feet and eight beds, anticipated to serve about 35 people every 24 hours. Service levels will be between urgent care and a Level 4 trauma area, a place for a patient to be stabilized and transported to KUMed if necessary. To address concerns of ambulance lights and noise, most patients are brought in by family, but if they need to be transported, it will be ambulance. The hope is that this hospital will be well-received by the community.

Mr. Hall and Mr. March both requested that the monthly update requirement in the development be removed citing that there are now definite plans for construction.

After Council discussion, it was agreed to waive the monthly update requirement and have that become quarterly, but the Council also has the right to waive that meeting.

Ms. Jones-Lacy said the Planning Commission hearing is scheduled August 16th, pending receipt of all required documents. The hearing notice needs to go out 23 days prior to the meeting and will post in the legal record next Tuesday. Notices will be sent at the same time to residents within a 200 feet radius of the site.

Mr. March said he worked on the notice today and will include the handout in the notice.

CMBR Kelly received clarification that this is not affiliated with any hospital system. With regards to whether there are any other such hospitals in the area, it was noted that the developer will be addressing the Redevelopment Committee tomorrow and will be able to provide that information, so the Council can visit one if there is one in the community. The traffic study was reviewed and no additional study or improvements are required in the area.

City Administrator Moody said he appreciated Mr. March sharing information and bringing the Council up to date. He advised the Council to keep in mind a number of steps have yet to be completed. They currently have an amendment to the development agreement that gives the bank additional time. Also the Redevelopment Committee and the Planning Commission still need to review the plans before they are finalized.

Mr. Moody also encouraged the press to understand that the City is at the very beginning stages of trying to reach a final site design and recognizes that what everyone wants is a nice entryway to the community that everyone will be proud of, the City's neighbors as well as the property owners.

CMBR Fast asked if there is room for a "Welcome to Roeland Park" sign at the site. Mr. March said there have been no sign plans as of yet proposed by the bank or the architect in the design, but everyone understands the importance of this project being a gateway to the City.

Mayor Marquardt reminded them that there is a one percent for art required in the project, which will also be a part of the future discussions.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO ACCEPT THE PROPOSED AGREEMENT, WITH AN AMENDMENT FOR COMMERCE BANK TO PROVIDE QUARTERLY REPORTS AT THE OCTOBER 2016 AND JANUARY 2017 COUNCIL MEETINGS, SUBJECT TO COUNCIL DISCRETION. (THE MOTION PASSED 7-0)

(CMBR Thompson joined the meeting)

5. CLK Holdings, LLC, dba Mosquito Squad – Home Occupation License

Christina Kangethe, 3611 W. 52nd Place. Ms. Kangethe addressed the Council in follow-up to some requirements that the City has asked for with regards to obtaining a business home occupation license. She has also, with Mike Flickinger, Building Official, as well as the Fire Marshal.

Mr. Flickinger said this has come before the Governing Body as it is a home occupation license being requested. Per City Code, this type of in-home business is neither a permitted nor a prohibited occupation for the home and, therefore, becomes the Council's discretion. Mr. Flickinger did receive the MSDS (Material Safety Data Sheets) sheets and has reviewed them. He has spoken with Todd Kerkhoff, Fire Marshal District No. 2. They both met and had conversations with Ms. Kangethe and also did an on-site inspection of the home business. One of the Marshal's comments was this is not necessarily any different or any more dangerous than a typical garage with cans of gasoline, fertilizer and other chemicals. With that comment, Mr. Flickinger does not feel they have a big concern. There are some stipulations they have recommended such as isolating the chemicals in a storage room with no other storage of anything else, putting an MSDS placard on the door so that the Fire Department will know what's in there. MSDS cards will also be on file with both the City and the Fire Department. The Fire Department will also have an annual review.

Mayor Marquardt inquired about a quantity limit of the chemicals. Mr. Flickinger said there will be a space limitation, but the Fire Marshal did not express any concerns on the amount to be used. It is a 4 foot by 10-foot room that's sectioned off from the garage. It has an exterior access only. They recommend that it be dry-walled with 5/8th drywall, fire taped and nails and screws all sealed, in addition to the placard on the door. They are also recommending a wireless remote smoke detector in storage room and another one in the house, so if something should happen, it will alert the residents in the house. If Fire Department does respond because of the chemicals, a Hazmat squad will respond instead of the typical fire department because of the handling differences in the way the chemicals should be extinguished should they catch fire.

Ms. Kangethe also added that they store only the amount of chemicals they can use in a season.

CMBR Rhoades inquired about any neighbor complaints to which Mr. Flickinger responded that one neighbor was concerned more because of the traffic and too many trucks, but there has been no complaints that the Codes Department received.

Ms. Kangethe said they have two additional employees, one lives at the residence and the other one is an employee who comes and goes between the hours of 8:30 and 5:30. She added the vehicles are parked in the driveway and not on the street.

CMBR Kelly asked how the product is packaged, mixed and loaded on the trucks. Ms. Kangethe said the two main products are in 2 30-gallon drums which are delivered. They also store some small amount of 1-gallon containers, some of which she can pick up from a local distributor. All chemicals are kept in correct and original bottles until they are put into a large 110-gallon tank on the truck which is then diluted with their proprietary blend. From there it is put through an electric pump that puts it into the blowers for the treatment of the yards of their customers.

CMBR McNeil expressed concern of the Fire Marshal's comment of evacuating a block in case of a fire. Mr. Flickinger said the Fire Marshal does not have any high concern, but those precautions are based on the MSDS sheets for the chemicals being stored.

Mayor Marquardt inquired about the flammability of a 30-gallon drum. Mr. Flickinger said a 5-gallon gas can, even a 2-3 gallon gas will probably do more damage. That concern was also discussed with the Fire Marshal.

CMBR Rhoades inquired whether the school would have to be closed down in the event of an accident. Mr. Flickinger didn't believe so as the home location is more than a block away from Bishop Miege.

CMBR McNeil asked if the business recommend the less toxic options. Ms. Kangethe said they're increasing the encouragement of their customers to utilize their all-natural blend and about 40 percent of her customers do use that option. She added that their product is blended to target certain sized bugs and are working with the different chemical companies to make sure that pollinators are not going to be affected.

CMBR Kelly asked if this is a permanent plan for her business, or are there any plans in the near future as far as getting out their house and into a more industrial type facility. Ms. Kangethe said operating in-home is a short term goal and they are actively looking to see if they can get into a facility by the end of the year.

Mayor Marquardt asked what would cause this in-home permit to no longer be feasible. Mr. Flickinger said if it involved more vehicle parking than what could be contained in a driveway would be one instance.

CMBR Rhoades said that CMBR Janssen (who was absent) wanted it known that he was okay with approving the permit if the Fire Marshal's recommendations were implemented, was re-inspected and passed. Mr. Flickinger said it was agreed that if this is allowed, he would inspect the drywall work, the room and that the placard is properly placed. Also the Fire Department would do an annual visit to the site.

CMBR Kellerman asked who schedules the annual inspection and Mr. Flickinger replied the Fire Chief maintains the inspection schedule and will notify a business as their time gets closer.

CMBR Kellerman asked if neighbors needed to be notified and Mr. Flickinger didn't think they needed to be.

CMBR Kellerman said under the Prohibitions in the city, does not allow the storing or selling of explosive materials. Mr. Flickinger said this is not classified as that.

CMBR McNeil thanked Ms. Kangethe for being so patient and thorough with answering the Council's questions and she really appreciated that. Ms. Kangethe said she has been a resident of Roeland Park for about seven years and has been very happy being a resident. She added when they took on this business venture, they wanted to keep it as close to home as possible and appreciates the City working with them as well.

CMBR Kelly inquired as to the length of time the permit is valid. City Clerk Bohon said in-home business permits run from December 1st to November 30th and renewals are handled administratively. Mr. Flickinger said it could be set up that it would only come before Council if a complaint were received.

Ms. Kangethe said since her business is seasonal she would be more than happy to close out the season in October by meeting with the Fire Marshal at the end of the season to look at everything as they close up for winter and then again at the beginning of the season in April should they still be operating out their home.

Mr. Flickinger said from November to March there are no chemicals at all on premise as they only store enough for one season. Mr. Kangethe also said their truck would be housed off-site as well.

MOTION: CMBR POPPA MOVED AND CMBR MCNEIL SECONDED TO ALLOW THE CONDITIONAL USE PERMIT FOR MOSQUITO SQUAD AS A HOME-BASED BUSINESS, PROVIDING THE FIRE MARSHAL'S RECOMMENDATIONS ARE FOLLOWED AND COMPLETED IN A TIMELY MANNER.

CMBR Rhoades wished to amend the motion that if two or more complaints are filed within a 12-month period on the property, then it comes before Council within a two-month period of the second complaint. CMBR Poppa and CMBR McNeil, as maker and seconder of motion, agreed.

CMBR Rhoades also wanted to amend that anytime during a Fire Marshal's re-inspection process that if the property fails, its license will be revoked at that time. As maker of the original motion, CMBR Poppa did not agree with this amendment, but felt it should return to Council and not automatically be revoked.

Mayor Marquardt recapped. If an issue is found and with a re-inspection by the fire official the issue remains, then it would come before Council. The maker and seconder of the motion agreed.

CMBR Kelly would like an annual review by Council of the business permit.

City Clerk Bohon recapped the motion to be two or more complaints within a 12-month period comes before Council within two months. If the Fire Marshal re-inspection fails, then it comes to Council. The Council will also annually review the permit.

MOTION: CMBR POPPA MOVED AND CMBR MCNEIL SECONDED TO ALLOW THE CONDITIONAL USE PERMIT FOR MOSQUITO SQUAD AS A HOME-BASED BUSINESS, PROVIDING THE FIRE MARSHAL'S RECOMMENDATIONS ARE FOLLOWED AND COMPLETED IN A TIMELY MANNER INCLUDING CONDITIONS OF TWO OR MORE COMPLAINTS WITHIN A 12-MONTH PERIOD, THE MATTER COMES BEFORE COUNCIL WITHIN TWO MONTHS. IF THE FIRE MARSHAL RE-INSPECTION FAILS, THEN THE MATTER COMES BEFORE COUNCIL. THE CITY COUNCIL WILL ALSO ANNUALLY REVIEW THE PERMIT. (MOTION PASSES 7-0)

IV. MAYOR'S REPORT

No report was given.

V. WORKSHOP AND COMMITTEE REPORTS

A. Workshop and Ad Hoc Committee Reports

CMBR Thompson highlighted the business of the Governing Body Workshop.

- Sign regulations.
- Discussed waiving executive privilege with regard to signs in the right-of-way.
- A member of the Governing Body requested staff to review the process of acceptable use of executive sessions.
- City Attorney will prepare an ordinance to be reviewed by the Planning Commission updating the sign code.
- Change in election dates discussion. The Council recommended removing the requirement to send a notice of a vacant seat via post mail when preparing for special election. (To be discussed further under New Business.
- Looked at park bench replacement selections for Carpenter Park and Granada Park based on the Parks Committee's recommendations. Governing Body ultimately supported the recommendation for Granada Park, but not Carpenter Park.
- Recommended Mike Baugher, Ward III, BZA appointment (Approved on Consent Agenda)
- Leaf Pickup Contracts with Westwood and Westwood Hills (Approved on Consent Agenda)
- Discussed Citizen Survey topics and reviewed questions submitted by the Governing Body. Recommended to add financially related questions in the survey.
- City Administrator Moody provided Code Enforcement Update; grass/weed height primary issue.
- CMBR Poppa requested moving the Community Forum to August 22nd due to scheduling conflicts.

Ad Hoc Development Committee Update

- The committee met with CBC to discuss development of the caves property.

- Discussed a letter of interest for an adventure course operator and a hotel developer as well as the reasonableness of fees.
- Discussed the special use application submitted by Colby Capital regarding the 47th & Mission property. There will be a public hearing July 26th at the Planning Commission meeting.
- Northeast Johnson & Roe. City is working with KDOT to obtain the right-of-way on the property. KDOT appraised the property at \$50,000, the City made a counteroffer noting that they have maintained the property since the early 80s and asked for the land be granted to the City in exchange for work performed. KDOT has countered in lieu of payment, the land could be conveyed and a percentage of the net proceeds of the sale would be shared with KDOT. Negotiations are continuing.
- Northwest Roe and Johnson - Commerce Bank and the proposed hospital property will be before the committee July 19th.
- Streetlight dimming. Black & McDonald have provided a cost to the City to replace the light fixture with a dimmable light fixture at a cost of \$350. Only other option would be to find a company that can construct some shielding which could be attached to the light. Staff recommends waiting to replace any lights at this time as they are still learning about the concern of high color temperature.
- Board of Tax Appeal. Staff is preparing for a second hearing with regard to the Family Conservancy suite at the request of Johnson County to request tax exemption status.

VI. REPORTS OF CITY LIAISONS

A. Stormwater Advisory Council SMAC (Jose Leon and Ryan Kellerman)

Public Works Director Leon on June 30th, the SMAC committee and voted unanimously to recommend to the Board of County Commissioners to adopt (inaudible).

The next Committee of the Whole for the Board of County Commissioners is July 28, and the public is invited to attend. They will make a recommendation to the Board of County Commissioners to officially adopt the new strategic plan that was presented to the Governing Body for the SMAC program.

VII. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

VIII. NEW BUSINESS

A. Adoption of 2017 Budget

City Administrator Moody said the budget document before the Governing Body is a compilation of the steps they have completed through the process. This document reflects the most recent financial adjustments that have been previously shared with the Council. They have received the final numbers from the assessor and have calculated the increase in property tax revenue, which anticipates to be a considerable increase. They removed the pre-wet and belly plows and pushed the replacement of the front-end loader to 2018.

CMBR Rhoades said he would like to see in the final budget document the City's portion of taxes paid in Roeland Park compared to other cities. City Administrator Moody said the chart on page 5 reflects the City portion of the mill levy.

City Administrator Moody said the single family cost of living comparison relates to all taxes and utilities paid by residents in the surrounding cities and does not focus on one tax element. He said that when you choose to live in a particular place, you're subject to paying all the taxes and utilities in that community and that is how Roeland Park compares itself, looking at taxes as a whole. CMBR Rhoades respectively disagreed with Mr. Moody stating it is important to know the City's individual tax components. City Administrator Moody said sales tax is a major

component of the financing system of this community and Roeland Park has a lower sales tax than some of the communities that have a lower property tax. He added that if raising City sales tax by a quarter-cent that would put them on par with surrounding communities, they could hypothetically lower the mill levy by more than \$4. City Administrator Moody said the budget document should be reflective of what the Governing Body wants to communicate to the citizens and is the main policy document that will be adopted for the entire year.

Mayor Marquardt said that CMBR Janssen shared with him that he was for the budget and for the initial bond, but did not support the second bond or thereafter. Said he could support the CIP being in the documents up through the fourth year.

CMBR Kelly said she feels the City has been playing catch-up and believes this plan shows the residents the Council is very strategic and also good planners and the CIP can be modified as time moves on. This plan also gives the option to not take debt. It will also show future developers coming to City that Roeland Park cares about the infrastructure and are willing to invest money in the City and willing to be strategic planners. CMBR Kelly said she would support the two bonds and then evaluate. She understands the value of pay-as-you-go if it can be done, but also understands the value of bonding and having that money available when it is needed, especially for use with matching funds.

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO AMEND THE CIP TO EXTEND THE BOND ISSUANCE THROUGH 2023. (MOTION PASSES 4-3 WITH CMBRS RHOADES, KELLERMAN AND FAST VOTING NO.)

POLL THE COUNCIL

FAST - N MCNEIL - Y RHOADES - N KELLERMAN - N THOMPSON - Y KELLY - Y POPPA - Y

MOTION: CMBR RHOADES MOVED AND CMBR KELLY SECONDED TO INCLUDE IN THE BUDGET DOCUMENT THE GRAPH STATING THE CITY PORTION OF TAXES BASED ON THE MEDIAN HOME VALUE OF ROELAND PARK AND THE MEDIAN HOME VALUE IN JOHNSON COUNTY WHEN COMPARED WITH OTHER CITIES. (MOTION PASSES 7-0)

Ms. Jones-Lacy this document is sent to the county to certify the mill levy. It also sets budget authority for the various funds.

City Administrator Moody said they are only approving the 2017 budget as far as the state is concerned, which will be used to set the mill levy for 2017, but the budget document says more than that. If they adopt the budget document, it is because it contains the goals and objectives of special projects to be focused on in 2017 and it also reflects the CIP, which has been a part of the budget document in the past.

CMBR McNeil expressed concerns of bond commitments so far out, but does support the recommendations of staff.

CMBR Rhoades would like to show the bond plan for four years out and then make a decision next year on how to proceed and plan further out after hearing more from the community on what they think on bond financing.

CMBR Kelly said she has received e-mail after e-mail of public support of the plan. The question of bond financing was posed at the Community Forum and everyone who spoke supported the long range plan. To staff's credit one of the goals was to evaluate the City's health and she said they have done just that.

CMBR Kellerman said that what passed is just a plan and the bonds themselves have not been approved. He also felt the bond issue could be put on an upcoming ballot.

City Administrator Moody said the first bond issuance in 2018 is anticipated to be \$2 million with another \$2 million potentially in 2021, and then another \$2 million anticipated in 2024.

City Attorney Shortlidge said the procedure for approving bonds by ballot or Council is will be advised by bond counsel and state regulations.

CMBR Poppa called the question.

CMBR Rhoades voiced an objection to calling the question as his hand was raised and he stated he wanted to make an amendment to the motion and that he was being prevented from making an amendment to a document that is being voted on as important as a budget.

City Attorney Shortlidge said the Mayor recognized Mr. Poppa who then called the question and procedure must be followed.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO CALL THE QUESTION.

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO ADOPT THE 2017 BUDGET AS AMENDED, INCLUDING THE STATE BUDGET CERTIFICATION FORM WHICH SETS THE MILL LEVY AS WELL AS THE BUDGET DOCUMENT, WHICH INCLUDES GOALS AND OBJECTIVES AND THE CIP. (MOTION FAILS 3-4, WITH CMBRS FAST, RHOADES, KELLERMAN AND THOMPSON VOTING NO.)

POLL THE COUNCIL

FAST - N MCNEIL - Y RHOADES - N KELLERMAN - N THOMPSON - N KELLY - Y POPPA - Y

CMBR Rhoades said he would like to make an amendment to the budget to go out four years, but erase that they're going to do a second bond as there are too many unknowns in the City.

CMBR Fast would like the CIP to look at the survey as it is hard to change the plan once it is approved. Once they receive the results of the survey, they can then add priorities according to what the citizens want. She would not support a ten-year plan, but could support a four-year plan that shows immediate needs. She also felt that R Park and Aquatic Center items need to be in the plan.

MOTION: CMBR RHOADES MOVED AND CMBR KELLERMAN SECONDED TO REDUCE THE CIP IN THE DOCUMENT TO FOUR YEARS, TO INCLUDE ONE BOND. (MOTION PASSED 4-3, WITH CMBRS THOMPSON, KELLY AND POPPA VOTING NO.)

POLL THE COUNCIL

FAST - Y MCNEIL - Y RHOADES - Y KELLERMAN - Y THOMPSON - N KELLY - N POPPA - N

CMBR Kelly questioned what will happen to the CIP now that they don't have the funding source stated. City Administrator Moody said it will shorten the document. They will remove the columns beyond 2020, but the information will remain available. CMBR Kelly noted there will be projects listed that have no funding source in the first column.

CMBR Fast said she sees some a need for planning, listening to the citizens and looking at the survey. She added the City has \$2.5 million in reserves yet has the highest mill levy in Johnson County. They need to hear from the citizens and can then put together the CIP.

CMBR Kellerman added that he visited the Aquatics Center and noted that there are definite improvements that need to be made to the pool.

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO PASS THE 2017 BUDGET AS INCLUDED IN THE PACKET; THE CIP WILL BE REDUCED TO FOUR YEARS, INCLUDING THE ONE BOND, BUT DOES NOT

PRECLUDE FUTURE BONDS; ADDING THE BUDGET DOCUMENT GRAPH OF MILL LEVY. (MOTION PASSES 5-2, WITH CMBRS POPPA AND KELLY VOTING NO.)

POLL THE COUNCIL

POPPA - N KELLY - N THOMPSON - Y KELLERMAN - Y RHOADES - Y MCNEIL - Y FAST - Y

Mayor Marquardt thanked the staff for all their work. He also thanked the Council for their patience and civility noting this is many times a difficult process.

Items from Workshop

Mayor Marquardt asked for input on whether the Mayor should preside over these items or Council President.

CMBR Poppa suggested that since the Mayor presides over Council and these are now Council items, the Mayor should direct the discussions. He also said the Mayor should have the option to hand that over to whoever has been working on an item.

CMBR Thompson, Council President, said she is fine with that procedure.

CMBR McNeil said she would like to push through the items as they have been on the agenda for quite some time.

CMBR Rhoades said he would be fine with discussions for a while, but doesn't feel he will have all his questions answered, but believes they can push through.

CMBR Poppa felt they can complete Workshop Item 7 and take out Section 1-202 and Section 1-203 as CMBR Fast and CMBR Kellerman want to make recommendations.

CMBR Thompson suggested working to 9:30 on the items.

CMBR Rhoades suggested working through Workshop Items 10 and 12, return to 7-9 and work until 9:30.

CMBR Poppa called the question.

CMBR Kellerman withdrew his motion.

MOTION: CMBR KELLERMAN MOVED AND CMBR FAST SECONDED TO TABLE WORKSHOP ITEMS 7, 8 AND 9 TO THE NEXT WORKSHOP MEETING. (WITHDRAWN)

CMBR Poppa said he realized the time is late, but this is the job of the Council to get the job done and it is a disservice to the residents to keep pushing things off. The Governing Body agreed to start with Items 10 and 12 and work the remaining items until 9:30.

B. ORDINANCE FORMALIZING WORKSHOP PROCEDURES (Workshop #7)

CMBR Poppa said they were not to discuss §1-202 and asked for consensus on what had been discussed to date, which was §1-203(a), updating Council President nomination and election date from May to February annually.

§1-203(b)(2) updates the duties of the Council President to preside at Workshops with the understanding that co-chairs may present their items.

§1-203.1 - Change wording from Council to Governing Body.

CMBR Poppa said there were a few instances throughout the ordinance where the language was changed to “Governing Body” from “City Council” for the sake of consistency and to maintain consistency per Article II.

§1-207.5 is inserted and denotes the days and times of the Governing Body Workshops and formalizes them in the ordinance to first and third Mondays of the month at 6:00 p.m.

§1-208 Quorum, was clarified that at a majority of the Councilmembers-elect shall constitute a quorum for business.

§1-212, Changed Committee of the Whole to Governing Body.

§1-217 and remaining sections note that all references to “Standing Committees” will be changed to “Service areas.” All references of “Chair” and Co-chair” have been updated to read on “Co-chair.” They have removed the reference to ranking Council positions in the standing service areas.

Also updated is the term expiring dates from odd to even years on the Council position chart.

§1-315(g)(15) - City Administrator shall contracts on behalf of the City.

There was Governing Body consensus to all the above-items discussed.

C. ORDINANCE MODIFICATION SUGGESTION FOR MAYOR’S POWERS (Workshop #8)

Mayor Marquardt said he would like to see how what is being proposed compared to other cities with regards to mayoral powers.

CMBR Rhoades said he was only interested in Roeland Park and did not review other cities.

City Administrator Moody asked for clarification of the Mayor’s request. Mayor Marquardt said he wanted to know what other cities do in the different elements that are being modified of the mayor’s duties, if they are not superintending control, if they are part of the governing body, and how they relate.

City Administrator Moody said this would be a large task to read every City’s codes, but would be happy to provide website links in an e-mail to let those that are interested browse through the relevant sections.

D. COUNCIL PRESIDENT ELECTION PROCESS PROPOSED CHANGES (Workshop #9)

CMBR Kellerman asked if the mayor cannot vote other than to break a tie, how he can be part of the legislation.

CMBR Rhoades said it does not matter if other cities have a Council President. He is looking to fix a problem within the Roeland Park’s Council President selection of whether the mayor should or should not have a say.

After some further conversation, it was agreed to move this back to Workshop for further discussion.

E. RENEWAL OF CONDO LEASE TO SCENIC ROADS (Workshop #10)

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE LEASE TO SCENIC ROADS.
(MOTION PASSES 7-0)

F. DISCUSSION ON USE OF EXECUTIVE SESSION. (Workshop #12)

MOTION: CMBR THOMPSON MOVED AND CMBR POPPA TO TABLE THE DISCUSSION DUE TO LACK OF INFORMATION. (MOTION PASSES 7-0)

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO TABLE THE ITEM. (MOTION PASSED 7-0)

IX. ORDINANCES AND RESOLUTIONS

A. Ordinance Change in Election Dates

City Attorney Shortlidge said there were three changes that needed to be made. One, that a notice of vacancy will no longer to be mailed; two, they will be published and posted on the City website; and three, if no person files to fill a vacancy, then the City Clerk will arrange with the County election officer for a special election at an agreed upon date.

MOTION: CMBR FAST MOVED AND CMBR THOMPSON SECONDED TO ADOPT CHARTER ORDINANCE 32, EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF KS12-1048 RESIGNING TO THE NON-PARTISAN ELECTIONS OF OFFICERS, THEIR TERMS OF OFFICE, VACANCIES IN OFFICES, TRANSITION TO NOVEMBER ELECTIONS AND APPOINTMENT OF OFFICERS PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS AND REPEALING CHARTER ORDINANCE NO. 5, CHARTER ORDINANCE NO. 23 AND CHARTER ORDINANCE NO. 24. (MOTION PASSES 7-0)

POLL THE COUNCIL

FAST - Y MCNEIL - Y RHOADES - Y KELLERMAN - Y THOMPSON - Y KELLY - Y POPPA - Y

X. REPORTS OF CITY OFFICIALS

City Administrator Moody did not get the upcoming survey back from ETC, but will e-mail it out for another review once received. He asked the Governing Body to get back to him with any changes to continue that process moving forward. He added the timeline is tight to stay on the Branding Committee schedule, and the survey is a big part of that.

The northwest corner of Johnson Drive and Roe Boulevard, as indicated in CMBR Thompson's report, has had some movement from KDOT. The City has not been able to establish a clear title and it doesn't appear that they will be able to. They may need to do a lease for the unsettled portion and use the right-of-way as a landscape buffer, detention, parking, etc.

CMBR Rhoades wanted to know if KDOT would want proceeds from the lease. City Administrator Moody said he does not have what their proposal would be.

The Old Pool Stabilization RFQ has been released. They will review those applications as they come in. Mr. Moody added that the engineers believe the most cost effective way to stabilize the cave will be to use a fill in the void for stabilization.

City Administrator Moody and Public Works Director Leon have met with the STP Committee at MARC and said their project was one of the highest scoring projects. They have requested 80 percent of the eligible cost. They were awarded 80 percent of 80 percent, so 64 percent of the project cost. They're pushing for 50 percent of the 80 percent. They're also trying to get the other 50 percent paid for by CARS.

XI. ADJOURNMENT

MOTION: CMBR THOMPSON MOVED AND CMBR FAST SECONDED TO ADJOURN. (MOTION PASSED 7-0)

(Roeland Park City Council Meeting Adjourned at 9:39 p.m.)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-D.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **August 15, 2016 City Council Minutes**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



August 15, 2016

Type

Cover Memo

MINUTES
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st Street
August 15, 2016 7:00 P.M.

- | | | |
|---|---|---|
| <ul style="list-style-type: none">○ Joel Marquardt, Mayor○ Becky Fast, Council Member○ Tim Janssen, Council Member○ Ryan Kellerman, Council Member | <ul style="list-style-type: none">○ Teresa Kelly, Council Member○ Sheri McNeil, Council Member○ Michael Poppa, Council Member○ Michael Rhoades, Council Member○ Erin Thompson, 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 |
|---|---|---|

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

PLEDGE OF ALLEGIANCE

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

ROLL CALL

City Clerk Bohon called the roll and all members were present

MODIFICATION OF AGENDA

The following items were added to the Consent Agenda:

- D. Committee Liaison Shawnee Indian Mission
- E. Updates to Employee Handbook
- F. Chapter 16 Updates - Exception to Lot Split

The following items from the preceding Governing Body Workshop were added to the City Council agenda under New Business:

1. Heartland Tree Alliance Arboretum Discussion
5. Special Use Permit (SUP) Request
6. Nall Park Bathroom Change Order
7. Yearly Review of Uniform Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC)
8. Review Roe Blvd. STP and CARS Funding
9. Discussion of Adding Council Purpose and Duties Section to City Code
10. Discuss 2016 Stormwater Project

The Proclamation was the first business item addressed.

I. CITIZEN COMMENTS:

1. Tom Madigan

Mr. Madigan said he felt inside rental inspections are working. Residents tell him rental properties are no longer dragging down the value of the homes and commented the landlords are taking better care of their houses. Mr. Madigan complimented the City on passing the ordinance and for the good it has done and also the good will it has created with the neighbors.

He also said that he not able to find information regarding proposed ordinances changes, what has been added or what had been extracted. He recommended posting draft minutes before they are approved by Council and also spoke to how quickly they can get them.

Mr. Madigan said he attended a Redevelopment Committee meeting and felt it was redundant and superfluous as an advisory committee for an advisory committee.

2. Jim Kelly (4200 W. 54th Terr.)

Mr. Kelly offered his support of the proposed charter ordinances, especially Charter Ordinance No. 33 and the language in Ordinance No. 34. He believed the Mayor should continue to verify that the ordinances of the City are complied with. He recommended the change “take care” to updated “provide oversight” as the Mayor serves as liaison between the Council and administrative staff and should retain that duty.

3. Philip Martin

Mr. Martin spoke about the changes to internal rental inspection. He said he has spoken with some who would be affected by the ordinance changes and felt that decisions would be made before talking with the actual people that are being affected by the ordinance. He said the concern now is about finding a solid way to implement the things they are trying to accomplish. He felt that when communicating with the Council there seems to be a misinterpretation of the way it is being perceived following the state house bill recently passed. Mr. Martin noted that none of the other cities he owns properties such as Prairie Village, Fairway, Leawood and Overland Park have internal rental inspections. Senate Bill 366 that states that no city or county shall adopt, enforce or maintain a residential licensing ordinance or resolution which includes a requirement for periodic internal inspections of privately owned residential property. He felt that language should add “without the consent of the tenant.” Mr. Martin also spoke to discrepancies he saw between the Senate bill and the City ordinance relating to inspections, and feels the bill says cities are overstepping their bounds. He recommends to tenants to have their property inspected so they know their rights and know their obligations, but also know that they’re not under the risk of being kicked out. Mr. Martin reiterated that he believes the City is misinterpreting the state statute and it ought to be considered more closely.

II. CONSENT AGENDA:

- A. Appropriation Ordinance #895**
- B. May 16, 2016 Council Minutes**
- C. Committee Liaisons**
- D. Committee Liaison Shawnee Indian Mission**
- E. Updates to Employee Handbook**
- F. Chapter 16 Updates - Exception to Lot Split**

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA.
(MOTION PASSED 8-0)

Ms. Jones-Lacy introduced Ian Hutchinson, the new City intern, who is first year student studying Public Administration at KU. One requirement is to do an internship in local government.

Mayor Marquardt thanked him for joining the City.

III. BUSINESS FROM THE FLOOR

A. APPLICATIONS/PRESENTATIONS

There were no Applications/Presentations

IV. MAYOR’S REPORT

A. ST. AGNES TARC TEAM PROCLAMATION (TEAM AMERICA ROCKET CHALLENGE)

CMBR Rhoades read the St. Agnes Catholic School Team Avengers Rocket Club Week Proclamation into the record.

(Applause)

MOTION: CMBR JANSSEN MOVED AND CMBR KELLY SECONDED TO APPROVE THE PROCLAMATION OF ST. AGNES CATHOLIC SCHOOL TEAM AVENGER ROCKET CLUB WEEK FROM AUGUST 15-21, 2016. (MOTION PASSES 8-0)

(A video was shown of the rocket competition)

Mayor Marquardt thanked the students for the work they did.

(Photographs were taken with the Mayor, Council, students and teachers)

V. WORKSHOP AND COMMITTEE REPORTS

A. WORKSHOP AND AD HOC COMMITTEE REPORTS

CMBR Thompson highlighted the business of the Governing Body Workshop.

- The Family Conservancy made a presentation on the scope of work and services they provide. Discussed waiving executive privilege with regard to signs in the right-of-way.
- Reviewed a proposed ordinance regarding the Mayor's powers and agreed it is the Mayor's duty to promote good conduct, but were not unanimous in that the Mayor's responsibility is to ensure all ordinances are followed.
- Changes to the "take care" language were also discussed.
- Council election process and proposed changes was discussed.
- The ability of the Mayor to break a tie.
- Ordinance formalizing Workshop procedures. (Moved for approval tonight.)
- Discussed the changes to interior rental inspection program due to state law. (New Business)
- Reviewed the upcoming RFQ schedule for the City Attorney, City Engineer, and an engineer for Roe Boulevard.
- Public Works Director Leon provided a sidewalk inventory update, including current inventory, and the ongoing inspections. Mr. Leon will make a future recommendation the improvement and addition of sidewalks in the City.
- Ms. Jones-Lacy provided the June financial report that highlighted revenues and expenditures city-wide. Concerns continue with franchise fees and sales tax collections; however expenditures are still on target.

Economic Development Committee Update

- Reviewed letters of interest for work to the Old Pool site.
- Reviewed an amphitheater study.
- Discussed the slur fill RFQ. Responses were due July 29th, were reviewed and gave direction as to which respondents will be invited to submit proposals.
- Restaurant options were also discussed for the Old Pool site. CB C will make initial contact with restaurants to move forward with obtaining a retail restaurant end user for the 3.13 acres of remaining property.
- Northeast Johnson and Roe. CMBR McNeil addressed the committee about a possible use of the Roe Sisters house to be utilized as a restaurant-cafe-community garden-green space, as well as an adjacent a meeting room and event space venue. CBC will provide input and direction on that corner.
- Approved the plans for the Mission Gateway that will need to be passed by the Mission City Council.

B. BIKE-WALK AD HOC FINAL REPORT

Kyle Rogler, Committee Chair for the Roeland Park Pedestrian-Bike Safety Ad Hoc Committee. He provided a brief history and purpose of the ad hoc group. The committee was formed July 25, 2015, with the goal to look at

pedestrian conditions, ADA accessibility, bicycling and transit accessibility within Roeland Park. They sponsored events such as an International Walk to School Day, and also proclaimed Bike Month in May. There is currently a Bike to School Day with the Shawnee Mission School District in the works.

The committee met monthly the past year and worked on their analysis led by BikeWalkKC. They also worked with City staff on filling out the Walk Friendly Communities application and collaborating with other Roeland Park committees to identify opportunities for collaboration. They observed issues throughout the City, identifying problem areas in key intersections that would need improvement. They also gathered key literature from other sources that could provide guidance for the City in matters of pedestrian and bicycle infrastructure issues. They followed recent regional developments with public transportation and those are included in the final report.

Mr. Rogler acknowledged the hard work of CMBR Kelly and CMBR Thompson, Council liaisons, the work of Joe Blankenship, Laura and Tyler Steele from BikeWalkKC, and also the Parks Committee. He also acknowledged the Roeland Park Public Works Department with the Roe Boulevard STP, the Police Department for their help filling out the Walk Friendly Communities application and the resources provided by City staff in the creation of report.

Mr. Rogler said the report is based on the Federal Highway Administration 4 E's, Engineering, Education, Encouragement and Enforcement. Other bike-ped organizations they spoke with encouraged adding two more, Evaluation and Equity.

Mr. Rogler directed everyone to the Executive Summary that sums it up as to why the committee was founded and why pedestrian issues were important for consideration in Roeland Park and the safety and health of its community.

One key point they found in the study was that millennials and baby boomers want same thing, nice jobs, walkable communities, and limited car use.

Mr. Rogler defined the E's of the study.

Engineering - In the report are recommendations that deal with changing zoning codes, adopting new design guidelines as well as adopting policies for sidewalk design. Their first recommendation is that the committee has to adopt a series of design guidelines. Current city code does not include urban design or transportation planning standards that integrate the public realm with development context.

Education - There is a need to take advantage of the many local organizations in the Kansas City Metro to help educate citizens about bike safety, traffic laws, as well as provide workshops to help City staff and City Councilmembers understand pedestrian and bicycle issues.

Encouragement - The Council has provided this such as proclaim May Bike Month, and the report also has additional recommendations.

Enforcement - This covers more standards of practice and ways to measure Roeland Park as moving forward to create walkable developments.

Evaluation - Need to keep checking to ensure the program design is actually working.

Equity - This applies more to the social side, to create a universal design as a city to greatly improve access throughout Roeland Park.

Mr. Rogler continued to give a detailed presentation of the report. Mayor Marquardt asked Mr. Rogler if he would be able to continue his presentation of the report at a future Workshop after the Governing Body has had time to review it and prepare questions.

Mr. Rogler concluded by expressing his appreciation to everyone that worked in the creation of the report and the additional resources found through local organizations such as the Johnson County Health Department and BikeWalkKC. He said there are a series of recommendations and also there will need to be strategic implementations, but recommended that the Council read through the report findings.

CMBR Kelly thanked Mr. Rogler for all of his work. She said the report is amazing and puts into words in a very logical manner all the things that were done over the past year. It also ties in with the goals of Community for All Ages. The Sustainability Committee looking forward to being able to use this report as the City moves forward.

As an aside, Mayor Marquardt also mentioned that Dave Mootz, former Public Works Director, and Deb Mootz, former Assistant City Administrator/City Clerk had taken the wildlife photos on display in the room.

VI. REPORTS OF CITY LIAISONS

A. NORTHEAST ANIMAL CONTROL

CMBR McNeil said they met July 28th and discussed bringing the employee benefit cost into line with other cities. They are also proposing an employee pay increase of 3 percent. They will be buying a new freezer and they are making space for it in the Police Department. They are also researching the purchase of a tablet to be used in the vehicle to help keep the control officer up to date. The cost per capita is going to remain at 8.17 for 2017, and will be a total of \$55,923.65 per year for Roeland Park's part.

VII. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

VIII. NEW BUSINESS

A. HEARTLAND TREE ALLIANCE ARBORETUM DISCUSSION (Workshop #1)

Public Works Director Leon asked for approval of a letter of support from the Governing Body to acknowledge an in-kind grant that will provide an arboretum to the City of Roeland Park.

CMBR Kellerman asked how this will work with the tree planting plan already in place. Public Works Director Leon said there is a plan to plant trees currently in the City this year and next.

CMBR McNeil asked if the City Forester will have a choice in the variety of trees and Mr. Leon said they will. He added there can also be a themed arboretum. Currently everyone is still in discussion and nothing has been designed as of yet.

CMBR Janssen asked if the one-inch size of tree will be sufficient. Public Works Director Leon said that a \$2,400 investment into the City will multiply beyond that and future generations can enjoy the park and see the mature trees that this Council chose to plant. Carl said they have already been successful with one-inch caliper trees.

MOTION: CMBR POPPA MOVED TO APPROVE THE LETTER OF SUPPORT AND THE FUTURE PLANNING OF THE ARBORETUM. (MOTION PASSED 8-0)

B. SPECIAL USE PERMIT (SUP) REQUEST (Workshop #5)

Ms. Jones-Lacy reviewed the Workshop discussed terms of the agreement.

Parking would expire April 1, 2017

Permitted 30 days to clean up foundation or do demolition or break ground on the property.

The developer plans to come before Council in January 2017 to provide an update of the status of the development of the property.

Jerry Murphy, attorney for developer Tyler Oliver, said the property has to be re-zoned, so will be back this fall or winter before the Council.

CMBR Rhoades said he continues to hear from residents they are not happy with the way the lot looks and also the question of keeping the parking spots there indefinitely.

Tyler Oliver, property owner, said that the use of the word “indefinite” does not mean too much to him as that language was written before he owned the property. He said he will be back before the Council in six or eight months talking about a real deal, a real plan, so he is just asking for a little time to go out and find that cool restaurant.

CMBR McNeil said she would like to see all parking expire after April 1st and just strike Item 2 of the SUP.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE SPECIAL USE PERMIT WITH SECTION 3, NUMBER 2 REMOVED. (MOTION PASSES 8-0).

C. NALL PARK BATHROOM CHANGE ORDER (Workshop #6)

Public Works Director Leon reported the project is complete. The restroom facility has been repainted, re-roofed, and the trim and fascia repainted. New stainless steel grills are also in place. Mr. Leon showed before and after photographs of the restroom. He also said there was new rough-in plumbing, work which amounted to over \$4,000 and came free as the plan was to use what was under slab, but the contractor put in new plumbing without direction.

The original plan specified using PVC pipe as the new sanitary sewer line, but during excavation work they were never able to find the line per the information they received from Johnson County Wastewater (JCW), but instead found two abandoned manholes. JCW visited the site and stated the work that needed to be done was not the work submitted in the plans. During the month-long process JCW informed the City they needed to change the PVC pipe to ductile iron pipe (DIP), and a backflow preventer was also installed.

Mr. Leon then showed before and after photos of the new drinking fountain as well as before and after pictures with the gazebos new lights and new painting. He added that the columns were painted by contractor on their own.

Mr. Leon said that even at \$102,000, the City got a bang for their buck and a good deal. He did request approval of the \$9,829 change order, which is the last change order for the project. Public Works Director Leon said the amount before the Council are lower amounts than was originally proposed by the contractor and he was able to negotiate their reduction.

CMBR Thompson asked Mr. Leon to address the decision by the Parks Committee to forgo some other costs this year to help recoup some of those additional change order expenses. Mr. Leon said there was a \$95,000 projection from the Parks Maintenance and Infrastructure fund to be spent. \$81,000 was supposed to be spent on Nall Park and the remaining was to be used for bench replacements in Granada and Carpenter Park. They are postponing the purchase of those benches. There remains \$7-8,000 in the contingency fund and also a \$40,000 stormwater project will not be done this year. Mr. Leon said he feels there is enough flexibility in the fund to take care of change order.

MOTION: CMBR KELLY MOVED AND CMBR FAST SECONDED TO APPROVE CHANGE ORDER NO. 5 IN THE AMOUNT OF \$9,829 FOR THE ADDITIONAL SANITARY SEWER WORK ON THE NALL PARK BATHROOM IMPROVEMENT PROJECT. (MOTION PASSES 7-0; with CMBR Poppa not present for the vote)

D. YEARLY REVIEW OF UNIFORM STANDARD TRAFFIC ORDINANCE (STO) AND UNIFORM PUBLIC OFFENSE CODE (UPOC) (Workshop #7)

Police Chief Morris - need to adopt the Kansas League of Municipalities and coincide the new ordinance numbers. City Attorney Shortlidge has drafted the new paperwork. Traffic code and criminal offense codes for his department. Asked for approval of 938 for STO and 939 for the UPOC. Same as every year.

MOTION: CMBR JANSSEN MOVED AND CMBR RHOADES SECONDED TO APPROVE ORDINANCE 938, THE UNIFORM STANDARD TRAFFIC ORDINANCE, AND ORDINANCE 939, UNIFORM PUBLIC OFFENSE CODE. (MOTION PASSES 8-0)

E. REVIEW ROE BLVD. STP AND CARS FUNDING (Workshop #8)

City Administrator Moody said he has received good news. The committee that reviews and makes recommendations on STP funding has recommended that the City of Roeland Park receive \$4.6 million towards the Roe Boulevard project. The Transportation Policy Committee and the MARC board still need to confirm that recommendation, so they are still about a month and a half away from final approval. CARS will fund 50 percent of the construction cost that is not covered by another grant. The total estimated construction costs are \$8 million for the project, subtracting the anticipated \$4.6 million leaves \$3.4 million that CARS could pay half of, leaving the City's portion at \$1.7 million. Mr. Moody said the City can request a special consideration for this project and ask for a higher than 50 percent contribution. Also the City can reduce estimated project costs by doing less reconstruction, doing a street mill and overlay and curb replacement versus a total reconstruction. They can also pare down on some enhancement elements such as ornamental streetlights and signals. He concluded that this is a very big project for a small city.

CMBR Fast asked if this would affect their ability to apply for other MARC funding. Mr. Moody said that the Sustainable Places grant funds come out of the same pot and every community is eligible to apply. This grant is focused on helping cities get codes updated or design statements updated, which he said a lot of that work has already been done by Kyle Rogler.

Public Works Director Leon said they did not receive the largest funds to a community, but did receive the largest percentage for a project. He added this is a once in a lifetime project. They plan to put out RFP for design and hope to do a survey in 2017.

F. DISCUSSION OF ADDING COUNCIL PURPOSE AND DUTIES SECTION TO CITY CODE (Workshop #9)

Mr. Moody, in a review of the City Administrator and Mayor's duties noted nothing was articulated pertaining to Council's duties. He has put together two new sections and has had the Admin Committee review them as well and presented them to Council and asked for their help to provide clarification for what the purpose, the duties and the powers are of the Council.

Mayor Marquardt suggested changing the use of "morality" when referring to ethics.

CMBR Rhoades questioned the language "regardless of personal consideration" and that as part of ethics, one does not make a decision based on one's own personal gain.

CMBR Kelly said this description is good if someone wants to run for office and wants to look at a job description, and this is nice and concise and in one place description where a person can get the information they needed.

CMBR Kellerman said he believed he received a job description in his packet from the county when he decided to run for Council

MOTION: CMBR KELLY MOVED AND CMBR THOMPSON SECONDED TO APPROVE SECTION 1-204-1, COUNCIL PURPOSE, POWERS AND DUTIES WITH THE CHANGE OF WORKING RECOMMENDED AND TO INCLUDE THE CHANGE IN SECTION 1-204, ADMINISTRATIVE POWERS, TO CHANGE THE WORDING, "IF NO ADMINISTRATIVE AUTHORITY IS DESIGNATED, IT SHALL BE VESTED IN THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE." (MOTION PASSED 8-0)

G. DISCUSS 2016 STORMWATER PROJECT (Workshop #10)

Public Works Director Leon asked the Council to reject the bids and allow them to re-bid the project in the winter for construction to begin in the spring of 2017.

MOTION: CMBR KELLY MOVED AND CMBR FAST SECONDED TO REJECT THE BIDS FOR CONSTRUCTION OF THE 2016 MAINTENANCE PROJECT AT 4800 BIRCH FOR THE REASONS DISCUSSED BY PUBLIC WORKS DIRECTOR LEON. (MOTION PASSES 8-0)

IX. ORDINANCES AND RESOLUTIONS

There was agreement to discuss Item G before proceeding with the remaining items.

A. Resolution 649 Approving the 2017 Budget

Ms. Jones-Lacy said this resolution is an administrative item required by the county clerk and state law that says they have to have a resolution explaining property tax collections will be higher than the previous year.

MOTION: CMBR JANSSEN MOVED AND CMBR KELLY TO APPROVE RESOLUTION 649 APPROVING THE 2017 BUDGET. (MOTION PASSED 8-0)

MOTION: CMBR FAST MOVED AND CMBR JANSSEN SECONDED TO TABLE ORDINANCES AND RESOLUTIONS B, C, D AND F TO THE NEXT COUNCIL MEETING. (MOTION PASSES 7-1, WITH CMBR RHOADES VOTING NO.)

PUBLIC COMMENT:

Tom Madigan - Mr. Madigan said he has had some experience in rentals. He spoke to Senate Bill 366, Section 3(a) and the term "lawful occupant" as someone who has either signed a legal document giving them right to reside, or is someone the owner has said can live here but does not have a signed lease. He also stated that when the property is vacant, there is no lawful occupant to talk to about an inspection. He added that the City of Mission came to a Workshop and talked about interior inspections and said that landlords like it because they use it as a rental tool.

B. ORDINANCE NO. 931, AN ORDINANCE RELATING TO THE ADMINISTRATION OF THE CITY OF ROELAND PARK, KANSAS; AMENDING AND REPEALING EXISTING SECTIONS 1-204, 1-207, 1-208, 1-212, 1-217 AND 1-315 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS

C. Poppa Version CHARTER ORDINANCE NO. 33 A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

D. Rhoades Version CHARTER ORDINANCE NO. 33 A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

E. Poppa Version CHARTER ORDINANCE NO. 34 A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR

F. Rhoades Version CHARTER ORDINANCE NO. 34 A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR

G. ORDINANCE NO. 937 AN ORDINANCE RELATING TO RENTAL HOUSING; AMENDING AND REPEALING EXISTING SECTIONS 5-704, 5-705, 5-706 AND 5-711 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

CMBR Rhoades said he has reviewed both Senate Bill 366 and the City ordinance and feels the express language states that the City cannot do interior inspections. He recommended having a statement on file from the owner of record agreeing to such an inspection.

City Attorney Shortlidge commented that the “lawful occupant” language is awkward in the situation of a vacant property. He believes if the property is vacant, the owner has the right to occupy it since he’s the owner. If owner wanted to consent to an inspection of a vacant property he is within his rights to do so.

CMBR Kellerman said when the Council agreed to interior inspections it was a mechanism for the tenant. This Senate bill says that an occupant can request an inspection. He then directed the discussion toward the City’s ability to pursue administrative search warrants.

City Attorney Shortlidge said his understanding from LKM is that it is not intended to do away with the ability of a city to ask for a search warrant if they have probable cause to believe that there is a violation on the property. The senate bill does, however, negate the existing ordinance. The purpose of the proposed City ordinance is to conform previously adopted regulations to the new state statute.

There was Council discussion as to the term “lawful occupant” as it applies to renter, owner, or owner of a vacant property.

Mayor Marquardt said regardless of the term used, they need permission from someone to do an interior search.

CMBR Fast had called the League of Kansas Municipalities (LKM) who said the bill permits inspections at a tenant’s request if the property owner has been notified.

CMBR Rhoades questioned if the property owner does not agree and the tenant is not asking for it, whether the City has the ability to inspect unless they sign up for something beforehand.

MOTION: CMBR FAST CALLED THE QUESTION ON THE AMENDMENT. (MOTION PASSED 5-4, WITH THE MAYOR BREAKING THE TIE.)

CMBR Kellerman disclosed that he owns rental properties in Roeland Park.

CMBR Kelly called a point of order as discussion stops after a call of the question.

CMBR Rhoades said he did not feel his questions were answered.

MOTION: CMBR KELLERMAN MOVED AND CMBR RHOADES SECONDED TO AMEND SECTION 5-707(b), AND REMOVE THE LAST TWO LINES, “FAILURE OF THE OWNER TO NOTIFY THE CITY THAT A DWELLING HAS BECOME VACANT WITHIN FIFTEEN DAY AFTER VACATION OF THE DWELLING SHALL BE A PUBLIC

OFFENSE.” “INTERIOR INSPECTIONS MAY ALSO BE CONDUCTED PURSUANT TO AN ADMINISTRATIVE SEARCH WARRANT.” (MOTION FAILED)

CMBR Janssen asked for background on Bill 366 and how it came about.

City Attorney Shortlidge clarified that it was ruled unconstitutional to have a mandatory inspection without a search warrant. It also states cities cannot adopt a licensing ordinance which includes a requirement for periodic interior inspections for privately owned residential property for city or county code violations unless the lawful occupant has consented to such interior inspections.

CMBR Fast said that the City of Lawrence has internal inspections because they have a right of entry provision. She said that is what the City’s proposed changes will do is provide a right of entry, getting the tenant’s consent.

MOTION: CMBR FAST CALLED THE QUESTION AND CMBR KELLY SECONDED TO CALL THE QUESTION. (MOTION FAILED 4-4.)

CMBR Janssen expressed concerns with administrative search warrants stating he doesn’t believe that should be done by the City.

CMBR Kelly asked if administrative search warrants can be issued even if not in the ordinance. City Attorney Shortlidge said the City cannot issue administrative search warrants and they must requested from the District Court Judge.

CMBR Thompson asked under what circumstances the City might seek a search warrant. City Attorney Shortlidge gave an example if a tenant asked the City to do an inspection, violations were found and the City informed the landlord, who then evicts the tenant, and City believes the violations still exist could be found as probable cause.

City Administrator Moody said that even though the person is no longer a tenant and cannot make the request for an inspection, there is still compelling evidence. In that instance, staff would approach the property owner of what they’ve been told and asked to look inside. This would also depend upon the character of the conditions and does it rise to the level of safety and health concerns. If it does, then they would be motivated to inspect the property before allowing it to be re-occupied.

CMBR Poppa reiterate CMBR Janssen’s comment that it is not neighborly to seek administrative search warrants as these are businesses in a neighborhood where people live. If an instance does happen they need to find a way to get in and figure out if there is a health concern or health risk. In that case he thinks it would be appropriate to seek out a search warrant and said that was nice to have in there.

There was lengthy discussion regarding the obtaining of an administrative search warrant. Mr. Moody reiterated that if there is probable cause to believe that there is a condition or set of conditions that present as a serious health or safety concern, then the City would seek a warrant.

CMBR Kellerman recommended adding in case of health or safety risk

CMBR McNeil said she felt the issue was becoming too contentious and recommended it be discussed further at another Workshop meeting.

MOTION: CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO TABLE THE ORDINANCE DISCUSSION TO THE NEXT GOVERNING BODY WORKSHOP. (MOTION PASSED 5-4, WITH MAYOR MARQUARDT BREAKING THE TIE)

CMBR Janssen asked there have been any problems to date with existing internal inspections. Ms. Jones-Lacy said they have gone well so far. They work to coordinate with the property owner to set up those inspections. In a few instances they had to return to fix an item. Shiloh said they seem to be mostly in compliance. To date, they have not done any Boulevard Apartment inspections. So far the ones performed on single family homes have been on the honor system.

CMBR Rhoades inquired about the failure to notify the City that a property has become vacant and whether that would trigger an inspection. Suggested language that it is a violation for the property owner not to notify the City if a property is vacant.

MOTION: CMBR RHOADES MOVED TO AMEND THE ORDINANCE TO ADD LANGUAGE WHEN A PROPERTY BECOMES VACANT AN INSPECTION CAN BE DONE AT THAT TIME IF THE OWNER ALLOWS. ADDING AT THE END OF INTERIOR INSPECTIONS, MAY ALSO BE CONDUCTED PURSUANT TO AN ADMINISTRATIVE SEARCH WARRANT IF HAZARDOUS CONDITIONS ARE SUSPECTED.

Mayor Marquardt recommended removing the language “failure of” and add, “The City encourages the owner” to notify the City if the dwelling has become vacant within 15 days after vacation of the dwelling. He also recommended the removal of “shall be a public offense.”

CMBR McNeil recommending adding language for the reason why they the City is to be notified of the vacancy is to allow for an interior inspection of the property.

CMBR Kelly asked if the City is notified of a vacancy does that affect any enforcement capability by the City. City Administrator Moody said an inspection must be requested. The ordinance language does not say you shall inspect, it says that if consented to by the owner or the owner’s representative. So, if they do not consent, an inspection cannot be performed.

CMBR Kellerman asked if a current or past tenant reported a problem, would they do an inspection. City Administrator Moody said they would need to take all the circumstances into consideration as they do not want to go through the time and expense of a search warrant if they do not feel it is warranted. Staff will have to make judgment calls and denial of access to a property is not necessarily a reason for seeking a search warrant.

CMBR Kellerman requested Ms. Jones-Lacy see how many search warrants have been done by ward to date and report back to the Council.

City Attorney Shortlidge explained the process of obtaining an administrative search warrant. Sworn affidavits need to be obtained. If they are false, the affiant can be prosecuted for perjury. The City pays for the warrant. The City Attorney prepares the affidavits and then goes to the district court with the people that have signed the affidavits and meet with the judge. If issued, the search warrant is executed by the property inspector. If they feel there may be a possibility of hostility, they will ask a uniformed officer to accompany them.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO CALL THE QUESTION. (MOTION PASSED 5-4; WITH MAYOR MARQUARDT BREAKING THE TIE)

MOTION: CMBR FAST MOVED AND CMBR RHOADES SECONDED TO APPROVE ORDINANCE NO. 937, AN ORDINANCE RELATING TO UPDATES TO THE RENTAL HOUSING LICENSING PROGRAM; AMENDING AND REPEALING EXISTING SECTIONS 5-704, 5-705, 5-706 AND 5-711 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS. (MOTION PASSED 5-3, WITH CMBRS JANSSEN, RHOADES AND KELLERMAN VOTING NO.)

POLL THE COUNCIL

X. REPORTS OF CITY OFFICIALS

Mayor Marquardt asked for recommendation on the minutes. City Administrator Moody said his recommendation is it is time to begin looking at other options.

CMBR McNeil said some people were expressing concerns with the survey being anonymous. City Administrator Moody said the survey is asking for an opportunity to provide an opportunity to get enrolled in online things, but the information remains confidential with ETC. CMBR KELLERMAN said the survey is not confidential as the code number matches addresses.

XI. ADJOURNMENT

MOTION: CMBR JANSSEN MOVED AND CMBR KELLERMAN SECONDED TO ADJOURN. (MOTION PASSED 8-0)

(Roeland Park City Council Meeting Adjourned at 10:04 p.m.)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-E.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/2/2016
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Renewal of Building Inspection Service Agreement with Westwood**
Item Type: Agreement

Recommendation:

Staff recommends renewing the building inspection service agreement with Westwood.

Details:

The governing bodies of the City of Westwood and the City of Roeland Park approved an interlocal agreement in September of 2012 where both cities assist each other by providing Building Inspection Services in times of need. That original agreement was for a two-year period of time, and expires in October of 2014. Current agreement is attached as well as the renewal agreement. The agreement format is the same, dates and names have been updated.

As presented this interlocal agreement will continue the multi-jurisdictional building inspection services agreement between the cities of Westwood and Roeland Park. The agreement establishes a fee for each community of \$45 per hour for services provided, with detailed reporting to accompany invoices. The agreement is for a similar two year period. The agreement does not require us to use Westwood it merely provides the opportunity.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

Westwood is currently assisting Roeland Park with building inspection services while we recruit for a building official and consider other options.

How does item relate to Strategic Plan?

Encourages inter-governmental service sharing and enhances flexibility.

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
❏ Current Agreement Between Westwood and Roeland Park	Cover Memo
❏ Renewal Agreement Between Westwood and Roeland Park	Cover Memo

AGREEMENT BETWEEN THE CITY OF WESTWOOD AND THE CITY OF ROELAND PARK FOR MULTI-JURISDICTIONAL BUILDING INSPECTION SERVICES

This Agreement for multi-jurisdictional building inspection services (the "Agreement") is made pursuant to K.S.A. section 12-2908, by and between the City of Westwood, Kansas, a Kansas municipal corporation, and the City of Roeland Park, Kansas, a Kansas municipal corporation (collectively referred to as the "Parties").

RECITALS

WHEREAS, K.S.A. section 12-2908 authorizes municipalities to contract with each other to perform any governmental service, activity or undertaking which each contracting municipality is authorized by law to perform; and

WHEREAS, as authorized by statute, the Parties both operate Departments that are engaged in activities relating to permitting, inspection, and plan review services within the area of their respective jurisdictions ("Building Inspection Services"); and

WHEREAS, the Parties desire to enter into this Agreement to allow the Parties to assist each other by providing Building Inspection Services in times of need to allow for more efficient and effective use of public resources and to improve the quality of services provided.

NOW THEREFORE, pursuant to K.S.A. section 12-2908, and in consideration of the mutual advantage received by each Party, the Parties enter into this Agreement upon, and subject to, the following terms and conditions:

I. PURPOSE AND INTENT

The purpose and intent of this Agreement is for the Parties to assist each other by providing Building Inspection Services for each other in times of need. Upon the need of the requesting Party, the other Party shall provide Building Inspection Services in accordance with the requesting Party's adopted building, electrical, plumbing, mechanical or other applicable codes; provided, that the other Party shall not be required to provide such service to the detriment of its ability to service its own needs. As detailed hereafter, the requesting Party shall reimburse the other Party for any Building Inspection Services provided in accordance with this Agreement.

II. PARTIES' RESPONSIBILITIES

1. A Party requesting Building Inspection Services shall give the other Party a minimum of one (1) working day's notice whenever practicable. A request for such service shall be made in person or by telephone to the other Party's Building Official or Inspector designated below. The requesting Party shall timely provide the Building Official/ Inspector all documentation and other information necessary for the requested Building Inspection Services. Both Parties hereby reserve the right to refuse a request for

services in the event that staffing levels are not sufficient to meet the Party's own needs. At all times each Party shall fully maintain the direction and control of its own employees, and at no time shall said employees be considered the employees of the other Party.

2. When providing Building Inspection Services, each Party agrees to:
 - a. Provide all labor, technical, administrative, professional, and other resources, which are requested and necessary to perform the specific Building Inspection Services in accordance with the requesting Party's adopted codes (including any local amendments). This includes attendance at the requesting Party's meetings as necessary, including its City Council, Planning Commission, or Board of Zoning Appeals meetings or Municipal Court.
 - b. Consult as necessary with the property owner or the property owners contractor, developer, designer or other appropriately designated agent to facilitate any necessary corrections.
 - c. Prepare and provide a formal written inspection report for each inspection provided. Said inspection report shall be provided to the requesting Party and, if appropriate, to the property owner or the property owner's contractor, developer, designer or other appropriately designated agent. Said inspection report shall detail the inspection services provided, and verify whether the inspected property and structure is in compliance with the requesting Party's adopted codes. In the event of any noncompliance, the inspection report shall detail such non compliance and any work required to bring said property/structure into compliance.

III. ADMINISTRATION AND COMPENSATION

1. This Agreement shall be administered by the City of Westwood, acting by and through its designated representative, who shall be the City of Westwood public official designated as Project Administrator.
2. Each Party shall be responsible for timely submitting its invoices to the Project Administrator for any Building Inspection Services provided pursuant to this Agreement. The Parties agree to pay each other forty-five dollars (\$45) per hour for all Building Inspection Services provided in accordance with this agreement. Additionally, the parties agree to pay each other a plan review fee for permits on buildings greater than 2,000 sq ft, 50% of the building permit cost.
3. On a quarterly basis, the Project Administrator shall prepare a written summary detailing all Building Inspection Services provided as of such time by either or both Parties, and the invoice amount for the same. The Parties agree to pay their respective amounts due within sixty (60) days of the receipt of the Project Administrator's written summary.

IV. TERM

This Agreement shall be effective for a term of two (2) years from the Effective Date determined below; provided, either Party may terminate this Agreement at any time by providing the other Party with not less than thirty (30) days' written notification of the Party's intent to terminate the Agreement.

V. INDEMNIFICATION AND INSURANCE

1. To the extent permitted by Kansas law, and subject to the provisions of the Kansas Tort Claims Act (including, but not limited to, provisions relating to immunities and maximum liability), each Party hereby agrees to indemnify, defend, and hold harmless the other Party, the other Party's Building Official/ Inspector, and the other Party's elected officials, officers, and other employees from and against all claims, demands, losses, damages, liabilities, administrative and judicial proceedings and orders, judgments and all expenses or costs of any kind, including but not limited to reasonable attorney's fees, defense costs, and expenses arising directly or indirectly, in whole or in part, out of the other Party's provision of Building Inspection Services in accordance to this Agreement. This indemnification paragraph shall survive the termination of this Agreement.
2. During the term of this Agreement each Party shall at its own expense maintain General Liability Insurance in an amount not less than five hundred thousand (\$500,000.00) per occurrence and one million (\$1,000,000.00) annual aggregate. In addition, each Party shall maintain Errors & Omissions Coverage Insurance in the amount of one million (\$1,000,000.00) per occurrence and annual aggregate. Each Party shall furnish the other Party with certificates of insurance evidencing the foregoing coverage and naming the other Party as an additional insured. A violation of this provision may be treated by either Party as a material breach allowing it to immediately terminate this Agreement.
3. Each Party shall maintain Worker's Compensation Insurance in an amount equal to or greater than the minimum amount required by statute. Each Party shall furnish the other Party with a certificate of insurance evidencing the foregoing coverage and naming the other Party as a certificate holder. With respect to any Worker's Compensation claim, it is the Parties' intent that each Party shall be responsible for any such claim made by its own employees, even if such claim arises from any work performed for the other Party under this Agreement. Each Party hereby releases the other Party from all liability for loss due to any act or neglect of the other Party resulting in an injury to a Party's employee. In making this release, each Party agrees that it will use its best efforts to cause its insurer to waive any subrogation rights which the insurer might have against the other Party with respect to expenses incurred or amounts paid under such policies on behalf of the insured Party. A violation of this provision may be treated by either Party as a material breach allowing it to immediately terminate this Agreement.

VI. NOTICES

As stated above, any request for Building Inspection Services shall be made in person or by telephone to the other Party's Building Official or Inspector designated below. Any other notice or other communication required or permitted under this Agreement shall be in writing and shall be deemed to have been given if (i) delivered to the Party at the address set forth below, (ii) if transmitted by facsimile when confirmation of transmission is received, (iii) deposited in the U.S. Mail by registered or certified mail, return receipt requested, to the address set forth below, or (iv) given to a recognized and reputable overnight delivery service to the address set forth below:

To the City of Westwood:

Attn:	With a copy to	Attn: Fred Sherman
Building Inspector		City Clerk
City of Westwood		City of Westwood
4700 Rainbow Blvd.		4700 Rainbow Blvd.
Westwood, KS 66205		Westwood, KS 66205
(913) 362-1550; (913) 362-3308		(913) 362-1550; (913) 362-3308

To the City of Roeland Park:

Attn: Michael Flickinger	With a copy to	Attn: Aaron Otto
Building Official		City Administrator
City of Roeland Park		City of Roeland Park
4600 W. 51 st St		4600 W. 51 st St
Roeland Park, KS 66205		Roeland Park, KS 66205
(913) 722-2600; (913) 722-3713 fax		(913) 722-2600

or at such other address, telephone number or fax number, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this Section.

VII. MISCELLANEOUS PROVISIONS

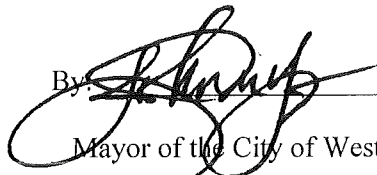
1. **Entire Agreement.** This written Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereto. This Agreement cannot be amended except in writing executed by both Parties. It is also understood that this Agreement may later be amended or supplemented to allow other cities to participate.

2. **Headings.** The headings for each paragraph of this Agreement are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraph or of this Agreement nor in any way affect this Agreement.

3. **Severability.** If any clause or provision of this Agreement is illegal, invalid or unenforceable under any present or future law, the remainder of this Agreement shall not be affected thereby. It is the intention of the Parties that if any such provision is held to be illegal, invalid or unenforceable, there shall be added in lieu thereof a provision as similar in terms to such provision as possible and be legal, valid and enforceable.
4. **Waiver.** The failure to enforce or remedy any noncompliance of the terms and conditions of this Agreement shall not constitute a waiver of either Party's rights or a waiver of the obligation as herein provided.
5. **Preparation of Agreement.** This Agreement has been prepared by the combined efforts of the Parties and is not to be construed against any Party.
6. **Assignment.** This Agreement is not assignable in whole or in part.
7. **No Third-Party Beneficiaries.** This Agreement shall not create any rights to enforcement of the provisions herein to any person or entity that is not a Party to this agreement.
8. **Retention of Records.** Pursuant to law, the Parties must keep and maintain accurate books of records and accounts in accordance with generally accepted accounting principles of liabilities and obligations incurred under this Agreement and all paper, files, accounts, reports and all other material relating to work under this Agreement and must make all such materials available at any reasonable time during the term of this Agreement and for five (5) years from the date of termination for audit, inspection and copying upon any Party's request.
9. **General Compliance with Laws.** The Parties are required to comply with all applicable federal and state law and local ordinances and regulations.
10. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Kansas.
11. **Authority of Signatory.** Each Party represents and warrants that it is a duly formed and validly existing municipal corporation under the laws of the State of Kansas, and that the individual executing this Agreement on behalf of the Party is authorized and empowered to bind the Party.
12. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together constitute one and the same instrument.
13. **Effective Date.** This Agreement shall become effective and binding only upon the execution of this Agreement by both Parties. The Effective Date of this Agreement shall be on the last date of execution by the Parties indicated below.

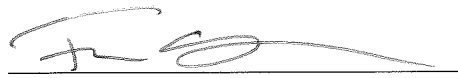
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date(s) cited below by their respective Mayors upon the approval of their Governing Bodies.

THE CITY OF WESTWOOD, KANSAS

By: 

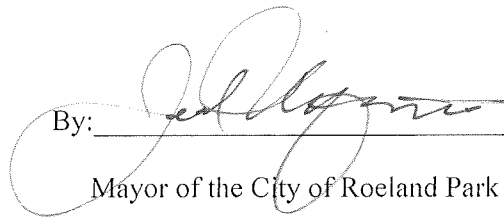
Mayor of the City of Westwood
Date: 9/18/14

ATTESTED TO:



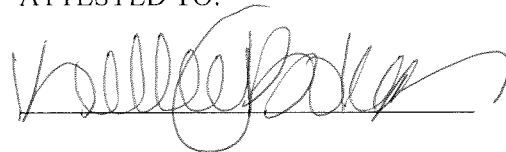
City Clerk of the City of Westwood
Date: 9/18/14

THE CITY OF ROELAND PARK, KANSAS

By: 

Mayor of the City of Roeland Park
Date: 10/22/14

ATTESTED TO:



City Clerk of the City of Roeland Park
Date: 10/22/14

**AGREEMENT BETWEEN THE CITY OF WESTWOOD AND THE CITY OF
ROELAND PARK FOR MULTI-JURISDICTIONAL BUILDING
INSPECTION SERVICES**

This Agreement for multi-jurisdictional building inspection services (the “Agreement”) is made pursuant to K.S.A. section 12-2908, by and between the City of Westwood, Kansas, a Kansas municipal corporation, and the City of Roeland Park, Kansas, a Kansas municipal corporation (collectively referred to as the “Parties”).

RECITALS

WHEREAS, K.S.A. section 12-2908 authorizes municipalities to contract with each other to perform any governmental service, activity or undertaking which each contracting municipality is authorized by law to perform; and

WHEREAS, as authorized by statute, the Parties both operate Departments that are engaged in activities relating to permitting, inspection, and plan review services within the area of their respective jurisdictions (“Building Inspection Services”); and

WHEREAS, the Parties desire to enter into this Agreement to allow the Parties to assist each other by providing Building Inspection Services in times of need to allow for more efficient and effective use of public resources and to improve the quality of services provided.

NOW THEREFORE, pursuant to K.S.A. section 12-2908, and in consideration of the mutual advantage received by each Party, the Parties enter into this Agreement upon, and subject to, the following terms and conditions:

I. PURPOSE AND INTENT

The purpose and intent of this Agreement is for the Parties to assist each other by providing Building Inspection Services for each other in times of need. Upon the need of the requesting Party, the other Party shall provide Building Inspection Services in accordance with the requesting Party’s adopted building, electrical, plumbing, mechanical or other applicable codes; provided, that the other Party shall not be required to provide such service to the detriment of its ability to service its own needs. As detailed hereafter, the requesting Party shall reimburse the other Party for any Building Inspection Services provided in accordance with this Agreement.

II. PARTIES’ RESPONSIBILITIES

1. A Party requesting Building Inspection Services shall give the other Party a minimum of one (1) working day’s notice whenever practicable. A request for such service shall be made in person or by telephone to the other Party’s Building Official or Inspector designated below. The requesting Party shall timely provide the Building Official/ Inspector all documentation and other information necessary for the requested Building Inspection Services. Both Parties hereby reserve the right to refuse a request for

services in the event that staffing levels are not sufficient to meet the Party's own needs. At all times each Party shall fully maintain the direction and control of its own employees, and at no time shall said employees be considered the employees of the other Party.

2. When providing Building Inspection Services, each Party agrees to:
 - a. Provide all labor, technical, administrative, professional, and other resources, which are requested and necessary to perform the specific Building Inspection Services in accordance with the requesting Party's adopted codes (including any local amendments). This includes attendance at the requesting Party's meetings as necessary, including its City Council, Planning Commission, or Board of Zoning Appeals meetings or Municipal Court.
 - b. Consult as necessary with the property owner or the property owners contractor, developer, designer or other appropriately designated agent to facilitate any necessary corrections.
 - c. Prepare and provide a formal written inspection report for each inspection provided. Said inspection report shall be provided to the requesting Party and, if appropriate, to the property owner or the property owner's contractor, developer, designer or other appropriately designated agent. Said inspection report shall detail the inspection services provided, and verify whether the inspected property and structure is in compliance with the requesting Party's adopted codes. In the event of any noncompliance, the inspection report shall detail such non compliance and any work required to bring said property/structure into compliance.

III. ADMINISTRATION AND COMPENSATION

1. This Agreement shall be administered by the City of Westwood, acting by and through its designated representative, who shall be the City of Westwood public official designated as Project Administrator.
2. Each Party shall be responsible for timely submitting its invoices to the Project Administrator for any Building Inspection Services provided pursuant to this Agreement. The Parties agree to pay each other forty-five dollars (\$45) per hour for all Building Inspection Services provided in accordance with this agreement. Additionally, the parties agree to compensate each other 50% of all required plan review fees.
3. On a quarterly basis, the Project Administrator shall prepare a written summary detailing all Building Inspection Services provided as of such time by either or both Parties, and the invoice amount for the same. The Parties agree to pay their respective amounts due within sixty (60) days of the receipt of the Project Administrator's written summary.

IV. TERM

This Agreement shall be effective for a term of two (2) years from the Effective Date determined below; provided, either Party may terminate this Agreement at any time by providing the other Party with not less than thirty (30) days' written notification of the Party's intent to terminate the Agreement.

V. INDEMNIFICATION AND INSURANCE

1. To the extent permitted by Kansas law, and subject to the provisions of the Kansas Tort Claims Act (including, but not limited to, provisions relating to immunities and maximum liability), each Party hereby agrees to indemnify, defend, and hold harmless the other Party, the other Party's Building Official/ Inspector, and the other Party's elected officials, officers, and other employees from and against all claims, demands, losses, damages, liabilities, administrative and judicial proceedings and orders, judgments and all expenses or costs of any kind, including but not limited to reasonable attorney's fees, defense costs, and expenses arising directly or indirectly, in whole or in part, out of the other Party's provision of Building Inspection Services in accordance to this Agreement. This indemnification paragraph shall survive the termination of this Agreement.
2. During the term of this Agreement each Party shall at its own expense maintain General Liability Insurance in an amount not less than five hundred thousand (\$500,000.00) per occurrence and one million (\$1,000,000.00) annual aggregate. In addition, each Party shall maintain Errors & Omissions Coverage Insurance in the amount of one million (\$1,000,000.00) per occurrence and annual aggregate. Each Party shall furnish the other Party with certificates of insurance evidencing the foregoing coverage and naming the other Party as an additional insured. A violation of this provision may be treated by either Party as a material breach allowing it to immediately terminate this Agreement.
3. Each Party shall maintain Worker's Compensation Insurance in an amount equal to or greater than the minimum amount required by statute. Each Party shall furnish the other Party with a certificate of insurance evidencing the foregoing coverage and naming the other Party as a certificate holder. With respect to any Worker's Compensation claim, it is the Parties' intent that each Party shall be responsible for any such claim made by its own employees, even if such claim arises from any work preformed for the other Party under this Agreement. Each Party hereby releases the other Party from all liability for loss due to any act or neglect of the other Party resulting in an injury to a Party's employee. In making this release, each Party agrees that it will use its best efforts to cause its insurer to waive any subrogation rights which the insurer might have against the other Party with respect to expenses incurred or amounts paid under such policies on behalf of the insured Party. A violation of this provision may be treated by either Party as a material breach allowing it to immediately terminate this Agreement.

VI. NOTICES

As stated above, any request for Building Inspection Services shall be made in person or by telephone to the other Party's Building Official or Inspector designated below. Any other notice or other communication required or permitted under this Agreement shall be in writing and shall be deemed to have been given if (i) delivered to the Party at the address set forth below, (ii) if transmitted by facsimile when confirmation of transmission is received, (iii) deposited in the U.S. Mail by registered or certified mail, return receipt requested, to the address set forth below, or (iv) given to a recognized and reputable overnight delivery service to the address set forth below:

To the City of Westwood:

Attn: Eddie McNeil
Building Official
City of Westwood
4700 Rainbow Blvd.
Westwood, KS 66205
(913) 362-1550; (913) 362-3308

With a copy to

Attn: Fred Sherman
Chief Administrative Officer
City of Westwood
4700 Rainbow Blvd.
Westwood, KS 66205
(913) 362-1550; (913) 362-3308

To the City of Roeland Park:

Attn:
Building Official
City of Roeland Park
4600 W. 51st St
Roeland Park, KS 66205
(913) 722-2600; (913) 722-3713 fax

With a copy to

Attn: Keith Moody
City Administrator
City of Roeland Park
4600 W. 51st St
Roeland Park, KS 66205
(913) 722-2600

or at such other address, telephone number or fax number, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this Section.

VII. MISCELLANEOUS PROVISIONS

1. **Entire Agreement.** This written Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereto. This Agreement cannot be amended except in writing executed by both Parties. It is also understood that this Agreement may later be amended or supplemented to allow other cities to participate.

2. **Headings.** The headings for each paragraph of this Agreement are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraph or of this Agreement nor in any way affect this Agreement.

3. **Severability.** If any clause or provision of this Agreement is illegal, invalid or unenforceable under any present or future law, the remainder of this Agreement shall not be affected thereby. It is the intention of the Parties that if any such provision is held to be illegal, invalid or unenforceable, there shall be added in lieu thereof a provision as similar in terms to such provision as possible and be legal, valid and enforceable.
4. **Waiver.** The failure to enforce or remedy any noncompliance of the terms and conditions of this Agreement shall not constitute a waiver of either Party's rights or a waiver of the obligation as herein provided.
5. **Preparation of Agreement.** This Agreement has been prepared by the combined efforts of the Parties and is not to be construed against any Party.
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8. **Retention of Records.** Pursuant to law, the Parties must keep and maintain accurate books of records and accounts in accordance with generally accepted accounting principles of liabilities and obligations incurred under this Agreement and all paper , files, accounts, reports and all other material relating to work under this Agreement and must make all such materials available at any reasonable time during the term of this Agreement and for five (5) years from the date of termination for audit, inspection and copying upon any Party's request.
9. **General Compliance with Laws.** The Parties are required to comply with all applicable federal and state law and local ordinances and regulations.
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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date(s) cited below by their respective Mayors upon the approval of their Governing Bodies.

THE CITY OF WESTWOOD, KANSAS

THE CITY OF ROELAND PARK, KANSAS

By: _____
John M. Yé
Mayor of the City of Westwood

By: _____
Joel Marquardt
Mayor of the City of Roeland Park

Date: _____

Date: _____

ATTESTED TO:

ATTESTED TO:

Frederick L. Sherman
City Clerk of the City of Westwood

Kelley Bohon
City Clerk of the City of Roeland Park

Date: _____

Date: _____

Item Number: Applications/Presentations- A.-1.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/15/2016
Submitted By: Staff
Committee/Department: Admin.
Title: **Bishop Miege Homecoming Parade**
Item Type: Other

Recommendation:

To waive parade permit fee for Bishop Miege Homecoming Parade October 7th.

Details:

In the past few years fee has been waived. Parade permit is for 20-30 cars lasting approximately 10 minutes.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

	Description	Type
	Bishop Miede Parade	Cover Memo



August 31, 2016

MEMO:

To: Joel Marquardt, Mayor, Roeland Park, Kansas

From: Joe Schramp, Assistant Principal, Bishop Miege High School

Re: Homecoming Parade Permit, Waiver of Fee

Mayor, I respectfully request that the \$150 parade permit fee be waived for Bishop Miege High School. The Homecoming Parade is scheduled for October 7th, 2016 at 6:15PM. This is a short parade that travels a short distance. This parade takes little police assistance. There will not be any overtime or additional officer expense. This fee has been waived in past years. We request the fee be waived again this year. Your consideration is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Schramp', is written over the printed name.

Joe Schramp
Assistant Principal
Bishop Miege High School



The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

Police Department (913) 677-3363 – Fax (913) 722 -3745

Street Run/Parade Permit

Permit Fee \$150

Date: 10-7-2016 Start Time: 1815 hours End Time: 1830 hours

Applicant Kenneth Carpenter

Name: Bishop Miege High School Daytime/Cell Phone: 913-262-2701 x262/8165900037

Address: 5041 Reinhardt City, State, Zip: Roeland Park, KS 66205

Chairperson

Name: Joe Schram Daytime/Cell Phone: 816 686 5866

Address: 5041 Reinhardt City, State, Zip: Roeland Park, KS 66205

Organization Information

Organization: Bishop Miege High School Phone: 913 262 2701 ext 262

Address: 5041 Reinhardt City, State, Zip: Roeland Park, KS 66205

Assembly Area: 50th + Reinhardt Starting Point: 50th + Reinhardt Ending Point: 5041 Reinhardt

Route of Travel: (Attach Map) Approximate Number of Persons: 150 Animals: 0 Vehicles: 30

Portion of street to be utilized: _____ Min/Max Speed of Parade: 3 to 15 MPH

Expected interval between parade units: 20' Max length of Parade: 400 yards

Rain Date: N/A Number of volunteers to assist with route access: 10

Signature of Applicant: Kenneth Carpenter Signature of Chairperson: Joe Schram

To be completed by City:

Endorsed by Chief of Police or designee: _____ Yes: _____ No: _____ If No attach reason

If designee (printed name) _____

Dated: _____

Date presented to the City Council: _____

Approved: _____ Denied: _____ Alternate Permit Offered: _____

Copy to City Clerk on: _____ Copy to City Attorney on: _____

Copy to Public Works on: _____ Copy to Police Department on: _____

Copy to Fire Department on: _____ Copy to City Administrator on: _____

Google Maps Google Maps



Home Coming Parade Route

The parade will exit the south parking lot of Bishop Miege North Campus (50th + Reinhardt) driving westbound on 50th to Reinhardt, North on Reinhardt to 48th, East on 48th to Mission Road, South on Mission Road to 53rd, West on 53rd to Reinhardt, North on Reinhardt to the main entrance to Bishop Miege. (5041 Reinhardt)

Item Number: Applications/Presentations- A.-2.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Community Service Award**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Applications/Presentations- A.-3.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **New Officer**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Mayor's Report- IV.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:

Submitted By:

Committee/Department:

Title:

**Kansas Family and Community Education Week Proclamation
(Sheri McNeil and Tim Janssen)**

Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Kansas Family and Community Education Week	Cover Memo



Proclamation

KANSAS FAMILY AND COMMUNITY EDUCATION WEEK

WHEREAS, Kansas Association for Family and Community Education is an independent nonprofit organization instituted for the purpose of enriching families; and

WHEREAS, The mission of Family and Community Education is strengthening individuals, families and communities through; *Continuing Education *Developing Leadership * Community Action

WHEREAS, In Kansas during the past year 51 counties with 98 FCE groups and approximately 1050 members received continuing education through family and community education;

NOW THEREFORE, I, Mayor Joel Marquardt of the City of Roeland Park, Kansas, do hereby proclaim the week of October 9 through 15, 2016 as;

KANSAS FAMILY AND COMMUNITY EDUCATION WEEK

In Kansas and urge all citizens to join in this observation.

WITNESSED THIS 19th DAY OF SEPTEMBER IN THE YEAR 2016

Seal here

JOEL MARQUARDT
Mayor

Item Number: Mayor's Report- IV.-B.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:

Submitted By:

Committee/Department:

Title:

Diaper Need Awareness Week Proclamation (Erin Thompson and Michael Rhoades)

Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Diaper Need Awareness Week	Cover Memo



Proclamation

Diaper Need Awareness Week

Whereas, Diaper Need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and

Whereas, national surveys report that one in three mothers experiencing diaper need at some time while their children are less than three years of age and forty-eight percent of families delay changing a diaper to extend their supply; and

Whereas, the average infant or toddler requires an average of 50 diaper changes per week over three years; and

Whereas, diapers cannot be bought with food stamps or WIC vouchers, and a monthly supply of diapers can cost as much as six percent of a full-time minimum wage worker's salary, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and

Whereas, a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs; and

Whereas, the people of the City of Roeland Park recognize that addressing Diaper Need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities; and

Whereas, the City of Roeland Park is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels; now

Therefore, I, Joel Marquardt Mayor of the City of Roeland Park, do hereby proclaim the week of September 26th through October 2nd, 2016 as

Diaper Need Awareness Week

in the City of Roeland Park and encourage the citizens of Roeland Park to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need to help alleviate diaper need in Roeland Park and environs.

Seal here

JOEL MARQUARDT
Mayor

Item Number: Workshop Reports- V.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 9/19/2016
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:
Title: **Workshop/Ad Hoc Summaries**
Item Type:

Recommendation:

Please see attached

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



Workshop Summary for September 2016

Type

Cover Memo

Workshop Summary September 2016

- Voting Delegates to the League of Kansas Municipalities Annual Conference
 - The governing body moved the item to new business to be discussed at the next Council meeting.
- Committee Appointments and Reappointments
 - Moved to the November Council meeting
- Discussion of Incorporating agenda item process flow chart to Ordinance 931
 - The governing body agreed to add the flow chart to the Ordinance for approval at the September Council meeting
- Discuss weed control along the curb line
 - The Governing Body requested to bring the topic back after staff research environmentally safe products.
- Renewal of building inspection services with the City of Westwood
 - Added to the consent agenda for the next Council meeting
- Discuss pre-school play area fence replacement at community center
 - The governing body asked if the playground could be used for the public after the daycare closes for the day. Keith explained the County was asking for \$2,850 for assistance with the fence. The item was moved to new business for the next Council Meeting.

Ad-Hoc Redevelopment Committee

- Discussed the review of the RFP to level the grade of the caves site by either filling or imploding the old mines. The winning firm, Teracon Pyramid was willing to accept a not to exceed \$942,000 for filling the mine with stable materials. In addition, their approach provided less uncertainty for the stability of the site and makes the property closer to being shovel ready. Their bid was also the lowest.
- Discussed the KDOT right-of-way sale and explained that we are still waiting on an agreement from KDOT for the proportional profits share after the sale of the property.

Branding Committee

From Clay Johnston:

22 graduate students have formed 4 teams, creating competing versions of research participant sample plans, as well as resuming secondary research for the final report. They will receive the preliminary resident survey report, and provide the project management document to guide them through the rest of the process.

20 undergraduate students enrolled in Marketing Research class have received an intensive instruction in qualitative research, specifically focus groups, and have begun crafting the focus group discussion guide that will be used during the data collection phase in a couple weeks, pending the committee's approval.

32 undergrads enrolled in Integrated Marketing Communication have been briefed on the project, and will be crafting competing implementation plans for the launch of the new branding imagery and positioning statement.

- The focus group discussion guide has been shared with the committee as well as promotional fliers for the focus groups.

Item Number: Reports of City Liaisons- VI.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **MARC – Bike & Pedestrian (Sheri McNeil and Becky Fast)**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Reports of City Liaisons- VI.-B.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **MARC – First Tier Suburbs (Teresa Kelly and Erin Thompson)**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Reports of City Liaisons- VI.-C.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Stormwater Management Advisory Council (Jose Leon and Ryan Kellerman)**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: New Business- VIII.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 8/29/2016
Submitted By: Kelley Bohon
Committee/Department: Admin
Title: **Voting Delegates to the League of Kansas Municipalities Annual Conference (est. time 5 min.)**
Item Type: Other

Recommendation:

Staff recommends that the Governing Body move to the September 19th City Council agenda the appointment of _____ and _____ as the City's voting delegates at the 2016 League of Kansas Municipalities Annual Meeting with _____ as the alternate.

Details:

Each year the City has two delegates to the League's annual meeting based on the population of the City. The appointee's may be elected officials or staff. Last year Jennifer and Kelley were appointed.

Councilors Poppa, Fast, and Kelly have indicated an interest.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 LKM Voting Delegates	Cover Memo

August 19, 2016

Dear City Clerks or City Managers/City Administrators:

We are pleased the League's Annual Conference in Overland Park, October 8-10, 2016, is shaping up to be an exciting experience. We have an outstanding program of speakers, panel discussions and workshops planned which were highlighted in the July issue of the *Kansas Government Journal*.

I am writing to invite your city governing body to register its League voting delegates. State law provides that the governing body of each member city of the League may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League. League bylaws provide that a city voting delegate or alternate delegate qualifies by having his or her name, city title and address registered with the executive director.

Each member city needs to file new registration forms with the League of Kansas Municipalities. You may send them one of three ways: by mail to League of Kansas Municipalities, 300 SW 8th Avenue, Topeka, KS 66603; scanning the form and emailing adebusk@lkm.org; or via FAX to 785-354-4186. **Please send forms by Friday, September 16th to the attention of Anna DeBusk.**

Article 4, Sec. 5 of the League Bylaws prescribes the total number of votes provided to each member city based on population. The number of delegate registration forms enclosed is based on the following table.

City Population	No. Votes	No. Delegate Forms	No. Alternate Forms
1 - 2,500	1	1	1
2,501 - 7,500	2	2	2
7,501 - 17,500	3	3	3
17,501 - 37,500	4	4	4
37,501 - 77,500	5	5	5
77,501 - 117,500	6	6	6
117,501 - 157,500	7	7	7
157,501 - 197,500	8	8	8
197,501 - 237,500	9	9	9
237,501 - 277,500	10	10	10
277,501 - 355,500	11	11	11
355,501 - 395,500	12	12	12

A business and policy session of city voting delegates will be held on Monday afternoon, October 10th, at the conference in Overland Park.

I look forward to hearing from you.

Sincerely,



Erik A. Sartorius
Executive Director

Enclosures

CITY VOTING DELEGATE REGISTRATION
League of Kansas Municipalities

The Governing Body of the City of _____

has elected: Name _____

Title _____

Address _____

E-Mail Address _____

to be (circle one)

voting delegate 1 2

alternate voting delegate 1 2

to represent the city in the conduct and management of the affairs of the League of Kansas Municipalities.

Signed: _____

City Clerk

Date: _____

INSTRUCTIONS

Four voting delegate registration forms are enclosed. Based on its current population, your city may have two voting delegates. A separate form should be filed for your voting delegate and for any alternate delegate you elect.

Actions taken at the League's annual business session are taken by vote of the individual voting delegates present unless the weighted voting system is triggered by the request of ten or more delegates.

If the weighted voting system is used, a roll call vote of member cities will be held. Under a roll call by city, your city will have one vote.

State Law Authorizing City Delegates

K.S.A. Supp. 12-1601f. "The governing body of each member city may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League of Kansas Municipalities."

League Bylaw on Election and Qualifying of Delegates

Article 2, Section 2. "When a city is a member of the League, any elected or appointed officers of such city may be elected by the city governing body as voting delegates and alternate voting delegates in accordance with the provisions of Article 4 of these bylaws, to represent the city in any meeting of the voting delegates and in the conduct of any other affairs of the instrumentality requiring action of the member cities. Alternate voting delegates may vote on matters before a meeting of the voting delegates in the absence of the regular delegate. A voting delegate or alternate shall qualify by having his or her name, city, title and address registered with the executive director and shall hold such position while qualified and until a successor is elected and qualified."

Item Number: New Business- VIII.-B.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/1/2016
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Discuss Preschool Play Area Fence Replacement at Community Center**
Item Type: Other

Recommendation:

No Action. JOCOPR has indicated they will install the iron fence and are no longer requesting financial assistance from the City. This decision occurred after Council had discussed the issue and referred it to this meeting. We left the item on the agenda to serve as an update.

Details:

Picture of iron fence:



Picture of black vinyl coated chain link:



Financial Impact

Amount of Request: No Amount Requested	
Budgeted Item?	Budgeted Amount: \$0
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

Provides for regular maintenance of public facilities and enhances the appearance.

How does item benefit Community for all Ages?

Supports child care options for residents.

Item Number: **Ordinances and Resolutions:- IX.-**
 A.
Committee **9/19/2016**
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 7/14/2016
Submitted By: Janssen, Fast, Poppa
Committee/Department: Admin
Title: **ORDINANCE NO. 931 AN ORDINANCE RELATING TO THE
ADMINISTRATION OF THE CITY OF ROELAND PARK, KANSAS;
AMENDING AND REPEALING EXISTING SECTIONS 1-204, 1-
207, 1-208, 1-212, 1-217 AND 1-315 OF THE CODE OF THE CITY
OF ROELAND PARK, KANSAS**
Item Type: Ordinance

Recommendation:

Adoption of workshop structure for holding Governing Body meetings outside of City Council meetings.

Details:

Last year Cmbrs. Janssen and Poppa were tasked with researching and recommending process improvements and standard operating procedures for Committee of the Whole/Standing Committees. After presenting several drafts of the proposed restructuring at previous meetings, Cmbrs. Janssen and Poppa - and most recently with Cmbr. Fast - re-evaluated the proposed process based on feedback from the Governing Body. The revised Committee of the Whole/Standing Committees structure was produced to assist the Governing Body in more effectively crafting and enacting policy.

Additionally, there appear to be some conflicts in the City Code regarding the duties of the Council and Mayor that possibly conflict with the City's form of government. Proposed updates to these sections are also included.

Updates to City Code reflected in Ordinance 931:

- Updated Council President nominations/election date from May to February, annually (term to

effectively begin following adjournment of February meeting).

- Updated duties of Council President to preside at Workshops, given that Co-chairs may present service area specific items.
 - Updated all instances of "Committee of the Whole" to read "Governing Body Workshop"
 - Inserted section outlining days, times and location of Governing Body Workshops.
 - Clarified that a majority of Councilmembers elect shall constitute a quorum for business at all meetings for the Governing Body.
 - Updated all instances of "Standing Committees" to read "Service Areas".
 - Removed reference to ranking Council positions in standing service areas.
 - Updated all instances of "Chair and Co-Chair" to read "Co-Chair".
 - Updated Term Expiring dates from odd to even years on Council position chart.
- Combined service area rotations schedule into one chart (no change to data).
- Updated multiple instances of "Council" or "City Council" to read "Governing Body" in order to maintain consistent references throughout Article 2.

- Resolved possible conflicts in City Code regarding the duties of the Council and Mayor by removing superintending control verbiage under Mayor; Powers and Duties.
- Clarified duties of Mayor by inserting verbiage to reflect explicit supervision of elected official conduct.
- Clarified duties of City Administrator by inserting verbiage in Sec. 1-315 authorizing City Administrator to sign agreements on behalf of City subsequent to Council approval.
- The process followed for putting items on the workshop agenda added to ordinance.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

The attached ordinance reflects changes discussed and acted on at the 7/18 council meeting and 9/3 council workshop.

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 Ordinance 931	Cover Memo

ORDINANCE NO. 931

**AN ORDINANCE RELATING TO THE ADMINISTRATION OF THE CITY OF ROELAND PARK, KANSAS;
AMENDING AND REPEALING EXISTING SECTIONS 1-204, 1-207, 1-208, 1-212, 1-217 AND 1-315 OF THE
CODE OF THE CITY OF ROELAND PARK, KANSAS; ADDING NEW SECTION 1-204.1 TO THE CODE OF THE
CITY OF ROELAND PARK, KANSAS**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. Existing Section 1-204 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-204. – Administrative Powers.

The Governing Body may designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer, or the Mayor. If no administrative authority is designated it shall be vested in the City Administrator or his/her designee.

SECTION 2. Existing Section 1-207 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-207. - Workshops.

The regular meetings of the Governing Body Workshop shall be held on the first and third Mondays of each month at 6:00 p.m. in or adjacent to the Council Chambers of the Roeland Park City Hall, 4600 W. 51st Street, Roeland Park, Kansas, or at such other location as may be designated in a notice of meeting. In case the first or third Monday of any month falls on a holiday, the regular meeting may be held on the next secular day thereafter that is not a legal holiday or the fourth Monday of the same month. The procedure for a Councilmember to add a topic as an agenda item for a Workshop meeting shall be as follows:

1. A Councilmember generates an idea for an agenda topic;
2. The Councilmember gains the support of two (2) other Councilmembers;
3. The Councilmember submits a completed Action Form to the City Administrator;
4. The City Administrator takes the completed Action Form to the agenda-setting meeting with the Mayor and Council President;
5. Space is identified for discussion of the topic on an upcoming Workshop agenda (not necessarily the next Workshop meeting); and
6. The topic is placed on an upcoming agenda and "workshopped."

SECTION 3. Existing Section 1-208 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-208. - Quorum.

At all meetings of the Governing Body, a majority of the Councilmembers elect shall constitute a quorum to do business, but a minority may adjourn from day to day and may compel the attendance of absentees by a fine not exceeding \$10.00 for each offense unless a reasonable excuse be offered.

SECTION 4. Existing Section 1-212 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-212. – Same; Amendment to Section 7.

Section 7 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Public Comment. The Governing Body may by resolution adopt guidelines for the consideration of public comment at meetings of the Governing Body.

SECTION 5. Existing Section 1-217 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-217. - Same; Addition to Code of Procedure for Kansas Cities (Chairs and Co-Chairs of Service Areas).

The following shall be an addition to the Code of Procedure for Kansas Cities:

Chairs and Co-Chairs of Service Areas. All members of the City Council shall serve as Service Area representatives. Two members shall be appointed annually to serve one-year terms as Co-Chairs of each standing Service Area for the following year. Beginning on January 1, 2017, service area membership shall rotate annually each March in accordance with the schedule set forth below. The following shall be the standing Service Areas:

Administrative (1)

Finance (2)

Safety (3)

Public Works (4)

Each Council position has been assigned a position number for purposes of Service Area assignments:

Ward	Term Expiring	Position
1	2020 (2024)	1
1	2018 (2022)	2
2	2018 (2022)	3

2	2020 (2024)	4
3	2018 (2022)	5
3	2020 (2024)	6
4	2018 (2022)	7
4	2020 (2024)	8

Appointments will change on an eight-year rotation schedule according to the following schedule:

Service Area	2016	2017	2018	2019	2020	2021	2022	2023
(1)	8-1	1-7	7-2	2-6	6-3	3-5	5-4	4-8
(2)	7-4	4-6	6-1	1-5	5-2	2-8	8-3	3-7
(3)	6-3	3-5	5-4	4-8	8-1	1-7	7-2	2-6
(4)	5-2	2-8	8-3	3-7	7-4	4-6	6-1	1-5

Whoever is elected to fill that member's seat will take the position that the outgoing member had in the rotation. At the end of the rotation after year 8, the rotation schedule will start over (with the assignments being the same as for year 1).

SECTION 6. Existing Section 1-315 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-315. – City Administrator.

- (a) *Office of City Administrator established.* There is hereby created and established the office of City Administrator for the City.
- (b) *Appointment and tenure.* A qualified person shall be appointed City Administrator by the Mayor. Such appointment shall be approved by a majority of the City Council. The person so appointed shall serve at the pleasure of the Council, for an indefinite term.
- (c) *Qualifications.* The person appointed to the office of City Administrator shall be at least 25 years of age and shall be a resident of Johnson County, Kansas, unless otherwise waived, at the time of the

effective date of such appointment; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

- (d) *Bond.* The City Administrator, before entering upon the duties of his or her office, shall file with the City a bond in the amount of \$50,000.00, such bond shall be approved by the City Council and such bond shall insure the City for the faithful and honest performance of the duties of the City and for rendering a full and proper account to the City for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.
- (e) *Compensation.* The City Administrator shall receive such compensation as may be determined from time to time by the City Council and such compensation shall be payable bi-weekly.
- (f) *Removal of City Administrator.* The City Administrator shall serve at the pleasure of the City Council. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will, and such City Administrator may also be removed by a 2/3 vote of the City Council independently of the Mayor's approval or disapproval.
- (g) *Duties.*
 - (1) *Administrative office:* The City Administrator shall be the Chief Administrative Assistant to the Governing Body. Except as otherwise specified by ordinance or by the law of the State of Kansas, the City Administrator shall coordinate and supervise the operation of all departments of the City.
 - (2) *Budget:* The City Administrator shall be the budget officer of the City in accordance with Kansas Statutes and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and The City Council for their final approval.
 - (3) *Financial reports:* The City Administrator shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial conditions of the City in relation to the budget.
 - (4) *Annual report:* The City Administrator shall prepare and present to the Mayor and the City Council an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and City Council may require.
 - (5) *Personnel system:* The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and City Council and administer an appropriate position classification system and pay plan, as approved by the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay

plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with personnel system regulations approved by the City Council) all subordinate employees of the City. The City Administrator shall make recommendations to the Mayor regarding the appointment and removal of all appointive officials of the City.

- (6) *Policy formulation.* The City Administrator shall recommend to the Mayor and City Council adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
- (7) *City Council agenda:* The City Administrator shall assist the Mayor in preparing an agenda for each City Council meeting at least 48 hours before the time of the regular Council meeting.
- (8) *Boards and committees:* The City Administrator shall work with all City boards and committees to help coordinate the work of each.
- (9) *Attend Council meetings:* The City Administrator shall attend all meetings of the City Council.
- (10) *Bid specifications:* The City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council.
- (11) *State and federal aid program:* The City Administrator shall coordinate federal and state programs which may have application to the City.
- (12) *Conference attendance:* The City Administrator shall attend state and regional conferences and programs applicable to his or her office, and the business of the City, whenever such attendance is directed and approved by the City Council and the Mayor.
- (13) *Press release:* The City Administrator, in conjunction with the Mayor, shall be responsible for keeping the public informed in the purposes and methods of City government through all available news media.
- (14) *Record keeping:* The City Administrator shall keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the City and entrusted to his or her care; except as otherwise provided by law, all such records shall be and remain the property of the City and be open to inspection by the Mayor and the City Council at all times.
- (15) *Sign contracts:* The City Administrator shall sign contracts on behalf of the City after the contract has been approved or authorized by the City Council.
- (16) *Enforce ordinances.* The City Administrator shall execute and enforce all ordinances of the City.
- (17) The City Administrator shall perform such other duties as may be described or amended in any City Administrator job description or employment contract.

(h) *Powers*

- (1) *City property*: The City Administrator shall have responsibility for all real and personal property of the City subject to his or her authority. He or she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council. Real property may be sold only with the approval of the City Council by resolution or ordinance.
- (2) *Implement administrative policies*: The City Administrator shall have the power to prescribe such rules and regulations as he or she shall deem necessary or expedient for the implementation of administrative policies as set forth by the Governing Body.
- (3) *Coordinate officials*: The City Administrator shall have the power to overrule any action taken by a department head subject to his or her authority, and may supersede him or her in the functions of such office.
- (4) *Investigate and report*: The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his or her jurisdiction, and shall report on any condition or fact concerning the City government requested by the Mayor or City Council.
- (5) *Appear before the City Council*: The City Administrator shall have the power to appear before and address the City Council at any meeting.
- (6) At no time shall the duties or powers of the City Administrator supersede the lawful action of the Mayor and/or City Council.

SECTION 7. Section 1-204.1 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows.

1-204.1. – Council Purpose, Powers and Duties.

- (a) Purpose. Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of ethics and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long-term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. The Council is responsible for setting policy and community direction.
- (b) Powers and Duties. The Council has the duty to meet and consider policy and community direction issues and the authority to adopt said policy. All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as prescribed by law. All legislative authority granted or limited by law shall be vested in the Mayor and City Council as the Governing Body of the City. No member of the Council shall directly interfere with the conduct of any department, except at the express direction of the Council.

SECTION 8. Existing Sections 1-204, 1-207, 1-208, 1-212, 1-217 and 1-315 of the Code of the City of Roeland Park, Kansas are hereby repealed.

SECTION 9. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 19th day of September, 2016. APPROVED by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-
 B.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 9/16/2016
Submitted By: City Attorney
Committee/Department: Administration

Title: **Poppa Version CHARTER ORDINANCE NO. 33 A CHARTER
ORDINANCE AMENDING AND REPEALING CHARTER
ORDINANCE NO. 26; ALSO AMENDING AND REPEALING
EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE
CITY OF ROELAND PARK, KANSAS.**

Item Type:

Recommendation:

Approval of one version of Charter Ordinance 33.

Details:

Charter Ordinance 33 addresses the process for selecting the Council President. There are two versions as a majority of the governing body approved language in both versions at prior workshops/council meetings. This Version is being referred to as the Poppa Version as it reflects language presented by Poppa.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

The version of Ordinance 33 approved will impact which version of Charter Ordinance 34 that

should be approved. The approved versions of 33 and 34 should have the same named reference in order for the final code sections affected (by ordinance 931, 33, 34) to be cohesive.

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 Poppa Charter Ordinance 33	Cover Memo

Poppa Version
CHARTER ORDINANCE NO. 33

**A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER
ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-
203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS:**

SECTION 1. Existing Section 1-203 of the Code of the City of Roeland Park, Kansas, originally enacted as part of Charter Ordinance No. 26, is hereby amended to read as follows:

1-203. - President of the Council.

- (a) Beginning on May 1, 2014, there shall be a President of the Council who shall serve a one-year term and who shall be selected in accordance with the following procedure. As of January 1, 2017, at the first Council meeting in February of each year, nominations shall be made and an election shall be held. Once the nominations are made, a brief five-minute speech will be allowed from each candidate. Upon election by the majority of a quorum present, the President shall be elected for the next term. This process will be repeated annually each February.
- (b) The President of the Council shall have the following duties:
 - (1) Preside at meetings of the City Council in the absence of the Mayor while retaining all the privileges of a Councilmember;
 - (2) Preside at all Governing Body Workshops, with the understanding that Co-Chairs of a Service Area may present items specific to their assigned area (i.e. Administration, Public Works, Public Safety or Finance);
 - (3) Participate in meetings or events on behalf of the Mayor when the Mayor cannot attend due to a schedule conflict; and
 - (4) Advise and consult with City staff when an urgent issue arises and the Mayor cannot be reached in a reasonable period of time after attempts to reach the Mayor have been made.

SECTION 2. Existing Section 1-203.1 of the Code of the City of Roeland Park, Kansas, originally enacted as part of Charter Ordinance No. 26, is hereby amended to read as follows:

1-203.1 - Acting President of the Council.

In the absence of both the Mayor and the President of the Council at a meeting of the Governing Body, the Council shall elect one of its members to serve as Acting President of the Council who

shall preside at the meeting. While presiding at a meeting of the Governing Body, the Acting President of the Council shall retain all the privileges of a Councilmember.

SECTION 3. Charter Ordinance No. 26 and existing Sections 1-203 and 1-203.1 of the Code of the City of Roeland Park, Kansas, are hereby repealed.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 19th day of September, 2016.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-
 C.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 9/16/2016
Submitted By: City Attorney
Committee/Department: Administration

Title: **Rhoades Version CHARTER ORDINANCE NO. 33 A CHARTER
ORDINANCE AMENDING AND REPEALING CHARTER
ORDINANCE NO. 26; ALSO AMENDING AND REPEALING
EXISTING SECTIONS 1-203 AND 1-203.1 OF THE CODE OF THE
CITY OF ROELAND PARK, KANSAS.**

Item Type: Ordinance

Recommendation:

Approval of one version of Charter Ordinance 33.

Details:

Charter Ordinance 33 addresses the process for selecting the Council President. There are two versions as a majority of the governing body approved language in both versions at prior workshops/council meetings. This Version is being referred to as the Rhoades Version as it reflects language presented by Rhoades.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

The version of Ordinance 33 approved will impact which version of Charter Ordinance 34 that

should be approved. The approved versions of 33 and 34 should have the same named reference in order for the final code sections affected (by ordinance 931, 33, 34) to be cohesive.

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 Rhoades Charter Ordinance 33	Cover Memo

**Rhodes Version
CHARTER ORDINANCE NO. 33**

**A CHARTER ORDINANCE AMENDING AND REPEALING CHARTER
ORDINANCE NO. 26; ALSO AMENDING AND REPEALING EXISTING SECTIONS 1-
203 AND 1-203.1 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS:**

SECTION 1. Existing Section 1-203 of the Code of the City of Roeland Park, Kansas, originally enacted as part of Charter Ordinance No. 26, is hereby amended to read as follows:

1-203. - President of the Council.

- (a) Beginning on February 1, 2017, there shall be a President of the Council who shall serve a one year term and who shall be selected in accordance with the following procedure. At a Council meeting in February of each year, nominations shall be made and an election shall be held no later than the last Council meeting in February. Once the nominations are made, a brief five-minute speech will be allowed from each candidate. Upon election by a majority of the Councilmembers present, the President of the Council shall be elected for the next term. The Mayor does not have a tie breaking vote in the selection of the President of the Council. If a majority vote of Councilmembers present cannot be met:
 - 1. If there are more than two nominations, the number of nominations shall be narrowed down to two and the process repeated. The top two vote getters shall move on. If there is a tie between the second or more vote getters, a coin flip shall decide who is in the top two.
 - 2. If there is still a tie and any Councilmembers are not present, an interim President of the Council shall be selected that is not running for the one year term President of the Council and shall serve until the next Council meeting where this process shall be repeated by the top two vote getters.
 - 3. If all members are present at the Council meeting in May and a decision cannot be made, a coin shall be flipped to determine the President of the Council.
 - 4. If a vote at the next Council Meeting was required, regardless if any members are not present, and if the vote is still a tie, a coin shall be flipped to determine the President of the Council.

This process will be repeated annually each February.

(b) The President of the Council shall have the following duties:

- (1) Preside at meetings of the City Council in the absence of the Mayor while retaining all the privileges of a Councilmember;

- (2) Preside at all Governing Body Workshops, given that that Co-Chairs may present items specific to their assigned service area (i.e. Administration, Public Works Public Safety or Finance);
- (3) Participate in meetings or events on behalf of the Mayor when the Mayor cannot attend due to a schedule conflict; and
- (4) Advise and consult with City staff when an urgent issue arises and the Mayor cannot be reached in a reasonable period of time after attempts to reach the Mayor have been made.

SECTION 2. Existing Section 1-203.1 of the Code of the City of Roeland Park, Kansas, originally enacted as part of Charter Ordinance No. 26, is hereby amended to read as follows:

1-203.1 - Acting President of the Council.

In the absence of both the Mayor and the President of the Council at a meeting of the Governing Body, the Council shall elect one of its members to serve as Acting President of the Council who shall preside at the meeting. While presiding at a meeting of the Governing Body, the Acting President of the Council shall retain all the privileges of a Councilmember. If the election for the Acting President of the Council results in a tie, a coin shall be flipped.

SECTION 3. Charter Ordinance No. 26 and existing Sections 1-203 and 1-203.1 of the Code of the City of Roeland Park, Kansas, are hereby repealed.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 19th day of September, 2016.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-
 D.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 9/16/2016
Submitted By: City Attorney
Committee/Department: Administration

Title: **Poppa Version CHARTER ORDINANCE NO. 34 A CHARTER
ORDINANCE EXEMPTING THE CITY OF ROELAND PARK,
KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307
RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND
PROVIDING SUBSTITUTE PROVISIONS THEREFOR**

Item Type: Ordinance

Recommendation:

Approval of this version of 34 if the Poppa version of 33 is approved.

Details:

Charter Ordinance 34 addresses the Mayors powers and duties. There are two versions as the version of 33 that is approved impacts the language that should be changed in 34. This Version is being referred to as the Poppa Version as it is tied to the version of 33 presented by Poppa.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 Poppa Charter Ordinance 34	Cover Memo

Poppa Version

CHARTER ORDINANCE NO. 34

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. The City of Roeland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-301 and 14-307 that apply to this city, but are parts of enactments which do not apply uniformly to all cities, and to provide substitute and additional provisions therefor.

SECTION 2. Section 1-202 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-202. - Mayor; Powers and Duties.

The Mayor shall:

- (a) Preside at all meetings of the Governing Body, except as set forth in Section 1-203(b)(2);
- (b) Have the tie-breaking vote on all questions when the members present are equally divided;
- (c) Promote good conduct and cause to be remedied any neglect, carelessness, or other violation of duty of all elected officers;
- (d) Sign the commissions and appointments of all officers elected or appointed;
- (e) Endorse the approval of the Governing Body on all official bonds;
- (f) From time to time communicate to the City Council such information and recommend such measures as he or she may deem advisable;
- (g) Have the power to approve or veto any ordinance as the laws of the state shall prescribe; and
- (h) Sign all orders and drafts drawn upon the City Treasurer for money.

SECTION 3. Existing Section 1-202 of the Code of the City of Roeland Park, Kansas is hereby repealed.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 19th day of September, 2016.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-
 E.
Committee 9/19/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 9/16/2016
Submitted By: City Attorney
Committee/Department: Administration

Title: **Rhodes Version CHARTER ORDINANCE NO. 34 A CHARTER
ORDINANCE EXEMPTING THE CITY OF ROELAND PARK,
KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307
RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND
PROVIDING SUBSTITUTE PROVISIONS THEREFOR**

Item Type: Ordinance

Recommendation:

Approval if the Rhodes version of 33 is approved.

Details:

Charter Ordinance 34 addresses the Mayors powers and duties. There are two versions as the version of 33 that is approved impacts the language that should be changed in 34. This Version is being referred to as the Rhodes Version as it is tied to the version of 33 presented by Rhodes.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
 Rhoades Charter Ordinance 34	Cover Memo

Rhoades Version

CHARTER ORDINANCE NO. 34

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 14-301 AND 14-307 RELATING TO THE POWERS AND DUTIES OF THE MAYOR AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. The City of Roeland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-301 and 14-307 that apply to this city, but are parts of enactments which do not apply uniformly to all cities, and to provide substitute and additional provisions therefor.

SECTION 2. Section 1-202 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

1-202. - Mayor; Powers and Duties.

The Mayor shall:

- (a) Preside at all meetings of the Governing Body, except as set forth in Section 1-203(b)(2);
- (b) Have the tie-breaking vote on all questions when the members present are equally divided, except as set forth in Section 1-203(a);
- (c) Promote good conduct and cause to be remedied any neglect, carelessness, or other violation of duty of all elected officers;
- (d) Sign the commissions and appointments of all officers elected or appointed;
- (e) Endorse the approval of the Governing Body on all official bonds;
- (f) From time to time communicate to the City Council such information and recommend such measures as he or she may deem advisable;
- (g) Have the power to approve or veto any ordinance as the laws of the state shall prescribe; and
- (h) Sign all orders and drafts drawn upon the City Treasurer for money.

SECTION 3. Existing Section 1-202 of the Code of the City of Roeland Park, Kansas is hereby repealed.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 19th day of September, 2016.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-F.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:	9/16/2016
Submitted By:	Jennifer Jones-Lacy
Committee/Department:	Admin.
Title:	Ordinance No. 941 - Amendment Related to City Code on Signs
Item Type:	Ordinance

Recommendation:

Approve Ordinance 941 amending the Zoning Code on sign regulations as recommended by the City Planning Commission.

Details:

The State of Kansas recently approved legislation that prohibits the regulation of political signs on private property or in the right-of-way for streets during the 45-day period prior to an election and two- day period after. However, regulating signs based on content is a violation of federal law. The Council decided to follow the tenants of Federal law and not integrate the state statute. However, in reviewing the City sign code, the City Attorney noticed some additional language that needed to be updated. Primary changes include:

- Adding a definition for Government Sign
- Updating the definition of a Sign to explain what a sign “is not”
- Adding a Definition for Vehicle Sign
- Establishing that sign permit fees shall be set by resolution approved by the Governing Body

Other changes are primarily formatting and grammatical in nature. Attached is the redlined version of the changes to City Code approved by the Planning Commission on August 16th and the proposed Ordinance which incorporates those changes.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description		Type
☐	Ordinance 941	Cover Memo
☐	Sign Regulations	Cover Memo

ORDINANCE NO. 941

AN ORDINANCE RELATING TO THE ZONING REGULATIONS OF THE CITY OF ROELAND PARK, KANSAS; AMENDING SECTIONS RELATING TO SIGNS; AMENDING AND REPEALING EXISTING SECTIONS 16-902, 16-903, 16-907, 16-908, 16-909, 16-910 AND 16-917 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS;

SECTION 1. Existing Section 16-902 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-902. – Findings and Intent; Interpretation.

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Article is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic investment. This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This Article is based on the following legislative intent and findings.
1. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or building. Therefore, the intent of this Article is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified above.
 2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 3. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 4. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
 5. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the federal government, the State of Kansas, Johnson County, or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of signs that falls within the immunities of the government from regulation.

6. Many signs are intended to be temporary in nature, and so do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and present a potential hazard to persons and property. Severe weather conditions include, but are not limited to, thunderstorms with accompanying high winds, tornadoes, ice accumulation, and flooding, and are characteristic of local weather conditions.
8. The primary purpose of signs unrelated to traffic and placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers.
9. Signs inherently are out of keeping with their surroundings; they are intended to attract attention. Their purpose fails if they meld into the landscape. As such, they are a visual blight where the visual clutter of signs is at odds with the City's policy to make structures blend into the topography and be compatible with their natural surroundings.
10. Signs have an adverse effect on the aesthetic quality of a City, and thus risk depreciating property values. This potential adverse effect conflicts with the City's policy to enhance the quality of life through other land use regulations.
11. Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the vista from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.

SECTION 2. Existing Section 16-903 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-903. - Definitions.

- (a) A-frame or sandwich sign means any sign supported from the ground utilizing one or more rear supporting braces, in which the combination of the sign and supports forms the letter "A," in the manner of a artist's easel.
- (b) Abandoned sign means any sign on any building, structure or premises that has been vacated for a six month period of time.
- (c) Attention-attracting device means a device with flashing, blinking, rotating, twirling or moving action, a changeable copy sign on which the message changes more than eight times per day, but not including a search light, or a balloon or an air or gas filled object designed or intended to attract the attention of the public to an establishment or to a sign.
- (d) Backlight sign means any sign that displays direct or indirect light from the back of that sign through a transparent, translucent or open material.
- (e) Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
- (f) Building inspector means the building official of the City of Roeland Park, Kansas, or other designated authority charged with the administration or enforcement of the provisions of this article, or his or her duly authorized representatives.
- (g) Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

- (h) Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the sign surface.
- (i) Code means the Code of the City of Roeland Park, Kansas, as hereinafter amended.
- (j) Commercial sign means any sign that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (k) Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the Building Inspector.
- (l) Detached sign means a sign located on the ground or on a structure located on the ground and not attached to a building.
- (m) Directional sign means any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
- (n) Directly illuminated sign means any sign the source of illumination of which is exposed to the human eye, such as, but not limited to, an incandescent bulb or fluorescent tube.
- (o) Government sign means a sign that is constructed, placed, or maintained by the federal, state or local government, or a sign that the federal, state or local government requires a property owner to construct, place or maintain either directly or to enforce a property owner's rights, including, but not limited to, traffic control devices, parking control signs, street identification signs, warning signs, legal postings and signs prohibiting or controlling access to property.
- (p) Holiday decorations means displays erected on a seasonal basis in observance of religious, national or state holidays that are not intended to be permanent in nature and that do not constitute commercial signs.
- (q) Indirectly illuminated sign means any sign that is partially or completely illuminated at any time by a light source that is a shielded so as to not be visible at eye level.
- (r) Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed, and constructed to provide protection from the weather.
- (s) Marquee sign means any sign attached to, or in any manner made a part of a marquee.
- (t) Monument sign means a detached sign the width of which is a minimum of one and one-half times the width of the widest part of sign surface and the base of which consists of two or more supports and the height of the base is not more than two feet above the average grade of the ground. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the building it is identifying.
- (u) Neon sign means a directly illuminated sign for which the light source is luminescent gas.
- (v) Non-affixed sign means any sign that is not permanently affixed to a building, structure or the ground.
- (w) Noncommercial sign means any sign that is not a commercial sign.
- (x) Nonconforming sign means any sign that does not comply with the sign provisions of this article or any other applicable provision of the Code.
- (y) Outdoor advertising sign means any sign advertising or directing attention to a name, a business, product, development, project, or service that is offered, manufactured, or sold at a location other than the premises upon which the sign is situated (commonly known as a billboard).
- (z) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

- (aa) Portable sign means any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-frame or sandwich sign; balloons or other gas or air filled objects used as commercial signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.
- (bb) Projecting sign means any sign located on the face of the building extending more than one foot from the face of the building to which it is attached.
- (cc) Public property, for the purposes of this article only, means:
 - (1) Any public building or premise owned by a governmental entity;
 - (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway;
 - (3) The unpaved area between the street lines of any street adjacent to a tract of land owned or leased by a governmental entity;
 - (4) Any street sign or any traffic sign or signal;
 - (5) Any telephone, telegraph, electric wire, power, street lamp post or any other utility pole or line, or any fire hydrant;
 - (6) Any tree or other vegetation on public property, including without limitation those in between the street lines of a public street; and
 - (7) Any public park, open space area, bench, drinking fountain, or other property owned or leased by a governmental entity and used for governmental purposes.
- (dd) Roof sign means any sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principle means of support.
- (ee) Semi-illuminated sign means any sign located on a building face that is uniformly illuminated over the sign surface by use of electricity or other artificial light.
- (ff) Sight distance triangle means the two areas on all corner lots within the triangles formed by a short leg 15 feet long and a long leg 140 feet, both distances measured along the curblane or edge of the pavement.
- (gg) Sign means a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face must be considered to be a sign. Provided, however, that the following shall not be considered to be signs: signs located completely within an enclosed building, and not exposed to view from a street; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height.
- (hh) Sign alteration means the replacement, enlargement, reduction, reshaping, changing or adding to a sign, or sign structure or other supporting members.
- (ii) Sign maintenance means the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign surface or sign structure. Changing copy or a logo on a sign surface without increasing sign dimensions shall be considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.
- (jj) Sign refacing means changing or replacing the words, numerals or other aspects of the sign surface to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving or replacing the sign, sign structure, or sign surface.
- (kk) Sign structure means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

- (ll) Sign surface means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.
- (mm) Snipe sign means any sign made of material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.
- (nn) Street line means the dividing line between the street right-of-way and the abutting property.
- (oo) Temporary sign means any sign intended to be displayed for a limited period of time on public or private property; is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.
- (pp) Temporary wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building and intended to be displayed for a limited period of time; typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.
- (qq) Two-faced sign means a sign with two sign faces and where the angle of separation of the faces is not greater than 135 degrees.
- (rr) Vehicle sign means a sign attached to or displayed upon a motor vehicle.
- (ss) Wall means the exterior or surface of a building or structure. For the purposes of the sign provisions of this article, walls shall include mansard-type or sloped-roof structures.
- (tt) Wall bulletin means any sign painted on a wall or a painted sign or poster that is attached to but does not project more than 12 inches from the building or structure.
- (uu) Wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including wall bulletins.
- (vv) Window sign means any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.
- (ww) Yard sign means a non-illuminated sign constructed of durable materials that is supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

SECTION 3. Existing Section 16-907 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-907. - Sign Permit Required; When; Application Procedures.

- (a) Except as otherwise provided in section 16-908, no sign shall be installed, erected or set in place, nor shall any sign alteration or sign refacing occur, until a sign permit has been issued by the Building Inspector and until a sign permit fee in an amount established by resolution adopted by the Governing Body is paid.
- (b) Any person desiring to erect a sign for which a permit is required shall submit an application to the City Clerk on a form provided by the City that shall contain the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures, streets and sidewalks;
 - (4) Drawing of the sign and specifications describing the sign;

- (5) Length of time the sign will be displayed;
 - (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected, including the owner's address and phone number;
 - (7) Other information as the City Clerk and/or Building Inspector shall require to show full compliance with this article and all other provisions of the Code.
- (c) When the sign permit application is complete, the City Clerk shall forward the application to the Building Inspector. It shall be the duty of the Building Inspector, upon receipt of the application, to review the application and to conduct other investigations as is necessary to determine the application's accuracy. If the applicant has provided the information requested in the application, the information is accurate and it appears that the proposed sign will comply with this article and all other applicable provisions of the Code, the Building Inspector shall issue a sign permit. All issued sign permits shall contain the number of the permit and the date the permit is issued. If the Building Inspector determines that the proposed sign is not in compliance with all requirements of the Code, the Building Inspector shall notify the applicant in writing that the requested permit will not be issued, state in the notice the reasons for the denial, and inform the applicant of his or her right to appeal the Building Inspector's determination to the Board of Zoning Appeals. The Building Inspector shall either issue or deny the sign permit within 30 days of the date the City Clerk receives the application for the permit. If, on the 30th day after the City Clerk received the application, the application is not complete, the Building Inspector shall deny the requested permit.
 - (d) Any person aggrieved by the denial of an application for a sign permit by the Building Inspector may appeal the Building Inspector's refusal to the Board of Zoning Appeals by giving written notice to the City Clerk not later than 20 days after notice of the Building Inspector's refusal to issue the requested sign permit. In any appeal, the Board of Zoning Appeals shall review the action of the Building Inspector at its next regularly scheduled meeting, but not later than 30 days after notice of appeal is received by the City Clerk, and if it determines that the action of the Building Inspector was incorrect, shall order the issuance of the permit under the terms and conditions as are appropriate.
 - (e) In certain instances, as specifically designated in these regulations, the Planning Commission shall consider and approve or deny sign permit applications. In this instance, the Building Inspector shall not issue a sign permit unless the Planning Commission has first approved the subject sign permit application. The Planning Commission shall consider the sign permit application within the time frames set forth hereinabove for the Building Inspector to either issue or deny the sign permit. If the Planning Commission denies the sign permit application, the applicant may appeal the Planning Commission's denial to the Governing Body by giving written notice to the City Clerk not later than 20 days after the Planning Commission's denial. The applicant shall be provided written notice of the Planning Commission's consideration of the sign permit application and the Governing Body's review of the applicant's appeal of the Planning Commission's denial, if the appeal is requested. The Governing Body shall consider the sign permit applicant's appeal at its next regularly scheduled meeting and the time frame for the Building Inspector to issue or deny the sign permit shall be deferred until two working days after the Governing Body has heard the sign permit applicant's appeal.
 - (f) All rights and privileges acquired pursuant to this article, or any amendment hereto, are mere licenses and are revocable at any time by the City for cause, and all permits shall contain this provision.

SECTION 4. Existing Section 16-908 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-908. - Signs Excluded From Sign Permit Requirement.

The following signs are not required to obtain a permit, however, these signs shall otherwise comply with this article and all other applicable provisions of the City Code.

- (a) Sign maintenance.
- (b) Directional signs.
- (c) Holiday decorations.
- (d) Window signs.
- (e) Flags, pennants or insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device, and; provided that, not more than three flags, pennants or insignia shall be displayed on any building, structure or premises.
- (f) Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.
- (g) Decorative landscape markers, which may include logos or trademarks.
- (h) Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and addresses of the occupants. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.
- (i) Vehicle signs where the motor vehicle is not primarily used as a sign.
- (j) Temporary signs.
- (k) Government signs.

SECTION 5. Existing Section 16-909 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-909. - Signs Permitted In All Districts.

- (a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public facilities shall be allowed two wall signs, with not more than one on each façade. No sign shall have a sign surface area exceeding 25 square feet. In lieu of one of the wall signs, one monument sign shall be permitted. The monument sign shall be located on the premises, be not less than ten feet from the street line, and the sign surface of each sign face shall not exceed 25 square feet in area per face. The height of the sign shall not exceed five feet; provided, that for each two foot setback from the street line in excess of ten feet, one additional foot may be added to the height of the sign to a maximum of eight feet.
- (b) One directional sign shall be permitted at each entrance to a building site. These signs may be a pole or pylon sign, single- or two-faced and shall not exceed three feet in height, and four square feet of sign surface per face. These signs may indicate entrances, exits, addresses, direction of traffic-flow and the location of loading docks, parking areas, delivery doors, drive-through lanes and similar facilities. The sign shall be located on the premises and shall be set back from the street line a minimum of five feet.
- (c) Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public and nonprofit organizations. No flag shall exceed 50 square feet in area.
- (d) Noncommercial signs, provided that these signs shall conform to all sign surface and sign type area, height, setback, location, construction and maintenance requirements applicable to all other signs in the zoning district in which the noncommercial sign is located as set forth in this article or any other applicable provisions of the Code. No sign shall be displayed on private property without the written consent of the owner or occupant of the property on which the sign is displayed.

(e) Although these regulations do not apply to signs constructed, placed or maintained by federal, state or local governments, these regulations clarify that government signs which form the expression of that government are allowed in every zoning district and include the signs described and/or required in the following subsections 1 through 4 when erected and maintained pursuant to law.

1. Traffic control devices on public or private property must be erected and maintained so as to comply with the Manual on Uniform Traffic Control Devices adopted by the Kansas Secretary of Transportation pursuant to K.S.A. 8-2003, and amendments thereto. Because these regulations do not apply to the federal, state or local governments, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.
2. Each property owner shall mark their property using numerals that identify the address of the property so that public safety agencies can easily identify the address from the public street. Where required under this Code or other law, the identification must be on the curb or the principal building on the property. When located on a building, the size and location of the identifying numerals and letters, if any, must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the address identification must be located on a mailbox or other suitable display in the front yard that is visible from the street.
3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger, to restrict access to the property either generally or specifically, or to advise of the existence of security systems, the owner must comply with the federal, state or local regulation to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements. Otherwise, when the form and dimensions are not defined, and it is located on a building, fence or other structure, the sign and location of the warning sign must be proportional to the size of the structure and the distance from the street, but in no case larger than one and a half (1.5) square feet. A warning sign may also be installed in a place on the property to provide access to the notice that is required to be made, but in no case shall the sign be larger than one and a half (1.5) square feet and shall be set back a minimum of five (5) feet from the street line.
4. Official notices or advertisements may be posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties. If the federal, state or local regulation describes the form and dimensions of the office notice or advertisement, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than six (6) square feet and located on a place on the property to provide access to the notice that is required to be made. Provided, that all such signs must be removed by the property owner not more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

The signs described in subsections 1 through 4 above are an important component of measures necessary to protect the public safety and serve the compelling governmental interests of protecting the public and traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

SECTION 6. Existing Section 16-910 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-910. - Signs Allowed in the Single-Family Residence, Duplex Residence and Multi-Residence Districts.

- (a) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (b) An unlimited number of window signs is permitted. The sign surface of any single window sign shall not exceed three square feet.
- (c) Three temporary signs are permitted on any lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

SECTION 7. Existing Section 16-917 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-917. - Prohibition and Amortization of nonconforming signs.

- (a) All signs that existed on the effective date of these regulations, or any amendment thereto, that becomes a nonconforming sign by virtue of these regulations, or any amendment thereto, shall be discontinued and removed within five and one-half years of the date that the sign became a nonconforming sign. No changes in the basic structure, source of illumination, location or appearance of a sign, sign alteration, or sign refacing shall be made to any sign. If the business to which the sign is related should move to another site (which move, in the opinion of the Building Inspector, creates, in effect, an outdoor advertising sign) then the sign shall be removed or otherwise brought into full compliance with all applicable provisions of the Code.
- (b) Upon application to the City Clerk, the Governing Body may extend the time for discontinuance and/or removal of a nonconforming sign. No extension of time shall be granted for a period of time longer than that necessary to allow the owner of the sign to recoup the owner's initial investment in the nonconforming sign. The application for extension shall be on a form provided by the City and shall be accompanied by:
 - (1) A copy of the original sign permit issued for the nonconforming sign or other evidence satisfactory to the City of the date upon which the nonconforming sign was initially installed;
 - (2) Evidence that annual sign inspections have taken place each year since the initial date of installation of the nonconforming sign;
 - (3) Documentation evidencing the initial cost of purchase or construction and installation of the sign;
 - (4) If the nonconforming sign is not on property owned by the sign owner, the lease or other document establishing the sign owner's right to place the sign at its present location and all amendments thereto; and

- (5) All documents evidencing the degree to which the value of the sign has been depreciated for income tax or other purposes.
- (c) In determining whether to grant the extension and the length of the extension, if one is to be granted, the Governing Body shall consider the following:
 - (1) The nature of the nonconforming sign;
 - (2) The character of the sign;
 - (3) The location of the sign;
 - (4) That part of the owner's total business that will be impacted by the removal or replacement of the nonconforming sign;
 - (5) The sign owner's original capital investment in the nonconforming sign;
 - (6) The investment realization from the nonconforming sign to date;
 - (7) Depreciation taken by the owner of the sign for income tax or other purposes;
 - (8) The life expectancy of the nonconforming sign;
 - (9) The existence or non-existence of lease obligations;
 - (10) The existence of a contingency clause in any lease permitting termination of the lease;
 - (11) The other economic uses of any leasehold interests in the land or structure upon which the sign is located;
 - (12) The value of, or feasibility of, subleases and assignments of any lease.
 - (13) The extent to which the investment of the owner in the nonconforming sign has been recouped;
 - (14) The fact that similar signs are prohibited in the same area;
 - (15) Other reasonable uses of the land;
 - (16) The salvage value of the nonconforming sign;
 - (17) The sign owner's loss of sharing revenue, if any; and
 - (18) The ability of the sign owner to transfer the nonconforming sign to another location where it could be placed and would be in compliance with this article and all other provisions of the Code.

SECTION 8. Existing Sections 16-902, 16-903, 16-907, 16-908, 16-909, 16-910 and 16-917 of the Code of the City of Roeland Park, Kansas are hereby repealed.

SECTION 9. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 19th day of September, 2016. APPROVED by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

ARTICLE 9. - SIGN REGULATIONS

Sec. 16-901. - Purpose.

The purpose of this article is to create the framework for a comprehensive and balanced system of content- and viewpoint-neutral regulation of signs to facilitate easy and pleasant communication between people while protecting the First Amendment rights of resident individuals and businesses of the City and preserving and improving the quality of the City's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of these regulations:

- (a) To authorize the use of signs that are:
 - (1) Compatible with their surroundings,
 - (2) Appropriate to the activity that displays them,
 - (3) Expressive of the identity of individual activities and the community as a whole, and
 - (4) Legible under the circumstances in which they are seen; and
- (b) To ensure that nonconforming signs are eliminated in the City after a reasonable grace period that allows sign owners to recoup their initial investments in those nonconforming signs.

Sec. 16-902. — Findings and Intent; Interpretation.

A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Article is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic investment. This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This Article is based on the following legislative intent and findings.

- 1. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or building. Therefore, the intent of this Article is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified above.
- 2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- 3. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

4. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
5. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the federal government, the State of Kansas, Johnson County, or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of signs that falls within the immunities of the government from regulation.
6. Many signs are intended to be temporary in nature, and so do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and present a potential hazard to persons and property. Severe weather conditions include, but are not limited to, thunderstorms with accompanying high winds, tornadoes, ice accumulation, and flooding, and are characteristic of local weather conditions.
8. The primary purpose of signs unrelated to traffic and placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers.
9. Signs inherently are out of keeping with their surroundings; they are intended to attract attention. Their purpose fails if they meld into the landscape. As such, they are a visual blight where the visual clutter of signs is at odds with the City's policy to make structures blend into the topography and be compatible with their natural surroundings.
10. Signs have an adverse effect on the aesthetic quality of a City, and thus risk depreciating property values. This potential adverse effect conflicts with the City's policy to enhance the quality of life through other land use regulations.
11. Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the vista from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.~~The governing body hereby finds that:~~
 - ~~(a) Sign regulations may impact First Amendment rights and that these rights are important constitutional rights that must be protected;~~
 - ~~(b) Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens;~~
 - ~~(c) These direct and secondary effects result from the visual clutter that occurs as a result of the unregulated installation and lack of maintenance of signs;~~
 - ~~(d) These direct and secondary effects include harm to traffic and pedestrians' safety, depreciation of property values within the City, decreased business opportunities for individual and business residents of the City (resulting in decreased sales, property and other tax revenues that are necessary to provide an adequate level of public service to City residents), community blight, and an overall less pleasing community appearance;~~
 - ~~(e) Because of these direct and secondary effects, the City has a compelling interest in regulating signs within the City;~~
 - ~~(f) For the most part, these regulations are content and viewpoint neutral, reasonable time, manner and place restrictions that directly advance the City's stated interests;~~

- ~~(g) — To the extent that certain provisions of these regulations are content-based, they are intended to further compelling governmental interests;~~
- ~~(h) — The scope of the regulations is proportionate to the interests served and narrowly tailored to achieve the desired objective;~~
- ~~(i) — A direct nexus exists between the desired City's goals and the means chosen in these regulations to achieve its desired goals;~~
- ~~(j) — The goals of the ordinance from which this article is derived cannot be fully achieved if existing signs, which do not conform to the regulations contained herein, are allowed to remain as they exist on the effective date of said ordinance for an unlimited amount of time; therefore, a grace period of five and one half years is hereby established to allow the owners of existing, nonconforming signs a reasonable period of time to conform these signs to the provisions of this article or remove them, which grace period shall end on November 25, 1999;~~
- ~~(k) — The strict application of this grace period to all nonconforming signs, in some unique situations, may be unreasonable and therefore this chapter provides a procedure that allows the owners of certain nonconforming signs to establish that the strict application of the grace period would result in substantial loss to the owner of the sign and, therefore, that the grace period for a particular sign should be extended for a designated amount of time;~~
- ~~(l) — The establishment of this grace period and the a procedure for extension of the grace period strikes a reasonable balance between the interest of the general public sought to be achieved by this article and the interest of affected owners of nonconforming signs;~~
- ~~(m) — Temporary signs have certain characteristics that distinguish them from many of the other types of signs permitted and regulated by the City, specifically including the fact that many of these signs do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and therefore present a potential hazard to persons and property; severe weather conditions, including, without limitation, thunderstorms with accompanying high winds, tornadoes, ice accumulation and flooding, are characteristic of local weather conditions;~~
- ~~(n) — A primary and compelling interest of the City is the ability of the City, other governmental entities and utilities to erect official signs and other warnings to protect the public without being subject to regulation;~~
- ~~(o) — A primary and compelling interest of the City is to allow property owners to display legal postings without being subject to regulation so that the information is conveyed to the public in order to protect the public safety and welfare;~~
- ~~(p) — A primary and compelling interest of the City is to promote vehicular and pedestrian safety on private property by allowing directional signs to be posted without being subject to regulation;~~
- ~~(q) — A primary and compelling interest of the City is the safety and security from harm of residents' families and homes, and signs displaying the existence of home security systems and neighborhood watch programs serve that interest; and~~
- ~~(r) — A primary and compelling interest of the City is the ability of the police and fire departments to easily identify residents or addresses in emergency situations, and therefore necessitate the ability of residents and businesses to erect identification signs and name plate signs serves that interest.~~

Sec. 16-903. - Definitions.

- (a) A-frame or sandwich sign means any sign supported from the ground utilizing one or more rear supporting braces, in which the combination of the sign and supports forms the letter "A," in the manner of a artist's easel.
- (b) Abandoned sign means any sign on any building, structure or premises that has been vacated for a six month period of time.
- (c) Attention-attracting device means a device with flashing, blinking, rotating, twirling or moving action, a changeable copy sign on which the message changes more than eight times per day, but not including a search light, or a balloon or an air or gas filled object designed or intended to attract the attention of the public to an establishment or to a sign.
- (d) Backlighted sign means any sign that displays direct or indirect light from the back of that sign through a transparent, translucent or open material.
- (e) Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
- (f) Building inspector means the building official of the City of Roeland Park, Kansas, or other designated authority charged with the administration or enforcement of the provisions of this article, or his or her duly authorized representatives.
- (g) Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (h) Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the sign surface.
- (i) Code means the Code of the City of Roeland Park, Kansas, as hereinafter amended.
- (j) Commercial sign means any sign that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (k) Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the Building Inspector.
- (l) Detached sign means a sign located on the ground or on a structure located on the ground and not attached to a building.
- (m) Directional sign means any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
- (n) Directly illuminated sign means any sign the source of illumination of which is exposed to the human eye, such as, but not limited to, an incandescent bulb or fluorescent tube.
- (o) Government sign means a sign that is constructed, placed, or maintained by the federal, state or local government, or a sign that the federal, state or local government requires a property owner to construct, place or maintain either directly or to enforce a property owner's rights, including, but not limited to, traffic control devices, parking control signs, street identification signs, warning signs, legal postings and signs prohibiting or controlling access to property.
- ~~(p) Identification sign means any sign or set of numerals or letters that denotes a principal building's location with respect to streets or to those home or buildings around the principal building.~~
- (q) Indirectly illuminated sign means any sign that is partially or completely illuminated at any time by a light source that is a shielded so as to not be visible at eye level.

- ~~(f) Legal posting means any sign intended to convey a legal right or restriction on a property, such as a "no trespassing" sign; a sign intended to warn the public of a bona fide danger on the property, such as a "beware of dog" sign; or a sign placed by order of a court or by a government official in the normal course of their duties.~~
- (rs) Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed, and constructed to provide protection from the weather.
- (st) Marquee sign means any sign attached to, or in any manner made a part of a marquee.
- (tu) Monument sign means a detached sign the width of which is a minimum of one and one-half times the width of the widest part of sign surface and the base of which consists of two or more supports and the height of the base is not more than two feet above the average grade of the ground. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the building it is identifying.
- ~~(v) Name plate sign means any single-faced, non-illuminated wall sign that displays only the name and/or occupation of the person or persons occupying space in a building. Name plate signs may be incorporated within a wall sign, and shall otherwise be subject to regulations restricting wall signs.~~
- (vw) Neon sign means a directly illuminated sign for which the light source is luminescent gas.
- (wx) Non-affixed sign means any sign that is not permanently affixed to a building, structure or the ground.
- (xy) Noncommercial sign means any sign that is not a commercial sign.
- (yz) Nonconforming sign means any sign that does not comply with the sign provisions of this article or any other applicable provision of the Code.
- ~~(aa) Official sign means any sign installed or erected by a governmental body or agency or by a public utility such as traffic signs, signals, regulatory devices or warnings; signs designating properties or structures officially designated by the federal, state or local government as being of historical significance; or other similar signs.~~
- (zbb) Outdoor advertising sign means any sign advertising or directing attention to a name, a business, product, development, project, or service that is offered, manufactured, or sold at a location other than the premises upon which the sign is situated (commonly known as a billboard).
- (aaee) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.
- (bbdd) Portable sign means any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-frame or sandwich sign; balloons or other gas or air filled objects used as commercial signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.
- (ccce) Projecting sign means any sign located on the face of the building extending more than one foot from the face of the building to which it is attached.
- (ddff) Public property, for the purposes of this article only, means:
 - (1) Any public building or premise owned by a governmental entity;
 - (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway;
 - (3) The unpaved area between the street lines of any street adjacent to a tract of land owned or leased by a governmental entity;
 - (4) Any street sign or any traffic sign or signal;

- (5) Any telephone, telegraph, electric wire, power, street lamp post or any other utility pole or line, or any fire hydrant;
- (6) Any tree or other vegetation on public property, including without limitation those in between the street lines of a public street; and
- (7) Any public park, open space area, bench, drinking fountain, or other property owned or leased by a governmental entity and used for governmental purposes.

(~~ee~~~~gg~~) Roof sign means any sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principle means of support.

(~~ff~~~~hh~~) Semi-illuminated sign means any sign located on a building face that is uniformly illuminated over the sign surface by use of electricity or other artificial light.

(~~gg~~~~ii~~) Sight distance triangle means the two areas on all corner lots within the triangles formed by a short leg 15 feet long and a long leg 140 feet, both distances measured along the curblin or edge of the pavement.

(~~hh~~~~jj~~) Sign means a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face must be considered to be a sign. Provided, however, that the following shall not be considered to be signs: signs located completely within an enclosed building, and not exposed to view from a street; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height. ~~any framed, bracketed, free-form, or engraved surface, and the support therefor, that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is mounted on or affixed to a building, structure, or the ground, and that is visible to persons not located on the premises where the sign is located, with the purpose of attracting the attention of these persons or communicating information to them.~~

(~~ii~~~~kk~~) Sign alteration means the replacement, enlargement, reduction, reshaping, changing or adding to a sign, or sign structure or other supporting members.

(~~kk~~~~ll~~) Sign maintenance means the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign surface or sign structure. Changing copy or a logo on a sign surface without increasing sign dimensions shall be considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

(~~ll~~~~mm~~) Sign refacing means changing or replacing the words, numerals or other aspects of the sign surface to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving or replacing the sign, sign structure, or sign surface.

(~~mm~~~~nn~~) Sign structure means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

(~~nn~~~~oo~~) Sign surface means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

(~~oo~~~~pp~~) Snipe sign means any sign made of material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.

(~~pp~~~~qq~~) Street line means the dividing line between the street right-of-way and the abutting property.

(~~qq~~^{ff}) Temporary sign means any sign intended to be displayed for a limited period of time on public or private property; is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.

(~~rr~~^{ss}) Temporary wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building and intended to be displayed for a limited period of time; typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.

(~~ss~~^{tt}) Two-faced sign means a sign with two sign faces and where the angle of separation of the faces is not greater than 135 degrees-.

(~~tt~~) Vehicle sign means a sign attached to or displayed upon a motor vehicle.

(uu) Wall means the exterior or surface of a building or structure. For the purposes of the sign provisions of this article, walls shall include mansard-type or sloped-roof structures.

(vv) Wall bulletin means any sign painted on a wall or a painted sign or poster that is attached to but does not project more than 12 inches from the building or structure.

(ww) Wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including wall bulletins.

(xx) Window sign means any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.

(yy) Yard sign means a non-illuminated sign constructed of durable materials that is supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

Sec. 16-904. - Regulations Generally.

Other than lawful nonconforming signs, no signs shall be permitted in any zoning district of the City except in accordance with these provisions.

Sec. 16-905. - Computations.

The following principles shall control the computation of sign surface area and sign height.

(a) Computation of sign surface area of individual signs. The area of a sign surface (that is also the sign area of a wall sign or any or other sign with only one face) shall be computed by measuring the area of the smallest circle, square, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming integral part of the background of the sign or used to differentiate the sign from the backdrop or sign structure against which it is placed, but not including the sign structure or decorative fence or wall between the fence or wall otherwise meet zoning ordinance regulations and that is clearly incidental to the display itself.

(b) Computation of area of multi-face signs. The sign surface area for a sign with more than one face shall be computed by adding together the area of all sign surfaces on the sign.

(c) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lowest of (a) existing grade prior to construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

Sec. 16-906. - Prohibited Signs.

The following types of signs shall be prohibited, except where specifically permitted in this article:

- (a) Any sign that is not otherwise included as a type of sign authorized hereby.
- (b) Any sign that prevents free ingress to or egress from any door, window, or fire escape.
- (c) Any sign that obstructs the view within the sight distance triangle of a street intersection or that interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets.
- (d) Any outdoor advertising sign.
- (e) Any non-affixed sign.
- (f) Any roof sign, banner, portable sign, pennant, searchlight, A-frame or sandwich sign, snipe sign.
- (g) Any directly, indirectly or semi-illuminated sign and neon sign.
- (h) Pole or pylon signs.
- (i) Any sign located on public property.
- (j) Any sign that, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency vehicle or that hides from view any traffic or street sign or signal or device.
- (k) Any sign giving false statements concerning zoning or land use.
- (l) Any abandoned sign.
- (m) Any sign containing a message that is obscene, as that term is defined in K.S.A. 21-4301(c), and any amendments thereto.
- (n) Any sign containing false or misleading advertising.
- (o) Any changeable copy sign, except on churches, public or private schools, or public buildings, theater listing signs, and service station price signs.
- (p) Attention-attracting devices.

Sec. 16-907. - Sign Permit Required; When; Application Procedures.

- (a) Except as otherwise provided in section 16-908, no sign shall be installed, erected or set in place, nor shall any sign alteration or sign refacing occur, until a sign permit has been issued by the Building Inspector and until a sign permit fee in an amount established by resolution adopted by the Governing Body ~~as set forth in Chapter IV, Article 9 of the Code~~ is paid.
- (b) Any person desiring to erect a sign for which a permit is required shall submit an application to the City Clerk on a form provided by the City that shall contain the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures, streets and sidewalks;
 - (4) Drawing of the sign and specifications describing the sign;
 - (5) Length of time the sign will be displayed;
 - (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected, including the owner's address and phone number;
 - (7) Other information as the City Clerk and/or Building Inspector shall require to show full compliance with this article and all other provisions of the Code.

- (c) When the sign permit application is complete, the City Clerk shall forward the application to the Building Inspector. It shall be the duty of the Building Inspector, upon receipt of the application, to review the application and to conduct other investigations as is necessary to determine the application's accuracy. If the applicant has provided the information requested in the application, the information is accurate and it appears that the proposed sign will comply with this article and all other applicable provisions of the Code, the Building Inspector shall issue a sign permit. All issued sign permits shall contain the number of the permit and the date the permit is issued. If the Building Inspector determines that the proposed sign is not in compliance with all requirements of the Code, the Building Inspector shall notify the applicant in writing that the requested permit will not be issued, state in the notice the reasons for the denial, and inform the applicant of his or her right to appeal the Building Inspector's determination to the Board of Zoning Appeals. The Building Inspector shall either issue or deny the sign permit within 30 days of the date the City Clerk receives the application for the permit. If, on the 30th day after the City Clerk received the application, the application is not complete, the Building Inspector shall deny the requested permit.
- (d) Any person aggrieved by the denial of an application for a sign permit by the Building Inspector may appeal the Building Inspector's refusal to the Board of Zoning Appeals by giving written notice to the City Clerk not later than 20 days after notice of the Building Inspector's refusal to issue the requested sign permit. In any appeal, the Board of Zoning Appeals shall review the action of the Building Inspector at its next regularly scheduled meeting, but not later than 30 days after notice of appeal is received by the City Clerk, and if it determines that the action of the Building Inspector was incorrect, shall order the issuance of the permit under the terms and conditions as are appropriate.
- (e) In certain instances, as specifically designated in these regulations, the Planning Commission shall consider and approve or deny sign permit applications. In this instance, the Building Inspector shall not issue a sign permit unless the Planning Commission has first approved the subject sign permit application. The Planning Commission shall consider the sign permit application within the time frames set forth hereinabove for the Building Inspector to either issue or deny the sign permit. If the Planning Commission denies the sign permit application, the applicant may appeal the Planning Commission's denial to the Governing Body by giving written notice to the City Clerk not later than 20 days after the Planning Commission's denial. The applicant shall be provided written notice of the Planning Commission's consideration of the sign permit application and the Governing Body's review of the applicant's appeal of the Planning Commission's denial, if the appeal is requested. The Governing Body shall consider the sign permit applicant's appeal at its next regularly scheduled meeting and the time frame for the Building Inspector to issue or deny the sign permit shall be deferred until two working days after the Governing Body has heard the sign permit applicant's appeal.
- (f) All rights and privileges acquired pursuant to this article, or any amendment hereto, are mere licenses and are revocable at any time by the City for cause, and all permits shall contain this provision.

Sec. 16-908. - Signs Excluded From Sign Permit Requirement.

The following signs are not required to obtain a permit, however, these signs shall otherwise comply with this article and all other applicable provisions of the City Code.

- (a) Sign maintenance.
- (b) Directional signs.
- (c) Holiday decorations.
- ~~(d) Home security and neighborhood watch signs.~~
- ~~(e) Identification signs.~~
- ~~(f) Legal postings.~~
- ~~(g) Name plate signs.~~

~~(h) Official signs.~~

(di) Window signs.

(ei) Flags, pennants or insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device, and; provided that, not more than three flags, pennants or insignia shall be displayed on any building, structure or premises.

(fk) Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.

(gl) Decorative landscape markers, which may include logos or trademarks.

(hm) Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and addresses of the occupants. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.

(ia) Vehicle sSigns where the~~signed or otherwise permanently attached to a currently licensed motor vehicle, which vehicle~~ is not primarily used as a sign.

(je) Temporary signs.

(k) Government signs.

Sec. 16-909. - Signs Permitted In All Districts.

- (a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public facilities shall be allowed two wall signs, with not more than one on each façade. No sign shall have a sign surface area exceeding 25 square feet. In lieu of one of the wall signs, one monument sign shall be permitted. The monument sign shall be located on the premises, be not less than ten feet from the street line, and the sign surface of each sign face shall not exceed 25 square feet in area per face. The height of the sign shall not exceed five feet; provided, that for each two foot setback from the street line in excess of ten feet, one additional foot may be added to the height of the sign to a maximum of eight feet.
- (b) One directional sign shall be permitted at each entrance to a building site. These signs may be a pole or pylon sign, single- or two-faced and shall not exceed three feet in height, and four square feet of sign surface per face. These signs may indicate entrances, exits, addresses, direction of traffic-flow and the location of loading docks, parking areas, delivery doors, drive-through lanes and similar facilities. The sign shall be located on the premises and shall be set back from the street line a minimum of five feet.
- (c) Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public and nonprofit organizations. No flag shall exceed 50 square feet in area.
- (d) Noncommercial signs, provided that these signs shall conform to all sign surface and sign type area, height, setback, location, construction and maintenance requirements applicable to all other signs in the zoning district in which the noncommercial sign is located as set forth in this article or any other applicable provisions of the Code. No sign shall be displayed on private property without the written consent of the owner or occupant of the property on which the sign is displayed.
- (e) Although these regulations do not apply to signs constructed, placed or maintained by federal, state or local governments, these regulations clarify that government signs which form the expression of that government are allowed in every zoning district and include the signs described and/or required in the following subsections 1 through 4 when erected and maintained pursuant to law.

1. Traffic control devices on public or private property must be erected and maintained so as to comply with the Manual on Uniform Traffic Control Devices adopted by the Kansas Secretary of Transportation pursuant to K.S.A. 8-2003, and amendments thereto. Because these regulations do not apply to the federal, state or local governments, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.
2. Each property owner shall mark their property using numerals that identify the address of the property so that public safety agencies can easily identify the address from the public street. Where required under this Code or other law, the identification must be on the curb or the principal building on the property. When located on a building, the size and location of the identifying numerals and letters, if any, must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the address identification must be located on a mailbox or other suitable display in the front yard that is visible from the street.
3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger, to restrict access to the property either generally or specifically, or to advise of the existence of security systems, the owner must comply with the federal, state or local regulation to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements. Otherwise, when the form and dimensions are not defined, and it is located on a building, fence or other structure, the sign and location of the warning sign must be proportional to the size of the structure and the distance from the street, but in no case larger than one and a half (1.5) square feet. A warning sign may also be installed in a place on the property to provide access to the notice that is required to be made, but in no case shall the sign be larger than one and a half (1.5) square feet and shall be set back a minimum of five (5) feet from the street line.
4. Official notices or advertisements may be posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties. If the federal, state or local regulation describes the form and dimensions of the office notice or advertisement, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than six (6) square feet and located on a place on the property to provide access to the notice that is required to be made. Provided, that all such signs must be removed by the property owner not more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

The signs described in subsections 1 through 4 above are an important component of measures necessary to protect the public safety and serve the compelling governmental interests of protecting the public and traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

Sec. 16-910. - Signs Allowed in the Single-Family Residence, Duplex Residence and Multi-Residence Districts.

- (a) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (b) An unlimited number of window signs is permitted. The sign surface of any single window sign shall not exceed three square feet.
- (c) Three temporary signs are permitted on any lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a

maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

Sec. 16-911. - Signs Permitted In Commercial and Industrial Districts.

- (a) To the extent that a residential land use is permitted in a commercial or industrial zoning district, signs for a residential land use shall be permitted as in the single-family, duplex residential and multi-residence districts.
- (b) In all commercial and industrial districts, one window sign is permitted in lieu of any sign permitted by this article, provided that, the window sign shall not have a sign surface exceeding eight square feet.
- (c) In all commercial and industrial districts, one temporary sign is permitted on any developed lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is worn or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.
- (d) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (e) In all commercial and industrial districts, one temporary sign is permitted on any undeveloped lot. No temporary signs shall exceed eight feet in height or have a sign surface larger than 32 square feet of sign surface per face. Temporary signs shall have a maximum of two faces, and shall be set back at least 20 feet from the street line. No temporary sign shall be located closer than 50 feet from any residentially zoned property. A temporary sign shall be removed prior to the issuance of a certificate of occupancy. A temporary sign is permitted for as long as it remains in good condition. Once a temporary sign is worn or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of the notification. Temporary signs that are not removed or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of

Chapter VIII, Article 3. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

- (f) In all commercial and industrial districts, one temporary wall sign is permitted in lieu of any sign permitted by this article, provided that, the wall sign shall not have a sign surface exceeding seven percent of the area of the wall upon which it is mounted.
- (g) Office building and planned office building districts.
 - (1) In the office building and planned office building districts, not more than three wall signs shall be permitted on each office building, no more than one sign on any façade. No sign shall have a sign surface area exceeding seven percent of the area of the wall upon which it is mounted.
 - (2) In lieu of the wall signs, one monument sign for each building shall be permitted. The sign shall not exceed five feet in height and the sign surface shall not exceed 50 square feet per face if located at least ten feet from the street line of public street or private street curb line. For each additional two foot setback from the street line of a public street or a private street curb line over ten feet, one additional foot may be added to the height of the sign to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
 - (3) In lieu of one wall sign, one marquee sign or one canopy sign shall be permitted. The sign shall be first approved by the Planning Commission.
- (h) Retail business and planned restricted business districts.
 - (1) In retail business and planned restricted business districts, wall signs as indicated above for office building and planned office building districts shall be permitted except that these signs shall be allowed for each business or commercial establishment in a multi-tenant building and shall be located on the façade of the tenant space. These signs may be indirectly illuminated or semi-illuminated, but shall not extend above the height of the wall upon which they are mounted, and any wall bulletin shall not be larger than ten square feet in area. In addition, one non-illuminated wall sign, with a sign surface not more than six square feet, may be placed at each major entrance to a multi-tenant building.
 - (2) In lieu of one of the wall signs, one monument sign for each building shall be permitted. The sign shall not exceed five feet in height and the sign surface shall not exceed fifty square feet per face if located at least ten feet from the street line of a public street or private street curb line. For each additional two foot set back from the street line of a public street or private street curb line over ten feet, one additional foot may be added to the height of the sign, to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
 - (3) In lieu of one wall sign, one projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than three feet from the face of the building or one-third of the sidewalk width from the wall of the supporting building, whichever is less. The lower edge of a projecting sign shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where vehicles may pass below. The upper edge of a projecting sign shall neither stand vertically above the eave line of a single structure nor above the second-story sill line of a multi-story structure. All projecting signs shall be attached at right angles to the supporting structure and may be anchored no more than six inches from the structure.
 - (4) In lieu of one wall sign, one neon sign shall be permitted, with a sign surface not exceeding ten square feet. Any neon sign located within the building and within 48 inches of any window or door and visible from outside of the building shall constitute the neon sign allowed in lieu of a wall sign. Retail liquor stores so licensed by the Kansas Division of Alcoholic Beverage Control using a neon sign shall be further limited to a sign that has a border, lettering, figure or design of

the sign or tubing that is not more than four inches high or three inches wide, restricted to lines that shall be not more than one inch apart, only one line shall be allowed to be in excess of three feet in length, and any border shall not allow the sign surface to exceed ten square feet. Any retail liquor store sign shall be located on the corner of a window or on the door. In addition, retail liquor stores shall be allowed to use interior neon tubing to partially or fully outline a window or windows providing that neon tubing does not flash, blink, rotate or move. The neon border shall not be permitted to be wider than a maximum of four inches. In measuring the area of the sign or tube, a rectangle shall be constructed from the highest, lowest and widest points where the sign or tube exists, and the area shall be calculated to include all that area within the rectangle. In no event shall a neon sign be used on any façade of the main structure except as otherwise provided herein. No neon signs shall blink, flash or otherwise be used to display intermittent lighting sequences or to simulate motion. Neon signs shall be installed, wired and inspected in accordance with the National Electrical Code, as it may be amended.

- (5) In lieu of one wall sign, one marquee sign or one canopy sign shall be permitted. The sign shall be first approved by the Planning Commission. If a development plan is required for the use, the marquee sign or canopy sign shall be approved at the time of final development plan approval.
 - (6) Drive-through restaurants and car washes may have two single-faced signs located in conjunction with a drive-through lane. The sign shall not exceed eight feet in height or 32 square feet of sign surface per face.
 - (7) In the case of a shopping center designated as one unified entity and consisting of one or several attached or free-standing buildings, one indirectly or semi-illuminated monument sign, in addition to all other authorized signs may be permitted. The monument sign shall not exceed five feet in height, with the sign surface not exceeding 50 square feet per face if located ten feet from the street line of a public street or private street curb line. For each additional two foot setback from the street line of a public street or private street curb line, one additional foot may be added to the height of the sign to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
 - (8) Except in the case of a shopping center designated as one unified entity and consisting of one or several attached or free-standing buildings, one indirectly or semi-illuminated monument sign shall be permitted in lieu of one wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in the office building, and planned office building districts.
 - (9) Banners may be used as architectural or decorative accessories in shopping centers provided they are generally uniform throughout a group of shops, and in harmony with the architectural theme of the center. No banner shall be installed unless its location and design have first been approved by the Planning Commission.
- (i) Planned General Business and Planned Industrial Park District.
- (1) Each business establishment shall be permitted not more than three indirectly or semi-illuminated wall, marquee or canopy signs, not more than one on each business façade. The sign surface of any such sign shall not exceed seven percent of the total area of the façade upon which it is placed. Wall signs shall not extend above the height of the wall. Marquee and canopy signs shall not extend more than six inches beyond the front of the marquee or canopy on which they are located, above the height of the wall on which the marquee or canopy is mounted, and their lower edge shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where cars may pass below. The sign surface of any wall sign shall not exceed ten square feet. In addition, one non-illuminated wall sign, with a sign surface not exceeding six square feet, may be placed on each major entrance to a multi-tenant building.
 - (2) In lieu of one of the above signs, one projecting sign shall be permitted for each establishment provided that the sign surface of the projecting sign shall not exceed seven percent of the total area of the façade upon which it is attached, shall not extend more than three feet from the face

of the building or one-third of the sidewalk width, whichever is less, above the roof level of the building where the sign is located, and the sign's lower edge shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where cars may pass below.

- (j) Drive-through restaurants and car washes may have two single-faced signs located in conjunction with a drive-through lane. Each sign shall not exceed eight feet in height or 32 square feet of sign surface per face.

Sec. 16-912. - Additional Regulations Applicable to All Districts.

- (a) For any sign authorized in any zoning district, a noncommercial message may be substituted for any allowed commercial message or any other allowed noncommercial message, provided that the sign is legal without consideration of message content. If the sign is one for which no sign permit is required, the message substitution may be made without additional approval. The purpose of this provision is to prevent inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.
- (b) All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to these signs shall be kept free from debris, weeds and trash.
- (c) No part of any sign shall be located closer than ten feet from a side or rear property line.
- (d) Any backlighted sign or backlighted canopy, marquee or panel shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other regulations controlling these signs; provided, however, that the dimensions of a backlighted sign or backlighted canopy, marquee or panel shall be measured by constructing a rectangle for the highest, lowest and widest points of the object, display or surface that displays a light source, except that the opaque surfaces immediately related to or a part of that same sign or panel shall also be calculated in the dimensions of the sign. Provided further, in calculating the dimensions of a continuous panel which spans at least 80 percent of any one façade or a single common structure with multi-tenants, the continuous opaque areas between, over and below the lighted area for these independent operations shall not be calculated to determine the dimensions of the signs, canopies, marquees, or panels. Up to 25 percent of the surface of any face of any marquee, facade, or wall may be backlighted so long as it is ornamental or decorative in purpose and does not employ any business and/or company logo, trademark, or pattern exclusive to a business and/or company. Similarly, canopies may be backlighted to the extent of 25 percent of the wall area to which they are attached. The backlighted area shall be in addition to signage areas otherwise allowed.
- (e) The background panel of all semi-illuminated signs shall be opaque, with only the lettering illuminated.

Sec. 16-913. - Service Stations.

Service stations shall be permitted the following signs:

- (a) One non-illuminated, indirectly illuminated or semi-illuminated monument sign provided the sign is not closer than 50 feet to any boundary of a residential district. The sign shall not exceed ten feet in height nor 70 square feet in sign surface area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
- (b) No more than two signs that display fuel prices shall be permitted. These signs may be monument or wall signs, indirectly illuminated or semi-illuminated signs, but shall not exceed 15 square feet in sign surface area each.
- (c) Each fuel pump island may have a sign on each end not exceeding four square feet in area each.

- (d) A maximum of two indirectly or semi-illuminated signs. These signs shall not exceed one square foot in area each.
- (e) A maximum of two additional non-illuminated signs not to exceed six square feet in area and to be mounted not to exceed four feet in height shall be allowed.

Sec. 16-914. - Signs Permitted In Conjunction With Special Use Permits.

- (a) In the case of uses authorized by a special use permit, all signs in conjunction therewith shall be approved by the planning commission, except where private sign criteria, in accordance with section 16-915, have been previously approved for development.
- (b) In reviewing and approving the signs, the planning commission shall take into consideration:
 - (1) The use of the facility;
 - (2) The height of the building;
 - (3) The surrounding land uses and zoning districts;
 - (4) The relationship of the site to public streets and the type of public street; and
 - (5) The topography of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district shall be allowed.

Sec. 16-915. - Private Sign Criteria.

All hotels and motor hotels, and shopping centers business parks, office parks or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development. The criteria shall be binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in the criteria. In all respects, the criteria shall be within the regulations set out in this chapter and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the governing body has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed.

Sec. 16-916. - Removal of Unsafe, Unlawful or Abandoned Signs.

- (a) If the Building Inspector shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or, has been constructed or erected, or is being maintained in violation of this article or Chapter IV, Article 9 of the Code, the Building Inspector shall give notice thereof to the permittee, or, if the sign is one that does not require a permit, to the owner of the property on which the sign is located. If the person so notified fails to alter or remove the sign so as to comply with the standards herein set forth within 48 hours after notice, the sign may be removed or altered to comply with these provisions by the Building Inspector at the expense of the permittee or owner of the property upon which the sign is located, and the permit shall be revoked. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
- (b) When the Building Inspector notifies a permittee or property owner that a sign is not in compliance pursuant to subsection (a) hereof, the Building Inspector shall also inform such person of the right to file an appeal with the Board of Zoning Appeals contesting the Building Inspector's determination.

- (c) If the time period set forth in subsection (a) hereof has elapsed and the sign has not been removed, the Building Inspector shall send written notification by certified mail, return receipt requested, to the record owner of the property on which the sign is located indicating when the sign shall be removed. If the sign has not been removed within 30 days after receipt of the notice, the City may have the sign removed and the cost assessed to the property owner.
- (d) Where a sign has been removed by the City pursuant to subsection (c) hereof, the City Clerk shall mail a statement of the cost of removal of that sign to the last known address of the record owner or persons in charge of the property. If the cost is not paid within ten days from the mailing of the notice, the Governing Body shall proceed to pass an ordinance levying a special assessment for the cost against the lot or piece of land and the City Clerk shall certify the assessment to the County Clerk for collection of payment the same as other assessments and taxes are collected and paid to the City.
- (e) If a building, structure or premise is vacated for a six month period of time, the owner of that property shall be responsible for removing any signs located thereon with the exception of one wall sign in the case of property located in a commercial and industrial district, and with the exception of one yard sign in the case of property located in a residential district. In addition, the owner shall be responsible for restoring the façade of the building, structure or premise to its normal appearance.

Sec. 16-917. - Prohibition and Amortization of nonconforming signs.

- (a) All signs that existed on the effective date of these regulations, or any amendment thereto, that becomes a nonconforming sign by virtue of these regulations, or any amendment thereto, shall be discontinued and removed within five and one-half years of the date that the sign became a nonconforming sign. No changes in the basic structure, source of illumination, location or appearance of a sign, sign alteration, or sign refacing shall be made to any sign. If the business to which the sign is related should move to another site (which move, in the opinion of the Building Inspector, creates, in effect, an outdoor advertising sign) then the sign shall be removed or otherwise brought into full compliance with all applicable provisions of the Code.
- (b) Upon application to the City Clerk, the Governing Body may extend the time for discontinuance and/or removal of a nonconforming sign. No extension of time shall be granted for a period of time longer than that necessary to allow the owner of the sign to recoup the owner's initial investment in the nonconforming sign. The application for extension shall be on a form provided by the City and shall be accompanied by:
 - (1) A copy of the original sign permit issued for the nonconforming sign or other evidence satisfactory to the City of the date upon which the nonconforming sign was initially installed;
 - (2) Evidence that annual sign inspections ~~in accordance with Chapter IV, Article 9~~ have taken place each year since the initial date of installation of the nonconforming sign;
 - (3) Documentation evidencing the initial cost of purchase or construction and installation of the sign;
 - (4) If the nonconforming sign is not on property owned by the sign owner, the lease or other document establishing the sign owner's right to place the sign at its present location and all amendments thereto; and
 - (5) All documents evidencing the degree to which the value of the sign has been depreciated for income tax or other purposes.
- (c) In determining whether to grant the extension and the length of the extension, if one is to be granted, the Governing Body shall consider the following:
 - (1) The nature of the nonconforming sign;
 - (2) The character of the sign;
 - (3) The location of the sign;

- (4) That part of the owner's total business that will be impacted by the removal or replacement of the nonconforming sign;
- (5) The sign owner's original capital investment in the nonconforming sign;
- (6) The investment realization from the nonconforming sign to date;
- (7) Depreciation taken by the owner of the sign for income tax or other purposes;
- (8) The life expectancy of the nonconforming sign;
- (9) The existence or non-existence of lease obligations;
- (10) The existence of a contingency clause in any lease permitting termination of the lease;
- (11) The other economic uses of any leasehold interests in the land or structure upon which the sign is located;
- (12) The value of, or feasibility of, subleases and assignments of any lease.
- (13) The extent to which the investment of the owner in the nonconforming sign has been recouped;
- (14) The fact that similar signs are prohibited in the same area;
- (15) Other reasonable uses of the land;
- (16) The salvage value of the nonconforming sign;
- (17) The sign owner's loss of sharing revenue, if any; and
- (18) The ability of the sign owner to transfer the nonconforming sign to another location where it could be placed and would be in compliance with this article and all other provisions of the Code.

Sec. 16-918. - Approval of Variances.

Any variance from these regulations may be approved only by the Board of Zoning Appeals after an application for a permit has been denied for the proposed sign, by the Building Inspector as provided in these regulations.

Sec. 16-919. - Severability.

Severability is intended throughout and within the provisions of this article. If any section, subsection, sentence, clause, phrase or portion of the article is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this article.

Item Number: Reports of City Officials:- X.-A.
Committee 9/19/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/16/2016
Submitted By: Keith Moody
Committee/Department: Administration
Title: **City Administrator - Review 2017 Quarterly Status Report on Objectives**
Item Type: Presentation

Recommendation:

N/A

Details:

Attached is the Quarterly Objectives Status Report that I will be presenting to the Council quarterly during 2017. The sheet summarizes the key information (deadline, budget, objective name, responsible party) that is included in the Goals and Objectives section of the 2017 budget Document (also attached). We will track how well we complete our objectives on time and with in budget, this is recorded on the right-hand side of the sheet. Staff will provide updates on the status with in the that section as detail the completion date.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

The objectives are designed to achieve the strategic plan initiatives.

How does item benefit Community for all Ages?

Objectives benefit all ages in a variety of ways.

ATTACHMENTS:

Description	Type
📎 2017 Quarterly Objectives Status Report	Backup Material
📎 2017 Goals and Objectives	Backup Material

**Goals and Objectives for Fiscal Year 2017
Roeland Park, Kansas**

Page 1

Progress Summary: 1st Quarter

								Completion Index	
								Cost	Deadline
								0=Incomplete	0=Incomplete
								1=UNDER	1= Early
								2= On	2= On Time
								3=OVER	3= Late
Objective ID	Description	Responsible Party	Cost Estimate	Actual Cost	(Under) or Over Estimate	Completion Deadline	Status- Date Completed		
A	1 Deter and Reduce Crime Through Community Policing Philosophy	Police Chief	\$ -				9/1/2017 As of Sept 2016 we have more directed on-going patrol, business education, and zero tolerance on criminal activity.		
A	2 Complete a Citizen Satisfaction Survey	City Administrator	\$ 15,000				8/30/16 Survey is being put into final format.		
A	3 Develop a Networking Opportunity for the Roeland Park Business Community	Economic Development Committee	\$ 2,500				6/30/17		
B	1 Invest in Street Maintenance	Public Works Director	\$ 325,000				11/30/17 on-going		
B	2 Issue \$2 million in GO Bonds	Finance Officer, Public Works Director, City Administrator	\$ 150,000				12/31/17		
B	3 Find new location for Public Works	City Administrator	\$ 1,000,000				7/31/17 We are looking at options currently available.		
B	4 Repair/Removal/Replacement of Public Art	Arts Committee, City Administrator	\$ 5,000				11/30/17		
B	5 Replace Tennis Courts at R Park	Pubic Works Director	\$ 150,000				11/30/17 Preliminary work on grant application has been completed, the R Park master plan must be adopted reflecting a two court facility in order to move forward with the grant application, design of the courts must accompany the grant application.		
B	6 Stormwater Network Inspection/Condition Rating	Pubic Works Director	\$ 20,000				11/30/17		
C	1 Establish Participation in the JOCO Mental Health Co-Responder Program	Police Chief	\$ 7,100				1/31/17 As of Sept. 2016 the co-responder program is still doing interviews for that position.		
C	2 Provide a Strategy for Reducing Traffic Accidents	Police Chief	\$ -				12/31/17 4 traffic blitz operations, S.T.E.P. enforcement, traffic monitoring signs posted, zero tolerance in school zones, citizen education (As of Sept 2016).		
D	1 Update City Website	City Clerk	\$ 20,000				3/31/17		
D	2 Purchase Tablets for Neighborhood Services Field Work	Asst. City Administrator	\$ 2,000				1/31/17		
D	3 Purchase Budget Software	Asst. City Administrator	\$ 3,000				2/28/17		

**Goals and Objectives for Fiscal Year 2017
Roeland Park, Kansas**

Page 2

Progress Summary: 1st Quarter

							Completion Index	
							Cost	Deadline
							0=Incomplete	0=Incomplete
							1=UNDER	1= Early
							2= On	2= On Time
							3=OVER	3= Late
Objective ID	Description	Responsible Party	Cost Estimate	Actual Cost	(Under) or Over Estimate	Completion Deadline	Status- Date Completed	
E	1 Employee Recognition Program: Outstanding Service Award	City Administrator and Admin Committee	\$ 1,000			2/28/17		
E	2 Consider Paid Time Off and Vacation Accrual Changes for Full Time Employees	Department Directors, Department Representatives, Admin Committee	\$ -			3/31/17		
F	1 Install a Biking/Walking Trail in Nall Park	Parks Committee and Public Works Director	\$ 15,000			12/31/17	Intending to begin discussions at Park Committee level for remainder of 2016. This will provide plenty of time to coordinate with Urban Trail Co.	0 2
G	1 Increase Funding for Community Sponsored Events	City Administrator, Director of Public Works, Citizens Advisory Committee Chairs/Liaisons	\$ 2,000	\$ 2,000	\$ -	1/1/17	Completed 1/1/17 with start of new budget year.	2 2
G	2 Research Trail Connection Opportunities to Existing Johnson County Trail System	Bike Walk Committee	\$ -			6/30/17		
G	3 Begin Wayfinding Sign Program	Public Works Director, Bike Walk Committee	\$ 12,500			9/30/17		
Total			\$ 1,730,100	\$ 2,000	\$ -	0.0%		

Fiscal Year 2017

Organizational Goals & Current Objectives

A. Enhance Communication and Engagement with the Community – *by expanding opportunities to inform and engage citizens in an open and participatory manner.*

Objectives:

1. Deter and Reduce Crime Through the “Community Policing Philosophy”

Justification: Crime prevention and education is a priority for the Roeland Park Police Department. Our continued efforts will never waiver. In order to reduce crime in our community we will continue to be very proactive. We will increase foot patrols in residential neighborhoods while making personal contact with citizens to discuss crime prevention measures. We will offer training for employees and business owners to assist in creating a safer work environment and utilize more social media outlets to provide citizens with better home and personal safety techniques. We will maintain a zero-tolerance stance for all incidents involving crime specific to each shift or assignment by the strategic use of available intelligence, data, and deployment.

Cost Estimate: \$0.00 **Account**

Completion Date: September 1, 2017 & ongoing

Responsible Party: Police Chief

Submitted By: Chief Morris

2. Complete a Citizen Satisfaction Survey (Completing in 2016 with Branding Process)

Justification: Conducting a Citizen Satisfaction Survey on a regular basis provides feed back to the elected officials and staff on how well the City is meeting expectations. It also serves as an engagement and educational tool for residents. In order for the tool to be a valuable policy setting and resource allocating instrument it must be administered in a scientific and statistically valid manner. Using an instrument that provides comparisons to other communities is essential to understanding the results. Having the importance of a service area reflected along with the level of satisfaction provides both staff and the elected officials a simple unbiased tool for prioritizing how best to employ the finite resources available.

ETC Institute is the authority on citizen surveys, deploying their Direction Finder tool in the late 1990's. The Direction Finder survey is widely used throughout the US and has more than 30 agencies using it in the KC Metro alone. This allows them to provide graphic comparisons to national and regional results, an ability that makes the graphically displayed results more powerful in communicating trends in our community as well as trends occurring in the region and nationally.

The survey will have Branding specific questions to add insight and direction to the branding process. This is anticipated to be completed in July of 2016.

Cost Estimate: \$15,000 **Account- Strategic Plan Funds**

Completion Date: August 30, 2016

Responsible Party: City Administrator

Submitted By: City Administrator

3. Develop a Networking Opportunity for the Roeland Park Business Community

Justification: Great places are created through many avenues: everything from individual actions that together build a welcoming sense of place, all the way up to major physical changes that make a space usable and accessible, such as we are seeking to create at the Caves site.

Additionally, people attract people. If we want a strong diversified economy in Roeland Park, we must first build networks among our existing business. Strong economies can only exist when people choose to participate in creating them. Providing an opportunity for our business owners to get together once a month, will foster growth in our economy.

Cost Estimate: \$2,500 **Account 5407.101**

Completion Date: June 30, 2017

Responsible Party: Economic Development Committee

Submitted By: Erin Thompson

B. Improve Community Assets – *through timely maintenance and replacement as well as improving assets to modern standards.*

Objectives:

1. Invest in Street Maintenance

Justification: By adopting a strategic approach to ongoing street maintenance the city can help to ensure a safe and reliable roadway for city stakeholders while mitigating unnecessary costs resulting from neglected infrastructure. As outlined in a report made by city staff and SKW to the Governing Body on 2/15/16, approximately ¼ of city roads are “good”, ½ of city roads are rated “fair”, and ¼ are “poor”; and the approximate cost of the existing pavement reconstruction backlog is estimated at over \$4,000,000. This can be prevented in the future through routine annual maintenance, rehabilitation and reconstruction as identified by staff and SKW.

Estimated investment per year to keep streets from falling into poor condition and necessitating more costly reconstruction prematurely is \$325,000. These funds would be spent on sealing and repairing spot failures, with some of the funds being spent on materials used by the Public Works staff and the balance being spent on contracted work such as mill and overlays, chip seal, and slurry seal.

Cost Estimate: \$325,000/annually **Account 5221.106-contract work (\$210k) and 5221.300-in-house work (\$115k)**

Completion Date: On-going

Responsible Party: Director of Public Works

Submitted By: Councilor Poppa

2. Issue \$2 million in General Obligation Bonds Every Three Years

Justification: A debt analysis reflects the ability to issue \$2 million in general obligation debt every three years without the need to raise the debt service portion of the mill levy. In addition to a \$4 million estimated cost to reconstruct streets that have reached a “poor” condition, the city is faced with capital replacements of parks facilities and the public works facility. Bond dollars will be allocated to individual projects based on priority; this will be reflected in the Capital Improvement Plan adopted by the Council annually. General Obligation debt is the appropriate method of funding capital investments of these types as it matches the cost to those who benefit. A debt structure that is sustainable is anticipated, so that capital replacements can be scheduled with predictable funding, which also allows for the city to leverage general obligation dollars against grant dollars available which almost always requires a local match.

Cost Estimate: \$150,000/ Year average debt service **Account Bond and Interest Fund**

Completion Date: December 31, 2017

Responsible Party: Finance Officer, Director of Public Works and City Administrator

Submitted By: Director of Public Works and City Administrator

3. Find a new location for Public Works

Justification: To fully develop the Old Pool site, public works must be moved to a new location. The estimated cost below is anticipated to be covered primarily (\$1,000,000) by proceeds derived from the sale of the Old Pool site and/or the sale of the NE corner of Roe and Johnson Drive with the balance covered by TIF (if a building is purchased within the TIF boundary) or Bond proceeds.

Cost Estimate: \$1,000,000 **Account Fund 510 (TIF 3C) for 4800 Roe/Caves and 27D (Special Infrastructure Fund)**

Completion Date: July 31, 2017

Responsible Party: City Administrator

Submitted By: Councilor Thompson

4. Repair/Removal/Replacement of Public Art

Justification: Public Art in Roeland Park enhances the aesthetic appearance of public our spaces, increase the public's enjoyment of community areas and of the arts. Maintaining our public art assets is in line with our City Goals.

Currently there are numerous pieces from Granada Park to Roe Blvd that have deteriorated and should either be repaired or removed. In addition, streetscape enhancements along Roe Boulevard as well as the redevelopment of City owned land at the northeast corner of Roe and Johnson Drive and the Old Pool Site will necessitate an assessment and relocation plan for art currently located on these properties.

The Art's Committee has begun an evaluation of Roeland Park's Art Inventory. The budget for this objective would be used to begin maintenance and/or relocation/removal efforts of identified art.

Cost Estimate: \$5,000 for 2017, may be more in subsequent years **Account 5214.101 - Community Foundation and General Overhead (Fund 101)**

Completion Date: November 30, 2017

Responsible Party: Arts Committee and City Administrator

Submitted By: Councilor Fast

5. Replace Tennis Courts at R Park

Justification: Use funds freed up due to the decrease of \$105,000 in debt service expense which occurs in 2016 after the debt on the purchase of R Park is retired to pay for construction of new tennis courts at R Park.

Funding could also come from in part from a US Tennis Association grant (\$20,000 maximum).

Cost Estimate: \$150,000 **Account 5501.300 and potential grant funds**

Completion Date: November 30, 2017

Responsible Party: Public Works Director

Submitted By: Councilor Fast

6. Stormwater Network Inspection/Condition Rating

Justification: In 2013, due to a sink hole that appeared on Elledge Street and another on Roe Lane the City hired a company with to inspect the stormwater pipe under these two roads. There were several stormwater pipes that were found to be in poor condition and staff has worked to include all those lines in our CIP for removal and replacement. Since 2013 we have not had any of our stormwater infrastructure inspected or condition rating applied to our stormwater network. This objective is to have the entire storm water network inspected and a condition rating applied to the network. Much like our pavement analysis in 2015, staff can use this information to identify deficient infrastructure with in our right-of-ways and easements in the City. We can then begin to plan for removal and replacement of infrastructure in poor condition. Unlike our roads, stormwater infrastructure is below the surface and this proactive approach will identify an issue before it becomes a costly problem.

Cost Estimate: \$20,000/year for 5 years **Account 5469.300**

Completion Date: November 30, 2017

Responsible Party: Director of Public Works

Submitted By: Jose Leon

C. Keep Our Community Safe & Secure – *for all citizens, businesses, and visitors.*

Objectives:

1. Establish Participation in the JOCO Mental Health “Co-Responder” Program

Justification: The “Co-Responder” program is a specialized response unit of JOCO Mental Health who assist the Police Department in providing improved emergency services to those individuals who suffer from mental illness, threat of suicide, substance abuse disorders, or the danger of becoming alcoholics or drug abusers. These responders go to the scene of the mental health issue with officers in order to establish alternatives not always available to law enforcement. The goals are to reduce arrest and incarceration of individuals with mental health problems, provide faster medical evaluations, and establish treatment options. This pilot program will be utilized and funded if approved by the seven individual Cities of Roeland Park, Leawood, Prairie Village, Merriam, Mission, Fairway, and Westwood. Additional annual training of all Roeland Park Police Officers will be required to establish a continued better understanding of mental health issues in the community.

Cost Estimate: \$7,100/year **Account 5214.102**

Completion Date: January 31, 2017

Responsible Party: Police Chief

Submitted By: Chief Morris

2. Provide a Strategy for Reducing Traffic Accidents.

Justification: Traffic safety is a concern for any community. There is nothing more important than saving lives while making driving an enjoyable experience. The Roeland Park Police Department will utilize engineering, education, and enforcement strategies for targeted problem areas to address traffic concerns within the city. We will continue to participate in the S.T.E.P. traffic safety program, increase random “Traffic Blitz” operations, and work towards the AAA KDOT Gold Award for traffic safety.

Cost Estimate: \$0.00 **Account N/A**

Completion Date: December 31, 2017

Responsible Party: Police Chief

Submitted By: Chief Morris

D. Provide Great Customer Service – *with professional, timely and friendly staff.*

Objectives:

1. Update City Website

Justification: The current web page software makes it difficult for staff to make significant modifications to the web site. The feel and function of the site is also dated and not as user friendly as other municipal sites. Options to update the site need to be vetted but some of those that have been discussed include working with an experienced municipal web site designer, working with another government agency's web development staff and employing students to develop and install a new site. The objective would entail gathering cost data on these different options and identifying the pros and cons of each. This would be presented to council for direction before moving forward.

Cost Estimate: \$20,000 **Account 5214.101**

Completion Date: March 31, 2017

Responsible Party: City Clerk

Submitted By: City Clerk

2. Purchase Tablets for Neighborhood Services Field Work

Justification: Currently, the Neighborhood Services staff takes notes on their inspections while out in the field. They have to dedicate a certain amount of time to reenter this information into our databases for tracking purposes. With the introduction of the Citizen Serve software, staff will have the opportunity to enter observations and information directly into the cloud-based system while in the field. They can also look up historical information on the property and have it at their fingertips while in the field. The use of a mobile device will allow inspectors to take photos, enter reports and save time running back and forth between the office and job site. It will allow us to fully capture the efficiencies of the new system.

Cost Estimate: \$1,000 materials and \$80/month for mobile hotspot **Account: 5503.104 - \$1,000; 5202.104 - \$1,000**

Completion Date: January 31, 2017

Responsible Party: Asst. City Administrator

Submitted By: Jennifer Jones-Lacy

3. Purchase Budget Software

Justification: Staff uses Microsoft Excel to prepare the Budget document annually. This system has a high potential for mistakes due to manual data entry required to update the system. In addition, it's difficult to run reports in preparation for the budget and it lacks detail that is beneficial in communicating to the public what we are spending our resources on, this detail also serves as a resource for staff and the elected officials to remind us where particular items are budgeted. A new system will help us update and track changes, and provide a new level of detail and analysis not currently available.

Cost Estimate: \$3,000/year **Account 5814.105**

Completion Date: February 28, 2017

Responsible Party: Assistant City Administrator

Submitted By: Jennifer Jones-Lacy

E. Cultivate a Rewarding Work Environment – *where creativity, efficiency and productivity are continuous pursuits.*

Objectives:

1. Employee Recognition Program: Outstanding Service Award

Justification: City staff is our most valuable assets in Roeland Park. We should help to cultivate a work environment that rewards excellence in service to our residents and community as a whole. Recognition for outstanding service is vital to team morale, job satisfaction and team member retention.

The Outstanding Service Award (awarded quarterly) program is intended to: Recognize full- and part-time staff/officers of the City of Roeland Park who go above and beyond the call of duty to embody the City's standards for excellence; Reward city staff who exhibit remarkable individual performance and contribution in their positions and related duties; and, Acknowledge efforts that have inspired and supported the performance and achievements of the team and community.

Any full- and/or part-time city staff are eligible to be nominated for the award, based on eligibility and selection criteria (to be determined). City stakeholders (residents, staff, business owners, elected/appointed officials, visitors, etc.) may nominate any eligible staff member via nomination form at "ballot box" located within city offices, or on city website. Recognition may include gift certificate, public announcement and/or proclamation at council meetings, recognition on plaque at City Hall, and profile in Roeland Parker. An annual service recognition program may be included.

Cost Estimate: \$1,000/year **Account 5408.101**

Completion Date: In place by February 28, 2017

Responsible Party: City Administrator & Council Rep

Submitted By: Councilor Poppa

2. Consider Paid Time Off or Vacation Accrual Changes for Full Time Employees

Justification: The current vacation accrual structure reflects a dated methodology. The idea that an employee should see an increase in vacation accrual after 5, 10 and 15 years of service is arbitrary and does little to motivate younger employees. The workforce today looks for greater flexibility with their time. A vacation accrual method that rewards the employee with more vacation with each year of service is logical. Another approach to consider is the adoption of Paid Time Off instead of having vacation and sick time accruals, adding flexibility to the use of this time. The options should be considered and assessed by a committee made up of staff and council members to determine if a change in approach would be beneficial.

Cost Estimate: \$0 **Account**

Completion Date: March 31, 2017

Responsible Party: Department Directors, Department Representatives, Council Representatives

Submitted By: City Administrator

F. Encourage Investment in Our Community – *whether it be redevelopment, new development or maintenance.*

Objectives:

1. Install a Biking/Walking Trail in Nall Park

Justification: The Urban Trails Company through volunteer help has estimated \$12,000 to construct a natural surface single track trail. This trail would connect to the Boulevard Apartments to green space and to Nall Park. The Boulevard Apartments tenants help generate around \$125,000 to the TIF each year. The TIF was created to benefit the residents of the Boulevard Apartments. Research has proven that recreational amenities connected to apartment complex decreases crime and improve the overall vitality and well-being of the community as a whole.

Tenants contribute to the TIF fund through higher rents and thus should benefit from green space and recreational amenities such as access to Nall Park as well as a natural surface walk and bike path. Currently - it is very difficult to access Nall Park from the Boulevard

Apartments. The trail would connect the Apartments to Nall Park and provide additional recreational opportunities for the Boulevard Apartments and residents of Roeland Park to mountain bike and walk in a natural wooden green space.

Cost Estimate: \$15,000 **Account Fund 510 (TIF 3A)**

Completion Date: December 31, 2017

Responsible Party: Parks Committee and Public Works Director

Submitted By: Councilor Fast

G. Work to Implement Strategic Plan Goals – in concert with the Strategic Plan Advocate Group.

Objectives:

1. Increase Funding for Community Sponsored Events

Justification: In addition to making informed recommendations to the Governing Body, the Citizens Advisory Committees serve as Ambassadors to the community. They support our community by presenting and promoting diverse educational and cultural programs for all citizens, including but not limited to Art in R Park, citywide social events, Community for All Ages, and public gathering/green space enhancements.

To further support their efforts, the city can invest an additional \$2,000 per year (total annual Community Events budget of \$4,000).

Cost Estimate: \$2,000 increase **Account 5510.101**

Completion Date: January 1, 2017

Responsible Party: City Administrator/Director of Public Works/Citizens Advisory Committee Chairs/Liaisons

Submitted By: Councilor Poppa

2. Research Trail Connection Opportunities to Existing Johnson County Trail System

Justification: One of the things the most recent Strategic Plan reflected was the desire to promote recreational activities. There are more than 35 miles of trails in Northeast Johnson County but less than a mile in Roeland Park. An enhanced trail system adds to the quality of living and makes Roeland Park a more attractive place to live.

Cost Estimate: \$0 **Account**

Completion Date: June 30, 2017

Responsible Party: Ad Hoc Bike and Walk Committee

Submitted By: Councilor Thompson

3. Begin a Wayfinding Sign Program

Justification: This objective is both a continuation of the branding efforts recommended by the strategic planning committee as well as a way to enhance communication with the public. Wayfinding signage is a method of identifying common destinations within a community in a manner suited to pedestrians and motorists. Commonly the signs are more colorful, ornate and incorporate branding (logo) elements. They can also serve to identify what community you are in when applied in an urban setting such as Roeland Park. Signs are generally installed in the right of way and direct people to schools, government buildings, parks and recreation facilities, downtown etc. A plan for the location and number of signs as well as what is identified on each sign would be developed along with the standard design of the signs. Installation would be completed by the public works department. Most signs use an aluminum blank with vinyl lettering which makes changes less costly and maintenance affordable. Each sign costs roughly \$2,500; a three year implementation is anticipated with a total of 15 signs.

Cost Estimate: \$12,500/year for 3 years **Account 5504.360**

Completion Date: September 30, 2017

Responsible Party: Public Works Director and Ad Hoc Bike and Walk Committee

Submitted By: City Administrator