

**AGENDA
PLANNING COMMISSION
CITY OF ROELAND PARK, KANSAS
ROELAND PARK
COUNCIL CHAMBERS
FEBRUARY 21, 2017 6:00 PM**

I. Roll Call

II. Approval of Minutes

1. Minutes - November 22, 2016

III. Action Items

1. Elect a Chair and Vice Chair
2. Introduction of new Planning Commissioner - Maddie Kamphaus
3. Request Rule Exception per Sect. 16-1423 Regarding Conveyance of Land

IV. Discussion Items

1. Update on 47th Street Development

V. Other Matters Before the Planning Commission

1. Ethics Ordinance Signatures

VI. Adjournment

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
November 22, 2016, 7:00 P.M.

The Roeland Park Planning Commission met on November 22, 2016, in City Hall, 4600 West 51st Street.

Chair Mohart declared a quorum and called the meeting to order.

Present: Kyle Rogler Bill Ahrens Darren Nielsen
 Mark Kohles Mike Hickey

Absent: Julie Mohart Paula Gleason

Staff: Jennifer Jones-Lacy, Assistant City Administrator
 Neil Shortlidge, City Attorney
 John Davidson, Building Official

I. Roll Call

Ms. Jones-Lacy called the roll and noted that Commissioners Mohart and Gleason were absent.

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER NIELSEN SECONDED TO APPOINT COMMISSIONER ROGLER AS CHAIR OF THE NOVEMBER 22, 2016 PLANNING COMMISSION MEETING. (MOTION PASSED 5-0)

II. MINUTES

1. October 18, 2016 Planning Commission Meeting Minutes

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER HICKEY SECONDED TO APPROVE THE OCTOBER 18, 2016 PLANNING COMMISSION MINUTES. (MOTION PASSED 5-0)

III. PUBLIC HEARING: CHAPTER 16 Update to terms outlined in Section 16-702 regarding special events

Commissioner Rogler opened the Public Hearing for Chapter 16 Updates to terms outlined in Section 16-702 regarding special events. As there was no one from the public present, the hearing was closed.

Ms. Jones-Lacy said this item was discussed a year ago as a potential solution to an issue that occurred with St. Agnes Catholic Church. Every year the church installs several signs (small crosses) in conjunction with temporary yard signs. Initially the Neighborhood Services office interpreted those to be yard art and so were not considered as signs. However, once they installed the additional signs with the crosses it became apparent that they were, in fact, sending a message. This particular event is part of an annual archdiocesan pro-life event and falls more within the special event code than the typical sign code.

Staff is proposing this display would fall under an organization holding a special event and has suggested making a change to the code to allow signage during that period of time. Under Section 16-703(c) language has been included to read, "A special event involving outdoor activities, i.e.

people congregating or participating in outdoor activities, shall be restricted to hours of operation between 8:00 a.m. and 11:00 p.m., to a maximum duration of four days, and to a maximum frequency for similar events of six non-consecutive times per calendar year.”

Commissioner Nielsen inquired about the height recommendations. Ms. Jones-Lacy replied that what is included in the language is larger than what was previously stated.

Commissioner Hickey wanted to make sure that the time limits were strictly for an activity and did not apply to the sign.

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER NIELSEN SECONDED TO APPROVE THE CHANGES TO SECTION (C) AND (D) OF SECTION 17-02. (MOTION PASSES 5-0)

IV. ADDITIONAL BUSINESS

1. Ordinance 941 – Update to Sign Regulations referred back to Planning Commission by Council

Ms. Jones-Lacy said the sign regulations were reviewed by the Council in September and October and they had concerns about a couple of items.

Council would like to ensure that some signs on a campus such as St. Agnes that are meant for those on the campus, such directional, scoreboards and their advertising would not be considered a sign as it is not directed outward towards the public.

The Planning Commission agreed to amend the definition to what is not considered a sign as being located completely within an enclosed building and not exposed to the view from the street, any sign not visible to persons located off the premises from where the sign is located, scoreboards and related signs on athletic complexes and bumper stickers that are no larger than 18 inches in length and five inches in height.

The City Council also expressed concerns about wall signs on a facility, which was a term not defined in the code. Council recommended that wall signs be limited to a building, which is a term defined by the code. It was agreed that signs would be limited to two building signs or one wall sign and a monument sign per building.

Commission Ahrens said he believed this clarified the intent of the code and is a good change.

Commissioner Rogler referred to Section HH and the phrase “not exposed to view from a street and any sign not visible to persons located off the premises for where the sign is located.”

City Attorney Shortlidge clarified the first one relates to signs located within an enclosed building.

Ms. Jones-Lacy added that a sign completely within an enclosed building and not able to be viewed from street is not considered a sign.

Commissioner Kohles raised a question about a scoreboard not being a sign or related signs on athletic complexes and not regulated as a sign. City Attorney Shortlidge this ordinance is creating an exception.

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER AHRENS SECONDED TO APPROVE ORDINANCE 941. (MOTION PASSES 5-0)

2. Board of Zoning Appeals Update

John Davidson, Building Official, said this action is pertaining to a fence. A building permit was issued for a fence, but it was outside the regulations and that was the reason for the action. In essence, different scenarios were discussed by BZA, the main one being the hardship clause. Several actions were debated within meeting and after consultation with the City Attorney they decided to approve the action unanimously.

Ms. Jones-Lacy added that after reviewing the code, to which she gave Mr. Davidson the credit, realized that the Planning Commission is to be updated on all BZA actions that occur per City Code. The Planning Commission will receive a written copy of those decisions and they can be discussed if needed at the next Planning Commission meeting.

3. Implementation of Bike-Ped Report Recommendations and Sustainable Code Audit

Commissioner Rogler said the Bike-Ped report is complete and recommendations have been given to the City Council about potential improvements to the bicycle and pedestrian infrastructure within Roeland Park. With the completion of the report the Bike-Ped Committee has been dissolved. Commissioner Rogler wants to bring those recommendations to the Planning Commission and also provide an update on efforts pertaining to this.

One of the first things the city will look at implementing is a series of design guidelines for urban streets. Any decisions will wait until after the new city engineer is designated.

BikeWalkKC, a non-profit, has reached out to Roeland Park about a program opportunity through the Johnson County Live Well program, a grant program by the Johnson County Department of Health that offers municipalities in the Kansas City region a way to receive funding for programs regarding active lifestyle, roadway changes and health initiatives. They have offered to provide technical assistance and brainstorming ideas for active transportation within Roeland Park.

Shawnee Mission School District pilot bike to school program for Roesland Elementary has received approval to go further in the grant process for the Safe Route for Children program. There will be an event in May and Councilmember Kelly is working with the school board and the PTA at Roesland about that pilot program.

Ms. Jones-Lacy said the Roe Boulevard improvements are scheduled for 2020, but the process has begun and the City has hired an engineer to do the design work.

City Administrator Moody said that a number of projects qualify for CARS funding in the City. An inventory will be done of all the existing structures to assess their condition along Roe and determine what needs to be reconstructed. They will all be doing community-wide outreach and looking at different cross-section designs that will help direct the road design, but added everything will be tempered by the resources allocated to the project. The project is now estimated at \$9 million. They will not know if they receive CARS funding until 2017. The city has \$4.6 million from STP, and there is another \$1 million given back by Leavenworth and they want to try to get that too. Staff does not feel that CARS will be able to make up the project difference. The decision for the City at that time would be scale back the project or the City would issue more bonds.

Ms. Jones-Lacy introduced Steve Mauer, the new city attorney.

4. Planning Commission Meeting Start Time

After a brief discussion it was agreed to move the meeting start times to 6:00 p.m.

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER KOHLES SECONDED THAT PLANNING COMMISSION MEETINGS WOULD BE AT 6:00 P.M., UNLESS OTHERWISE NOTED, TO BE ON THE THIRD TUESDAY OF THE MONTH, OR OTHER SPECIAL CALLED MEETINGS, EFFECTIVE JANUARY 2017. (MOTION PASSED 5-0)

5. Online Packet Using Novus Agenda

Ms. Jones-Lacy said the Governing Body has been using the Novus Agenda for meetings and Workshops. She will give the Commissioners log-in information and then will now have access to Planning Commission meetings through an online portal with real-time updates. She added the program is very user friendly.

V. ADJOURNMENT

Ms. Jones-Lacy also said that at the first meeting in January the Commissioners will need to nominate a new chair and vice-chair.

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER KOHLES SECONDED TO ADJOURN. (MOTION PASSED 5-0)

(Roeland Park Planning Commission Meeting Adjourned)

Scheduled Meeting Dates for 2016:

January 26	February 16	March 15	April 19	May 17	June 26
July 19	August 16	September 20	October 18	November 22	December 20

Date: 2/21/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Elect a Chair and Vice Chair**
Item Type:

Elect a new Chair and Vice Chair for the Planning Commission.

The Planning Commission is expected to elect a chair and vice chair on an annual basis. Now that we have a full commission and this is the first meeting of 2017, the PC needs to elect two people to fill these roles.

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

How does item benefit Community for all Ages?

Item Number: Action Items- III.-3.
Committee 2/21/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 2/21/2017
Submitted By: John Jacobson, Building Official
Committee/Department:
Title: **Request Rule Exception per Sect. 16-1423 Regarding Conveyance of Land**
Item Type: Presentation

Recommendation:

After review, staff finds that all qualifying criteria have been met and subsequently recommends a motion to approve the proposed property line adjustment as submitted.

Details:

The owners of 5145, 5149 and 5151 Buena Vista Street Lots 13,14 and 15 of Clarkhurst Blocks 5&6 Subdivision are petitioning the Planning Commission to allow a property line adjustment without re-platting said lots.

This action will result in two compliant lots that will eventually be ready for new single family construction. It is the intention of the owner(s) to demolish three existing structures prior to reconstruction of new homes on the properties.

A property line adjustment without platting is permissible under the following criteria:

ARTICLE 14 SUBDIVISION REGULATIONS-

General Provisions

Sec. 16-1423. - Rule **Exceptions**

- b)

Rule **exceptions** may also be granted to facilitate conveyance of land between two adjacent platted lots under the following circumstances: the sale is to an adjacent property owner; both lots in question are platted; legal descriptions of the resulting lots are prepared and recorded with the Register of Deeds following approval of the rule **exception** by the **Planning** Commission; no extension or relocation of public infrastructure is required; no easements are affected or required; and the transaction does not create nonconforming lots or nonconforming site improvements. Application for such rule **exceptions** shall be requested on forms provided by the City and shall not

require replatting. Rule exceptions shall not be approved by the Planning Commission unless it finds that the approval will not be contrary to the public interest or unnecessarily burden the City.
(Ord. No. 936, § 1, 8-15-2016)

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
☐ Map	Exhibit
☐ Letter of Request	Cover Memo
☐ Proposed Property Line Adjustment	Cover Memo



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2016)

+ Address Point

□ Building/Structure

Property

□ Untaxed

□ Common Interest

□ Vertical

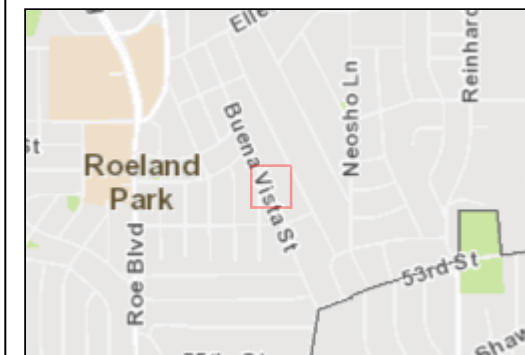
□ Platted

□ Unplatted

□ Right-of-way

□ Mineral Rights

□ Leased Land



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Thomas Clemons

Area Surveyors

P.O. Box 324
Grandview, MO 64030
(816) 941-7557
email: cclemons@kc.rr.com

January 17, 2017

John Jacobson
City of Roeland Park, Kansas
4600 W 51st
Roeland Park, Kansas

Re: 5145, 5149 & 5151 Buena Vista Street
Lots 13, 14, 15 CLARKHURST BLOCKS 5 & 6
Roeland Park, Kansas

John:

Lots 13 & 14 of Clarkhurst Blocks 5 & 6 are owned by Tobias J. Rush & Joanna L. Rush. Lot 15 is owned by John Christensen & Kimberlee Sook Christensen. The existing houses are planned for removal.

