

**CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, July 6, 2020 6:00 P.M.**

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| <ul style="list-style-type: none">○ Mike Kelly, Mayor○ Trisha Brauer, Council Member○ Benjamin Dickens, Council Member○ Jan Faidley, Council Member○ Jennifer Hill, Council Member | <ul style="list-style-type: none">○ Jim Kelly, Council Member○ Tom Madigan, Council Member○ Claudia McCormack, Council Member○ Michael Rebne, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ Jennifer Jones-Lacy, Asst. Admin.○ Kelley Nielsen, City Clerk○ John Morris, Police Chief○ Donnie Scharff, Public Works Director |
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Admin
Brauer
Hill

Finance
McCormack
Madigan

Safety
Rebne
Faidley

Public Works
Kelly
Dickens

(Roeland Park Council Meeting Called to Order at 6:00 p.m.)

Pledge of Allegiance

Mayor Kelly called the City Council meeting to order and led everyone in the Pledge of Allegiance.

Roll Call

City Clerk Nielsen called the roll. All Governing Body members were present. Staff members present were City Administrator Moody, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and City Attorney Alex Felzien. Assistant City Administrator Jones-Lacy joined the meeting at 6:30.

Modification of Agenda

There were no modifications of the agenda.

I. Citizens Comments

There were no public comments.

II. Consent Agenda

- A. Appropriations Ordinance #953
- B. Council Minutes June 15, 2020

MOTION: CMBR REBNE MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 8-0.)

III. Business from the Floor

A. Applications / Presentations

- 1. **Presentation by Johnson County Health Department on COVID-19 Test Reporting and Contact Tracing**

Elizabeth Holzschuh, Epidemiology Director with the Johnson County Department of Health and Environment spoke to the Governing Body on what they are doing to track and minimize COVID-19. She answered provided information on H.B. 2016 which addresses contact tracing and what the health department can collect from third parties. They are finding that an increasing number of employees work while infectious. They are working with employers to inform them of this exposure and help them with next steps.

Usually with communicable diseases, the Department of Health tries to figure out who an individual came in contact with and then takes steps to minimize the spread of the disease such as staying home in quarantine. H.B. 2016 states that employers are third parties and, therefore, are not allowed to provide the contact information for any contacts under them without explicit consent. If an employee with coronavirus worked while infectious (2 days before symptoms until they go home), they have potentially exposed other individuals. Repeated face-to-face interactions, shared car rides, or a meal together all provide opportunities for the virus to spread. Wearing a mask appropriately keeps the risk to other individuals low. They are not asking employers to send people home but are asking that they do monitor themselves and notify their employers if someone is exposed. The DHE is developing a brochure of guidelines to help.

City Administrator Moody asked Ms. Holzschuh to share what the Health Department does once they hear of employees who have tested positive at local businesses and how they are involved in tracking the reporting and contact tracing. Ms. Holzschuh said they call every Johnson County resident who tests positive. She added that the investigative process requires cooperation. They obtain a health history, try to determine where the person was exposed, and who they could have exposed. She said there has been a lot of hesitation from residents to provide information. The process is very reliant on people cooperating with investigators as they work to make certain that transmission is not ongoing at the workplace.

CMBR Faidley said there seems to be a backlog in testing results of 7 to 10 days and asked what is being done to address this. Ms. Holzschuh said the wait time is too long and makes it hard to prevent the spread. Labs are working to enhance their capacity and are bringing in extra staff. The explosion of cases has taken people by surprise and taken a toll on labs.

CMBR Rebne said he found it impossible to obtain a test as he was looking for a place to have his child tested. He also asked if the onus is on employer to let the public know that they have had any positive employees working. Ms. Holzschuh said the testing for children cannot meet the demand and that they have expanded testing to children ages 12 and up. Children's Mercy is also working to enhance testing ability. When schools open, they will need the ability to test as well as do contact tracing. An employer should tell their employees if someone is positive and that the primary way to stop the spread is to stay home when sick.

CMBR Hill said it was hard to find a place to get tested within 50 miles and waiting a week for results is not a viable solution. She said they need to get better information to the public on what to do if they have been exposed. Ms. Holzschuh said the appointment-based clinics fill up quickly. They have expanded the number of tests and capacity. She added that CVS is now offering self-testing. There is information on Johnson County Department of Health website on where to go for testing and other options in the region for testing.

CMBR Dickens asked if they are having symptoms can they get free testing. JCDHE offers free testing five days a week. They also have appointment-based clinics and a drive-thru in different areas.

CMBR Rebne appreciates the clarity of the mask mandate that the Health Department has followed up on. Ms. Holzschuh said it is important that people wear their mask properly. She also said that mask fatigue is a thing, but it is empowering them with an accountability measure for other colleagues. She said it is important to remind people when their mask falls below their nose.

Mayor Kelly thanked her for her report and the information she provided as well as the work she does for the county.

IV. Mayor's Report

No report was given.

V. Workshop and Committee Reports

There were no reports given.

VI. Reports of City Liaisons

A. Community Engagement - Michael Rebne

CMBR Rebne said the Community Engagement Committee was considering an outdoor festival in honor of the finishing of the R Park pavilion, but that is looking less promising. He said they are looking forward to next summer with a grand opening for the pool and enhancing their Fourth of July event with partner cities and maybe adding food and music. They have started their Voter to Voter team and will be reaching out to folks. On the Community Engagement page, they are looking at adding some trivia and giving out prizes. They are still trying to figure out how to adapt to the new environment.

Mayor Kelly said he appreciates their work and recognizes the group's challenges when their purpose is to bring the community together.

VII. Unfinished Business

A. Consider Changes to Sunflower Medical Building Exterior

Mayor Kelly said the requested changes are for the finished materials and to the southern elevation and are both cosmetic in nature. The Council has had the opportunity to compare the materials and the finishes.

City Administrator Moody said the details provided allow them to disseminate the difference between what is proposed and what is approved. There is a proposed change to the south elevation, driven by an interest in locating an imaging room on the south wall. The tenant would prefer not to have windows in the imaging space. There is also a shift to the west of the outdoor seating gathering area for the staff.

CMBR Faidley expressed concern whether the shape of the building was being changed. She was also concerned about the blank space of wall if the windows are removed. She mentioned the use of spandrel glass windows as an option to a plain flat wall. She said they need to keep in mind the building is a major

entrance to the City. She also asked about the rooftop screens for the mechanicals and how those items will be shielded from view.

CMBR Madigan said since there was no one from Sunflower to answer their questions, he would like to table this item.

CMBR Faidley asked if tabling this item would create a delay. City Administrator Moody said Sunflower wanted a decision because they had concerns over the lead time, but added that the Governing Body will meet again in two weeks and they will have someone from Sunflower attend the meeting to be able to answer the Council's questions. Mr. Moody said he would forward to Sunflower any questions the Governing Body might want to submit in advance.

MOTION: CMBR DICKENS MOVED AND CMBR BRAUER SECONDED TO APPROVE THE FINISH MATERIAL CHANGES AS WELL AS THE CHANGES TO THE SOUTHERN ELEVATION. (No vote taken.)

MOTION: CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO TABLE THE CHANGES TO THE SUNFLOWER MEDICAL BUILDING TO THE JULY 2020 COUNCIL MEETING. (MOTION CARRIED 8-0)

The Council moved on to New Business and came back to this item after Mike Belew joined the call.

MOTION: CMBR DICKENS MOVED AND CMBR MADIGAN SECONDED TO REMOVE THE TABLED ITEM. (MOTION CARRIED 8-0.)

CMBR Faidley agreed with the shifting of the pergola/trellis to the west. She reiterated her concern about the blank space on the wall created by the imaging center. She again mentioned the use of spandrel glass to give the impression of a wall to keep more in line with the original design.

Mr. Belew responded that he was unfamiliar with the spandrel glass product. He stated they were asked by the tenant that will be operating the imaging suite on the first floor to provide a knock-out wall to allow installation of imaging equipment. It is a fully functional construction wall but is meant to be removed in the future to accommodate the tenant's ability to install equipment for an MRI suite. CMBR Faidley asked about the timeframe. Mr. Belew said they do not know, but they know it will happen and they are paying for it right now, but with the current healthcare environment it is to be determined soon. The tenant has signed a long-term lease and they are not obligated to put that equipment in at any particular time. The wall is a hard surface wall and is not a temporary wall. It will have an exterior EIFS material on it. He said there will also be public art there that will take up a good portion of that blank wall.

CMBR Faidley also asked about the public art. Mr. Belew said they recently met with the Arts Committee to approve the art and are working through the design phase of that public art piece now.

CMBR Kelly agreed that having a stone wall there is unappealing even with a piece of art in front of it. He asked if there was another material or a different color they could use to break that area up. Mr. Belew said they could adjust the color scheme.

CMBR Hill asked staff if the wall not having windows would affect any requirements for a new build in Roeland Park. City Administrator Moody said it would comply with their building standards as there are no restrictions on the percentage of an elevation that needs to be glazed in a commercial building. The City

incorporated into the land sale agreement language giving the Governing Body authority to approve what it looks like. CMBR Hill said this is more in percentage of windows on a side and those types of requirements. City Administrator Moody said there are no requirements, but they have talked about it as part of their update to the Comprehensive Plan. There is some guidance incorporated in the draft Comprehensive Plan that the Council look at adopting such regulations, but it has not yet been adopted. CMBR Hill would like to see some options on how they can dress up the blank wall to make it look more appealing to people coming into the City.

Mr. Belew said they could have a revised rendering of the south wall by Friday at noon for their review.

CMBR Madigan commented that in their ad hoc development committee meetings they said this site is a gateway to the City and they need something unique there. He is not impressed with people coming into the City and seeing a blank wall. The idea to have renderings by Friday would make him happy and does not want to vote on this item until they see what is being suggested.

CMBR Faidley asked about the eyebrows on the building and whether they have been changed from the width placement from the original drawings. Mr. Belew said he believed there are multiple eyebrows on the building. Some were changed back to the original depth and width and a few are still different from the original depth. CMBR Faidley said her architectural advisor was concerned with the ones on the west side not being significant enough so that they would look flimsy when viewed from below. She also noted that the HVAC systems no longer have screens on top of the roof. She asked if they are going to be on the roof and if they have raised the roofline significantly to cover them. Mr. Belew said they still plan to be on the roof, but they have raised the parapet a little bit to help cover it. They have also moved it more center into the building as they are trying to eliminate the view of the mechanical units from the street level.

Mr. Belew will look into the eyebrows of the building to see how they compare with what was originally approved.

Mayor Kelly said he appreciated Mr. Belew jumping into the meeting given the circumstances and appreciates the consideration that Sunflower has gone through regarding changes and making sure the building does, as CMBR Madigan mentioned, reflect the character and gateway element to the community.

CMBR Faidley said she had an objection on the synthetic stone materials provided as a sample and did not believe it compared favorably with the material they had approved. Mr. Belew said the original drawings had 100 percent silica stone and they wanted to add more texture to the building. CMBR Faidley is concerned they would not match. Mr. Belew said the material palette showed the two stones, the smooth-face, and the rough-face, right next to each other.

Mayor Kelly asked if Sunflower is needing guidance now or could they wait until the July 20th meeting. Mr. Belew wanted direction right now as they are on a timeline to issue purchase orders to procure the stone for the timetable that is scheduled out for the building installation to be complete in Phase 1. A longer delay in purchasing the materials will lengthen the delivery of the building.

Mayor Kelly asked for an amendment to the motion to consider the approval of the finish materials and then to consider the design for the southern face at the July 20th meeting once Councilmembers have had a chance to look at the renderings.

CMBR Faidley asked about the faux wood, which is a darker product, and a change in the stone, which is an addition. City Administrator Moody drew attention to the product slide and noted that 3A and 3B is the new stone that replaces in that same area 2A and 2B.

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO AMEND THE MOTION TO APPROVE THE FINISH MATERIAL CHANGES AND TO DISCUSS THE THEME AND DESIGN OF THE SOUTHERN FACE AT THE JULY 20, 2020 COUNCIL MEETING. (MOTION CARRIED 8-0)

CMBR Faidley asked if there is a reason not to use 3A and 3B on the pillars as well. Mr. Balew said from the original onset they have been asked to add as many different materials to the project as possible. Mr. Balew asked for the design to be delivered on Friday, and do they want to see the public art incorporated into the design? Mayor Kelly said they would like to see the completed design renderings to include the art.

CMBR Hill said she believes they should follow the advice of the architects and engineers and not be quite so concerned about all the smaller details. The public art portion is absolutely amazing, but she would like to move forward and vote on this.

CMBR Madigan agreed with Mayor Kelly to include the public art within the renderings.

MOTION: CMBR DICKENS MOVED AND CMBR KELLY SECONDED TO APPROVE THE FINISH MATERIAL CHANGES AS AMENDED. (MOTION CARRIED 7-1 WITH CMBR FAIDLEY VOTING NO.)

VIII. New Business

A. Establish Ad Hoc Committee for Police Policy and Review

Mayor Kelly said they discussed this item as well as the use of Lexipol at their last Workshop meeting. Their ad hoc committee ordinance requires applications from the general public, and no more than two-thirds of the committee membership shall be Governing Body members. He said he has had five Councilmembers express interest. He asked for the item to be approve, but not identify any members to allow for the application process to go forward to hear from those that wish to participate on the committee. He said they can have a future discussion as to which and how many Governing Body members would be on the committee.

CMBR Rebne asked about the order of the items. He had a question of approving the ad hoc committee before approving Lexipol. He also stated that Lexipol is used by Overland Park and there have been concerns about use of force and how that was handled later on. He asked if Lexipol as an organization does improve things such as use of force and other policies for the Police Department. From what he sees, he does not know that Lexipol equals a better outcome.

Mayor Kelly said in the materials he has reviewed from Lexipol, they have been providing these services for 22 years and have educated over 2 million first responders. They have a depth of history over the one city that was just identified.

Police Chief Morris said he has known about Lexipol for several years and this would be another tool they could utilize. He knows through contacts with other chiefs and as a board member for the Kansas Association of Chiefs of Police that a lot of agencies use Lexipol. There are always both positives and negatives. His question is what Roeland Park is doing now to make a difference and are they doing

anything wrong now. This is a tool to help guide them in a positive manner. He said if it is not desired as a police department or an ad hoc, then they will not use it. He did say that it is highly recommended. Chief Morris also provided a list of those who use Lexipol which includes 62 agencies in Kansas and 55 in Missouri.

CMBR Kelly asked if they are only considering Lexipol as a consultant because of the committee. Mayor Kelly said they are considering Lexipol to provide services to assist with the review and updating on the police use of force policies. They also wanted an ad hoc committee to provide various viewpoints regarding police use of force policies. One way to establish focus and context through that committee is utilizing the professional services of Lexipol with the committee. Police Chief Morris added Lexipol provides training as far as best practices, items that are defensible and are up to date with federal and state law. They are a continuous resource of updated items relevant to any concerns of use of force policy issues. They will look at core items, which include use of force, use of chokeholds, and a review of shootings, things of that nature. They also provide daily trainings for the officers.

CMBR Kelly said his understanding was that Lexipol was separate from the ad hoc committee. He has concern with them overseeing or facilitating the ad hoc committee. He thought they were looking for it to be a typical setup without direction from the consultant. He asked why they need to hold off selecting how many will be on committee. Mayor Kelly said the mayor appoints and the Council approves applications. They can also appoint Councilmembers at the same time.

CMBR Madigan agreed with CMBR Kelly that in the past they have appointed the Council first then the citizens. He commented that if they hire a professional service who reviews everything and if that organization chooses not to follow the policies of the City you cannot blame the people that told them what policies should be followed. He also said that comparing Roeland Park to Overland Park is comparing a very small city to a very large city is and not productive. He added that he hates brutality in any form. His belief from the beginning was that Lexipol would be working with the committee so that they would be aware of what they were advising the police and sees no problem with that.

CMBR Faidley asked if the committee was looking at all police policies and not just use of force. City Administrator Moody responded that the scope of services provides the opportunity for Lexipol to facilitate, with the ad hoc committee, a review of all policies.

CMBR Rebne likes the idea of a resident committee looking at this and sees it as a positive. He asked if they would be interested in inviting other organizations that may have representatives to the table such as the Johnson County NAACP or groups that work with the immigrant population to be more intentional.

CMBR Kelly said according to ordinance for an ad hoc the committee is to be City residents, Roeland Park business owners, and members of the City staff. Others could attend the meeting and, make comments but not be able to vote. Mayor Kelly added they will always be public meetings. Mayor Kelly also said that CMBR Rebne has a budget objective that they will talk about in the following Workshop that tackles a number of these topics.

Mayor Kelly stated he believed that Lexipol would be helpful in terms of being positive and proactive.

CMBR Rebne noted that Lexipol will be a part of the committee, not a resident of Roeland Park, will be present, and not be a voting member. This makes him think about that as a complication.

City Administrator Moody, in reviewing the ordinance, it says the ad hoc committee may be made up of members and could appoint members other than business owners and residents. City Attorney Felzien said he sees that language. He also sees in 1-405 regarding advisors, where they may designate or employ advisors to the ad hoc committee. He will bring this issue up with Mr. Mauer tomorrow for further clarification, but added the language is permissive to allow others. It could be an interpretation that would allow non-residents, non-business owners, City staff, or Governing Body members to be on the ad hoc committee. He cannot tell exactly right now whether that would be their legal interpretation, but he will discuss it with Mr. Mauer. He added that the use of "may" is not as restrictive as "shall."

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECONDED TO ESTABLISH AN AD HOC COMMITTEE TO REVIEW AND UPDATE POLICE OPERATING POLICIES. (MOTION CARRIED 8-0)

B. Approve Lexipol Police Policy Review and Training Services

Mayor Kelly said the agreement is dated for July 1, 2020.

CMBR Faidley agreed with CMBR Madigan's comments about not comparing themselves with a larger city. She said this comes to them as a recommendation from their Police Chief and City Administrator and that carries a lot of weight for her. She said they can review this again after the first year and can decide whether to continue.

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECOND TO APPROVE THE AGREEMENT WITH LEXIPOL FOR POLICY REVIEW AND TRAINING SERVICES. (MOTION CARRIED 8-0)

The discussion revisited the Sunflower Medical Item.

C. Approve Agreement for Work Release Program with Johnson County

Mayor Kelly said this program is recommended by both Judge Torline and Police Chief Morris. This would allow Roeland Park to participate in a work release program.

CMBR Kelly noted in Section E(1) the City agrees to pay \$35 for everyone that is involved in the program. He asked the daily cost of someone incarcerated. Police Chief Morris said that is \$50 per day. He added that they have very few people that are in jail for long periods of time and try to max them out at about two days. This would be for a more serious type offense.

MOTION: CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED THAT ROELAND PARK ENTER INTO AN AGREEMENT WITH JOHNSON COUNTY FOR ROELAND PARK TO PARTICIPATE IN THEIR WORK RELEASE PROGRAM. (MOTION CARRIED 8-0)

D. Set Date of Public Budget Hearing for August 3, 2020

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO SET THE DATE OF THE PUBLIC BUDGET HEARING FOR AUGUST 3, 2020. (MOTION CARRIED 8-0)

IX. Ordinances and Resolutions

No ordinances or resolutions were presented.

X. Workshop Items

No items were presented.

XI. Reports of City Officials

A. COVID-19 Update

City Administrator Moody said they have added some updates based upon recent decisions made concerning masks. He apologized for the reopening plan going out several times but believes the most recent plan sent out is the most reflective of the Governor's order.

CMBR Kelly asked which phase they are in. City Administrator Moody said they are in Phase 3 of the reopening plan. They made changes to the description of Phase 3 to reflect the requirement to wear a mask.

Mayor Kelly thanked everyone for their comments and opinions from residents regarding the mask mandate. He appreciates the leadership from the state and county on this issue as well as the leadership shown in Roeland Park not only to comply with the mandates, but provide the ability to do so to the residents and workers in providing masks to those who need one.

City Administrator Moody said progress on their two main projects, Roe Boulevard and Phases 1 and 2 of R Park, is going well. He said the weather has been on their side. He is glad the contractors are moving along and looking forward to the next phase of work on Roe Boulevard as they complete the work on the interior islands, and then the outside curbs begin in the next phase.

Ms. Jones-Lacy said the 47 Foodie Fest for 2020 has been canceled. Considering the trajectory of COVID-19 and as a City they want to discourage large gatherings, they made the decision this is not the year to proceed. They do have every intention of reenergizing that in 2021.

At the next meeting, the Governing Body will be discussing the Comprehensive Plan that was adopted by the Planning Commission. The consultants will make a presentation. If the Governing Body has any questions regarding the plan they received to please let her know before the meeting.

Police Chief Morris said their new bicycle has arrived and is already in service. He is excited about it and wants everyone to look for seeing an officer on a bike.

CMBR Hill mentioned the bike is electric and asked how fast it can go. Police Chief Morris said it is pedal powered but has top speed capability of 30 miles an hour. This allows the officer to respond quickly and not be tired when he gets there. He is expected to pedal the bike, but to use the electric capability when it is needed.

XII. Adjourn

MOTION: CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO ADJOURN. (MOTION CARRIED 8-0)

(Roeland Park City Council Meeting Adjourned at 7:58 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor