



BOARD OF PARK AND RECREATION COMMISSIONERS

Steven Baru, Chair
Leslee Rivarola, Vice Chair
George Schlagel, Secretary
Paul Snider, Treasurer
Jeff Meyers, Assistant Secretary
Heather Rubesch, Assistant Treasurer
Bob Carlson, Board Member
Steven C. Klika, Board Member

REGULAR BOARD MEETING

JCPRD Administration Building
7900 Renner Road, Shawnee Mission, KS 66219

June 19, 2019
7:00 p.m.

MEETING MINUTES

CALL TO ORDER / ROLL CALL

The meeting was called to order by Board Chair Steve Baru, and roll call was taken as follows:

Board Members Present: Steve Baru, Bob Carlson, Steve Klika, Jeff Meyers, Leslee Rivarola, Heather Rubesch, Paul Snider

Board Members Absent: George Schlagel

County Manager's Liaison: Joe Waters, Assistant County Manager, was in attendance.

Legal Counsel: Fred Logan and Andy Logan were in attendance.

Guests: See Visitor Register.

Staff in Attendance:

Jill Geller, Executive Director
Jeff Stewart, Deputy Director
Terry Anderson, Supt. of Safety & Outdoor Education/
Park Police Chief
Bill Maasen, Superintendent of Parks & Golf Courses
Susan Mong, Superintendent of Culture
Rhonda Pollard, Superintendent of Recreation
Jo Ann Courtney, Administration & HR Manager
David Grant, Human Resources Director
Jay Hinrichs, Development Director
Cliff Middleton, Planning & Development Manager
Noelle Testa, Chief Financial Officer
Shannon Sonnier, Asst. Supt. of Recreation
Devin Wetzel, Asst. Supt. of Parks & Golf Courses
Mary Eads, Administration Assistant
Vanessa Burkholder, Park Police Sergeant
Torey Rowlett, Park Police Officer I

Michael Middlebusher, Park Police Admin. Captain
Matt Gillespie, Park Police Sergeant
Chuck Dvorak, Central Region Assistant Manager
Lysa Dvorak, Outdoor Adventure Specialist
Mike Dizney, NE Region Park Manager
Bill Leek, Park Planner III

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- A. Life-Saving Commendations** – Presented to Vanessa Burkholder, Park Police Sergeant; Torey Rowlett, Park Police Officer I; and Kathy Bonner, park patron, for their recent life-saving efforts on a park patron.
- B. Certificate of Appreciation**—Presented to Sayde Dvorak, daughter of staff members Chuck and Lysa Dvorak, in recognition of her numerous attendances and good behavior at JCPRD Board Meetings.

- C. Mid-America Regional Council** – Presentation by Martin Rivarola, MARC Assistant Director of Transportation and Land Use, on the Greater Kansas City Regional Bikeway Plan.

PUBLIC COMMENTS

Mike Pirner, Lenexa, KS (address and full text of comments are on record in JCPRD administrative files) – Provided public comment to the Board stating that any potential mill levy increase to address outdoor recreation facilities should be presented to the Johnson County citizens for vote.

CONSENT AGENDA

Regular & Special Board Meetings

BRD-1 Consider approval of minutes of the Regular Board Meeting held May 15, 2019.

Administrative Services Committee

ASV-1 Consider acceptance of the 2018 Audited Financial Statements and Management Letter as provided by Allen, Gibbs and Houlik, L.C.

ASV-2 Consider approval of minutes of the Administrative Services Committee Meeting held June 11, 2019.

Culture Committee

CUL-1 Consider approval of an update to Alcohol Rules and Regulations, included in JCPRD's Operational Policies and Procedures, to be consistent with the recent adoption of JCPRD Resolution No. 2019-08 and BOCC Resolution No. 023-19.

CUL-2 Consider acceptance of Theatre in the Park Advisory Council Minutes dated May 17, 2019.

CUL-3 Consider approval of minutes of the Culture Committee Meeting held June 11, 2019.

Parks & Golf Courses Committee

PGC-1 Consider approval to award the bid for Kill Creek Streamway Trail bridge to the low bidder, Contech Engineering Solutions, who met bid specifications and was under the superintendent's estimate, for \$45,600.

PGC-2 Consider approval to dispose of JCPRD assets through Purplewave.

PGC-3 Consider approval of minutes of the Parks & Golf Courses Committee Meeting held June 11, 2019.

Recreation Committee

REC-1 Consider approval of the Amendment to the Roeland Park Aquatic Center Agreement, changing oversight of the facility Maintenance Supervisor from JCPRD to the City of Roeland Park.

REC-2 Consider approval of the Amendment to the Roeland Park Community Center Agreement, changing oversight of the Maintenance Supervisor and part-time janitorial staff to the City of Roeland Park.

REC-3 Consider approval of minutes of the Recreation Committee Meeting held June 11, 2019.

Safety & Outdoor Education Committee – Meeting cancelled.

MOTION: Mr. Klika moved to approve all Consent Agenda items. Mr. Snider seconded. UNANIMOUSLY CARRIED.

DISCUSSION & ACTION AGENDA

A. E-Bikes on JCPRD Trails

Paul Schultz, General Manager of Trek Bicycle, provide an informative presentation and display on Class 1 and Class 3 pedal-assist e-bicycles.

Public Comments:

Joe Young, Prairie Village, KS (address on record in JCPRD administration files) – Spoke in support of the use of e-bikes on JCPRD trails.

Betsy Geheb, Lenexa, KS (address on record in JCPRD administration files) – Spoke in support of use of e-bikes on JCPRD trails.

Carl Owczarzak, Lenexa, KS (address on record in JCPRD administration files) – Spoke against the use of e-bikes on JCPRD trails.

Sean Cairns, Lenexa, KS (address on record in JCPRD administration files) – In representation of the Urban Trail Company, spoke in support of the use of e-bikes on gravel roads and asphalt trails, but not on single track trails.

David Swartz, Lenexa, KS (address on record in JCPRD administration files) – Spoke in support of the use of e-bikes on JCPRD trails.

Mr. Baru expressed appreciation to the speakers and closed the public comment portion of the discussion.

MOTION: Mr. Snider moved to approve a six-month trial allowing Class 1 and Class 3 e-bikes on JCPRD paved trails. Ms. Rubesch seconded. MOTION CARRIED (Yes-5/Baru, Carlson, Rivarola, Rubesch, Snider; No-2/Klika, Meyers).

Mr. Baru noted the allowance for the e-bikes on JCPRD paved trails will go into effect as soon as feasible, and the matter will be readdressed in six months.

B. Camp Branch Master Plan

Jeff Stewart, Deputy Director, and Brett Spangler, Landscape Architect at Vireo, presented information and a slideshow on the master plan for Camp Branch Park.

MOTION: Mr. Klika moved to accept the Camp Branch Master Plan as developed by Vireo. Mr. Snider seconded. UNANIMOUSLY CARRIED.

REPORTS

A. Staff Reports

Written reports provided in Board Report.

B. Executive Director of Parks & Recreation – Jill Geller

Reminder that Friday night is employee and Board night at the Theatre in the Park's production of "Chitty Chitty Bang Bang." A ribbon cutting for the official opening of Meadowbrook Park will be held on June 22. A ribbon cutting for the official opening of the inclusive playground in Shawnee Mission Park will be held on July 6. Ms. Geller expressed sympathies to Board Member George Schlagel on the death of his mother, informing of services and that flowers had been sent on behalf of the JCPRD Board and staff. The scheduling of meetings in July and August will be addressed in the meetings announcement portion of the meeting. The Board of County Commissioners (BOCC) denied JCPRD's request for a 0.6 mill levy increase in its 2020 budget. Accordingly, the preliminary budget as previously approved by the Board without the mill levy increase will be presented for Board approval consideration in August with the addition of approximately \$4.3 million in the Enterprise Fund as the result of JCPRD's award of the Olathe School District's Out-of-School-Time Program beginning in the fall of 2019. She noted the ad valorem tax in the 2020 budget is unchanged. Accordingly, a Committee of the Whole meeting has been scheduled for June 20, 2019, to consider priorities for the Capital Improvements Projects considering no additional funding. The CAPRA Accreditation Visit Team will be on site from June 24-27 to review JCPRD's evidences of compliance with the CAPRA standards and tour JCPRD parks and facilities. A breakfast will be hosted for the CAPRA team on Tuesday.

Rhonda Pollard, Superintendent of Recreation, introduced the Recreation Division's new intern, David Mullen from Northwest Missouri State University.

Ms. Geller requested consideration of an executive session to discuss preliminary land acquisition at the end of regular business for 15 minutes.

C. Legal Counsel – Fred Logan

Per Ms. Geller's request, Mr. Logan addressed the Board regarding finance and capital finance. He noted the JCPRD Board is a statutory body and is in no way an advisory body of the Board of County Commissioners (BOCC), and it is a governing Board of a separate taxing district. The JCPRD Board exercises statutory authority, limited only if a statute says the Board is limited or, if by agreement, the Board has limited its authority. The Board's authority in employment is absolute and real estate is owned in the name of the Johnson County Park and Recreation District and its Board. He emphasized the legislature granted very broad authority to the District and to its Board in its legislative statutes. Mr. Logan advised there are two instances legislated either by statute or by agreement that JCPRD is to work in tandem with the BOCC. The first is in respect to the budget and that the final budget shall not be adopted unless and until it has been approved by the BOCC; accordingly, JCPRD's legal budget must be approved by both Boards. In response to inquiry by Mr. Klika regarding what if the JCPRD Board does not approve the budget, Mr. Logan advised the statutes clearly legislate that both bodies must approve the budget so there must be a process in which both parties reach an agreement. In further inquiry by Mr. Klika, Mr. Logan advised neither the JCPRD Board nor the BOCC may take an arbitrary vote on the budget, and approval must be obtained through mutual efforts.

With respect to capital levy propositions, Mr. Logan informed the JCPRD Board modified its governing authority by agreement with the BOCC. While statute allows JCPRD to place a capital levy project on the ballot, in 2007 and in response to a 2006 ballot proposition by JCPRD that failed, the JCPRD Board entered into an interlocal cooperation agreement with the BOCC for a joint process/agreement for capital levy ballot propositions. Mr. Logan reiterated some may think this is an impingement on JCPRD's authority, but what he was trying to stress in his presentation to the Board is the JCPRD Board has extraordinary authority under statute and has fairly sweeping authority on certain issues. However, as for the issues of budget and capital finance propositions, the first is a limitation of statute and the second is a limitation created by the JCPRD Board through a Memorandum of Understanding (MOU) agreement.

In response to inquiry by Mr. Klika, what were the JCPRD Board's options if a decision was made that JCPRD no longer wanted to abide by the agreement. He noted his concurrence with comments made by former JCPRD Board Member Mike Pirner earlier in the meeting that it is the citizens of Johnson County who should decide on capital financing. Mr. Logan informed there is an option in the agreement allowing either party to terminate the agreement with a one-year's notice. He further informed the agreement has a 50-year term.

Mr. Logan advised that a part of the reason for JCPRD's approval of the agreement in 2007, there was movement in the legislature to limit the authority of the JCPRD Board, and it was deemed by the Board to be a sufficient-enough threat that the agreement was a more-reasonable alternative. Mr. Klika noted his understanding of the political reasons that the agreement was made at that time; however, he felt that a 50-year term was quite extensive and noted the reality that the politics of the BOCC's priorities and those of the JCPRD Board periodically come into conflict.

In response to inquiry by Mr. Snider, Mr. Logan informed the recourse for breaching an interlocal agreement would result into a potential legal conflict with the BOCC, as the agreement as approved by a JCPRD Board outlined how its process works.

Mr. Klika said if the BOCC wants to go another year without addressing JCPRD's capital needs, it may put JCPRD into a position to request the issue to go the voters.

Mr. Logan stated it was not his intent to get into policy issues at this time, but if the BOCC agrees, the matter would go on the ballot. He noted the purpose of his report was to advise of the JCPRD Board's authorities related to capital funding. He noted the Board could consider presenting a request for BOCC consideration of a ballot question.

Ms. Rivarola expressed appreciation to Mr. Logan for his report. She stated the Board should address how it wants to proceed at its Committee of the Whole meeting tomorrow night. She noted the BOCC said no to JCPRD's ask for a mill levy increase and not to take the matter to the voters. She stated she concurred with Mr. Pirner's comments made during the Public Comment portion of the meeting and would support an ask to the BOCC for a ballot question. She noted this discussion was a strong swing in ideology from last year when the Board, with little discussion, gave back a part of JCPRD's mill levy with hers being the only opposing vote.

In response to Mr. Baru's inquiry, Mr. Logan opined the BOCC could not terminate a JCPRD Board member's appointment before it expires. Mr. Klika recalled that it seems discussion had come up previously and termination prior to expiration was possible with a majority vote of the BOCC, and most appointees serve at the pleasure of the commission. Mr. Logan reiterated his opinion was based on JCPRD being a separate taxing district; however there was no obligation to reappoint a board member at the end of his/her term. In response to request by Mr. Klika, Mr. Logan stated he would get clarification on early termination of a board member's appointment. Ms. Courtney stated she would provide Mr. Logan and any other requesting Board member with any information available in the administration files regarding Board member terminations. Joe Waters, Assistant County Manager, stated he did not know the answer to the question but would find out.

In response to inquiry by Mr. Baru, Mr. Logan stated he was not prepared to answer if a county commissioner could appoint himself/herself to the JCPRD Board other than as the statutory BOCC ex officio member of the JCPRD Board. He noted the uniqueness of JCPRD's statute calling for an ex officio member from the BOCC. Mr. Klika stated the JCPRD Board was the only County board appointed that provided for an ex officio member.

Mr. Logan summarized that in providing good legal counsel to JCPRD in interpretation of its statutes, he wanted to stress the very strong authority of this Board as a governing Board with limitations only as allowed through statute or through agreement by the Board.

In response to Mr. Baru's request, Mr. Logan stated he would provide a summary of his opinion, as discussed, in writing.

D. Board of County Commissioners – Steve Klika

Mr. Klika reiterated that, as expected, the BOCC denied JCPRD's request for a 0.6 increase in its 2020 mill levy; however it was important that the BOCC be informed of JCPRD's capital needs as it will aid JCPRD in the coming year. He noted there was discussion by the BOCC that there be conversations with the City of Shawnee for the Mid-America sports complexes and the cities of Olathe and Overland Park for potential bed taxes to help address the needs for improvement at facilities in those cities, as the cities are economic benefactors of their patronage. He noted discussions by county commissioners indicated their concern about JCPRD's capital needs and there was some surprise at the cost of the improvements. He stated it was very important that JCPRD provides information to the BOCC with good numbers to aid in the commission's understanding of JCPRD's sports facilities' needs and associated capital expenditures. He complimented the presentation by Ms. Geller to the BOCC on the sports facilities issues.

E. Board Chair – Steve Baru

Mr. Baru noted Committee of the Whole meetings would be scheduled in August. He informed he has had discussions with county commissioners regarding JCPRD's funding needs for next year.

F. Board Members

Ms. Rubesch informed of patron comments related to the lack of shaded seating at new destination and inclusive playgrounds, which caused concern related to safety of the children. Mr. Maasen stated the projects had to stay within budget for their construction but the need would be noted for future consideration.

OTHER BUSINESS

No other business was discussed.

NOTIFICATION OF UPCOMING OPEN MEETINGS

NOTE: All meetings will be held in the JCPRD Administration Building, 7900 Renner Road, Shawnee Mission, KS 66219.

JULY (Note changes from regular schedule)

- Administrative Services/Culture/Recreation Committees – July 15, 2019, 5:30 p.m.
- Parks & Golf Courses/Safety & Outdoor Education Committees – July 15, 2019, 5:30 p.m.
- Regular Board Meeting – July 24, 2019, 7:00 p.m.

AUGUST (Note changes from regular schedule)

- Public Hearing – August 5, 2019, 5:00 pm (2020 Budget)
- Special Board Meeting – August 5, 2019, 5:15 p.m. (2020 Budget approval)
- Administrative Services/Culture/Recreation Committees – August 5, 2019, 5:30 p.m.
- Parks & Golf Courses/Safety & Outdoor Education Committees – August 5, 2019, 5:30 p.m.
- Regular Board Meeting – August 21, 2019, 7:00 p.m.

EXECUTIVE SESSION (if needed)

MOTION: Ms. Rivarola moved, pursuant to K.S.A. 75-4319((b)(6), that the Board of Park and Recreation Commissioners recess into executive session for a period of 10 minutes for the following reason:

To engage in preliminary discussions relating to the possible acquisition of real property. The subject of the discussion during the executive session will be the details relating to the real estate and the possible acquisition.

Those attending the executive session shall include members of the Board of Park and Recreation Commissioners, Executive Director Jill Geller, Deputy Director Jeff Stewart, Superintendent of Parks & Golf Courses Bill Maasen, Johnson County Park and Recreation District counsel Fred Logan, and members of the Johnson County Park and Recreation District staff designated by Ms. Geller:

The Board will reconvene in this meeting room at 9:33 p.m.

Mr. Klika seconded. **UNANIMOUSLY CARRIED.**

ADJOURNMENT

MOTION: Mr. Snider moved to adjourn the meeting at 9:33 p.m. Ms. Rivarola seconded. **UNANIMOUSLY CARRIED.**

**BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY, KANSAS**

[Signature on file] _____
STEVEN BARU, *Board Chair*

ATTEST:

[Signature on file] _____
GEORGE J. SCHLAGEL, *Board Secretary*

*Prepared by: Jo Ann Courtney, Administration & HR Manager
Approved July 24, 2019*