Tobias & Joanna are selling the South 18 feet of Lot 14 to John & Kimberlee. They are planning new houses for the new proposed tracts. One Tract being Lot 13 and the northerly 47 feet of 14. The other tract being Lot 15 and the southerly 18 feet of 14.

The attached drawing of the lots shows the layout of these new tracts and the intent.

Sincerely,

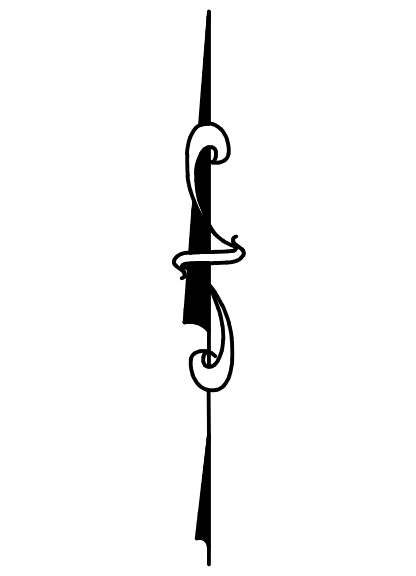
Thomas W. Clemons 1-17-17
Thomas W. Clemons, PLS

SURVEY OF
LOTS 13, 14 AND 15
CLARKHURST BLOCK 5
ROELAND PARK, JOHNSON COUNTY, KANSAS

DESCRIPTION:
(PARENT TRACT) LOTS 13, 14, AND 15, BLOCK 5, CLARKHURST BLOCK 5 & 6,
A SUBDIVISION IN ROELAND PARK, JOHNSON COUNTY, KANSAS.

TRACT 1:
Lots 13 and 14, less the Southerly 18.00 feet of Lot 14, Block 5, CLARKHURST BLOCKS 5 & 6, a subdivision in Roeland Park, Johnson County, Kansas, also described as follows: Beginning at the Northwest corner of Lot 13, Block 5, CLARKHURST BLOCK 5 & 6, a subdivision in Roeland Park, Johnson County, Kansas; thence N 64°56'16"E along the North line of Lot 13 for 177.44 feet measured, 177.34 feet platted to the Northeast corner of Lot 13; thence S 27°25'31"E along the East line of Lots 13 and 14 for 112.26 feet measured, 112.10 feet platted; thence S 64°54'23"W along the north line of the southerly 18.00 feet of Lot 14 for 182.03 feet to the West line of Lot 14; thence N 25°04'52"W for 112.00 feet to the Point of Beginning. Containing 0.46 acres more or less.

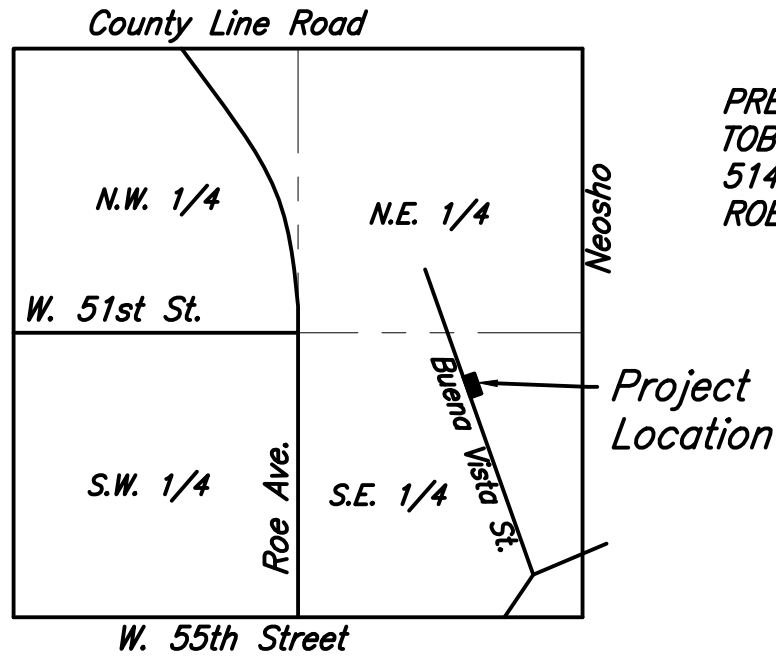
TRACT 2:
Lot 15 and the Southerly 18.00 feet of Lot 14, Block 5, CLARKHURST BLOCKS 5 & 6, a subdivision in Roeland Park, Johnson County, Kansas, also described as follows: Beginning at the Southwest corner of Lot 15, Block 5, CLARKHURST BLOCKS 5 & 6, a subdivision in Roeland Park, Johnson County, Kansas; thence N 25°04'52"W along the West line of Lots 15 and 14 for 83.00 feet; thence N 64°54'23"E along the North line of the Southerly 18.00 feet of Lot 14 for 182.03 feet to the East line of Lot 14; thence S 27°25'31"E along the East line of Lots 14 and 15 for 83.19 feet measured, 83.08 feet platted to the Southeast corner of Lot 15; thence S 65°01'21"W for 185.43 feet measured, 185.60 feet platted to the Point of Beginning. Containing 0.35 acres more or less.



SCALE: 1"=20'
DATE: JANUARY 4, 2017

LEGEND

- EXISTING 1/2" REBAR
- SET 1/2" REBAR & PLASTIC CAP
KS PLS #854
- X — EXISTING FENCE LINE
- R/W ROAD RIGHT OF WAY



PREPARED FOR/ DEVELOPER:
TOBIAS RUSH
5145 BUENA VISTA STREET
ROELAND PARK, KANSAS 66205

Project
Location

PROPERTY ADDRESS:
5145, 5149 & 5151
BUENA VISTA STREET
ROELAND PARK, KS 66205

- NOTES:
- The bearings shown are in accordance with the State Plane Coordinate System, Kansas North Zone, NAVD88 datum.
 - Zoning SFR— Single Family Residence District.
 - The subject property is in Zone C, areas of minimal flooding, by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 290173 0065B, with a date of identification of August 5, 1986, for Kansas City, Jackson County, Missouri which is the current Flood Insurance Rate Map for said community.
 - Tract 1 — Containing 20,120.83 sq. ft. or 0.46 acres
Tract 2 — Containing 15,285.30 sq. ft. or 0.35 acres
Total Property Containing 35,406.13 sq. ft. or 0.81 acres

Thomas Clemons
Area Surveyors

2800 Robinson Pike Road
P.O. Box 324 Grandview, Missouri 64030
(816) 941-7557 survey@kc.rr.com

SURVEYOR'S CERTIFICATE
This is to certify that on January 4, 2017 the survey was completed in the field, and that the survey was made by me, and that said survey meets or exceeds the "KANSAS MINIMUM STANDARDS" for boundary surveys.

THOMAS W. CLEMONS P.L.S. KS. NO. 854

Item Number: Other Matters Before the Planning
Commission- V.-1.
Committee Meeting Date: 2/21/2017



City of Roeland Park
Action Item Summary

Date: 2/21/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Ethics Ordinance Signatures**
Item Type:

Recommendation:

Details:

Attached is City's ethics ordinance. Each year, every elected and appointed committee member signs this document to show they have read and will comply with the City's ethics policy.

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
 Ethics Ordinance	Exhibit

SIGNATURE
PRINT NAME
DATE
COMMITTEE(S)

CITY OF ROELAND PARK, KANSAS

CHARTER ORDINANCE NO. 29

**A CHARTER ORDINANCE AMENDING AND REPEALING SECTIONS 3
THROUGH 11, INCLUSIVE, OF CHARTER ORDINANCE NO. 12; ALSO
AMENDING AND REPEALING SECTION 1-318 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. Sections 3 through 11, inclusive, of Charter Ordinance No. 12, codified as Section 1-318 of the Code of the City of Roeland Park, Kansas, and Section 1-318 of the Code of the City of Roeland Park, Kansas, are hereby amended to read as follows:

1-318. CODE OF ETHICS

- (a) Code of Ethics for Elective and Appointive Offices; Declaration of Policy. The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for certain City officials is hereby established. The purpose of this code is to establish guidelines for ethical standards of conduct for such officials by setting forth those acts or actions that are incompatible with the best interests of the City and directing disclosure by such officials of private financial or other interests in matters affecting the City.
- (b) Definitions.
- (1) Interest means direct or indirect pecuniary or material benefit accruing to a public officer as a result of a contract or transaction which is or may be the subject of any official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For the purposes of this code, a public officer shall be deemed to have an interest in the affairs of:

- A. Any person related to him/her by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;
- B. Any person or business entity with whom a contractual relationship exists with the public officer that would be positively or negatively impacted by that individual's relationship with the City;
- C. Any business entity in which the public officer is an officer, director, or member having a financial interest in, or by which the public officer is employed;
- D. Any business entity in which the stock of; or legal or beneficial ownership of, in excess of five percent of the total stock or total legal and beneficial ownership, is controlled or owned by the public officer.

- (2) Official Act or Action means any legislative, administrative, appointive or discretionary act of any officer of the City or any agency, board, committee or commission thereof.
- (3) Business Entity means any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust, corporation, limited liability company, or similar business organization.
- (4) Public Officer means any person, officer holding a position by public election or Governing Body appointment in the service of the City of Roeland Park, whether paid or unpaid, including members of any board, committee or commission thereof.
- (5) Transaction shall be defined as any activity that engages the authorization, approval, involvement in an official capacity of a public officer that did or could result in the expenditure of City funds.
- (6) Ethics Attorney shall be defined as that individual who is licensed to practice law in the State of Kansas who does not currently serve the City that is selected by the Governing Body.

(c) Standards of Conduct.

- (1) The requirements herein set forth shall constitute reasonable standards and guidelines for the ethical conduct of public officers of the City.
- (2) Interest in Contract or Transaction. No public officer having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the City, shall:

- A. Have or hereafter acquire an interest in such contract or transaction;
 - B. Have an interest in any business entity representing, advising or appearing on behalf of any person involved in such contract or transaction, whether paid or unpaid;
 - C. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
 - D. Have solicited, accepted or granted a present or future gift, service or thing of value from or to a person involved in such contract or transaction.
- (3) Exceptions. The prohibition against gifts, services or things of value in Subsection 1-318(c)(2)(D) shall not apply to:
- (A) An occasional non-pecuniary gift, service or thing of value, insignificant in value (\$50.00 or less);
 - (B) An award publicly presented in recognition of public services.
- (4) Pre-acquisition of Interest. No public officer, with respect to any contract or transaction which is under consideration as an official act or action of the City, shall acquire an interest in or be affected by such contract or transaction at a time when the public officer believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the City.
- (5) Disclosure of Information Prohibited. No public officer, with respect to any contract or transaction which is or is under consideration of an authorization, shall disclose information specifically intended to be confidential concerning the property, government or affairs of the City, or use such information to advance the financial interest of himself, herself or others.
- (6) Incompatible Service. No public officer shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this code.
- (7) Appearances. No public officer shall appear on behalf of any private person, other than himself, herself, his or her spouse or minor children, before any City agency or the Municipal Court. However, a member of the Governing Body may appear before City agencies on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.
- (8) Public Contracts. No public officer who in his or her capacity as such officer participates in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to that

contract some function requiring the exercise of discretion on his or her part, shall enter into any contract with the City unless:

- A. The contract is awarded through a process of public notice and competitive bidding, or
- B. The contract for property or services is one for which the price is fixed by law.

- (9) Public Property. No public officer shall engage in, request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for the operation of a private business or for personal use.
- (10) Later Case Interest. No public officer shall, after the termination of service with the City, appear for pay before any board, commission, committee or agency of the City in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service, or which was under his or her active consideration. No elected official shall apply for or be considered for any employment with the City following his or her departure from elected office for the length of his or her tenure or four years, whichever is the longest.
- (11) Use of Computers by Elected Officials. Any computer ("computer" being defined to include desktop as well as portable computers, computer functions such as internet access, electronic mail and broadband broadcast; computer databases; servers; hardware; and software) provided by the City for use by elected officials shall be restricted to use for official City business. No elected official shall use any such computer for personal use or cause, permit or allow any other person to use or access any such computer for other than official City business. Use of any such computer for political purposes, including campaigns for City offices, shall be considered to be personal use. Unless approved by the Governing Body, use of any such computer for fund raising activities shall be considered to be personal use.

(d) Exceptions to Code of Ethics.

- (1) It shall not be deemed a violation of the standards of the code if the interest of a public officer in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur.
- (2) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code. A contract for a commercial retail sale, even though over the value of \$500.00, shall not be deemed to create an interest in violation of this code.

- (3) A public officer does not make or participate in the making of a contract or perform an official act or action related to a contract or transaction if the public officer abstains or recuses himself or herself from any official act or action in regard to the contract or transaction, and does not vote on such item.
- (e) Disclosure of Interest in Legislative Action.
 - (1) Any member of the Governing Body who has a financial interest or personal interest in any proposed legislation before the Governing Body shall disclose on the record the nature and extent of such interest.
 - (2) Any other public officer who has a financial or personal interest in any proposed legislative action of the Governing Body and who participates in discussion with or gives an official opinion or recommendation to the Governing Body, shall disclose on the record of the nature and extent of such interest.
- (f) Enforcement. Any alleged violation by a public officer shall be brought to the attention of the Governing Body by a written complaint duly signed by a complaining party. The Governing Body shall consider the complaint, and/or direct that the City Ethics Attorney consider or investigate the complaint, and consideration shall be given to open meetings requirements and standards, including but not limited to those related to consultation with the City's attorneys and personnel matters of non-elected personnel. The Governing Body may take such action, or direct that such action be taken, as the Governing Body deems appropriate, including but not limited to those set forth in Subsection 1-318(h) (Violations; Penalties) below.
- (g) Advisory Opinions.
 - (1) When any public officer has a question as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, such public officer should bring the question to the attention of the City Administrator or the Mayor, as may be appropriate. If any such questions are not resolved through such channels, he or she may apply in writing to the Governing Body for a formal advisory opinion from the Ethics Attorney. The officer shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. As appropriate, an opinion from the Kansas Governmental Ethics Commission may also be requested.
 - (2) Such opinion until amended or revoked shall be binding on the City, the City Council, and the Ethics Attorney in any subsequent actions concerning the public officer who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen. Any ethics opinion shall not be considered

attorney-client privilege as between the Ethics Attorney and the public officer.

- (3) Whenever, at any meeting of the City Council, any person states or alleges that the participation of any member of the Governing Body with respect to any matter on the agenda for action by the Governing Body at that meeting would or may result in a violation of this code, the Governing Body member affected may request to have the matter tabled until the next regular meeting of the City Council in order to afford said Governing Body member an opportunity to obtain an advisory opinion from the Ethics Attorney.

(h) Violations; Penalties.

- (1) Action, if any, for violation of this Code may include, but not be limited to, an informal reprimand, formal resolution of public censure, or forfeiture or ouster in accordance with the applicable statutes of the State of Kansas. In addition, in the case of employees, action may be based upon established employment policies of the City, including suspension or dismissal where appropriate.
 - (2) In addition, any public officer who willfully and knowingly violates any of the provisions of Sections 1-318(c) (Standards of Conduct) or 1-318(e) (Disclosure of Interest in Legislative Action) of this Code may be deemed guilty of a public offense and the Ethics Attorney and/or the City Prosecutor, with the approval of the Governing Body, shall have the power to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. Any public officer so found guilty of violating any provision contained in such Sections shall be punished in accordance with the penalties set forth in Section 1-117 of the City Code. Public officers in violation of the provisions of this Code shall also be subject to submission to the Kansas Governmental Ethics Commission, the Attorney General of Kansas, or the Johnson County, Kansas, District Attorney for review, investigation, and appropriate action pursuant to State law.
 - (3) In addition, where the violation by the public officer has resulted in financial harm to the City or financial profit or gain to the public officer, the City is authorized to seek damages in an amount not to exceed twice the financial harm suffered by the City or twice the profit or gain realized by the public officer, whichever is greater.
 - (4) Violations of any provision of this Code may further constitute cause to cancel any contract, cease negotiations on any contract, and/or rescind or modify any previous action based upon any such violation.
- (i) Distribution of Code of Ethics. The City Clerk shall cause a copy of the Code of Ethics to be distributed to every public officer of the City within 30 days after enactment and amendment of the same. Each public officer elected or appointed

thereafter shall be furnished a copy and file a signed version with the City before entering upon the duties of his or her office.

SECTION 2. Sections 3 through 11, inclusive, of Charter Ordinance No. 12 and existing Section 1-318 of the Code of the City of Roeland Park, Kansas, are hereby repealed.

SECTION 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 6. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a 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 30th day of March, 2015.