

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Tuesday, September 3, 2019 6:00 P.M.

- Mike Kelly, Mayor
- Jan Faidley, Council Member
- Jennifer Hill, Council Member
- Tim Janssen, Council Member

- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Claudia McCormack, Council Member
- Michael Poppa, Council Member
- Erin Thompson, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin
Madigan
Thompson

Finance
Faidley
McCormack

Safety
Janssen
Poppa

Public Works
Hill
Kelly

Pledge of Allegiance

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

Roll Call

City Clerk Nielsen called the roll. CMBR Poppa was absent and CMBR Hill arrived after the Consent Agenda.

Modification of Agenda

There were no modifications to the agenda

I. CITIZENS' COMMENTS

There were no citizen comments.

II. CONSENT AGENDA

- A. Appropriations Ordinance #933**
- B. July 22, 2019 Council Minutes**

MOTION: CMBR MADIGAN MOVED AND CMBR KELLY SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 6-0)

III. BUSINESS FROM THE FLOOR

Applications/Presentations

1. Letitia Harmon, Policy Director - ACLU

Letitia Harmon, Policy Director for the American Civil Liberties Union (ACLU) in Kansas, addressed the Governing Body about the creation of a Safe and Welcoming ordinance as well as 287(g) non-compliance agreements. She has been working with local municipalities, and primarily Wyandotte County, on how to make their communities safer and more welcoming.

The creation of a municipal identification card would contain a photo ID and address distributed by the local municipality or county. It would be available to all residents but especially for those who might have

difficulty obtaining a state or federal photo ID. Many services provided to residents require a photo ID and this is something a city can provide to its residents.

The second part of the safe and welcoming ordinance is a 287(g) agreement of non-compliance with the Immigration and Nationality Act. Such an ordinance would be an agreement of non-reporting to ICE and also a non-compliance with ICE detainers and would not use local law enforcement resources for their immigration enforcement. She added that local law enforcement agencies can make the decision to opt out and say they will not do that. They recommend that it be written into the policy that the local law enforcement agency is not required to share the information of its residents to any federal agency unless there is a warrant indicating they must do so.

Ms. Harmon also advised that if the City does both a municipal ID and the 287(g) non-compliance, which can come together or be separate, not to pass a municipal ID until they have an ICE non-compliance agreement because residents might be fearful their information would be shared with federal agencies.

Mayor Kelly said he appreciates the work they do at the ACLU and appreciates Ms. Harmon for being at the meeting. Mayor Kelly said there are a number of jurisdictions with limited ICE cooperation policies and asked for further information. Ms. Harmon said they varied in size all across the United States. They have individually assessed what is good for their City and their residents and decided to pass the ordinance. A lot of them have also created the municipal ID as well.

CMBR Faidley asked if there are there any other communities in Kansas that have passed this. Ms. Harmon said she is not aware of any who actually have a written policy. Some have verbally stated that as their intent, for example in Kansas City, Kansas and Lawrence have stated they will not coordinate with ICE verbally. Topeka has a municipal ID program but an individual is required to pick it up at a police agency and no ICE non-compliance has been written into ordinance.

CMBR Madigan commented that the information provided said it might help people get a job, a bank account, and also help with other things. He said it would not be an acceptable piece of identification for an I-9. He also added that banks require a Social Security number. Ms. Harmon said that banks are independent and can make that decision for themselves. CMBR Madigan noted that the start-up cost for an ID program is cost prohibitive for Roeland Park. Ms. Harmon there is no cost for a non-compliance agreement with ICE which may offer savings as law enforcement will not be forced to cooperate. The \$75,000 ID cost listed is for the entire county of Wyandotte. The cost to Roeland Park would be significantly different and can be mitigated in several ways by combining it with any other ID like a library card, any other way they have currently of printing cards. Also Wyandotte County will not retain any records to print the ID cards. CMBR Madigan said he was big on security and had concerns about the ability to create a fake ID.

Ms. Harmon also said there are a number of ways for people to show identity that's listed in the model ordinance. There are also ways for verifying that they are a resident in the area. As far as security, she said they will find that not storing the data is the safest thing and a protection for the City as they are not responsible for storing information that might be vulnerable to hacking or other intrusion.

CMBR Thompson thanked Ms. Harmon for coming. She has served as local counsel on several cases and appreciates the work they do. She also thinks the topic is very interesting would like to know if two other Councilmembers are also interested in joining together to put this onto an action item at a further Workshop.

CMBR Kelly said he would be in favor of doing something like this and thanked Ms. Harmon for bringing it to their attention. CMBR Kelly asked if Ms. Harmon had safe and welcoming ordinance language for the ICE non-compliance. He said he did not see being able to do the ID program but they could honor people with such an ID from other communities. Ms. Harmon said the language is written for other municipalities and is available in the packet information.

CMBR Janssen asked if the ID is valid outside the issuing municipality. Ms. Harmon said they are not generally unless there is a reciprocal agreement in place. She said they are primarily to be used within your community. They could primarily be used at a local bank, but not exclusively as national banks are actually discussing accepting this form of identification as well.

CMBR Hill said she spoke with Grassroots Leadership about freedom cities and sanctuary cities, and does ICE non-compliance pull in from the concept of creating ordinances so that the police department will not seek out to arrest people who are non-citizens. Ms. Hudson said she feels as if those are two different things. Sanctuary cities do not have technical, legal or a policy definition. Those that want to be sanctuary cities would exempt themselves from federal law.

CMBR Madigan said he had worked in the banking, credit, collection and fraud industry most of his career and is a fan of the ACLU and did not want anyone to misconstrue his earlier questions.

CMBR McCormack thanked Ms. Harmon for being at the meeting and would also support discussing this item further.

CMBR Faidley asked if there is any advantage to looking at this on a county-wide level as opposed to passing by city by city. Ms. Harmon said there is an advantage for an ID program at the county level, but as far as non-compliance that would be distinct to each municipality. There could be policies of non-reporting to ICE within the sheriff's department or those who do probation supervision. They are seeing a problem with those who are on supervision for any reason that if they have a name that sounds like they may be foreign born, their probation/parole officer will e-mail ICE or a detention officer to check on an individual's status and it might put them into a separate legal proceeding and interfere with their current probation/parole status.

CMBR Faidley also asked if Ms. Harmon had worked with the police force in developing this and addressing their concerns. Ms. Harmon said she had met with Wyandotte County Sheriff Don Ash and KCK Police Chief Terry Zeigler and both of them felt fine with the language. What they do see happening throughout the United States is that law enforcement starts neutral because they do not see how it can benefit them. Once it is implemented they say this has made their job easier. Victims also become more confident to report. People are more confident to also approach law enforcement. They believe that community interaction improves once this kind of programming exists.

Mayor Kelly said he agreed with the comments that have been made. Municipal ID has a lot of benefits, but taking that on as a city their size and with their resources might not make the most sense at this time. He too would agree looking into a 287(g) non-compliance home rule resolution and/or ordinance and would like see that put on an October Council meeting once it is drafted and gone through the proper channels with the City's counsel. He thanked Ms. Harmon for her work and the work the ACLU does on behalf of the citizens of Kansas.

2. Review Social Media Insights - Sturges Word Communications

Kate Garcia, Roeland Park's Public Information Officer (PIO) reported that the City is continuing to grow overall with their neighbors continuing to interact with the content they have posted. The City has had some big news that has gotten the attention of folks outside of Roeland Park too. The top posts from June through August were the Aldi opening, the 47th Foodie Fest, information on Roe 2020, Officer Honas and Rango. They do a Rango feature every month as there is continued interest in that. They also had good responses to the "See Red Run" sculpture information as well as the R Park pavilion dedication to the Davises. There is a good mix of community engagement, fun things to do, as well as serious information the community needs to know.

They are also keeping track of the media placements and overall it has been very positive. They do a weekly e-mail of different things happening in the City which they track the open rate of how many people open the e-mail and the click-through rate within the e-mail has increased which means people are interacting further. For June through August they were above 30 percent. The majority of engagement continues to be on Facebook, but the City also posts on Twitter and NextDoor. People tend to respond most to engagement/community events in the City. And overall, Roeland Park has comparable traffic with its neighboring communities.

CMBR Hill asked how it is decided what to put in regarding community stores and churches so it does not seem as though they are promoting one over the other. Ms. Garcia said she receives questions to address, or organizations will reach out to promote their event, but they try to tie everything back to the City.

CMBR Faidley asked what else they could be doing for services that might be effective. Ms. Garcia said she has been thinking of Roe 2020 and there needs to be a plan for that which could possibly be a micro-site or a weekly e-mail for those that opt in.

IV. MAYOR'S REPORT

No report was given.

V. WORKSHOP AND COMMITTEE REPORTS

No reports were given.

VI. REPORTS OF CITY LIAISONS

A. The 47 Committee

The Foodie Fest is Sunday, September 8 at noon. Ms. Jones-Lacy invited everyone to attend. She has received positive feedback and everything is in place. There will be a lot of activities and the kids' activities are free and include a bounce houses, face painting, fun hairstyles and much more.

City Administrator Moody said this a new event conceived by the 47 Committee. He said that Ms. Jones-Lacy has stepped up and taken the lead role and it would not be the event it is without her leadership on that committee and he wanted to thank her publicly for that. He also encouraged the Governing Body to come and this will help the City's neighbors to build events that support that sense of committee.

CMBR Janssen asked about parking at the event. Ms. Jones-Lacy told everyone not to park at the Dollar Store or the car wash. They are also asking people not to park at Taco Republic's little lot. They will be at

the Foodie Fest but their restaurant will also be open. People can park at Taco Republic's secondary parking lot behind the car wash. People can park at Joe's, the print shop, the Northwood lot and at Westwood Chiropractic. There's also on-street parking available.

VII. UNFINISHED BUSINESS

There was no unfinished business discussed.

VIII. NEW BUSINESS

A. Ward 3 Appointment to the Planning Commission

Mayor Kelly said that Mark Kohles who is an architect has been serving on the Planning Commission since 2013.

CMBR Madigan noted that historically all committee appointments and reappointments have occurred before January 1st.

Ms. Jones-Lacy said this reappointment was an oversight since she was out on maternity. It was to have taken place in December of last year

MOTION: CMBR THOMPSON MOVED AND CMBR MCCORMACK SECONDED TO REAPPOINT MARK KOHLES AS THE WARD 3 PLANNING COMMISSION REPRESENTATIVE. (MOTION CARRIED 7-0)

B. Renew Building Inspection Mutual Service Agreement with Westwood

Mayor Kelly said this renewal is a continuation of an agreement that has been in place with Westwood for a number of year. The updates to the agreement reflect a three-year term as well as an increased fee of \$50 to cover personnel costs.

MOTION: CMBR MADIGAN MOVED AND CMBR JANSSEN SECONDED TO RENEW THE BUILDING INSPECTION MUTUAL SERVICES AGREEMENT WITH WESTWOOD. (MOTION CARRIED 7-0)

IX. ORDINANCES AND RESOLUTIONS

A. Charter Ordinance Changing Appointment Date of Newly Elected Officials to the First Meeting in December

Mayor Kelly said this is a continued discussion per the new Kansas law. To be in compliance, staff has recommended the Council consider moving the appointment date from January to December and given direction to the Governing Body to draft Charter Ordinance 36.

CMBR Faidley reviewed the minutes of the 19th and asked if they would have time to publish it twice and wait 60 days for comment before taking effect at the November election. Mayor Kelly said they would have time and that the ordinance would take effect for those elected November 2019.

CMBR Janssen reiterated that they are currently in compliance.

CMBR Kelly asked for the City Attorney to expound on his memo that it does not apply to this election because it is the end of term. City Attorney Maurer said it will not impact the candidates. They are only moving up the time frame when the newly-elected people are seated. Instead of being seated in January, they will be seated in December. It will not affect their filing or campaigning.

CMBR Madigan asked if it would change when their term would end and City Administrator Moody said it would.

CMBR Faidley said they have an option of leaving it alone and letting the new council deal with it and pass the charter ordinance at that time.

CMBR Thompson said she thinks it is appropriate that they take office soon after the election.

MOTION: CMBR THOMPSON MOVED AND CMBR KELLY SECONDED TO ADOPT CHARTER ORDINANCE 36.
(MOTION CARRIED 7-0)

X. WORKSHOP ITEMS

No Workshop items were discussed.

XI. REPORTS OF CITY OFFICIALS

No reports were given.

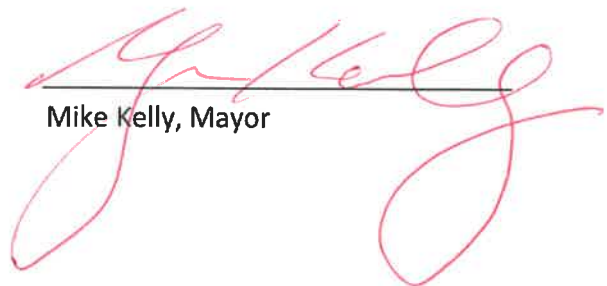
XII. ADJOURN

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

(Roeland Park City Council Meeting Adjourned at 6:50 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor