

AGENDA
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st St
January 17, 2017 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.

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 # 900
- B. April 18, 2016 Minutes (not previously approved)
- C. November 21, 2016 Minutes
- D. December 19, 2016 Minutes
- E. Ad-Hoc Development Committee Renewal

III. Business From the Floor

A. Applications / Presentations

- 1. GFOA Certificate of Excellence in Financial Reporting

IV. Mayor's Report

- A. Announcements

V. Workshop and Committee Reports

- A. Workshop Summaries

VI. Reports of City Liaisons

VII. Unfinished Business

- A. Committee Appointments and Reappointments

VIII. New Business

- A. Renewal of Code Enforcement Services Agreement with Westwood Hills
- B. Renewal of IT Services with Johnson County
- C. 1% Arts Direction to Arts Committee

IX. Ordinances and Resolutions:

- A. Ordinance No. 941 - Amendment Related to City Code on Signs

X. Reports of City Officials:

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: Consent Agenda- II.-A.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Appropriation Ordinance # 900**
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 # 900

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

Friday, January 13, 2017

Appropriation Ordinance - 01/17/2017 - #900

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 17 day of January, 2017.

Attest:

City Clerk

Mayor

Total Appropriation Ordinance	\$	377,833.97
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There are sufficient funds in the General Fund to cover general fund expenditures.

Appropriation Ordinance - 01/17/2017 - #900

Vendor	Dept	Acct #	Description	Invoice Description	Check /EFT Date	Amount	Chk #	Check Amount
Advantage Computer	101	5214.101	Other Contracted Services	Invoice: 32868 /	1/5/2017	750.00	66387	1,500.00
Advantage Computer	102	5214.102	Other Contracted Services	Invoice: 32868 /	1/5/2017	750.00	66387	
Advance Auto Parts	102	5260.102	Vehicle Maintenance	Invoice: 5128635733777 /	12/28/2016	11.98	66358	11.98
Airgas USA, LLC	106	5214.106	Other Contracted Services	Invoice: 9941857732 /	12/31/2016	88.08	66397	88.08
American Equipment Co.	106	5211.106	Maintenance & Repair Equipment	Invoice: 26628 /	12/22/2016	52.95	66334	52.95
American Equipment Co.	106	5211.106	Maintenance & Repair Equipment	Invoice: 26954 / clevis pins	12/31/2016	21.00	66398	21.00
American Fidelity Assurance Co.	101	2052.101	Supplemental Insurance Payable	Invoice: 1410121A /	12/22/2016	258.33	66335	258.33
American Fidelity Assurance Co.	101	2052.101	Supplemental Insurance Payable	Invoice: 1410122A /	12/31/2016	258.33	66399	258.33
American Fidelity Assurance	101	2052.101	Supplemental Insurance Payable	Invoice: B553746 /	12/22/2016	1,211.26	66336	1,211.26
Batteries Plus Bulbs	102	5301.102	Office Supplies	Invoice: 258383833 /	12/31/2016	26.44	66400	26.44
BCI Mechanical	290	5211.290	Maintenance & Repair Equipment	Invoice: 146725466 /	12/31/2016	1,503.56	66401	4,622.77
BCI Mechanical	290	5211.290	Maintenance & Repair Equipment	Invoice: 146725541 /	12/31/2016	3,119.21	66401	
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76743017 /	12/22/2016	1,737.40	66337	1,737.40
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76750643 /	12/31/2016	1,737.40	66402	1,737.40
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028269 /	12/22/2016	343.45	66338	413.45
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028272 /	12/22/2016	70.00	66338	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028707 /	1/12/2017	25.00	66403	224.95
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028797 /	1/12/2017	149.95	66403	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028715 /	1/12/2017	25.00	66403	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1028711 /	1/12/2017	25.00	66403	
Century Fire Sprinklers, Inc.	101	5210.101	Maintenance & Repair Building	Invoice: ST000246 /	12/31/2016	315.00	66377	315.00
C & G Rubber Stamp, Inc.	101	5301.101	Office Supplies	Invoice: 115306 /	12/22/2016	88.00	66339	88.00
C & G Rubber Stamp, Inc.	101	5301.101	Office Supplies	Invoice: 115586 /	12/31/2016	77.00	66378	88.00
C & G Rubber Stamp, Inc.	101	5301.101	Office Supplies	Invoice: 115605 /	12/31/2016	11.00	66378	
C & G Rubber Stamp, Inc.	101	5301.101	Office Supplies	Invoice: 0115644 /	1/12/2017	37.00	66404	37.00
City of Overland Park	102	5214.102	Other Contracted Services	Invoice: 41667201701 /	1/12/2017	1,860.31	66405	1,860.31
Clarkson Power Flow, Inc.	106	5211.106	Maintenance & Repair Equipment	Invoice: 1004698 / hyd.hoses	12/31/2016	221.92	66406	221.92
Consolidated Communications	101	5202.101	Telephone	Invoice: 12/9/16 /	12/22/2016	568.99	66340	568.99
Dorma USA, Inc.- Kansas City	101	5210.101	Maintenance & Repair Building	Invoice: 330734 /	12/31/2016	964.75	66379	964.75
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 458786 /	12/31/2016	833.82	66407	833.82
E. Edwards, Inc.	106	5308.106	Clothing & Uniforms	Invoice: 12161612052 / winter coats	12/31/2016	161.48	66408	161.48
Electronic Contracting Company	101	5210.101	Maintenance & Repair Building	Invoice: KC025556 /	12/28/2016	300.00	66359	300.00
Electronic Contracting Company	101	5210.101	Maintenance & Repair Building	Invoice: KC02753 / city hall alarm repa	12/31/2016	141.00	66409	141.00
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 12/29/16 HARPER /	12/28/2016	328.62	66360	328.62
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 1/12/17 HARPER /	1/12/2017	328.62	66410	328.62
Family Tree Nursery	106	5505.106	Other Capital Outlay	Invoice: 162280 / kcpl tree grant	12/31/2016	234.27	66411	234.27
Hanna Rubber Company	106	5211.106	Maintenance & Repair Equipment	Invoice: 1215294IN. / new fill hose for s	12/31/2016	24.00	66412	24.00
Hendrick Chevrolet	106	5260.106	Vehicle Maintenance	Invoice: CVW364271. /	12/31/2016	7.18	66413	7.18
ICMA	105	5405.105	Dues, Subscriptions & Books	Invoice: 2017 MOODY RENEW /	1/5/2017	854.40	66388	854.40

Johnson County Wastewater	101	5198.101	Sewer	Invoice: 12/8/16 MULTIPLE /	12/22/2016	239.71	66341	730.39
Johnson County Wastewater	106	5198.106	Sewer	Invoice: 12/8/16 MULTIPLE /	12/22/2016	490.68	66341	
Johnson County Park & Recreation I	360	5760.360	Building Expense	Invoice: 12062016 /	12/28/2016	8,152.60	66361	8,152.60
Johnson County Park & Recreation I	290	5409.290	Appropriation - Jo Co HR	Invoice: 1/3/17 1ST QTR 50 PL /	1/5/2017	20,750.00	66389	20,750.00
Johnson & Wyandotte Counties	108	5206.108	Travel Expense & Training	Invoice: 12/7/16 DINNER /	12/22/2016	207.84	66342	207.84
KAT Nurseries	106	5505.106	Other Capital Outlay	Invoice: SI83649 /	12/22/2016	646.00	66343	646.00
Kansas City Board of Public Utilities	101	5121.101	Franchise Exps/Traffic Signals	Invoice: 2834 12/27/16 /	12/31/2016	29.41	66380	29.41
KC Copiers, Inc.	106	5503.106	Office Equipment	Invoice: 19581. / copier rep.	12/31/2016	314.00	66414	314.00
Kansas City First Aid	102	5307.102	Other Commodities	Invoice: 3756 /	12/31/2016	13.90	66381	13.90
Kansas City First Aid	106	5207.106	Medical Expense & Drug Testing	Invoice: 3754. /	12/31/2016	27.73	66415	27.73
KCP & L	101	5201.101	Electric	Invoice: 12/28/16 MULTIPLE /	12/31/2016	1,587.22	66382	2,224.81
KCP & L	106	5201.106	Electric	Invoice: 12/28/16 MULTIPLE /	12/31/2016	637.59	66382	
KCP & L	106	5201.106	Electric	Invoice: 1275 1/6/17. /	12/31/2016	1,716.49	66416	1,716.49
Keller Fire & Safety	102	5211.102	Maintenace & Repair Equipment	Invoice: 221998 /	1/12/2017	24.50	66417	24.50
Key Equipment & Supply	106	5211.106	Maintenace & Repair Equipment	Invoice: 248394 / street sweeper air c	12/22/2016	981.32	66344	981.32
Kansas Gas Service	101	5199.101	Natural Gas	Invoice: 1745/7836 12/14/16 /	12/22/2016	300.10	66345	834.42
Kansas Gas Service	106	5199.106	Natural Gas	Invoice: 1745/7836 12/14/16 /	12/22/2016	534.32	66345	
Knapheide Truck Equip. Center	106	5211.106	Maintenace & Repair Equipment	Invoice: KCS72113. / new plow blade	12/31/2016	215.00	66418	215.00
Kansas Alcohol Beverage Control	101	4245.101	Cereal Malt Beverage License	Invoice: JAN 2017 /	1/5/2017	150.00	66390	150.00
Kansas Dept. of Health & Environme	106	5405.106	Dues, Subscriptions & Books	Invoice: 2017 PERMT SKS630005 /	1/5/2017	60.00	66391	60.00
Kansas Heavy Construction, LLC	450	5625.450	Stormwater Maintenance	CK32204 Invoice: 10/26/16 -2 /	12/31/2016	24,849.50	32204	24,849.50
Kansas Heavy Construction, LLC	450	5625.450	Stormwater Maintenance	Invoice: 12/26/16- 2 FINAL /	12/31/2016	27,749.50	66419	27,749.50
Kansas Mayors Association	108	5206.108	Travel Expense & Training	Invoice: 17497 /	1/5/2017	50.00	66392	50.00
KS Municipal Insurance Trust	107	5125.107	Worker's Compensation	Invoice: 2017 PREMIUM /	1/5/2017	46,910.00	66393	46,910.00
Kansas State Treasurer	103	5228.103	Fees Due State of Kansas	Invoice: 12/16 COURT REV /	12/31/2016	1,557.50	66420	1,557.50
Kansas Turnpike Authority	105	5206.105	Travel Expense & Training	Invoice: 12/16 /	12/31/2016	4.80	66421	4.80
LBA A/C, Heating & Plumbing	101	5210.101	Maintenace & Repair Building	Invoice: 234953 /	12/22/2016	232.00	66346	232.00
League of Kansas Municipalities	101	5405.101	Dues, Subscriptions & Books	Invoice: 17108 /	1/5/2017	3,952.26	66394	3,952.26
The Legal Record	101	5204.101	Legal Printing	Invoice: L64287 /	12/22/2016	38.91	66347	38.91
The Legal Record	101	5204.101	Legal Printing	Invoice: L64515 /	12/31/2016	67.83	66383	67.83
Lowe's Business Acct./GEMB	106	5304.106	Janitorial Supplies	Invoice: 1760 1/12/17 /	12/28/2016	10.44	66362	86.77
Lowe's Business Acct./GEMB	106	5306.106	Materials	Invoice: 1760 1/12/17 /	12/28/2016	10.38	66362	
Lowe's Business Acct./GEMB	106	5306.106	Materials	Invoice: 1760 1/12/17 /	12/28/2016	(1.09)	66362	
Lowe's Business Acct./GEMB	106	5318.106	Tools	Invoice: 1760 1/12/17 /	12/28/2016	10.55	66362	
Lowe's Business Acct./GEMB	106	5320.106	Grounds Maintenance	Invoice: 1760 1/12/17 /	12/28/2016	28.38	66362	
Lowe's Business Acct./GEMB	101	5408.101	Miscellaneous Charges	Invoice: 1760 1/12/17 /	12/28/2016	28.11	66362	
MARC	101	5405.101	Dues, Subscriptions & Books	Invoice: 12/16/16 CSS 2017 /	12/22/2016	150.00	66348	150.00
Joel Marquardt	108	5402.108	Mayor's Expenses	Invoice: 12/14/16 TARG/HOULIH /	12/31/2016	497.50	66384	497.50
Mid-American Signal, Inc.	106	5305.106	Traffic Control Signs	Invoice: 17050 / traffic counter	12/31/2016	1,590.00	66422	1,590.00
Venessa Maxwell-Lopez	103	5209.103	Professional Services	Invoice: 12/16/16 /	12/22/2016	150.00	66349	150.00
Ian McEnery	103	4410.103	Fines	Invoice: 12/16 TICKET OVERPMT /	12/28/2016	60.00	66363	60.00
Minnesota Elevator, Inc.	101	5210.101	Maintenace & Repair Building	Invoice: 687545 /	12/31/2016	325.00	66423	325.00
Micro Center	106	5503.106	Office Equipment	Invoice: 6444958 / donnie hard drive	12/31/2016	39.99	66424	39.99

Midwest Public Risk	107	5126.107	Health Insurance	Invoice: B0272B /	12/28/2016	26,964.78	66364	26,964.78
Mission Plumbing Heating & Cooling	101	4215.101	Building Permit	Invoice: 12/16 PERMIT OVERPMT /	12/28/2016	60.00	66365	60.00
Moss Printing	101	5410.101	Committee Funds	Invoice: 8678 /	1/12/2017	75.00	66425	75.00
NAPA Auto Parts	106	5260.106	Vehicle Maintenace	Invoice: 911660 /	12/22/2016	16.98	66350	70.94
NAPA Auto Parts	106	5260.106	Vehicle Maintenace	Invoice: 911916 /	12/22/2016	53.96	66350	
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 12/29/16 PAYROLL /	12/28/2016	903.26	66366	903.26
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 1/12/17 PAYROLL /	1/12/2017	1,283.31	66426	1,283.31
Northeast Animal Control Comm.	102	5238.102	Animal Control	Invoice: 2017 PER CAPITA /	1/12/2017	55,776.59	66427	55,776.59
Northeast Johnson Cty. Chamber of	105	5206.105	Travel Expense & Training	Invoice: 21053 /	12/28/2016	30.00	66367	45.00
Northeast Johnson Cty. Chamber of	108	5206.108	Travel Expense & Training	Invoice: 21053 /	12/28/2016	15.00	66367	
Novusolutions	101	5405.101	Dues, Subscriptions & Books	Invoice: 24396 /	1/5/2017	4,950.00	66395	4,950.00
Office Depot, Inc.	101	5301.101	Office Supplies	Invoice: 887858823001 /	12/28/2016	1,318.56	66368	1,318.56
Praxair Distribution Inc	106	5306.106	Materials	Invoice: 75523790 /	12/31/2016	25.85	66428	25.85
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 648766 /	12/22/2016	7.96	66351	339.57
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 648701 /	12/22/2016	113.66	66351	
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 648765 /	12/22/2016	217.95	66351	
Balls Food Stores	102	5301.102	Office Supplies	Invoice: 648767 /	12/28/2016	17.57	66369	17.57
Principal Life	107	5130.107	City Paid Life Insurance	Invoice: 12/17/16 /	12/28/2016	779.63	66370	779.63
Pyramid Contractors, Inc.	510	5244.510	General Contractor	Invoice: 2 /	12/31/2016	82,000.00	66429	82,000.00
Wex Bank	104	5302.104	Motor Fuels & Lubricants	CK32202 Invoice: 48032491 /	12/19/2016	955.72	32202	974.61
Wex Bank	106	5302.106	Motor Fuels & Lubricants	CK32202 Invoice: 48032491 /	12/19/2016	18.89	32202	
Wex Bank	102	5302.102	Motor Fuels & Lubricants	Invoice: 48122849 /	12/31/2016	2,789.19	32205	2,789.19
Rejis Commission	102	5214.102	Other Contracted Services	Invoice: 51931 /	12/31/2016	204.20	66430	204.20
Riteway Maintenance & Supply, LLC	101	5214.101	Other Contracted Services	Invoice: 15930 /	12/22/2016	910.00	66352	910.00
Riteway Maintenance & Supply, LLC	101	5214.101	Other Contracted Services	Invoice: 16045 /	1/5/2017	910.00	66396	910.00
Roeland Park Community Foundatio	101	4795.101	Miscellaneous	Invoice: 12/16 MEM.TREE DONAT /	12/22/2016	985.00	66353	985.00
Roeland Park Community Foundatio	101	5410.101	Committee Funds	Invoice: 2016 BALANCE /	12/31/2016	1,059.69	66385	1,059.69
Roeland Park Community Foundatio	108	5103.108	Salaries - Elected Officials	Invoice: 1/1/17 /	1/1/2017	60.00	66375	60.00
George Schlegel	101	5230.101	Art Commissioner	Invoice: 1/1/17 /	1/1/2017	100.00	66376	100.00
Schuler Heating & Cooling, Inc.	290	5211.290	Maintenace & Repair Equipment	Invoice: 36914 / fan control board	12/31/2016	359.60	66431	359.60
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009925012 /	12/31/2016	1,170.00	66432	8,275.80
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009901036 /	12/31/2016	924.87	66432	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300992609 /	12/31/2016	240.00	66432	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 13009928010 /	12/31/2016	629.10	66432	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300993208 /	12/31/2016	90.00	66432	
Shafer, Kline & Warren, Inc.	510	5209.510	Professional Services	Invoice: 13009922015 /	12/31/2016	4,673.08	66432	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300993501 /	1/12/2017	548.75	66432	
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8042169269 /	12/22/2016	13.01	66354	13.01
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8042269453 /	12/28/2016	176.07	66371	275.13
Staples Advantage	106	5304.106	Janitorial Supplies	Invoice: 8042269453 /	12/28/2016	99.06	66371	
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8042446567 /	12/31/2016	137.20	66433	249.16
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8041790047 /	12/31/2016	7.78	66433	
Staples Advantage	101	5304.101	Janitorial Supplies	Invoice: 8042446567 /	12/31/2016	104.18	66433	

Strategic Insights Inc.	101	5814.101	Computer Software	Invoice: 16PLANIT130 6/21/16 /	1/12/2017	2,025.00	66434	3,375.00
Strategic Insights Inc.	101	5814.101	Computer Software	Invoice: 16PLANIT130 /	1/12/2017	1,350.00	66434	
Terminix Processing Center	101	5214.101	Other Contracted Services	Invoice: 361240893 /	1/12/2017	33.51	66435	33.51
USIC Locating Services, LLC	101	5120.101	Street Light Repair & Maintenance	Invoice: 211203 /	12/22/2016	1,019.70	66355	1,019.70
Verizon Wireless	102	5202.102	Telephone	Invoice: 9777551810 /	12/31/2016	295.41	66436	335.42
Verizon Wireless	106	5202.106	Telephone	Invoice: 9777551811 /	12/31/2016	40.01	66436	
The Victor L. Phillips Co.	106	5211.106	Maintenace & Repair Equipment	Invoice: IK94072 / rim 85xt 203	12/31/2016	316.80	66437	316.80
Village Gardens	102	5307.102	Other Commodities	Invoice: 1177280 /	12/22/2016	93.00	66356	93.00
Village Gardens	102	5408.102	Miscellaneous Charges	Invoice: 1174973 /	12/31/2016	186.00	66438	186.00
Walmart Community-RFCSLLC	101	5408.101	Miscellaneous Charges	Invoice: 6837 1/11/17 /	12/28/2016	180.00	66372	218.64
Walmart Community-RFCSLLC	101	5408.101	Miscellaneous Charges	Invoice: 6837 1/11/17 /	12/28/2016	38.64	66372	
Water District No 1 of Johnson Cour	106	5197.106	Water	Invoice: 12/23/16 MULTIPLE /	12/28/2016	173.69	66373	173.69
Water District No 1 of Johnson Cour	106	5197.106	Water	Invoice: 12/27/16 MULTIPLE /	12/31/2016	111.50	66386	111.50
City of Westwood	115	5312.115	Leaf Program Disposal Fees	Invoice: 2016 LEAF PICKUP /	12/22/2016	481.78	66357	481.78
Kathleen Whitworth	101	5410.101	Committee Funds	Invoice: 11/14/16 WAYFAIR /	12/28/2016	71.98	66374	71.98
Johnny on the Spot	106	5320.106	Grounds Maintenance	Invoice: 1864648579 /	12/31/2016	157.50	66439	157.50
Forte	101	5214.101	Other Contracted Services	EFT#12/30/16 Invoice: 12/30/16 ALL AC	12/30/2016	212.37		
Forte	101	5214.101	Other Contracted Services	EFT#1/4/17 Invoice: 1/4/17 ADMIN /	1/4/2017	17.95		
Forte	101	5214.101	Other Contracted Services	EFT#1/4/17 Invoice: 1/4/17 COURT /	1/4/2017	63.88		
Forte	101	5214.101	Other Contracted Services	EFT#1/4/17 Invoice: 1/4/17 ADMIN WEI	1/4/2017	17.95		
Forte	101	5214.101	Other Contracted Services	EFT#1/4/17 Invoice: 1/4/17 COURT WEI	1/4/2017	17.95		
KPERS	101	2040.101	KPERS Accrued Employee	EFT#12/29/2016 Invoice: 12/29/2016 /	12/29/2016	1,791.60		
KPERS	107	5123.107	KPERS City Contribution	EFT#12/29/2016 Invoice: 12/29/2016 /	12/29/2016	2,741.14		
KP&F	101	2045.101	KP&F Employee Withholding Payable	EFT#12/29/2016 Invoice: 12/29/2016 /	12/29/2016	2,107.52		
KP&F	107	5131.107	KP&F City Contribution	EFT#12/29/2016 Invoice: 12/29/2016 /	12/29/2016	6,018.97		
Miller Management Systems, LLC	101	5214.101	Other Contracted Services	Invoice: EFTJAN /	1/1/2017	1,583.00		
						\$	377,833.97	

Item Number: Consent Agenda- II.-B.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **April 18, 2016 Minutes (not previously approved)**
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



April 18, 2016

Type

Cover Memo

ROELAND PARK CITY COUNCIL MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, April 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

Janssen
Poppa

Finance

Rhoades
Kelly

Safety

McNeil
Thompson

Public Works

Fast
Kellerman

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 all Councilmembers were present.

Modification of Agenda

CMBR Fast said four items would be added to New Business as they were not completed during the previous Workshop session: 1st Quarter Safety Statistics, Discussion of Change in Election Dates, and Ordinance Formalizing Workshop procedures, and the 2015 STP/CARS Project, 48th & Roe Blvd Intersection Improvement. Also Police Chief Morris will present the department's new part-time officer under Business from the Floor.

CMBR Kelly said the BPAC did not have a meeting, so there is no report as listed on the agenda.

I. CONSENT AGENDA

- A. Appropriation Ordinance # 891
- B. City Council Minutes February 15, 2016
- C. Special Called City Council Minutes March 7, 2016
- D. Special Called City Council Minutes March 14, 2016
- E. Boarding House Definition within Chapter 16
- F. Arts Advisory Committee Event Signage
- G. Community Event Signage
- H. Approve Proposed 2017 Pay Scale
- I. MOSCA Proclamation (Teresa Kelly and Michael Poppa)
- J. Arbor Day Proclamation (Teresa Kelly and Sheri McNeil)
- K. Week of the Young Child (Tim Janssen and Sheri McNeil)
- L. Bike Month (Erin Thompson and Teresa Kelly)

MOTION: CMBR KELLY MOVED, CMBR MCNEIL SECONDED, TO ACCEPT THE CONSENT AGENDA AS LISTED.
(MOTION PASSES 8-0)

II. BUSINESS FROM THE FLOOR

A. Applications and Presentations

- A. Presentation of New Part-Time Officer.

Police Chief Morris said the City currently uses four part-time officers. These officers help when officers are sick, on vacation, with special events, act as bailiff, etc. He introduced Don Brooks and his family to the Council. Mr. Brooks is a retired Deputy Chief from Westwood with over 40 years of experience and Chief Morris said brings a lot of knowledge to the department.

(Applause)

B. Special Permit Chicken 3312 W. 50th Terrace

City Clerk Bohon said the City had received the chicken request application and Mike Flickinger, building inspector, has noted the residence passed inspection.

MOTION: CMBR JANSSEN MOVED, CMBR RHOADES SECONDED, TO APPROVE THE SPECIAL PERMIT FOR CHICKENS FOR MR. GRILLIOT AT 3312 W. 50TH TERRACE. (MOTION PASSES 8-0)

C. Animal Variance 4911 W. 58th Street

City Clerk Bohon received a variance for the 4911 W. 58th Street address. She said 11 letters were sent to neighbors and animal control performed an inspection of the property. She said she received two opposition letters, which is why the item is before the Council.

CMBR McNeil asked for clarification on how many letters were sent. City Clerk Bohon said of the 11 letters sent, they received 7 back and 2 of them were opposed to the variance.

CMBR Fast asked for clarification that the animal requesting the variance is not the dog that has already bit another dog. It was also discussed how long the current dogs have been registered with the City.

City Administrator Moody stated that when an animal permit is issued, as long as it is within the appropriate number, they generally do not do a background check on an animal before issuing a permit.

CMBR Fast noted that animal control's inspection said that yard security was inadequate on the property and wanted to have that as a condition for the variance.

MOTION: CMBR THOMPSON MOVED, CMBR KELLY SECONDED, TO APPROVE THE ANIMAL VARIANCE AT 4911 WEST 58TH STREET WITH THE ADDED AMENDMENT THAT THE NORTHWEST CORNER GATE IS SECURED AND YARD SECURITY IS ENHANCED. (MOTION PASSES 4-4, WITH MAYOR MARQUARDT VOTING YES.)

ROLL CALL VOTE:

Fast - Y McNeil - N Janssen - N Rhoades - N Kellerman - N Thompson - Y Kelly - Y Poppa - Y

MOTION: CMBR FAST MOVED, CMBR JANSSEN SECONDED, TO AMEND THE VARIANCE AT 4911 WEST 58TH STREET THAT THE NORTHWEST CORNER GATE IS SECURED AND YARD SECURITY IS ENHANCED. (MOTION PASSES 8-0)

CMBR Rhoades asked if respondents to the letters are notified about the Council's decision. City Clerk Bohon said she notifies respondents when the issue will be on a City Council agenda, so that they have an opportunity to offer comment, and then she also notifies them following the meeting of the Council's decision.

CMBR Kellerman asked for clarification on why this issue was brought before the Council. City Clerk Bohon said if one neighbor is opposed to the variance request, then it can be handled administratively. More than one requires the request to come before the Council for resolution.

The Council clarified that the approval is pending securing the yard, and until that condition is met, they will not be allowed to have the third animal. City Clerk Bohon said she would have animal control return to the property to make sure that the yard is secure.

4. Arbor Day at R Park

Kathleen Whitworth from the Parks Committee said there will be an Arbor Day Event at R Park on April 30th. It is a City sponsored event and meets a requirement to retain Roeland Park's status as a Tree City. She presented two flyers designed for the event and asked the Council to choose the one they liked best. The event will be posted on the City's website, published in the *Prairie Village Post*, and 25 flyers each at City Hall and the Community Center. This will be a fun, family-friendly event that will last two hours.

City Forester Carl Wisdom will be at the event and hand out 30 saplings, provide tree information, hand out educational materials about trees and give a 20-minute talk. There will also be a tree dedication, a football toss and prizes. There will also be a drawing for two gently used youth bicycles and also a bicycle safety course set up. The Arts Committee will have children crafting with recyclables, teaching them how to create art with such materials. In addition to lemonade and water, a bake sale is scheduled to benefit R Park. The Sustainability Committee will also be present at the event. Community for all Ages will be handing out information on the importance of incorporating pollinators in plantings.

III. MAYOR'S REPORT

A. Proclamation Shawnee Mission North

CMBR Fast read the Shawnee Mission North High School State Boys Basketball Champions Week proclamation into the record.

MOTION: CMBR FAST MOVED, CMBR POPPA SECONDED, TO APPROVE THE SHAWNEE MISSION NORTH HIGH SCHOOL STATE BOYS BASKETBALL CHAMPIONS WEEK PROCLAMATION. (MOTION PASSES 8-0)

B. Public Works Week

CMBR Poppa read the Public Works Week proclamation into the record.

MOTION: CMBR POPPA MOVED, CMBR RHOADES SECONDED, TO APPROVE THE PUBLIC WORKS WEEK PROCLAMATION. (MOTION PASSES 8-0)

CMBR Poppa thanked Public Works Director Leon and his team for the amazing job they have done in the City. Mayor Marquardt said he has certainly made a difference.

(Applause)

C. Police Week

CMBR Thompson read the Police Week proclamation into the record.

MOTION: CMBR THOMPSON MOVED, CMBR POPPA SECONDED, TO APPROVE THE POLICE WEEK PROCLAMATION. (MOTION PASSES 8-0)

D. Municipal Clerks Weeks

CMBR Kelly read the Municipal Clerks Week proclamation into the record.

MOTION: CMBR KELLY MOVED, CMBR POPPA SECONDED, TO APPROVE THE MUNICIPAL CLERKS WEEK PROCLAMATION. (MOTION PASSES 8-0)

Mayor Marquardt expressed his thoughts to all who serve the City and to Chief Morris as he brings new people and new ideas to the City and appreciates the extra effort.

(Applause)

IV. WORKSHOP REPORTS

V. REPORTS OF CITY LIAISONS

A. MARC – Bike & Pedestrian Committee

No report given.

B. MARC – First Tier Suburbs

CMBR Kelly reported that the quarterly meeting was hosted by Raytown and present were several of their elected officials including the mayor, which all felt was helpful to have them present. At their next meeting in June, they hope to receive the bronze recognition award. The committee is also starting a newsletter to provide access to the data and a recap of the discussions at their meeting.

C. 47th and Mission Overlay District

CMBR Rhoades said invitations will be sent to the Council to a breakfast on April 26th for the 47th Street Merchants Association. He strongly encouraged business owners in that district to attend. He said the Thrift Store at the Northwood Shopping Center will be moving out very soon. Mr. Rhoades added that there are current discussions about a crosswalk from 47th and Belinder to accommodate a person with a disability's access to the bus stop. The Rosedale Master Plan that was adopted is considering a road diet for 47th and Rainbow, moving from four lanes to three lanes with a bike path. Due to a lack of parking in the district a road diet is being considered at the 47th and Mission intersection. On the Roeland Park side of the district, Mr. Rhoades reached out to Tyler Oliver with Colby Capital as he had heard rumors about possible tenants, but they were indeed rumors. Mr. Oliver said there is some interest in the site, but nothing final yet. The district will also be discussing a Neighborhood Revitalization Act (NRA) program with Aaron Otto from Johnson County, who is going to take the lead with that on behalf of the county.

D. Shawnee Indian Mission

Bill Art, Director of Shawnee Indian Mission, extended an invitation for Friday Night at the Mission on May 6 and encouraged everyone to get their reservations as space is limited. It is an ongoing effort to raise funds for the site and also an opportunity to get together with others who are supportive of the Mission. Wednesday, April 20th at noon is the Third Wednesday Brown Bag Luncheon at the north building. The topic of discussion will be the Civil War in Mission by John Forbes.

Mayor Marquardt inquired about the agreements to maintain the Mission site. Mr. Art said the state will continue to own the Mission and the City of Fairway will manage it. The MOU between Fairway and the Mission foundation states that all monies raised by the city will go back in to running the Mission. This agreement was reviewed by City Administrator Moody and City Attorney Shortlidge. Fairway will be hiring someone to work to raise funds for the site.

There was also a brief discussion about past donations made by cities to the Mission and CMBR Fast suggested in-kind donations such as mowing and snow removal on a rotating basis by the surrounding cities versus monetary donations.

VI. UNFINISHED BUSINESS

There was no Unfinished Business.

VII. NEW BUSINESS.

A. 1st Quarter Safety Statistics

Police Chief Morris said the report created reflects changes being made in the Police Department to be more accountable. He read through the statistics provided in the 1st Quarter 2016 Uniform Crime and Activity Report. The report includes information on where the incidents occurred throughout the City, what type of incident it is and whether the case is resolved. He said for the first quarter of 2016, his department received 1,822 calls for service from dispatch.

Chief Morris added that the new 2016 Ford Explorer and the new car cameras are in and thanked the Governing Body for supporting the Police Department and giving them the tools they need to do their job.

The DEA Drug Take-Back will be held on April 30th from 10-2. Chief Morris will be there and he will also be making an appearance at the Arbor Day celebration. Saturday, May 14th will be a traffic blitz. The new STEP program dates for Click-It or Ticket start May 23rd and runs through June 5th, and they will be out in force.

CMBR McNeil asked about the Digi-Ticket. Chief Morris said it's wonderful. He advised everyone to stay safe out there.

City Administrator Moody said this data will be compiled into an annual report and then compared with area communities.

B. Discussion of Change of Election Dates

City Attorney Shortlidge said new legislation would require persons whose terms expire in April of 2017 be extended to January of 2018. It also provides for the extension of terms from 2019. After which those elections would roll every four years from that point forward. Currently the City's election provisions and filling of vacancy positions are done in charter ordinances. To amend this, Council must pass another charter ordinance.

There was discussion of filling of vacancies that would default to legislation of the city with new appointments made within 60 days. It makes no mention of holding a non-partisan special election.

CMBR Fast said she would like to continue with the precedent of holding a special election for a vacancy as officials are elected by the will of the people. She also drew attention to the issue the City of Shawnee has been having with regard to filling vacant Council positions.

CMBR Poppa inquired as to the cost of holding a special election and there were various responses in the range of \$4,000 and \$7,000.

Mayor Marquardt said this item needs to be discussed further and would like for research to be done as to whether a special election could be held within the 60-day required time frame.

C. Ordinance Formalizing Workshop Procedures

CMBR Janssen said they were at the end of pilot program of the Workshop structure formerly known as the Committee of the Whole and was seeking an ordinance to make the Workshop structure final.

CMBR Thompson noted that Section 6's amendment to Section 1-217 regarding terms expiring needs to be corrected and rewritten.

CMBR Fast would like to recommend a change to the title of the committee heads as chair and co-chair, not junior and senior as those terms might be confused with the length of time served by a Councilmember.

CMBR Rhoades asked if there is a reason to maintain the committees as the restructuring of the Workshop states if there is an interest in a topic, it's up to the individual Councilmember to move that forward for discussion.

CMBR Poppa said the reason for maintaining committees is that it ties directly to the ad hoc committee structure and task group structures, and that there are no more standing committees.

The Council began a discussion of the meeting structure, positions of the chairs, co-chairs and the rotation schedule of who would serve as heads of committees.

Due to the anticipated length of the discussion, there was an agreement of the Council to continue this at another Workshop meeting and any questions would be brought to CMBRS Poppa and Janssen before that time. Everyone thanked CMBRS Poppa and Janssen for working on their Workshop structure.

D. 2015 STP/CARS Project, 48th & Roe Blvd. Intersection Improvement.

Public Works Director Leon recommended that the City not pursue this project this year as it considers the City's portion too large to handle at this time. The City has budgeted \$43,000, but their portion is expected to be \$60,000. \$171,000 would return back to the STP committee and up to \$18,000 would return to the county CARS program.

Mayor Marquardt asked whether this project would be incorporated into the future Roe Boulevard project and what the possibility was of getting those funds back. Public Works Director Leon said that those intersection improvements will be incorporated into the future Roe Boulevard project. But in doing them now, there is no guarantee they would not be torn up for stormwater improvements or when Roe is completely redone.

CMBR Kelly said the Bike-Walk Committee was concerned about the safety at the intersection and asked Mr. Leon if something could be done in the meantime to alleviate some of those concerns. Public Works Director Leon said the Public Works staff will coordinate with the Police Department to re-stripe the intersection and paint the intersection for greater visibility.

There was a discussion on whether declining the funds would affect chances in the future of acquiring funds. It was also clarified the 2019-2020 Roe Boulevard project would encompass this intersection project into it. Mr. Leon said the project has been submitted to MARC and encouraged the Governing Body to comment positively on the project.

MOTION: CMBR RHOADES MOVED, CMBR KELLY SECONDED TO RESCIND THE ACCEPTED FUNDS FROM MARC'S SURFACE TRANSPORTATION PROGRAM (STP) COMMITTEE AND THE COUNTY ASSISTED ROADS SYSTEM (CARS) DEDICATED TO THE IMPROVEMENTS AT 48TH & ROE BOULEVARD. (MOTION PASSES 8-0).

VIII. ORDINANCES AND RESOLUTIONS

There were no new ordinances and resolutions for approval.

IX. REPORTS OF CITY OFFICIALS

There were no reports given.

X. ADJOURNMENT

MOTION: CMBR MCNEIL MOVED, CMBR KELLY SECONDED, TO ADJOURN. (MOTION PASSES 8-0).

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-C.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **November 21, 2016 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



November 21 minutes

Type

Cover Memo

**CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, November 21, 2016 6:00 P.M.**

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

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

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

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

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 noting that all Councilmembers were present.

MODIFICATION OF AGENDA

The Sustainability Committee Report will be given under Applications/Presentations.

City Hall North Entry ADA Project (Workshop Item 2) will be moved to the Consent Agenda.

Joint Johnson County and Cities Legislative Platform (Workshop Item 5) will be moved to the Consent Agenda.

Task Force Pool Advisory Board will be added to New Business.

Commerce Bank report will be presented following the Consent Agenda.

I. CITIZEN COMMENT

George Lisac(sp) and Kelsey Marschio(sp), student representatives from Bishop Miege High School spoke in support of raising the purchase of tobacco products to 21 in the city. They stated they were members of SADD, a group which works to prevent poor decision-making by students in their school community, adding that current limits are not doing enough.

John Martin (5703 Ash) spoke in support of the Commerce Bank project.

II. CONSENT AGENDA

A. Appropriation Ordinance #898

B. Cereal Malt Beverage License Renewals

C. Ordinance 944 Updating the Zoning Code to Regulate the Placement of Cellular Facilities

D. 2017 Roeland Park Sports Dome lease agreement with Johnson County Parks and Recreation

E. ROW Purchase Agreement with KDOT – NE Corner of Johnson Drive and Roe

F. City Hall North Entry ADA Project (Workshop Item 2)

G. Joint Johnson County and Cities Legislative Platform (Workshop Item 5)

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

Commerce Bank delivered their monthly report. (See Item VII, A)

III. BUSINESS FROM THE FLOOR

A. Applications / Presentations

1. Citizens Fundraising Initiative for R Park Wine Tasting Fundraiser at the Community Center

Gretchen Davis (5206 W. 58th Street) Ms. Davis asked for approval of two fundraising events for R Park to include permission to place a banner on Roe Avenue and an event poster in R Park one month prior to each of the two events. She added that the events have been okayed by both the Events and Parks Committees.

She said she has six new volunteers to help on the planning team for the events and they are happy to have more citizens from the community join.

March 25, 2017 will be the Spring Wine Fling at the Roeland Park Community Center from 7 p.m. - 10 p.m. Tickets are \$35/\$40 at the door. Small plates will be donated by Houlihan's. Desserts will be donated by Nothing Bundt Cakes and Sweet Ideas. Light classical music donated by Jeremy Martin's Cello and Fellows. Water and soda donated by Johnson Drive BP Gas. There will be wine samplings of products from five to eight local Kansas wineries. The wineries would be allowed to sell their unopened bottles of wine to event attendees. Security will be provided by Police Chief Morris. Ms. Davis has been in contact with the Kansas Alcohol Beverage Control to ensure that all legalities are met and that the Kansas wineries will adhere to the regulations as well.

City Administrator Moody said the City would be getting a permit to sell the unopened bottles of wine. They need the Council to provide approval for the fundraising event and sale of unopened wine in conjunction with the wine tasting.

CMBR Poppa asked if unopened bottles were part of the fundraiser or profits to the winery. Ms. Davis said they are profits to the winery, but that it has also attracted local wineries to come and donate wine in the samplings. Ms. Davis said there is a Form 842 to be completed and has been provided to the wineries to send in to Kansas ABC ten day prior to the event to allow for their sale of wines.

CMBR Rhoades requested that they make certain it is legal with the state to do. City Administrator Moody said they have spoken to the required people at the state. Ms. Davis added that this was approved by Kansas Alcohol Beverage Control with whom she has been working with.

City Attorney Shortlidge said he has also confirmed through the Kansas Attorney General's office that this is accurate information.

Ms. Davis confirmed for CMBR Janssen that this will be an adult event for those over 21.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE SALE OF UNOPENED WINE AT THE R PARK WINE TASTING EVENT ON MARCH 25, 2017. (MOTION PASSED 7-0-1 WITH CMBR MCNEIL ABSTAINING)

Ms. Davis said there will be a kids' soccer clinic on Saturday, June 3rd or June 17th at R Park from 9:00 to 10:30 a.m., a repeat event from last year. It will be presented by I-9 Sports of Johnson County. Cost will be \$25 per child. Each participant will be covered by insurance provided for the event. A \$50 gift package of a duffel bag, soccer ball, water and snack will be presented to each child.

Ms. Davis added that a community shade shelter for R Park has not yet been approved under the R Park Plan, but the citizens fundraising group wants to have money set aside for a possible future grant that would require matching funds to build a picnic shelter. To date they have raised \$11,541 for the shelter. The goal is to have \$20,000 in the shelter fund following the two fundraising events.

Ms. Davis thanked all of the members of the Council for what they are doing to support the parks in the city and noted that they are receiving attention like they have not had for many years and they are all grateful.

City Administrator Moody said the Parks Committee was also looking for approval of the signs for the soccer clinic. Ms. Davis said one is usually 3 by 5 feet or 4 by 7 feet, is two-sided and placed along Roe Boulevard.

MOTION: CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE PLACEMENT OF SIGNS FOR THE SPRING WINE FLING MARCH 25, 2017 AND THE SOCCER CLINIC IN JUNE OF 2017 PER THE SPECIAL EVENTS SIGN CODE. (MOTION PASSES 8-0)

Mayor Marquardt thanked Ms. Davis for her continued effort to raise money for Roeland Park.

2. Sustainability Committee Update – Michael Kelly

Michael Kelly (5700 Roeland Drive), Chairperson of the Sustainability Committee reported that it has been a good year. He said the purpose of the Sustainability Committee is to seek to preserve the resources of our built and natural environment and to ensure the Roeland Park community has clean air and water, safe and healthy neighborhoods, a resilient economy, and access to housing and transportation choices.

2016 goals of the committee were to participate in community events, help the city work towards recognition under MARC's Community for All Ages program, and look towards a way to measure progress that the Sustainability Committee can achieve in helping the city. Mr. Kelly said the committee made progress on all of those goals.

Community for All Ages, which is a program to recognize communities working to be friendly towards residents of all ages and thereby in the process becoming more vibrant, prosperous, and healthier. The City received the bronze award in June of 2016. He thanked CMBR Kelly and Public Works Director Leon for their efforts and also Ms. Jones-Lacy, who spent countless hours going through the codes, as well as various other parts of the City's plans and activities.

The committee submitted a report to MARC on where Roeland Park falls on a number of the age-friendly issues for achieving the silver recognition level. Following that will be the gold implementation process to adopt a Community for All Ages plan or to include it in the local strategic plan or a park plan. They will be looking to discuss this further in early 2017. The committee has been looking to partner with other communities in northeast Johnson County working towards the sustainable process and they have invited Prairie Village's Recycling committee as well as Mission's Sustainability Committee to Roeland Park's meeting. The hope is to restart the Northeast Johnson County Sustainability Committee. They are hopeful to have a meeting early next year to inform each other of the successes and challenges to help each other progress. Additionally, they are looking to hold an annual educational event.

Mr. Kelly said he attended the Kansas Natural Resources Annual Symposium, which he found very informative. They talked of the state legislation and how the state budget has affected areas of water quality, food production and air quality.

Additionally, in efforts to mark progress on how to help the community, he has joined the International Council for Local Environmental Initiatives (ICLEI), a global network of 1,500 cities that provide partnership and practical strategies to confront the realities of urbanization, to adapt to economic and demographic trends, and prepare for the impacts of a changing climate and other urban challenges. When setting goals for 2017, he is hopeful to use their proprietary software to measure energy use and the greenhouses gases from both the governmental and community side and set goals to lower both, conserving the economic resources with a benefit of helping to preserve the planet.

Mr. Kelly said he looks forward to continued work with the Council and welcomed them to attend the meetings the first Thursday of the month at City Hall. He thanked the Governing Body for their continued support.

CMBR Kelly thanked Mr. Kelly for his leadership on the committee. She said it was a good core group that is working hard and the results are showing.

Mayor Marquardt said when he speaks with others outside the city they always mention what Roeland Park's citizens are doing, from the fundraising group to volunteer committees. He said he is amazed how much they are in the public and they are out there talking and making progress on so many important things. He also thanked staff for supporting this work and for the Councilmembers who are on the committees joining in the work.

Mr. Kelly said he appreciated the opportunity to continue to volunteer.

IV. MAYOR'S REPORT

A. Proclamation World Pancreatic Cancer Day (Michael Poppa and Sheri McNeil)

CMBR Poppa read the Proclamation for World Pancreatic Cancer Day was read into the record.

MOTION: CMBR POPPA MOVED AND CMBR MCNEIL SECONDED THAT NOVEMBER 17, 2016, BE DESIGNATED AS WORLD PANCREATIC CANCER DAY IN THE CITY OF ROELAND PARK, KANSAS. (MOTION PASSES 8-0)

B. Announcements

December 6 - Roeland Park Tree Lighting, Sweany Park.

December 9 - Staff Holiday Party at Community Center.

January 16 - City offices will be closed in honor of Martin Luther King Day

January 17 - Governing Body Workshop and Council. (Previously scheduled January 16)

January 23 - Community Forum (Previously scheduled January 25)

V. WORKSHOP AND COMMITTEE REPORTS

A. Workshop Update

CMBR Thompson said at the last Workshop they heard the Roe Boulevard Traffic Study presentation from SKW where they recommended removing the signal at Bella Roe Plaza and Walgreens. They also suggested removing the signal at West 52nd and updating the signal timing at the remaining traffic signals at W. 47th Street, W. 50th Terrace and W. 51st Street intersections.

Also discussed were trash and recycle bin placement. CMBRS Rhoades and McNeil will work with staff to review and edit the ordinance to reflect the proposed changes.

Public Works Director Leon gave his 2016 Street Maintenance presentation and provided a map of the work that has been completed.

B. Ad Hoc Update

CMBR Thompson said there has been a lot of work at the old pool site and a lot of debris has been removed. It was also decided that the outcropping will stay.

C. Rebranding Committee Update

CMBR Poppa said the committee will be meeting November 22nd with Clay Johnson from Benedictine to review the 50 submissions received from students and Roeland Park residents. Benedictine has done their own process of narrowing them down, but the committee will see all the submissions. They are very pleased with the receipt of 50 submissions.

Mayor Marquardt said that is an impressive number of responses.

VI. REPORTS OF CITY LIAISONS

A. Shawnee Indian Mission Update

Bill Art had invitations for Friday, December 2nd at the Indian Mission. He also invited everyone to buy a Christmas tree or other item in support of the Indian Mission. He said the state is almost completely withdrawing their support of the historical site and it is important to do all that is possible to support the Mission. He added that the City of Fairway hired a new site administrator for the site.

CMBR Kelly thanked Mr. Art for the work he has been doing and asked how the transition is going. Mr. Art said it seems to be going smoothly and there will be a board of directors that will lead committees going forward.

VII. UNFINISHED BUSINESS

A. Approval of Elevation of Commerce Bank Building

Ms. Jones-Lacy provided a staff report and overview of the re-submitted elevations request for the Commerce Bank building to be constructed. After discussions with Commerce Bank, the ad hoc Development Committee has presented different illustrations of the Commerce Bank building for the Council's consideration. Also included in the packet is a revised Exhibit A, the sign design, and a landscape proposal of the corner feature. Commerce continues to work with the Arts Committee to define what the one percent for art will be. Until it is finalized, that corner of the site is reserved. They have removed from the designs the seating wall and the plaza area as it was not determined to be what the city was looking for to fulfil the one percent for art.

Aaron March from the White Goss law firm and attorney representative for Commerce Bank, and Brent Hall with Commerce were on hand to answer questions. Matt Masilionis and Austin Herdon, project architects with RMTA, David Eichman and Seth Reece, civil engineers with Olsson Associates were also present.

Mr. March thanked the City Council for caring about their community. He said at times it has been challenging, but it is always for the right reason. He also said Commerce Bank is a corporation that cares about being a good corporate citizen. He also thanked the architects and engineers that have helped them get to this point. Mr. March said he hoped that the building as modified will receive an approval vote of Ordinance 948 by the Council.

Mr. March then gave a presentation on the proposed Commerce Bank preliminary development plan and rezoning to be built at the northwest corner of Johnson Drive and Roe Boulevard.

Mr. Herndon said the changes to the tower are that it has been raised and they have also increased the amount of cast stone at the front entrance. They have met with City staff, the Planning Commission, the Economic Development Committee to arrive at these changes. They have also changed the clock from round to square. They will add more Spandrel glazing at the tower itself and to the east side of the building as well as sun shades all around the building and a cast stone lintel above all of the windows. Also an increased amount of stone is planned for the base of the tower and an increased depth of the sun shades on the east end of the tower are planned to add more depth to the building.

Mr. March said the Arts Advisory would like to take more time and rethink the art for the area. They did ask that a stair-stepping wall not be constructed, but to reserve this area and add a sidewalk and landscaping per code. In order for the bank to obtain their certificate of occupancy, they have their one percent art obligation. That money will be deposited and on hand for when the staff and community decide what is to put there.

They have put out to bid for the bank construction and hope to get bids back shortly. The intent is to start work in the early first quarter of 2017. The approval tonight is the last legislative approval needed in order to go forward.

CMBR Kelly said that after the Planning Commission discussions about the mixed-use development guidelines there would be more conversation with regard to meeting the screening requirements by the drive-thru to be more than what is planned for now.

Mr. March said that issue was not overlooked, but it was not brought up as a specific issue or concern by the Economic Development Committee. The drawings show more landscaping than what was there before. The curved area of the driveway now has landscaping around it and they have pulled the landscaping area further to the south. They took the screen comments to heart as much as possible by adding additional landscaping and believe they can achieve that without adding a berm.

CMBR Kelly said what is proposed is disappointing to her as she was expecting something more evergreen since grasses are seasonal. She said that it covers the bottom of the cars in the drive-thru, but had hoped to see something more.

CMBR Fast likes the changes that have been presented and asked for clarification on the area for the one percent art. Mr. March said they will continue to work with the Arts Advisory Committee. City staff has some ideas about some work that is being planned for Roe on both ends of the city and if there will be a theme. They are holding the spot in reserve and the dollars from both the bank project and the hospital project have to be escrowed in order to get a certificate of occupancy. The cash will be available once it is agreed what to do.

City Administrator Moody said they will go through a community-involved process for the Roe Boulevard reconstruction project which will incorporate a design for the entryways at the north end and south end of Roe Boulevard. There will still need to be approval from the Planning Commission on a final site plan if the art goes on the bank site.

CMBR Rhoades asked if utilities such as electricity or water should be installed at the site in anticipation of the art installation. Mr. March said this is a private piece of art that enhances the private development as mandated by the ordinance. As this will be on private property, they will have to maintain it and expressed concerns about a fountain with a pool. He did say that electricity might be easier to install ahead of time.

MOTION: CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO APPROVE ORDINANCE 941, INCLUDING THE ELEVATIONS FOR THE COMMERCE BANK BUILDING TO BE CONSTRUCTED AT THE NORTHWEST CORNER OF JOHNSON DRIVE AND ROE BOULEVARD. (MOTION PASSED 8-0)

VIII. NEW BUSINESS

A. Approve the Dedication of Public Land for the Izabel Heights Plat on Fontana

Ms. Jones-Lacy said the plat was approved by the Planning Commission, but it is the Council's responsibility to accept the dedication of public utility easement and a sanitary easement.

MOTION: CMBR THOMPSON MOVED AND SECONDED BY CMBR JANSSEN TO APPROVE THE DEDICATION OF PUBLIC LAND FOR THE IZABEL HEIGHTS PLAT ON FONTANA. (MOTION PASSED 8-0)

B. Committee Appointment and Reappointments

Mayor Marquardt submitted for approval by the Council reappointment of:

Mary Schulteis and Christine Webster to the Arts Committee

Deb Settle to Community Events Committee

Jennifer Provyn, Patrick Franken, Cory Coe, Kathleen Whitworth, and Tyler Steele to the Parks Committee

Duane Daugherty, Judy Hyde, Elizabeth Phelps and Michael Kelly to the Sustainability Committee

He also requested to appoint:

Shea Geist to the Community Events Committee

MOTION: CMBR POPPA MOVED TO APPROVE THE COMMITTEE REAPPOINTMENTS OF MARY SCHULTEIS AND CHRISTINE WEBSTER (ARTS COMMITTEE); DEB SETTLE (COMMUNITY EVENTS); JENNIFER PROVYN, PATRICK FRANKEN, CORY COE, KATHLEEN WHITWORTH, TYLER STEELE (PARKS); DUANE DAUGHERTY, JUDY HYDE, ELIZABETH PHELPS, MICHAEL KELLY (SUSTAINABILITY); AND THE APPOINTMENT OF SHEA GEIST (COMMUNITY EVENTS). MOTION PASSED 8-0.

C. Johnson County Parks and Recreation Agreement for Operating the Community Center

City Administrator Moody reported that they have not heard back from JCPRD who is waiting for the final opinion from their attorney.

The Governing Body agreed to bring this up again at the next Council meeting.

D. Task Force Pool Advisory Board

CMBR Kelly started the discussion saying they can recruit members to be approved at a later date.

CMBR McNeil said in order for it to be an ad hoc committee it can only have four Councilmembers.

CMBRS Rhoades and Kellerman both expressed their desire to be on the committee.

CMBR Fast said there needs to be levels of trust for the committees and to let things get done. Ms. Fast said she has been on the pool advisory for ten years and has never seen Mr. Kellerman at a meeting.

CMBR Kellerman asked Ms. Fast how it was decided who would be on the ad hoc committee.

Mayor Marquardt directed the conversation to Mr. Rhoades. CMBR Rhoades asked if Ms. Fast felt if a Councilmember was on one committee they could not serve on the pool committee.

CMBR Fast said she feels there is a lack of trust by Councilmembers who are not on a committee.

CMBR Thompson said she believes the ad hoc is the way to go and that the Council does not need to be involved in every decision. She added that the proposed Councilmembers for the pool board are a good cross-section of the Council and represent different viewpoints.

CMBR Kelly said it would be nice for the ad hoc committee to be able to move forward and have the trust of those who are not the committee and that they retain the ability to ask questions to make sure that all of their concerns are addressed.

There was extensive Council discussion of the selection process.

CMBR Fast emphasized that the committee needs the groups that use the pool to be partners on this committee and it is not up to the Council to make all the decisions. She said if they are not included as partners, then the success of the pool is not going to happen. The focus should be that the City is going to them and asking them to be partners not the other way around.

Mayor Marquardt sees that having a subgroup would allow it to be more agile, more mobile with the ability to have meetings quicker, be more efficient and more focused.

CMBR McNeil said she would give up her spot so CMBR Kellerman could serve on the ad hoc so the matter would be settled in order for the discussions to move forward and get something done.

CMBR Janssen said he would like CMBR McNeil to remain and would step down and come to the open meetings.

CMBR Fast said the goal was to create ownership by all the different groups who use the pool and also be an incentive to advocate with JCPRD, the board of directors at Blazers, Masters, and water polo. She said she was really disappointed.

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

MOTION: CMBR POPPA MOVED AND CMBR RHOADES SECONDED TO FROM AN AD HOC TO A TASK GROUP WITH THE FOUR DESIGNATED COUNCILMEMBERS. (MOTION FAILS 2-6 WITH CMBRS FAST, MCNEIL, JANSSEN, POPPA, THOMPSON AND KELLY VOTING NO.)

CMBR Rhoades would like to make an amendment to the motion.

MOTION: CMBR RHOADES MOVED AND CMBR KELLY SECONDED TO HAVE CMBR KELLERMAN REPLACE CMBR JANSSEN ON THE AD HOC POOL COMMITTEE AND THAT THIS AD HOC COMMITTEE WILL NOT MAKE A RECOMMENDATION TO THE GOVERNING BODY OR COUNCIL. (MOTION PASSED 8-0)

MOTION: CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO ESTABLISH AN AD HOC POOL ADVISORY BOARD TO LEAD THE PUBLIC DISCUSSION REGARDING THE ROELAND PARK POOL COMPLEX, TO INCLUDE CMBRS FAST, MCNEIL, KELLERMAN AND KELLY. (MOTION PASSED 8-0)

(Applause)

IX. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 943 – Consider Raising the Age to Buy Cigarettes and Tobacco Products

CMBR Thompson said Scott Hall from the Kansas City Chamber to answer questions. She also said this is important for the city to pass as it will also help with KU Med Center with the affiliation they are seeking. She also said she appreciated hearing from Bishop Miege's students at the beginning of the meeting.

CMBR McNeil she does not understand this as it pertains to young adults who are able to vote, drive, join the military, get married, drop out of high school if they choose, and to move out and live on their own. She does not favor giving them certain rights and then taking others away and this ordinance is invasive. She added that she is not a smoker and does not appreciate smoking around her, so this is not a motivation for her lack of support on this issue.

CMBR Fast asked how this relates to an affiliation with KU Med.

Scott Hall, Vice President of the Greater Kansas City Chamber of Commerce, said that KU Cancer Center is a national cancer institute designated institution. They are applying for a designation above that called Comprehensive Cancer Institute designation, an application they submitted in September. Site evaluators will be visiting them in February and they will be notified of the outcome this summer. One of the key differences is work done within and around their service area. This ordinance would be a demonstration that they are taking preventative steps to fighting cancer in addition to remedial steps they're taking in their remedies, treatments, cures and protocols and this is an important part of the designation evaluation. If they get this designation it will increase their funding from National Institute of Health (NIH) to do more research.

CMBR Rhoades said this has been a hard ordinance to think through and should be an issue at the state level.

In response to Council comments City Administrator Moody said this could be written to exclude the military.

City Attorney Shortlidge said this will be an amendment to the Uniform Public Offense Code. CMBR Thompson said it's a crime to purchase, not to possess.

CMBR McNeil asked if this would apply to young adults living in their own home. She said this would be saying you're not smart enough to make your own choices and they cannot tell people how to live their personal lives.

CMBR Kellerman asked Chief Morris if there will be sting operations in the City's seven retailers that sell tobacco products and would that need to be approved by the Council. Chief Morris said there could be such an operation and they can enforce any law that's on the books without first coming to Council. It just depends on the amount of time they want to spend enforcing it like any other law.

CMBR Thompson said the military is looking to be smoke-free as they lose quite a bit of money and lost time for health-related issues from smoking.

CMBR McNeil also asked for an exemption for young adults who live on their own and have their own home and are married.

CMBR Rhoades said his issue remains with the military.

MOTION: CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO EXCLUDE THE MILITARY FROM THE AMENDMENT. (MOTION PASSED 5-3 WITH CMBRS THOMPSON, KELLY AND POPPA VOTING NO.)

POLL THE COUNCIL

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

CMBR Janssen said he has been on the Council for 19 months and this is one of the hardest decisions he's had to make.

City Attorney Shortlidge clarified the exception would only apply to Section 5.6, which is the purchasing by a minor. It shall be unlawful for any person other than current or former members of the United States military.

MOTION: CMBR THOMPSON MOVED AND CMBR FAST SECONDED TO APPROVE ORDINANCE 943 WITH THE MILITARY EXCEPTION. (MOTION PASSED 5-3 WITH CMBRS McNEIL, JANSSEN AND KELLERMAN VOTING NO.)

POLL THE COUNCIL

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

B. Ordinance No. 941 – Amendment Related to the City Code

Ms. Jones-Lacy said Ordinance 941 was discussed at a previous Workshop. The revised language went back to the Planning Commission for review where it was approved. The Council had ongoing concerns regarding the definition of a sign and making sure that there were not unintentional interpretations that would cause certain signs to no longer be allowed within the City.

Ms. Jones-Lacy and City Administrator Moody met with CMBRS Janssen and Rhoades to discuss some amendments and to make recommendations to the Council on potential changes before returning to the Planning Commission.

Staff is looking to change the definition of a sign so that it is not too narrowly interpreted. On the action form under HH is the new definition of a sign. It is provided that the following shall not be considered signs:

- Signs located completely within an enclosed building and not exposed to view from the street
- Any sign not visible to persons located off the premises where the sign is located.

- Scoreboards and related signs on athletic complexes.
- Bumper stickers that are no larger than 18 inches in length and five inches in height.
- Signs on a campus intended to be directed at people within the compound, not a sign.

It is also clear within the code that any building is allowed either two wall signs or one wall sign and one monument sign.

Staff recommendation would be to send the changes back to the Planning Commission for their review and approval at their November 22nd meeting. If approved, it would come back to Council in December for final approval.

MOTION: CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO RETURN ORDINANCE 941 REGARDING SIGN REGULATIONS BACK TO THE PLANNING COMMISSION WITH RECOMMENDATIONS AS OUTLINED BELOW FOR FURTHER CONSIDERATION. (MOTION PASSED 8-0)

C. Ordinance No. 945 – Update to the 2012 Comprehensive Plan

Ms. Jones-Lacy said that one of the state mandated duties of the Planning Commission is to annual review the Comprehensive Plan.

They are recommending an update to one of the demographics graphs which has been completed. They also would like the reference to the Mission Mall to be changed to the “former Mission Mall.”

City Attorney Shortlidge said the change to the demographic graph is considered a substantial change and would require a two-thirds majority vote of the Council.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO ADOPT ORDINANCE 945, APPROVING UPDATES TO THE 2012 COMPREHENSIVE PLAN AS INDICATED. (MOTION PASSES 8-0)

POLL THE COUNCIL

FAST - Y McNEIL - Y JANSSEN - Y RHOADES - Y KELLERMAN - Y THOMPSON - Y KELLY - Y POPPA - Y

CMBR Kellerman asked when the first Comprehensive Plan was created. City Attorney Shortlidge said 1997 was the first comprehensive plan by the City.

X. REPORTS OF CITY OFFICIALS

Mayor Marquardt thanked him for his 20-plus years of service to the city and wished him well in his retirement.

XI. ADJOURNMENT

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

(Roeland Park City Council Meeting Adjourned at 9:25 p.m.)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-D.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department: Admin.
Title: **December 19, 2016 Minutes**
Item Type: Discussion

Recommendation:

Details:

Discussion from 12/5/2016 Workshop

1. Sale vs. Lease of City Property

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

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

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

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

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

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

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

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

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

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

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

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

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

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
 December 19, 2016	Cover Memo

**CITY COUNCIL MEETING MINUTES
CITY OF ROELAND PARK, KANSAS
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, December 19, 2016 6:00 P.M.**

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

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

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

Admin

Poppa
Fast

Finance

Kelly
Janssen

Safety

Thompson
Rhoades

Public Works

Kellerman
McNeil

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 noting that Councilmembers McNeil, Rhoades and Thompson were absent.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

2016 BUDGET AMENDMENT

Mayor Marquardt opened 2016 budget amendment hearing.

Ms. Jones-Lacy said the Valley State Bank TIF has generated more revenue to the City than anticipated. All funds received from this TIF are immediately put into debt service which would extend their budget authority and requires approval of the Council to allow these funds to be expended.

Mayor Marquardt asked for public comment, but received none.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE PROPOSED 2016 BUDGET AMENDMENT. (MOTION PASSED 5-0)

I. CITIZEN COMMENT

Tom Madigan (5316 W. 49th Terr) thanked staff for adding to the City's web page the ad hoc committee's minutes and agendas. He did say that he would like to see more detail other than that an item was discussed, but this is a step in the right direction.

Michael Rebne (5128 Clark) said he drafted the diversity proclamation upcoming on the agenda in an effort to get past the walls being built that are dividing people and he wished as a country and a city and place to live that we endorse treating people better. He sees the City's acceptance of the proclamation as a positive direction in terms of being more inclusive and welcoming to people that represent the metropolitan area.

II. CONSENT AGENDA

A. Appropriation Ordinance #899

B. October 10, 2016 Special Call City Council Meeting Minutes

C. October 17, 2016 City Council Meeting Minutes

D. November 1, 2016 Special Call City Council Meeting Minutes

- E. November 14, 2016 Special Call City Council Meeting Minutes
- F. On Call City Engineer Selection
- G. Amendment to Salt Dome Agreement
- H. Mowing Contract Extension
- I. Streetlight Maintenance Extension
- J. 2017 Street Maintenance SKW Task Order 35

MOTION: CMBR JANSSEN MOVED AND CMBR POPPA SECONDED TO APPROVE THE CONSENT AGENDA.
(MOTION PASSED 5-0).

Mayor Marquardt explained to the students in attendance what the Consent Agenda is and how items are placed on it.

III. BUSINESS FROM THE FLOOR

A. Applications / Presentations

There was no Business from the Floor.

IV. MAYOR'S REPORT

A. Diversity Proclamation (Erin Thompson and Tim Janssen)

Mayor Marquardt read the Diversity Proclamation into the record.

MOTION: CMBR FAST MOVED AND CMBR KELLY SECONDED TO ADOPT THE DIVERSITY PROCLAMATION. (MOTION PASSED 5-0)

(Applause)

CMBR Fast asked the proclamation to be put on the City's Facebook page.

B. Announcements

Mayor Marquardt said the Planning Commission meeting was cancelled for December 20th and beginning in 2017 Planning Commission meetings will now start at 6:00 p.m.

12/26 and 1/2/2017 - City offices will be closed.

1/3 - Governing Body Workshop

1/16 - City offices will be closed in observance of Martin Luther King, Jr. Day.

1/17 - Governing Body Workshop and City Council meeting (a change from 1/16)

1/23 - Community Forum - Presentations on the new Tax Lid and also from the Branding Committee

Mayor Marquardt invited the students to attend the Community Forum.

V. WORKSHOP AND COMMITTEE REPORTS

A. Workshop Summary

Mayor Marquardt reported that Public Works Director Leon recommended the City choose Larkin Lampe Rynearson as City engineers in 2017. (Approved on Consent Agenda)

Salt dome agreement. City Administrator Moody explained the amendment was for an asphalt apron at the base of the dome and that the cost of \$11,848 would be Roeland Park's share of the expense with Fairway. (Approved on Consent Agenda)

It was agreed to extend the mowing contract for City-owned properties by Next to Nature (Approved on Consent Agenda)

The streetlight maintenance extension with Black & McDonald represents a 1.5 percent price increase. (Approved on the Consent Agenda)

The 2017 Maintenance Task Order with SKW for 2016 will allow SKW to formalize bid documents for 2017 street surface treatments. (Approved on the Consent Agenda)

Topics were set for the Community Forum. The Governing Body decided the January forum should be on the City's branding and the new tax lid legislation. The April forum would be a Ward I forum with a presentation on the pool.

Ms. Jones-Lacy presented the October financials showing that revenues are strong despite franchise fees which continued to underperform and fewer business license renewals. Expenditures are also lower than projected.

The 2016 budget amendment was set for tonight's City Council meeting (Approved earlier by the Council)

Committee Appointments and Reappointments were agreed to be on New Business.

Changes to the Type 1 Special Event terms. Ms. Jones-Lacy presented the recommendation made by the Planning Commission regarding changes to Type 1 Special Event terms which included allowing unlimited signs during special events which could be held up to 31 days and up to four non-consecutive times per year. The Governing Body wanted to include stricter limitations on the size of the signs, as well as the possibility of the quantity and location. Ms. Jones-Lacy said she would consult with the City's churches and schools assess their outdoor signage needs.

Sale vs. lease of City property. The Council agreed to sell the upper portion of the caves site and decided that leasing the lower portion was preferable. They are open to selling or leasing the northeast cloverleaf site.

The Ad Hoc Development Committee would be renewed with all its existing members and CMBR McNeil had expressed a desire to be on the group, a topic to be discussed later in this meeting.

B. Ad Hoc Summary

The old pool site at the northeast corner of 48th and Roe. Sunflower Development has put in a request for a CID and would like clarification of the terms to keep the ball rolling towards a purchase sale agreement. The committee is considering recommending a one percent sales tax CID to be placed on the entire site for a 20-year period. Assumptions are for a 90-room hotel, 365 days a year and a \$110 average daily rate would equate to approximately \$2,500,000 over the 20-year period or annually for hotel revenue a yield of \$25,000 revenue annually.

CBC will work with SKW to price an access road that would include a left in/left out on Roe. Sunflower has completed their feasibility study and CBC will set up time for Sunflower to present that to the committee. Twin Peaks was also mentioned as a possible restaurant at the site. The committee encouraged CBC to continue discussions with local independent establishments.

Northeast Johnson Drive & Roe. Jason Glasrud, CBC's development consultant, presented an overview for moving forward with the site.

It was noted the Ad hoc committee's term ends 12/31/16.

Also discussed was the one percent for art on the Commerce site and other developments.

The committee's recommendation remains the same to look at all sites in the city as a whole. This includes Commerce, the northeast, the Gateways and the caves old pool site. They want to create a cohesive art gateway element plan and are reaching out to the Arts Committee to coordinate those efforts.

C. Rebranding Committee Update

The committee has completed and approved the qualitative research collection and report, the new positioning statement and the creative brief for the artists' submissions. The committee received 48 individual submissions from artists from Benedictine College as well as residents from Roeland Park. They are in the process of selecting and revising the top three to five options to present to Council. In addition, students submitted PR and marketing plans for the brand's launch and are being reviewed and compiled.

VI. REPORTS OF CITY LIAISONS

No updates were given.

VII. UNFINISHED BUSINESS

A. 2017-2019 Tree Service Bid Review

Public Works Director Leon and Carl Wisdom, City Forester were both present to answer questions. In response to their request they received three bids and felt that Custom Tree Care had the best pricing which stayed the same through the three years of the agreement. Their rates also do not change with an emergency. Mr. Leon said that Mr. Wisdom did a lot of due diligence on this bid review.

Public Works Director Leon said the work performed would be within budgeted items, but if there is an emergency that might be a different story.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPROVE THE 2017-2019 TREE SERVICE AGREEMENT WITH CUSTOM TREE CARE. (MOTION PASSED 5-0)

B. Johnson County Parks and Recreation Agreement for Operating the Community Center

City Administrator Moody said the redline version presented previously in Workshop has been reviewed by JCPRD attorneys and no changes have been made.

CMBR Fast said the budgeted amount is the same as the last two years. City Administrator Moody said payment made by the city is based upon the budget of the Community Center. If there's an anticipated shortfall it gets paid. There is also a reconciling at the end of the year with a provision that if there is not a shortfall, then the City's portion of the shared funds are returned to the City.

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN SECONDED TO APPROVE THE AGREEMENT AS PRESENTED. (MOTION PASSED 5-0)

VIII. NEW BUSINESS

A. Ad Hoc Development Committee Renewal

CMBR Poppa asked to table this discussion to a later date as CMBR McNeil was not present but had expressed an interest to be on the committee. He said he also realized this is a time sensitive issue.

Mayor Marquardt recommended renewing the committee temporarily until a further discussion can be held.

CMBR Fast agreed with CMBR Poppa. She said when they formed the Ad Hoc Development Committee its focus was on the old pool site. She would like to recommend that since there is a lot of talent on the Council that a second ad hoc committee be created for the Northeast Johnson Drive. She said that CMBR Kelly is now working for the Chamber and CMBR McNeil was once on that committee and knows a lot about that site. CMBR Janssen

also is a good choice. Ms. Fast recommended the second committee consist of CMBR Janssen, CMBR Kelly and CMBR McNeil for the northeast corner with CMBR Thompson, CMBR Poppa and CMBR Rhoades remaining on the ad hoc development for the old pool site. She believes there's a wealth of knowledge, fresh ideas and it gives more people an opportunity to serve. She has been upset at the thought that there are people on the Council who want to serve, but are unable to do so.

CMBR Kelly appreciated CMBR Fast's comments and seconded what CMBR Poppa said and would be amenable to another discussion about a second committee. She would want to make certain there's a continuity of the relationships that have been formed. In the event there are two committees there would need to be a liaison between the two especially if they are working with the same developers and people in other parts of the city so that those relationships will carry over.

Mayor Marquardt said something to consider would be a relationship with a development consultant and also potentially six Councilmembers being at development meetings.

MOTION: CMBR POPPA MOVED AND CMBR JANSSEN TO TABLE THE AD HOC DEVELOPMENT COMMITTEE RENEWAL DISCUSSION TO NEXT GOVERNING BODY WORKSHOP. (MOTION PASSES 5-0)

B. 1% for Arts Direction to Arts Committee

The Ad Hoc Committee has provided direction to the Arts Committee concerning coordinating the gateway that has been discussed as part of the Roe Boulevard in 2020 with art dedications from Commerce Bank and the hospital site. This was also discussed at the last Arts Committee meeting. They believe at this time it would be simpler to move forward working with the bank and hospital versus trying to have it coincide with the Roe Boulevard project.

Mayor Marquardt said the Arts Committee was working with the architects working on those sites and they were looking for ideas as to the Arts Committee's direction and understanding and desires for the one percent for art. If it is different than what the Council is thinking, it might be a waste of time or even frustrating for the architect of the site. The committee felt the Council should talk to make sure they are helping both the committee and the architect.

CMBR Kelly said she would like to see it rolled into the planning of Roe Boulevard and would hate to see them having to backtrack.

Public Works Director Leon said they fully intend to incorporate some sort of a gateway feature at that intersection/corner of the city into the project. They don't think anyone would notice if something was missing for a while.

CMBR Kelly would like to see what the evaluation and report of the existing city art is and what will be done with some of the art that's outdated or needs to be refurbished and also the next steps as a lot of that is on Roe Boulevard.

Mayor Marquardt asked what direction the Council would like to specifically give to the Arts Committee, either to focus on something slightly different than what they are now, table the discussion or do nothing and let it come back at some point.

There was agreement to continue this discussion at the next Governing Body Workshop.

C. Aquatic Center Ad Hoc Appointments

The following were invited and have accepted to serve on the Aquatic Center Ad Hoc Committee.

Gardner Howland - Coach of the KC Blazers

Dennis Mueller - Swimming Coach at Bishop Miege
Anthony Thompson - Resident/Master Swimmer
Pete Davis - Resident/Master Swimmer
Jan Grebe - Resident/Former Pool Advisory Board member and regular user
Sean Kennan - Resident/Aquatics Manager, City of Shawnee

There are a couple of outstanding invitations, one from a former pool board member and the other a member of JCPRD that they are waiting for confirmation on.

MOTION: CMBR KELLY MOVED AND CMBR FAST SECONDED TO APPROVE THE RECOMMENDATIONS OF THE AQUATICS CENTER AD HOC COMMITTEE. (MOTION PASSED 5-0)

D. Committee Appointments and Reappointments

The following were recommended appointments/reappointments:

Courtney Craig - BZA,
Reappoint Paula Gleason - Ward 2 (Michael Rhoades and Tim Janssen)
Kyle Rogler to the at-large position to Planning Commission,
Laura Steele, Sean Rowland (postponed) and Erik Hage to Sustainability,
James Kanally and Randi King to Parks,
Tawny Sanders and Amie Logan to Events,
Lynda Leonard and Corie Vogel to Arts.

Reappoint Moffett Ferguson to Arts

CMBR Kelly asked about appointee who is not a Roeland Park resident and his appointment to Sustainability. She recommended approving the other appointments with the exception of Shawn Rowland until the discussion has been resolved about appointing to committee of a non-resident.

Mayor Marquardt said he believed that both the BZA and the Planning Commission allow for one of their members to be outside the city and are not considered citizen advisory committees.

CMBR Fast said CMBR McNeil has a recommendation for the Ward I Planning Commission position. City Clerk Bohon said that items was planned for the January 3, 2017 Workshop meeting.

CMBR Fast asked if staff sends a thank you letter before the reappointment terms are up. City Clerk Bohon said that has not been done in the past, but could be done.

Mayor Marquardt said it is appropriate for staff to let the person know that they have not been approved for a committee and that it will be discussed at the January Workshop meeting.

There was agreement to move the discussion of non-resident committee appointments to the next Council meeting.

MOTION: CMBR POPPA MOVED AND CMBR KELLY SECONDED TO APPOINT AND REAPPOINT THE MEMBERS WITH THE EXCEPTION OF THE SHAWN ROWLAND TO SUSTAINABILITY UNTIL FURTHER DISCUSSION BY THE GOVERNING BODY. (MOTION PASSES 5-0)

E. Roe Boulevard Funding Commitment – 1302 Form KDOT Forms

Public Works Director Leon said the form from KDOT has been filled out describing the scope of work, a description, project limits, purpose and need and then highlighted where the funds will be spent throughout the project. This is

to show KDOT that the \$4.6 million of grant money they have provided the City will be spent. It only needs Council approval and signatures.

MOTION: CMBR KELLY MOVED AND CMBR JANSSEN SECONDED FOR THE APPROVAL OF THE 1302 FORM AS NOTED. (MOTION PASSED 5-0)

F. Walmart Remodel Status

City Administrator Moody provided a report of a list of improvements that are included in the plans that have been submitted for review. A permit has not been issued at this point. An estimated cost of the project is \$500,000. The footprint of the building is a little over 100,000 square feet, so this is roughly \$5 per square foot renovation investment. The purpose of which is to bring up the feel or the appearance of the building to a standard appearance for the current Walmart. Some HVAC work and some ventilation/duct work will be modified. Flooring will be replaced where needed as well as painting of the interior and exterior walls and ceiling joists. There will be some removal of drop ceilings. The exits will be made larger and they will remove the photo lab. They will also remodel to accommodate a small inside bank. The garden center fencing will be replaced with ornamental material. The wall signs and monument sign will be replaced with the current logo. The pharmacy will be remodeled. No landscaping, parking or sidewalk changes are reflected in the investment. According to the CID agreement if Walmart stayed, they would be eligible for reimbursement of the cost of new sidewalks, streetscape, landscaping and lighting, which has a total estimate cost of \$800,000 in the CID, subject to the 2-for-1 funding restriction also in the CID. This means they would get \$1 for every \$2 they would spend of the \$800,000 for those improvements. None of the improvements they have planned for fall into that category.

CMBR Kellerman asked if it is possible to have a representative from Walmart speak to the Council. City Administrator Moody has extended that invitation, but they are not very open about discussing their plans in a public meeting. Mr. Moody did say that it would be beneficial though.

CMBR Fast said the issue is also with the owner. They've been waiting for years for the parking lot to be redone and for repairs to the site. She said it's time for the owner to do some aesthetics to make it more appealing.

City Administrator Moody said if the Council makes funds available he suspects they'll do the work. He said the CID has a maximum of \$3 million. Currently it is at \$1.6 million and it's generating \$446,000 annually. Probably in less than four years it will reach the \$3 million threshold.

After a brief discussion, staff was directed to see if the site falls under any code violations for maintenance.

IX. ORDINANCES AND RESOLUTIONS

There were no Ordinances or Resolutions for approval.

X. REPORTS OF CITY OFFICIALS

City Administrator Moody said he would like to thank the Council on behalf of the staff and its employees for the holiday party. He said everyone enjoyed it and is a nice gesture by the Council to provide the resources to do that.

Mayor Marquardt thanked City Attorney Shortlidge for his 26 years of service to the City and noted this was his last City Council meeting before his retirement.

Mr. Shortlidge said, "Thank you for allowing me to serve."

XI. ADJOURNMENT

MOTION: CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO ADJOURN. (MOTION PASSED 5-0)

(Roeland Park City Council Meeting Adjourned)

Joel Marquardt, Mayor

Kelley Bohon, City Clerk

Item Number: Consent Agenda- II.-E.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 12/16/2016
Submitted By: Staff
Committee/Department: Admin.
Title: **Ad-Hoc Development Committee Renewal**
Item Type:

Recommendation:

Details:

Current members of the Ad-Hoc Development Committee are:

Erin Thompson
Michael Poppa
Michael Rhoades
Joel Marquardt

Per the recently adopted city policy concerning committee establishment (attached), membership needs to be appointed every year. January 1, 2017

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?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Ad-Hoc vs. Task ordinance	Cover Memo

ORDINANCE NO. 930

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF AD HOC COMMITTEES AND TASK GROUPS OF THE GOVERNING BODY; ADDING ARTICLES 14 AND 15 TO CHAPTER I OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS; ADDING SECTIONS 1-1401, 1-1402, 1-1403, 1-1404, 1-1405, 1-1406, 1-1407, 1-1501, 1-1502, 1-1503, 1-1504, 1-1505, 1-1506 AND 1-1507 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. Article 14 is hereby added to Chapter I of the Code of the City of Roeland Park, Kansas, and shall be titled "Ad Hoc Committees." Article 15 is hereby added to Chapter I of the Code of the City of Roeland Park, Kansas, and shall be titled "Task Groups."

SECTION 2. Section 1-1401 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1401. Purpose. Ad hoc committees shall be project- or subject-based. The duration of the committee shall be twelve months or until completion of the project or study of the subject.

SECTION 3. Section 1-1402 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1402. Creation and Establishment. Ad hoc committees shall be established by the Governing Body, with the approval of a majority vote at a City Council meeting. Ad hoc committees shall consist of up to four members of the Governing Body. If five or more of the Governing Body want to be on an ad hoc Committee, then the subject will be returned to a Governing Body workshop. In addition, City residents, Roeland Park business owners and members of the City Staff may be included on the committee; provided that non-Governing Body members shall not exceed 2/3 of the total committee membership. City residents and Roeland Park business owners desiring to become a member of an ad hoc committee must submit a volunteer application and shall be appointed by the Mayor and approved by a majority vote at a City Council meeting.

SECTION 4. Section 1-1403 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1403. Compensation. Members of ad hoc committees shall serve without compensation.

SECTION 5. Section 1-1404 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1404. Duties and Responsibilities. It shall be the duty of an ad hoc committee to review current uses and practices as they relate to the project or subject for which the committee was established. The committee shall report to the Governing Body from time to time. The committee may make recommendations to the Governing Body concerning policies in connection with the project or subject for which the committee was established, which may include actionable items for approval by the Governing Body at a City Council meeting. As deemed appropriate by the Governing Body, City Staff will support committee activities, either directly (as members of the committee) or indirectly.

SECTION 6. Section 1-1405 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1405. Advisors. The City Council may designate or employ, with or without compensation, such advisors to an ad hoc committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes for which the committee was established.

SECTION 7. Section 1-1406 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1406. Meetings, Rules and Regulations. The committee shall elect a Chair at its first meeting who shall preside over meetings and report to the City Council. The committee may elect a Vice Chair who shall assume the duties of Chair when the Chair is not available. The committee shall elect a Secretary to take minutes. The committee may adopt such rules and regulations as deemed necessary. Meetings of the committee shall be subject to the requirements of the Kansas Open Meetings Act.

SECTION 8. Section 1-1407 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1407. Code of Ethics. The Code of Ethics for Elective and Appointed Offices, as adopted pursuant to Charter Ordinance No. 29, and any amendments thereto, shall apply to the members of any ad hoc committee.

SECTION 9. Section 1-1501 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1501. Purpose. Task Groups shall be task- or topic-based. The duration of the task group shall be as long as needed to complete the work.

SECTION 10. Section 1-1502 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1502. Creation and Establishment. Task groups shall be established by the Governing Body, with the approval of the consensus of a majority of the Governing Body

members present at a Workshop meeting. Task groups shall consist of up to four members of the Governing Body.

SECTION 11. Section 1-1503 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1503. Compensation. Members of task groups shall serve without compensation.

SECTION 12. Section 1-1504 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1504. Duties and Responsibilities. It shall be the duty of a task group to review current uses and practices as they relate to the task or topic for which the task group was established. The task group shall report its findings to the Governing Body at a City Council or Workshop meeting upon the conclusion of its research. As deemed appropriate by the Governing Body, a task group may rely upon City Staff for information or resources.

SECTION 13. Section 1-1505 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1505. Advisors. The City Council may designate or employ, with or without compensation, such advisors to a task group as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes for which the task group was established.

SECTION 14. Section 1-1506 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1506. Meetings. Meetings of task groups shall be informal and no officers shall be established for task groups. No minutes of task group meetings shall be required. Meetings of the task group shall be subject to the requirements of the Kansas Open Meetings Act.

SECTION 15. Section 1-1507 is hereby added to the Code of the City of Roeland Park, Kansas and shall read as follows:

1-1507. Code of Ethics. The Code of Ethics for Elective and Appointed Offices, as adopted pursuant to Charter Ordinance No. 29, and any amendments thereto, shall apply to the members of any task group.

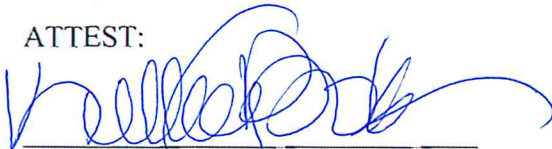
SECTION 16. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 20th day of June, 2016. APPROVED by the Mayor.



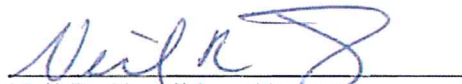
Joel Marquardt, Mayor

ATTEST:



Kelley Bohon, City Clerk

APPROVED AS TO FORM



Neil R. Shortlidge, City Attorney

Item Number: Applications/Presentations- A.-1.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:
Title: **GFOA Certificate of Excellence in Financial Reporting**
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



GFOA Certificate of Achievement 2015

Type

Cover Memo



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Roeland Park
Kansas**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

December 31, 2015

A handwritten signature in black ink, reading "Jeffrey R. Emen". The signature is written in a cursive style with a large, stylized 'J' and 'E'.

Executive Director/CEO



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Jennifer Jones-Lacy
Assistant City Administrator/Finance Director
City of Roeland Park, Kansas



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Jeffrey R. Emer

Date December 19, 2016

Item Number: Mayor's Report- IV.-A.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Announcements**
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: Workshop Reports- V.-A.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 1/17/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Workshop Summaries**
Item Type:

Recommendation:

For informational purposes.

Details:

Council Workshop January 3, 2017

1. Ad Hoc Development Committee Report

a. Councilwoman Thompson discussed the possibility for a CID on the site. The Council also discussed whether they would be interested in leasing or selling the land at the caves site. The original intent was to lease the lower level space to the ropes course operator and sell the upper level. Some Council members expressed concern with losing control of the property and wanted Mr. Moody to inquire about possibly leasing the property with the hotel that is interested in the upper level land. The conversation was moved to the workshop tonight.

2. Ad Hoc Development Committee Renewal

a. The item was discussed and moved to consent for another 12 month renewal with the same participants.

3. 1% for Arts Direction

a. The Governing Body discussed the City's authority over the 1% for art program and how much control it has to direct the developer on the installations. Members of the Governing Body expressed the desire to have art that works as a gateway element and is integrated with the art that is planned during the Roe Blvd improvements in 2020. The Chair of the Arts Committee Marek Glinecki was on hand to answer questions about the

involvement of the committee in guiding the art. The item was moved to new business for tonight's council meeting.

4. Changes to Type 1 Special Event Amendment

a. The Governing Body had additional questions they wanted to ask the City Attorney about how the City is proposing to change the Special Events Ordinance. The item was moved to tonight's workshop for further discussion.

5. Trash and Recycle Bin Shielding

a. Ms. Jones-Lacy reviewed the suggested changes to the trash and recycle bin shielding ordinance which would require full shielding from the street unless the container is in a backyard behind the house. She also discussed having a whether amnesty period as determined by the City Administrator. The Council decided they wanted more public feedback prior to making a decision. The topic is set to be presented and discussed at the Community Forum on January 23rd.

6. November Financials

a. Ms. Jones-Lacy reviewed the November Financials with the Governing Body. She explained that all major revenue categories are in good shape for 2016. In addition, the City has spent 80% of all expected budgetary expenses as of November.

7. Community Forums for 2017

- a. The Community forums are set as follows:
- i. January 23rd – Ward 2 – Branding, tax lid and trash can shielding
 - ii. April 24th – Ward 1 – Aquatics Center Update
 - iii. May 24th – Budget Discussion
 - iv. July 24th – Ward 3
 - v. October 23rd – Ward 4

Branding Committee - Jan. 10, 2017

- 1. Logo Revisions- additional direction provided on revisions, favorites narrowed to three.
- 2. Tag Lines- Committee prefers "A place to grow together" but does not feel a tag line is necessary.
- 3. Implementation Strategy- including cost estimates and phases of implementation- still working on this, will forward to the committee for review next week, so they have time to digest prior to the next branding meeting on 1/24/17.
- 4. Presentation to Council- Clay will make a presentation that updates Council to date. Not looking for any action by the Council at the 1/17 presentation. Presentation at the Community Forum on 1/23/17 will be same information that is presented at Council meeting.

Ad Hoc Development Committee Summary

Minutes from the last meeting are attached.

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
☐ Eco Devo Ad Hoc Minutes 11.30.2016	Exhibit
☐ Eco Devo Ad Hoc Minutes DRAFT 12-21-2016	Exhibit

Minutes - DRAFT
Economic Development Ad-Hoc Committee
CITY of ROELAND
PARK
Wednesday, November 30, 2016; 8:00 a.m.
Roeland Park
City Hall

Committee Members:

Mayor Joel Marquardt
Michael Rhoades
Michael Poppa
Erin Thompson

Guests

Jennifer Jones-Lacy
Jason Glasrud, CBC

Meeting called to order at 8:00 a.m.

- I. Approval of minutes – N/A
- II. Old Pool Site
 - a. Sunflower Development
 - i. Request for CID – Sunflower would like clarification of terms, to keep the ball rolling toward a purchase/sale agreement
 - ii. Committee considering recommending 1% sales tax CID to be placed on entire site for 20-year period (assumptions: 90-room hotel, 365 days, \$110 avg. daily rate= approx. \$2,500,000 ann. Hotel revenue / \$25,000 CID revenue)
 - iii. CBC to work with SKW to price access-road, including: left-in/left-out on Roe
 - iv. Sunflower feasibility study in verification stage; CBC setting up time for Sunflower to present to committee
 - b. Twin Peaks as possible restaurant at site
 - i. After brief discussion, committee encouraged CBC to continue discussions with local independent establishments.
- III. NE Johnson Drive and Roe
 - a. CBC presented overview report/action plan for moving forward with site (attached)
- IV. Ad Hoc Term ends 12/31/16
- V. 1% Art on Commerce Site and other developments
 - a. Committee's recommendation remains to look at all sites as whole (Commerce, NE Gateway & Caves/Old Pool Site) and create cohesive art/gateway element plan. Will be reaching out to Art Committee to coordinate efforts.

Meeting adjourned at 9:36 a.m.

Minutes - DRAFT
Economic Development Ad-Hoc Committee
CITY of ROELAND
PARK
Wednesday, December 21, 2016; 8:00 a.m.
Roeland Park
City Hall

Committee Members:

Mayor Joel Marquardt
Michael Rhoades
Michael Poppa
Erin Thompson

Guests

Keith Moody
Jennifer Jones Lacey
Jason Glasrud, CBC
Jason Swords, Sunflower Development – via telecom
John Honiotes

Meeting called to order at 8:00 am.

- I. Approval of minutes
 - a. Nov. 30, 2016 Minutes - approved

- II. Sunflower Development Hotel Update
 - a. Jason Swords was unable to attend meeting, joined via telecom to share vision for hotel on site
 - i. Shared info on Sunflower – located downtown KC
 1. Renovated 16 properties downtown, most recent Hilton Home2 Suites (20th & Grand) – 3 in progress right now
 2. Sunflower does development work, they have operating partners to manage properties, partners have equity in properties (work closely with Marriott & Hilton)
 3. Building to be 4-5 stories; construction estimated to be 10-12 months
 - ii. Feasibility study came back supportive and Sunflower is moving forward
 - iii. Total project cost around \$13-14 million dollars.
 1. anticipate 6 months from signed contract to begin construction, 18 months to hotel opening
 - b. SKW updated left turn from Roe/access road:
 - i. Showing 100 ft stacking for south-bound left hand turn but study will reveal what is warranted and required
 - c. City working to present draft agreement with understanding that it is pending ultimate Council approval
 - d. Committee would like CBC to present to Council ASAP

- III. “Old Pool Site”
 - a. CBC spoke with Zip KC, they are beginning feasibility study
 - b. Cost of connecting lower and upper levels, including utilities relocation (per SKW): approximately \$350,000
 - i. Discussed utilizing hotel/motel tax to reimburse developer dollars over 10-year period
 - ii. City & SKW proceeding with connection of upper and lower levels

- IV. Zip KC Ground Lease – draft sent to Zip KC to begin conversation, acceptance by City will depend on Council approval
- V. Johnson and Roe
 - a. NW Corner:
 - i. Neither Commerce nor micro hospital has sanitary sewer access
 - ii. City would support gravity sewer connection under Roe to NE corner closer to Johnson Drive
 - b. NE Corner:
 - i. City seeking to speak with KCPL re: utility
 - ii. KDOT update: agreement to convey ROW getting circulated for signatures, getting quick claim deed to City
- VI. Update on council action
 - a. Council discussion on 1% for Arts – to be discussed at January meeting with presence of Arts Committee Chair
 - b. Council discussion on committee re-appointment for 2017 was tabled to January at 12/19 meeting

Meeting adjourned at 9:45 am.

Item Number: Unfinished Business- VII.-A.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 1/9/2017
Submitted By: Joel Marquardt
Committee/Department: Admin.
Title: **Committee Appointments and Reappointments**
Item Type: Other

Recommendation:

To reappoint Marek Gliniecki to the Arts Committee.

To appoint:

Maddie Kamphaus to the Planning Commission Ward 1,
Leslee Rivarola and Tami Janssen to the Aquatic Center Ad-Hoc Committee.
Jared Luebe to the Parks Committee
Andrea Sexton and Stephanie Newton to the Events Committee.

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

📎 volunteer applications

Type

Cover Memo

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Wed 12/14/2016 12:53 PM

To: Bohon, Kelley <kbohon@roelandpark.org>;

📎 1 attachments (315 KB)

Maddie-Kamphaus-Resume-RP.pdf;

Committee Volunteer Application Form

Email:	
Date:	12/14/2016
Name:	Maddie Kamphaus
Daytime Phone Number:	
Evening Phone Number:	
Address:	5101 W 51st Terrace Roeland Park, KS 66205 United States of America
Place of Employment:	Self-employed.
How long have you been a resident of Roeland Park?:	We have lived in RP for 7 years, however we purchased my Husband's Grandmothers home which has been in their family for over 55 years.
How much time do you have to devote per month?:	I'm open and flexible on the time commitment.
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	I am a highly creative person who takes pride in Roeland Park, and the many amenities that the city has to offer. I am interested in volunteering on a committee as a way to increase my involvement with the city and to make a positive impact for years to come.
Select which Board or Committees you are interested in serving on: (only one per application):	Planning Commission
Additional, comments: (if any):	
File Upload:	http://www.roelandpark.net/wordpress/wp-content/uploads/Maddie-Kamphaus-Resume-RP.pdf
HTML:	

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Wed 10/26/2016 3:46 PM

To: Bohon, Kelley <kbohon@roelandpark.org>;

📎 1 attachments (53 KB)

Jared-Luebe-resume.pdf;

Committee Volunteer Application Form

Email:	
Date:	10/26/2016
Name:	Jared Luebe
Daytime Phone Number:	
Evening Phone Number:	
Address:	5024 Reinhardt Drive Roeland Park, KS 66205 United States of America
Place of Employment:	Kiewit Engineering and Design Company
How long have you been a resident of Roeland Park?:	2 months
How much time do you have to devote per month?:	8 hours
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	My wife and I recently moved to Roeland Park and I am looking to get involved in the community. I came across the request for applicants to fill a position on the Board of Zoning Appeals and determined my engineering profession would directly correlate with this role.
Select which Board or Committees you are interested in serving on: (only one per application):	Board of Zoning Appeals
Additional, comments: (If any):	
File Upload:	http://www.roelandpark.net/wordpress/wp-content/uploads/Jared-Luebe-resume.pdf
HTML:	

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Thu 12/29/2016 3:46 PM

Inbox

To: Bohon, Kelley <kbohon@roelandpark.org>;

📎 1 attachments (66 KB)

S.-Newton-Resume.pdf;

Committee Volunteer Application Form

Email:	
Date:	12/29/2016
Name:	Stephanie Newton
Daytime Phone Number:	
Evening Phone Number:	
Address:	5416 Sherwood Dr Roeland Park, Kansas 66205 United States of America
Place of Employment:	CHV Accounting & Consulting Services, Inc.
How long have you been a resident of Roeland Park?:	
How much time do you have to devote per month?:	January 1 - April 15th available 1 hour per week April 15th - December 31st available 3-4 hours per week
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	I am a first time homeowner and would like to be a part of and serve my new community.
Select which Board or Committees you are interested in serving on: (only one per application):	Community Foundation
Additional, comments: (if any):	
File Upload:	http://www.roelandpark.net/wordpress/wp-content/uploads/S.-Newton-Resume.pdf
HTML:	

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Thu 12/29/2016 6:25 PM

To: Bohon, Kelley <kbohon@roelandpark.org>;

Committee Volunteer Application Form

Email:	
Date:	12/29/2016
Name:	Andrea Sexton
Daytime Phone Number:	
Evening Phone Number:	
Address:	5440 Nall Ave Roeland Park, Kansas 66202
Place of Employment:	Busey Home Mortgage and Keller Williams
How long have you been a resident of Roeland Park?:	3 years
How much time do you have to devote per month?:	5440 Nall Ave
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	I truly believe in service in the community. I have been PTA President at Stevens Forest Elementary, I have worked for Johnson County Home Buyers Assistance Program and Minor Home Repair Program. I have also been a Boy Scout Mom for 5 years. Getting involved is a great way to know your neighbors and know what is going on in the community.
Select which Board or Committees you are interested in serving on: (only one per application):	Community Foundation

Item Number: New Business- VIII.-A.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 1/12/2017
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department: Admin.
Title: **Renewal of Code Enforcement Services Agreement with Westwood Hills**
Item Type: Agreement

Recommendation:

Approve the renewal agreement with Westwood Hills for Code Enforcement Services for 2017.

Details:

The attached agreement is a renewal of the existing agreement Roeland Park has with the City of Westwood Hills to provide Code Enforcement services for 2017. The agreement calls for a payment of the hourly salary and benefits for the code enforcement officer plus 15% overhead charged at \$36.66/hour.

This is the second year Roeland Park has provided this service for Westwood Hills. The first year, City employee's time was minimal. The agreement has already been approved by Westwood Hills City Council and signed by Mayor Paula Swatch.

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?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Code Enforcement Agreement 2017	Cover Memo

CONTRACT FOR CODES ENFORCEMENT SERVICES

This Contract for Codes Enforcement Services (the "Agreement") is made this ____ day of _____, 2017, between the City of Roeland Park, Kansas, a municipal corporation (herein "Roeland Park"), and the City of Westwood Hills, Kansas, a municipal corporation (herein "Westwood Hills" or "City").

WHEREAS, in the opinion of the governing bodies of Roeland Park and Westwood Hills, it is to the mutual benefit and general welfare of the persons and properties of both municipalities to cooperate in the provision of codes enforcement and rental property inspection services for the two cities; and

WHEREAS, this Agreement constitutes a contract between municipalities pursuant to K.S.A. 12-2908 to perform a governmental service, activity or undertaking which each party hereto is authorized by law to perform and accordingly shall not be regarded as an interlocal agreement under the provisions of K.S.A. 12-2901, *et seq.*, and amendments thereto;

NOW THEREFORE, Roeland Park and Westwood Hills, in consideration of the above and foregoing, their mutual promises, and other good and valuable consideration, have agreed, and by these presents do agree, as follows:

1. Services Provided. Roeland Park shall provide codes enforcement and property inspection services to Westwood Hills on an as-requested basis. Codes enforcement services shall include, but are not limited to: routine, annual city-wide structure/property walk-by observations, or unscheduled/scheduled on-site inspections of specific, complaint-based structure/property issues, each with the goal of establishing consistent ordinance compliance among the structures/properties within the City. (Rental property inspection services are not included.) These efforts may also include the interpretation of ordinances and issues and may lead to the preparation of reports, meetings with neighbors, and/or meetings with the governing body/staff on an as-needed basis; provided, however, that any consultation with regard to the interpretation of City ordinances shall be with the Westwood Hills City Attorney and not the Roeland Park City Attorney.

2. Cost of Services. Codes enforcement inspection services shall be performed by the Building Official or Code Enforcement Officer of the City of Roeland Park. For codes enforcement and property inspection services provided to Westwood Hills, Westwood Hills shall pay to Roeland Park an hourly rate equal to the actual hourly compensation cost and benefits of the staff performing the duties plus 15% for overhead. The current hourly rate for Code Enforcement Officer hours is \$36.66. These hourly rates will be adjusted periodically to reflect changes in compensation costs as they occur. Roeland Park shall notify Westwood Hills of any change in compensation costs as soon as reasonably possible, but in no event less than 30 days prior to such change becoming effective.

3. Employees of Roeland Park. Notwithstanding anything to the contrary, the Building Official and/or Code Enforcement Officer of Roeland Park, and Roeland Park's agents,

employees, representatives, or independent contractors, shall remain subject to the exclusive supervision and control of the governing body of the City of Roeland Park, and shall be deemed employees of Roeland Park at all times. However, the Mayor of Westwood Hills or his or her designee may give any person providing the services contemplated herein such information as is reasonably necessary to discharge the inspection and other services contemplated herein, and as further provided herein.

4. Indemnification. Roeland Park agrees to indemnify Westwood Hills and any official, employee, or representative of Westwood Hills, and hold them harmless for any costs or liability incurred in connection with the provision of services under this Agreement, except that Westwood Hills agrees to indemnify Roeland Park and hold it harmless for any liability incurred in connection with the provision of any services under this Agreement only to the extent liability is attributed to the fault or negligence of Westwood Hills and said liability arises from a policy, practice, or directive of the City of Westwood Hills or any official, employee, or representative of Westwood Hills. Westwood Hills' indemnification of Roeland Park shall not extend to other bases for liability, including, but not limited to, liability predicated upon any imputed or vicarious form of liability or upon the fact that services provided under this Agreement took place within the city limits of the City of Westwood Hills, unless the basis for such liability lies within a policy, practice, or direction of Westwood Hills. Notwithstanding the foregoing, the parties agree that neither party shall have the obligation to indemnify the other party for acts for which the other city would otherwise be immune under the Kansas Tort Claims Act (K.S.A. 75-6104, *et seq.*), and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either city's protections under such provisions. Further, any liability of either city shall be subject to the liability limitations under K.S.A. 75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the parties specifically agree that the terms of this section, and the terms of this Agreement, shall be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-1101, *et seq.*), and amendments thereto, and the Kansas Budget Law (K.S.A. 75-2935, *et seq.*), and amendments thereto.

This indemnity obligation includes the obligation to defend, or provide the cost of defense, to the indemnitee provided that the indemnitee complies with the requirements of any applicable contract of insurance providing for the provision of a defense or for the cost of defense. Indemnitee will provide a written representation to the insurance provider indicating that indemnitee shall: (1) cooperate with the insurer in the investigation, settlement or defense of the claim or suit; (2) immediately send the insurer copies of any demands, notices, summonses or legal papers received in connection with the claim or suit; (3) notify any other insurer whose coverage is available to the indemnitee; (4) cooperate with the insurer with respect to coordinating other applicable insurance available to the indemnitee; (5) provide the insurer with written authorization to obtain records and other information related to the claim or suit; and (6) provide written authorization to the insurer to conduct and control the defense of the indemnitee in such claim or suit. Upon the assertion of any claim related in any way to the provision of services under this Agreement, the party who has received such claim shall promptly provide written notice of such claim to the other party.

5. Insurance. Roeland Park agrees to obtain and maintain throughout the duration of this agreement, motor vehicle liability coverage, as well as comprehensive liability and property damage insurance coverage, with limits of not less than \$1,000,000 for each act and not less than \$2,000,000 aggregate per occurrence, naming Westwood Hills as an additional insured on such policy of insurance. The cost of adding Westwood Hills as an additional insured shall be paid by Westwood Hills. Roeland Park also agrees to maintain workers' compensation coverage for any Roeland Park employee operating under this agreement.

6. Effective Date. This agreement shall be effective upon approval and execution by both agencies and shall thereafter automatically renew annually with mutual consent of both parties; provided, however, that either party hereto shall have the right to cancel and annul this Agreement by giving sixty (60) days' advance written notice to the other party by certified mail. This Agreement may not be assigned by either party.

7. Westwood Hills' Responsibility. Westwood Hills shall be responsible for establishing and maintaining a budget to cover all anticipated expenses hereunder. It will also be responsible for passing along information on code violation complaints to Roeland Park Neighborhood Services staff and informing Roeland Park staff of any ordinances that would change Chapter 5 of the Westwood Hills Code.

8. Payment for Services. Payment for services hereunder will be due after receipt by Westwood Hills of an itemized invoice. Normally, if an invoice is received seven (7) days prior to a Westwood Hills City Council meeting, payment will be made within seven (7) days thereafter. If an invoice remains unpaid 90 days after presentation, Roeland Park may decline to provide any further service under this Agreement until the delinquency is cured.

9. Default. The failure of either party to comply with the terms and conditions of this Agreement shall constitute a breach of the Agreement. Either party shall have thirty (30) days after receipt of written notice from the other party of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice.

10. Rights and Remedies. In the event of any breach hereunder and after the lapse of the cure period set forth in Section 9 above, the non-breaching party shall have all the rights and remedies available under the law or at equity. The rights and remedies of the parties hereto shall not be mutually exclusive but shall be cumulative in all respects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law or otherwise.

11. Governing Law, Jurisdiction and Venue. All questions with respect to the construction of this Agreement and all rights and liabilities of the parties hereto shall be governed by the laws of the State of Kansas. The sole and exclusive venue for any legal action in any way premised upon the rights and responsibilities of the parties under this Agreement shall be within the District Court of Johnson County, Kansas. The parties do hereby stipulate to jurisdiction within the District Court of Johnson County, Kansas.

12. Notices. Any written notice which must or may be given relating to this Agreement shall be sufficient if deposited in the United States Mail, postage prepaid, via certified mail, addressed to the Mayor of the city to which notice is being provided, with copies to the City Clerk and City Attorney of such city.

13. Cities Properly Authorized. By executing this Agreement each city certifies to the other that it has taken the necessary actions and is properly authorized to enter into this Agreement. The cities mutually agree to do all acts necessary and proper to carry out the applicable provisions of this Agreement.

14. General Provisions.

a. Severability. In the event that any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

b. Amendment. This Agreement may be modified only by a writing signed by each of the parties hereto.

c. Binding Effect. To the extent permitted by law, this Agreement shall bind the parties and their respective successors and assigns.

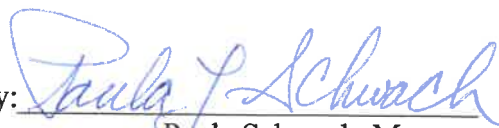
d. Captions. The captions of the various sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

IN WITNESS WHEREOF, the Mayor of Roeland Park, Kansas, has signed this agreement on behalf of the City of Roeland Park, Kansas, and the Mayor of the City of Westwood Hills, Kansas has signed such agreement on behalf of the City of Westwood Hills, Kansas.

CITY OF ROELAND PARK, KANSAS

CITY OF WESTWOOD HILLS, KANSAS

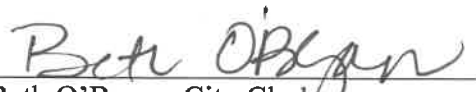
By: _____
Joel Marquardt, Mayor

By: 
Paula Schwach, Mayor

ATTEST:

ATTEST:

Kelley Bohon, City Clerk



Beth O'Bryan, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

Date: _____

APPROVED AS TO FORM:



James R. Orr, City Attorney

Date: 12.12.16

Item Number: New Business- VIII.-B.
Committee 1/17/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 1/17/2017
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department: Admin.
Title: **Renewal of IT Services with Johnson County**
Item Type: Agreement

Recommendation:

To approve the renewal with Johnson County Department of Technology and Innovation for IT services for 2017.

Details:

Since 2012 Roeland Park has relied upon Johnson County for its IT services. The agreement is renewed annually. The 2017 contract total is \$19,740.56, which is approximately a 15% increase from the prior year. According to representatives from Johnson County IT, the contract had been significantly undervalued for years and they are now trying to recoup their costs. They made a strategic decision to incrementally ratchet up the price over the course of a few years. In 2018, they indicated the rate will increase to \$23,000 - \$24,000 annually with the goal of charging approximately \$27,000 annually.

The fee includes IT support services such as help desk functions, internet connection and security, network security and server support. In addition, hosting and support of the City website and the archives system SIRE are also a part of this fee.

Staff recommends continuing to use Johnson County for IT services for 2017. We would like to potentially issue a RFP in 2018 to see what service options are available and ensure we are doing our due diligence to get the best price for good IT support services.

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
 DTI Renewal 2017	Exhibit

RENEWAL OF INFORMATION TECHNOLOGY SERVICES
AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS AND THE CITY OF ROELAND PARK, KANSAS

THIS RENEWAL OF INFORMATION TECHNOLOGY SERVICES AGREEMENT (“Renewal”) is made and entered into this ____ day of _____, 2016 by and between the City of Roeland Park, Kansas (“City”) and the Board of County Commissioners of Johnson County, Kansas (“County”).

WITNESSETH:

WHEREAS, the City and the County entered in that certain Information Technology Services Agreement dated April 12, 2012, regarding the provision of information technology services, as amended by that certain Amendment to Information Technology Services Agreement dated June 16, 2014, and which was subsequently renewed (the original agreement, the amendment, and all previous renewals are collectively referred to as the “Agreement”); and

WHEREAS, the City and the County desire to renew and amend the Agreement.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and pursuant to and in accordance with the statutory authority vested in the City and the County, the parties hereto agree as follows:

1. Renewal. The City and the County hereby agree that the Agreement shall be, and hereby is, renewed and extended for an additional term from January 1, 2017 through December 31, 2017 (“Renewal Term”).

2. Services. During the Renewal Term, the County agrees to provide the services set forth in Attachment A and the City and City Police Department agree to share in the costs of those services by paying the amounts set forth in Attachment A, which are the annual costs of the services. These rates are valid for the Renewal Term and are valid only if the City obtains and maintains a high speed data connection of at least 10mb between the City’s facility and any County facility on its high speed network. The County reserves the right to raise these rates if the City fails to obtain and maintain high speed connectivity. The City agrees to pay the costs set forth in Attachment A on a quarterly basis commencing upon execution of this Renewal.

3. Additional Services. The parties agree that during the Renewal Term, if the City requests additional professional services that are not included in the services set forth in Attachment A, then the County’s hourly rates for such services shall be as follows:

Tier 1 Support per hour	\$32.60	Support Center
Tier 2 Support per hour	\$42.02	Systems, Phone
Tier 3 Support per hour	\$48.39	Networking, Applications, Security
DBA cost per hour	\$53.22	Data Administration
Consulting	\$68.90	Project Management

4. Agreement Effective. Except as expressly modified by this Renewal, the terms and provisions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Renewal to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

CITY OF ROELAND PARK, KANSAS

By _____
Mayor Joel Marquardt

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

By _____
Michael Aldridge, Chief Information Officer

APPROVED AS TO FORM:

Cynthia Dunham
Deputy Director of Legal

EXHIBIT A – SERVICES

Standard M-F, 8-5 Service Support - Emergency on-call support available as needed	Description	City	Police
Systems	Server support - Remote monitoring, Server Operating System support, server patching and print management	\$589.27	\$1,155.88
	Email Support with spam filtering as provided	\$622.02	\$1,220.11
	Active Directory support and maintenance	\$1,244.03	\$2,440.22
		\$0.00	\$0.00
		\$0.00	\$0.00
Consulting	Provide project management, strategic design, technology planning and security incident services to coordinate and direct activities associated with special projects as needed. (\$68.90 per hr)	\$0.00	\$0.00
Application Support	Application Support: Sire	\$1,102.03	
Data Management	Provide periodic monitoring of server-based database management systems, optimizing or repairing where possible, and identifying problems as they occur. Manage backups/restores of databases. Provide recommendations to client on: needed hardware and software upgrades, capacity management and deployment issues, planning for the future.	\$303.04	
Network	Network monitoring - Includes all network systems, core appliances and switches Network administration and support - Review of event logs and implementation of manufacturer-recommended firmware updates for routers and switches. Network hardware replacement - Identify and recommend network hardware replacements, assisting with the installation as required and needed.	\$1,074.48	\$2,107.63
Voice Services	Provide access for local and long distance calling. Maintain publicly listed phone numbers.		
	Internet Connection	\$458.92	\$590.04
Security	Vulnerability Monitoring – External and Internal vulnerability scanning to identify vulnerabilities in workstations and servers connected to County networks. (scans dependent on connection method and if the County manages the FW) Firewall and VPN Management - Monitor, maintain and support the clients firewall and current VPN system. Assist with firewall security reviews, limit 1 annually, to address best practices in controls. Network Security Monitoring and Intrusion-Prevention Services – Monitor internal and external network traffic to identify malicious activity and block and/or report on activity dynamically based upon County security best practices. Internet filtering per County best practices	\$716.32	\$1,405.09
Support Center – Help Desk	Provides a single point of contact, by phone or email, to report and record incidents and to facilitate the restoration of normal IT operational services. The Support Center provides Tier 1 and Tier 2 remote desktop support as requested M-F, 7:30-5:00, excluding holidays. Also provides on-call, after normal business hours support for emergency outages, which will be escalated to Tier 3 support. Anti-Virus and Threat Management - Monitor, maintain and support the client's anti-virus to ensure AV signatures are current and active across all devices	\$1,189.38	\$2,333.00
On-Site Support	Limited on-site support as required, which includes travel time and mileage	\$91.75	\$91.76
Hardware Support	SIRE virtual server	\$502.80	
Hardware Support	www.roelandpark.net virtual server	\$502.80	
Total		\$8,396.84	\$11,343.73
		\$19,740.56	

Item Number: New Business- VIII.-C.
Committee 1/17/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 12/16/2016
Submitted By: Staff
Committee/Department: Admin.
Title: **1% Arts Direction to Arts Committee**
Item Type:

Recommendation:

Details:

Council has had questions concerning the 1% for Art Resolution (attached). The City Attorney has provided Council his opinion concerning questions related to the resolution. This is an opportunity to discuss ways that the resolution could be clarified.

Financial Impact

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

Additional Information

The Ad Hoc Development Committee has provided direction to the Arts Committee that they prefer to coordinate the art dedicated for Commerce Bank and the hospital with the Roe Blvd. visioning process.

The community visioning process for the Roe Boulevard project will occur this summer. This process will include concepts for entryways at the north and south end of Roe Boulevard. Marketing of the NE corner of Johnson and Roe Boulevard will begin this spring, site plans and

building plans are likely to be developed in the summer/fall. These two events combined with the imminent development on the NW corner of this intersection provide an opportunity to coordinate entryway design with the art requirement resulting in a master planned southern entryway to our community that is substantial and cohesive. It is likely that the entryway investment will be over \$100,000 and the arts investment also more than \$100,000.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Resolution 601	Cover Memo

CITY OF ROELAND PARK, KANSAS

RESOLUTION NO. 601

**A RESOLUTION DECLARING THE INTENTION OF THE GOVERNING BODY TO
REQUIRE THAT CERTAIN PROPERTY DEVELOPERS PROVIDE ONE PERCENT
(1%) OF TOTAL PROJECT COSTS FOR PUBLIC ART**

WHEREAS, public art is culturally enriching and enhances the aesthetics of the built environment; and

WHEREAS, communities around the country have required developers to provide public art as a condition of development in order to further the general welfare;

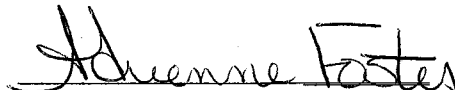
**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF ROELAND PARK, KANSAS:**

1. It is hereby declared that the Governing Body intends to condition certain development or redevelopment approvals on the developer's agreement to provide public art valued at one percent (1%) of the total project costs.
2. This public art requirement will apply to all new development, including redevelopment, of properties zoned or rezoned to one of the following zoning district classifications: Multiple Residence District; Office Building District; Retail Business District; Planned Industrial Park District; Planned Office Building District; Planned Restricted Business District; Planned General Business District; and Planned Mixed-Use District. In addition, the public art requirement shall apply to all public buildings, school and churches in any zoning district. The public art requirement may be applied to developments requesting a special use permit depending upon the nature of the development.
3. To comply with the public art requirement, the developer shall, prior to the issuance of any building permit for the project, deposit with the City Clerk cash, a letter of credit or such other security as is satisfactory to the City Council, in the amount of 1% of the estimated project costs. Estimated project costs shall be certified, under oath, by a project engineer or project architect.
4. The funds shall be held in escrow until such time as the developer has demonstrated that public art has been provided that is valued at one percent (1%) of the project costs. Certifications of value, under oath, shall be provided by a person qualified to give an opinion of value for the type of art provided. Alternatively, the developer may ask the City's Arts Advisory Committee to provide an opinion of value.
5. For purposes of this Resolution, "public art" is defined as any structure of a permanent character intended for ornament or commemoration or other suitable expression including, but not limited to, sculpture, painting and fountains. Public art may also be an integral part of a building, facility or structure, and may be integrated with the work of other design professionals. Public art is intended to supplement the visual elements of building projects.

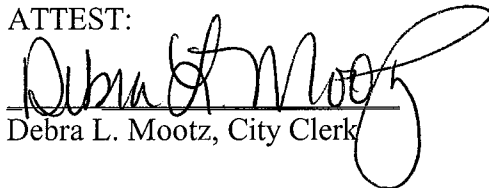
While coordination is important between a public art project and the visual elements of the building or project to which it relates, public art is separate and distinct from those project elements. Architectural design features, decorative building art, landscaping and similar project elements are considered to be part of the building project itself and would not ordinarily qualify as public art. Public art under this program is intended to be a major artistic activity and will almost always include the selection and use of an artist.

6. The public art must be located on property owned by the developer and must be able to be viewed by the public at all times.

ADOPTED by the Governing Body this 23rd day of March, 2010.


Adrienne Foster, Mayor

ATTEST:


Debra L. Mootz, City Clerk

APPROVED AS TO FORM:


Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-A.
Committee Meeting 1/17/2017
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:

Return Ordinance 941 regarding sign regulations back to the Planning Commission with recommendations as outlined below for further consideration.

Details:

The Governing Body discussed Ordinance 941 at the Council Workshop meeting on November 7th. Some Council members expressed concern about the new language and how it could cause some interpretation issues with signs currently on the campuses of schools and churches. The language was previously approved by the Planning Commission in August. Rather than rejecting the ordinance in its entirety, the Council recommended returning the item back to the Planning Commission for further consideration.

After further discussion with Councilmembers Rhoades and Janssen, the following recommendations will be submitted to the Planning Commission for consideration on November 22nd. If approved those revisions will come back to the Council for final approval in December.

A revised redlined version of the changes are attached. The changes recommended to the Planning Commission are to consider including the following alteration to the definitions section 16-201 of the City Code.

- (hh) 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; any sign not visible to persons located off the premises from where the sign is located; score boards and related signs on athletic complexes; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height.

In addition, replacing the term "facility" with the term "building" in section 16-909 (a) - Signs Permitted in All Districts. The intention here is to ensure the code allows signage by building instead of by parcel. The term

building is defined in section 16-201(f).

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 buildings 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.

These changes are intended to add clarity to the ordinance and prevent possible unintended consequences of regulating signs not visible from off of a campus and athletics related signage.

Financial Impact

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

Additional Information

Original Staff Report

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 red lined version of the changes to City Code approved by the Planning Commission on August 16th and the proposed Ordinance which incorporates those changes.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
☐ Ordinance 941	Cover Memo
☐ Redlined 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 curbline 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; any sign not visible to persons located off the premises on which the sign is located ; scoreboards and related signs on athletic complexes; 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 buildings 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 17th day of January, 2017. APPROVED by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Steve Mauer, 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.

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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.

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.

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Deleted: 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; ¶

- (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.

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Deleted: 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.

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Deleted: 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. ¶

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Deleted: 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. ¶

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(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; any sign not visible to persons located off the premises from where the sign is located; score boards and related signs on athletic complexes; 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

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Deleted: 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.

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Deleted: 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.

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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.

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(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.

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(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.

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(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.

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

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(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.

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(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.

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(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.

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

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(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.

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(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.

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(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.

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(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.

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(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.

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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 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.

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- (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) 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.

Deleted: (d) . Home security and neighborhood watch signs.¶
(e) . Identification signs.¶
(f) . Legal postings.¶
(g) . Name plate signs.¶
(h) . Official signs.¶

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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 buildings 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.

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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 a 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 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;

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- (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.