

**CITY OF ROELAND PARK, KANSAS**  
**CITY COUNCIL MEETING MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, September 21, 2020 6:00 P.M.**

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

**Admin**  
Brauer  
Hill

**Finance**  
McCormack  
Madigan

**Safety**  
Rebne  
Faidley

**Public Works**  
Kelly  
Dickens

(Roeland Park Council Meeting Called to Order at 6:01 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. Councilmember Dickens was absent. Staff members present were City Administrator Moody, Assistant City Administrator Jones-Lacy, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and City Attorney Felzein.

**Modification of Agenda**

*There were no modifications made to the agenda.*

**I. Citizens Comments**

**Marty Spencer** (5116 Rosewood Drive) Ms. Spencer said as a 20-year resident of Roeland Park, she is an adamant supporter of a Safe and Welcoming Roeland Park ordinance. She said passing the ordinance will provide what their community is striving for and that it is time to show that Roeland Park is safe and welcoming to everyone.

**Rachel Abbott** (5434 Linden) Ms. Abbott is a 13-year resident of Roeland Park and supports a Safe and Welcoming Roeland Park ordinance. She said the path to citizenship is difficult and expensive and that cooperation with ICE should only include valid judicial warrants. She said that all citizens need to feel safe regardless of their status and the racist, anti-immigrant rhetoric must end.

**Jaime Perales Puchalt** (5444 Linden) Mr. Puchalt spoke to an incident he had with park police who asked too many personal identification questions even though he is a U.S. citizen. He said they need to pass an ordinance as they cannot leave decisions to individual humans to collaborate with ICE.

**Stephanie Iser** (5714 Cedar) Ms. Iser spoke on behalf of Doug Repp (5346 Briar). She read his statement into the record that said he has always felt pride in the ways that Roeland Park works to make life in their City more inclusive. He said it is time to push forward and adopt a safe and welcoming ordinance policy for Roeland Park. He also expressed his thanks to Police Chief Morris for his response. He added that the current police department policy is not sufficient and should be superseded by an ordinance outlining federal and ICE enforcement actions.

## **II. Consent Agenda**

- A. Appropriations Ordinance #958
- B. Council Minutes September 8, 2020
- C. Allowance of Temporary Banners for Businesses During Federal Emergencies (allow up to 4' x 8' for businesses to announce they are open and allow those to be administratively approved by the Building Inspector during states of emergency)

**MOTION:** CMBR FAIDLEY MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 7-0.)

## **III. Business from the Floor**

- A. Applications/Presentations

### **1. Art Committee Update and Request to Purchase Public Art for Cooper Creek**

Marek Gliniecki showed photographs of the art to go in at the entrance of Cooper Creek. The pieces named "Totem 1" and "Totem 2" by Eric Candee were previously on display in the City. The suggestion was brought forward from the local Cooper Creek Park group as well as the Parks Committee. He said that everyone is excited about the return of the artwork. Mr. Gliniecki said it will make the entrance more exciting. He said the pieces are constructed from natural river stone collected from rivers in Colorado and represent a natural force of nature. He said the artwork is accessible in line with the Community for All Ages and is close to the sidewalk so there are no physical need issues.

After reviewing the invoice options for the artwork's installation, the Art Committee recommended having the pieces shipped and Public Works will install them. A sketch will be provided for how the bases need to be. If approved, they will move forward with those details.

CMBR Rebne said they were cool pieces and the name and appearance are a reference to their indigenous culture. Mr. Gliniecki said they do reflect Native American culture to a certain extent and the artist's own reflection of the Kanza and Shawnee tribes of the area.

CMBR Faidley said she doesn't remember when the sculptures were in the City, but she has spoken with residents who said they were popular at the time and they are glad to see them come back home. Mr. Gliniecki a lot people remembered they were in the City who thought they were great pieces and they are fortunate the artist still has them.

Mayor Kelly asked if there will be an informational plaque to go along with the artwork. Mr. Gliniecki said they are in the process of ordering plaques for all the sculptures they have, and they will match the design profiles of tree plaques designated by the arborist. They hope to get something going by the end of the year. Mayor Kelly also asked if there is a plan for landscaping around the pieces. Mr. Gliniecki said they are discussing with Parks to look at a landscaping plan that applies uniformly across the board so Public

Works knows exactly what to do and they will keep them as low budget as possible while still being effective.

CMBR Rebne said this artwork is an opportunity to educate the community and he would have liked to have seen this brought in with a broader package. Mr. Gliniecki said he understands that sentiment.

**MOTION:** CMBR MADIGAN MOVED AND CMBR BRAUER SECONDED TO APPROVE THE USE OF PUBLIC ART FUNDS IN THE AMOUNT OF \$12,100. MOTION CARRIED 5-2 WITH CMBR REBNE AND CMBR KELLY VOTING NO.)

Mary Schulteis said the artists Penny Thieme and Lynda Leonard will have their work displayed in the George Schlegel gallery next month.

Ms. Schulteis said their committee was also approached to have a pictorial history of Roeland Park done. The only cost to the City would be for the price of the books. She said this could be a fundraiser and the City keeps all proceeds over the initial price of the book. The Art Committee is interested in making this a community project.

Mayor Kelly said they have established the Historical Committee who is pursuing historical marker and revamping the "Rolling through Roeland Park" written history which would also include a pictorial history. He would like for the Art and Historical committees to collaborate with one another to avoid any duplicative efforts and to make sure that everyone is working together.

**MOTION:** CMBR MADIGAN MOVED TO TABLE THE DISCUSSION ON THE PICTORIAL HISTORY.

#### **IV. Mayor's Report**

*No report was given.*

#### **V. Workshop and Committee Reports**

*No reports were given.*

#### **VI. Reports of City Liaisons**

##### **A. MARC - Bike & Pedestrian (Jan Faidley)**

CMBR Faidley met virtually on September 9<sup>th</sup> to discuss how the pandemic has affected cyclists and pedestrians. They have noted there is a boom in bike sales and there are long waits for repair, so obviously, there is an increased usage. They also discussed Vision Zero, a plan to eliminate all traffic fatalities in cities.

#### **VII. Unfinished Business**

*There was no unfinished business discussed.*

#### **VIII. New Business**

##### **A. Approve Contract for Entryway Sign Design and Construction with Dimensional Innovations**

Mayor Kelly said at the Workshop Dimensional Innovations was the clear favorite and based on those discussions they now have a contract before them.

CMBR Rebne said he does not feel the signage reflects the City's logo. Mayor Kelly said there are three phases including a conceptual design review before finalization of the signage.

CMBR Madigan said the City's logo has troubled him. He said they want to put the logo out on the streets to identify that they are Roeland Park, but is concerned that people from the outside don't know what the initials stand for.

City Administrator Moody said the scope of service calls for three concepts for the north and south locations. They will be presented to the City Council for review and discussion and with the preferred design selected, they will then move forward with a final design concept.

**MOTION:** CMBR HILL MOVED AND CMBR REBNE SECONDED TO APPROVE THE CONTRACT FOR ENTRYWAY SIGN DESIGN AND CONSTRUCTION WITH DIMENSIONAL INNOVATIONS. (MOTION CARRIED 7-0)

**B. Approve Easement for New Electrical Service for R Park**

Mayor Kelly said the easement will allow Evergy to provide maintenance of conduit wiring and equipment at R Park.

**MOTION:** CMBR MCCORMACK MOVED CMBR KELLY SECONDED TO APPROVE THE EASEMENT WITH EVERGY FOR NEW ELECTRICAL SERVICE FOR R PARK. (MOTION CARRIED 7-0)

(CMBR Brauer left the meeting at 7:00 p.m.)

**C. Approve CARES Act Sub-recipient Agreement and Resource Planning Ideas**

Mayor Kelly said that Johnson County has received CARES Act funding from the pandemic. There is an opportunity for Roeland Park to be a sub-recipient of those funds.

CMBR Kelly asked if the items to be funded would come before the Council before the money is spent. City Administrator Moody said they are asking for approval of the funding ideas so if the City is put into a position where time is very short, they could move to implement the ideas without coming back to Council for approval. There is a set deadline to have projects completed by the end of December 2020. The list shows how the items have been prioritized as well as the lead time to complete those projects. Staff is asking for approval of the ideas as part of the approval so they can move forward. Also Johnson County would need to approve the ideas before agreeing to their funding.

CMBR Kelly some things do not seem related to COVID such as a weed seeker.

CMBR Faidley congratulated staff on getting the list together for things to get done by the end of December. She said that Attachment B states staff has the authority and approval from the Governing Body, so they do need to approve as a Governing Body. She said she realizes these are ideas and reiterated she believes they do need to have Governing Body approval.

CMBR Rebne asked Mr. Moody if they took into consider the spirit of the CARES Act and asked if the food pantry should be on there. He said that everything on the list is based on local Roeland Park government. For a fraction of the cost of some of the items, the food pantry that provides aid and relief could be operated for the better part of a year. City Administrator Moody said those funds will be presented in the Phase 2 allocation. Phase 1 goes directly to cities and local governmental entities. Phase 2 is directed towards individuals or businesses impacted. And Phase 3 is not identified for a specific purpose and could possibly come back to the cities.

CMBR Madigan said he shares in CMBR Kelly's apprehension of giving blanket approval. He said that a special call Council meeting can serve its purpose to approve major projects. He said he cannot support this as presented.

CMBR Kelly asked if they could accept and move forward with the agreement and then look more in-depth at the list of items.

City Administrator Moody said the county will review and score the items. He said if the Council wants to approve them as they move forward, he is okay with that. He just said they could lose money by not acting quickly enough.

**MOTION:** CMBR MCCORMACK MOVED AND CMBR HILL SECONDED TO APPROVE THE SUB-RECIPIENT AGREEMENT WITH JOHNSON COUNTY AND ALLOW THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS FOR RECEIPT OF CARES FUNDS SHOULD THEY BE MADE AVAILABLE. (MOTION CARRIED 4-2 WITH CMBRS KELLY AND MADIGAN VOTING NO.)

#### **D. Award 2020 Stormwater Improvement Project on Roeland Drive**

Public Works Director Scharff said they are anxious to get started on this project.

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO AWARD THE 2020 STORMWATER PROJECT ON ROELAND DR. TO GUNTER CONSTRUCTION IN THE AMOUNT NOT TO EXCEED \$196,540. (MOTION CARRIED 6-0)

#### **E. Committee Reappointments**

**MOTION:** CMBR REBNE MOVED AND CMBR MCCORMACK SECONDED TO APPROVE THE REAPPOINTMENTS OF: GEORGE SCHLEGEL, LYNDA LEONARD, MICHAEL POPPA AND JOEL MARQUARDT TO THE ARTS COMMITTEE.  
BRANDON GILLETTE AND ERIK HAGE TO THE BOARD OF ZONING APPEALS  
LAURA SAVIDGE TO THE PARKS COMMITTEE  
SARA COE, DARIN HANSEN, AND MICHAEL CALOVICH TO THE AQUATICS COMMITTEE  
GRACE BENNETT TO THE SUSTAINABILITY COMMITTEE (MOTION CARRIED 6-0)

#### **F. Approve Agreement with TriStem for Utility and Franchise Audit Services**

Mayor Kelly said that TriStem would keep 30 percent of any found savings for 24 months. (Mr. Verbrugge later updated this to 12 months.)

CMBR Madigan said that franchise taxes have been a hot button issue through the years with Councilmembers wanting to do away with the franchise tax. He asked if they must agree with what TriStem says is in error.

Ms. Jones-Lacy said the company will conduct the audit to see if there are any payments owed to the City that have not been remitted. They will also be auditing sales tax receipts. The City and TriStem will work with the State Department of Revenue to see if anything needs to be remitted.

Mr. Verbrugge said the agreement has been corrected to only paying TriStem 30 percent for 12 months and not the 24 months as earlier stated.

**MOTION:** CMBR KELLY MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE AGREEMENT WITH TRISTEM FOR UTILITY AND FRANCHISE FEE AUDIT SERVICES. (MOTION CARRIED 6-0.)

## **IX. Ordinances and Resolutions**

### **A. Ordinance No. 1000 - STO Bonds**

**MOTION:** CMBR MCCORMACK MOVED AND CMBR HILL SECONDED TO APPROVE ORDINANCE NO. 1000 - STO BONDS. (MOTION CARRIED 6-0)

### **B. Ordinance No. 1001 - UPOC**

CMBR Rebne asked if they were only updating the language to be consistent with the state. Mayor Kelly said the language is consistent with the Kansas League of Municipalities.

Police Chief Morris added that the Standard Traffic Ordinances for Kansas cities and municipalities are adopted throughout the state. He said the League publishes them every year, but they are a little later than normal due to COVID. There have been no changes in the STO but there are one or two verbiage changes in Uniform Public Offense Code, which has been reviewed by their City Attorney.

**MOTION:** CMBR FAIDLEY MOVED AND CMBR KELLY SECONDED TO APPROVE ORDINANCE NO. 1001 - UPOC (MOTION CARRIED 6-0)

(CMBR Brauer returned to the meeting at 7:29 p.m.)

### **C. Ordinance No. 1002 - Adopting Comprehensive Plan**

CMBR Kelly said he would be voting against the Comprehensive Plan and would encourage the other Councilmembers to do the same. He said he did not support the actions of the design standards with the floor area ratio (FAR). He was also not happy with the way they addressed additional housing items and affordable housing.

CMBR Rebne said he would be voting no because the results of the plan are inconsistent with what residents have supported regarding housing.

CMBR Faidley said she wanted to reiterate that this is a planning document and requires further action from the Council for things to be implemented. If Councilmembers feel it does not reflect what they want,

and she can understand that, but she reiterated there were steps that need to be taken such as rezoning and the implementation of universal design standards.

Ms. Jones-Lacy said the Comprehensive Plan did incorporate a lot of public involvement, meetings as well as surveys, and the process took nearly a year to complete. She said it was an exhaustive process and they were able to capture the public's requests in addition to what the Planning Commission agreed with.

CMBR Kelly said the plan is too broad and lacks a City control. He said he doesn't see the City following through with the plan.

Mayor Kelly asked about the votes needed to pass a City ordinance. City Attorney Felzein said per City Municipal Code Section 1-109, an ordinance takes a majority of the entire Governing Body, so they would need five votes to pass.

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ORDINANCE NO. 1002 - ADOPTING THE COMPREHENSIVE PLAN. MOTION CARRIED 5-2 WITH CMBRS KELLY AND REBNE VOTING NO.)

## **X. Reports of City Officials**

### **A. COVID Report**

City Intern Verbrugge said there has been an extension of Governor Kelly's mask order. Also Johnson County has a recurring and ongoing list of safety practices for employers. He noted that Aruba has been added to the travel advisory list and travelers coming in from that country will need to self-quarantine for 14 days.

### **B. City Administrator's Report**

City Administrator Moody said there has been a modification of the southeast area of the splash area at the pool. They are removing the existing fence further south and east. They will also make a modification to keep the work inside of the existing fence line.

He said there has been a lot of work on Roe Boulevard and the final phase of street work is approaching. The Water District has completed projects at 51<sup>st</sup> Street and the Walmart entrance.

R Park progress is moving fast towards completion with landscaping and seeding to be done by the fall.

CMBR Hill said she has had several compliments on the grading of their yards now that sidewalks are in and the City has done a nice job.

CMBR Hill reported on an email conversation she has had with Tony Nichols from Parks who is working on a reservation policy for use of the new pavilion.

## **XI. Workshop Items**

*There were no items presented.*

## **XII. Adjourn**

**MOTION:** CMBR KELLY MADIGAN AND CMBR REBNE SECONDED TO ADJOURN. (MOTION CARRIED 7-0)

(Roeland Park City Council Meeting Adjourned at 7:38 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor