

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, March 2, 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
Madigan
Brauer

Finance
Faidley
McCormack

Safety
Dickens
Rebne

Public Works
Hill
Kelly

(Roeland Park Council Meeting Called to Order at 6:01 p.m.)

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 Brauer 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 Moeller.

MODIFICATION TO THE AGENDA

There were no modifications to the agenda.

I. CITIZENS COMMENTS

Linda Mau spoke incidents of racial discrimination she experienced when first moving to Roeland Park. She stated she would support Ordinance 990 but would rather see the funds that have been spent on attorneys for the ordinance to be spent on infrastructure projects in the City such as mill and overlay. She felt this to be a vanity ordinance and a feel good measure that did not have any teeth or substance. She said the City should have talked to people of color before drafting this. Ms. Mau said that what the ordinance contains is already covered under state and federal law.

Mayor Kelly thanked Ms. Mau for her comments and her continued service to the community.

Karen Grotewohl - Ms. Grotewohl said she has seen Roeland Park change for the better as it has become a more diverse community. She would like them to continue to move forward on issues that make Roeland Park a welcoming place for people of color and different ethnic groups. She commended the City Council for addressing this issue.

Chris Roesel - Mr. Roesel said he likes it when laws on the books are enforced. He also spoke to the solar panels he installed on his house, the fact that he \$12,500 on them and the requirement of having to place a skirt under them. He noted that it took a month to install and then an inspector a month and a half to approve them. He suggested that if the City wants to promote green energy clear the process should be simple and quick. Mr. Roesel also spoke to increasing property tax assessments noting an increase of 50 percent in the past six years. He suggested rates be based on the amount of a property with cost of living increases and not based on the sale of your neighbor's houses. He said then there wouldn't be a pressure for senior citizens to move out of the community. In summary, he asked that they reconsider the green energy and solar panel requirements, look at property assessments, and also re-look at the HOA ordinance language.

Kevin Martin (5241 Reinhart) Mr. Martin said he met with CMBRS Kelly and Rebne to discuss a sidewalk near Einstein Brothers around 53rd and Buena Vista. They also discussed a three-way stop at the intersection as there is a lot of traffic.

II. CONSENT AGENDA

A. Appropriations Ordinance #945 - (Moved to New Business)

CMBR Faidley said it is hard to vote on something they haven't seen.

CMBR Kelly said if everyone has seen it and are okay with it, then that is fine, but he is not going to vote for it because he hasn't seen it.

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECONDED TO MOVE APPROVAL OF THE APPROPRIATIONS ORDINANCE #945 TO NEW BUSINESS. (MOTION CARRIED 7-0.)

III. BUSINESS FROM THE FLOOR

A. Applications/Presentations

1. Community Report - Community Engagement

CMBR Rebne reported the focus of their last meeting was on the upcoming Easter Egg Hunt to be held April 4th at the Community Center. He noted that they have added some new members to the committee.

CMBR Faidley asked if they need more volunteers for the Egg Hunt, but CMBR Rebne said at the moment he believed they had enough as they will also have a Boy Scout troop working with them and potentially people from Cricket Wireless.

IV. Mayor's Report

Mayor Kelly said that in the past two years his home has been appraised \$50,000 higher. He also said the appraisal process is done at the county level and not by the City. One of the things he suggests is looking at an appeal if they believe their property is taxed too high. There are resources on the county's website and information on back of their property appraisal notice. There is also the Kansas Homestead Refund, SAFESR, the property tax relief program for low income seniors as well as the Roeland Park Municipal Property Tax Assistance Program the City started last year.

V. Workshop and Committee Reports

No reports were given.

VI. Reports of City Liaisons

A. The 47th Committee

Ms. Jones-Lacy and CMBR Faidley both attended the meeting on February 21st. Currently the committee does not have a chair and they are going through some changes. The meeting focused primarily on the paint-only changes for 47th Street which will take place in the spring of 2020. Residents in Roeland Park will be affected because this will be a road diet and there will be fewer lanes on 47th Street heading east from Roeland Park. There will also be some changes at Mission Road heading east on 47th. The left lane will be a left only and the right lane will be a right or straight. The district was awarded a surface transportation program grant and they will do more hard improvements as opposed to the paint only. There is the possibility of additional changes to Mission Road south of 47th Street and they will need to decide whether to keep on-street parking.

They also briefly discussed the Foodie Fest with a potential date for September. They will also make sure it does not coincide with other important community events.

CMBR Faidley said the road diet will significantly change the experience for drivers, a biker, and walkers. The committee will disseminate the information as effectively as possible.

Ms. Jones-Lacy said the PIO will make announcements through their typical communication channels such as social media, the newsletter and the like to let people know what is coming.

VII. Unfinished Business

There was no unfinished business discussed.

VIII. New Business

A. Carbon Emissions Inventory and Tracking Software

Ms. Jones-Lacy reviewed the presentation from their last meeting. The software investment for the City will be \$6,000 for the first year. The Sustainability Committee made the recommendation for the program and has committed to making a contribution towards the City's initial investment. Ms. Jones-Lacy also said this would be a good topic for a community forum. She added that the more they use the software the more information they will have and the better it will be for the community as a whole as it will give them the tools and the information they need to reduce their own carbon footprint.

CMBR Hill asked if businesses have to opt in. Mayor Kelly said they will have an opportunity to look at the footprint throughout the City and is all inclusive of residences, municipal operations and commercial entities. Businesses will have the opportunity opt-in and be able to see their own individual footprint as well.

CMBR Madigan asked what information is being looked at to determine the footprint and from where the information is obtained. He expressed concern for people's privacy and questioned whether they get information from utility bills, types of cars driven and thermal mapping. Mr. Hosty from Dynamhex said they compute the data from multiple different sources mainly being county and AIMS data. He said Dr.

Sanwar, the software creator and CEO of Dynamhex, has developed their proprietary methodologies to use multiple different data sources to show what the carbon footprint is in a city.

Mayor Kelly said when the City of Kansas City, Missouri did their greenhouse emissions inventory it took well over a year to get their results. Johnson County did theirs in 2013 and they only looked at county operations. They had to hire a consultant who went through many files and bills and put it into a spreadsheet and a lot of man hours were spent entering information into spreadsheets. This proposed software eliminates the time-consuming costly process and is able to give near real-time results.

Ms. Jones-Lacy said that she has spoken with MARC and the environmental officer with Kansas City, Missouri who both admitted that their data sets only reflect a point in time. By the time it is gathered and analyzed it is out of date. This software is dynamic in that it is current information.

CMBR Kelly asked how often they need to update the data and what are they looking for in the future. Ms. Jones-Lacy said the Governing Body with the assistance of staff can develop the goals they want to reach based on the data. From there they can devise a plan on how to reduce their carbon footprint. She said the software also has the ability to provide recommendations on how to achieve those goals, which can then be built into the CIP as part of the planning process.

CMBR Dickens asked what the marketing plan is for the residents to ensure they are making use of this. Mr. Hosty said part of the benefit of the software is community engagement. Based on the work by Dr. Sanwar, the software can separate the information by ward.

CMBR Rebne asked about residents making green improvements to their properties and how that would be reflected. Mr. Hosty said that information would be effective when the next property assessments are released.

CMBR Madigan said 98 people commented over the past weekend on NextDoor in regards to property taxes. Mr. Hosty said their software answers the other side of the income statement where the house is made more efficient by doing improvements and saving money. The hope is while property values may increase the homeowner is also saving money by making their home more efficient. CMBR Madigan asked why they were rushing to approve this so quickly. Ms. Jones-Lacy encouraged the Governing Body to take their time in reviewing this and said there is absolutely no rush. She also said that they do have a \$6,000 grant from the Natural Resources Defense Council (NRDC) that is paying for half of the \$12,000 cost. The City's responsibility is \$6,000 and she reiterated that the Sustainability Committee has said they will contribute some of their reserves for the initial investment. She said the annual fee will be \$2,000 going forward and there is also the opportunity for add-ons should they desire. Mr. Hosty said the NRDC grant does expire at the end of April.

CMBR Faidley said she supports this program and as a City they do not have the money to do their own study. She said she would like to wait to see how much the Sustainability Committee is willing to contribute.

CMBR Hill said that Sustainability has \$2,000 max from last year and this year's budget. Ms. Jones-Lacy believes there is more than that because historically they do not spend a lot of money and they have been rolling the funds over.

MOTION: CMBR HILL MOVED AND CMBR MCCORMACK MOVED TO CALL THE QUESTION. (MOTION FAILED 1-6 WITH CMBRS DICKENS, FAIDLEY, HILL, KELLY, MADIGAN, AND MCCORMACK VOTING NO.)

CMBR Madigan said it is not that he's not in favor of this he just has questions and wants to get things straight. He said he does not want to approve the \$6,000 investment and then a couple months down the road having to pay for add-ons. He would like to see all of the possible add-ons and decide what they will have before they approve anything.

Mr. Hosty clarified that the initial investment is \$6,000 for the first year and \$2,000 per subsequent years. If the City asks them to do something outside of that scope, they have agreed, within reason, to offer that at no more than \$4,000.

CMBR Faidley added that the Sustainability Committee made a recommendation for this software purchase.

CMBR Madigan said he does not have a problem a year from now renegotiating. He also wants to know more about where the information is coming from for the real-time updates.

MOTION: CMBR REBNE MOVED AND CMBR HILL SECONDED TO APPROVE THE AGREEMENT FOR SERVICES WITH DYNAMHEX POLICY. (MOTION CARRIED 5-2 WITH CMBRS MADIGAN AND KELLY VOTING NO.)

B. Appoint Ad-Hoc Historical Committee Members

Mayor Kelly said he is excited for the committee as they work to celebrate and recognize their history and to preserve that. CMBR Madigan and CMBR Rebne will be appointed to the committee.

CMBR Madigan said he was under the impression that Mayor Kelly was going to be on the committee. He said according to the ordinance with only two councilmembers only four residents can be on the committee. He would also like to see a young person on the committee.

Mayor Kelly said if they get more than four applicants, he will ask to be appointed to the committee.

MOTION: CMBR FAIDLEY MOVED CMBR KELLY SECONDED TO APPROVE THE APPOINTMENT OF CMBR MADIGAN AND CMBR REBNE TO THE AD-HOC HISTORICAL COMMITTEE. (MOTION CARRIED 7-0.)

C. Appointment to Parks, Engagement, Ad-Hoc Development and Reappoint to Arts Committee

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO APPROVE THE APPOINTMENT OF KEITH BOKELMAN TO THE PARKS COMMITTEE; TOAN NGUYEN AND MELISSA DOBBIN TO THE COMMUNITY ENGAGEMENT COMMITTEE; TOM MADIGAN TO THE AD-HOC DEVELOPMENT COMMITTEE; AND THE REAPPOINTMENT OF MAREK GLINIECKI TO THE ARTS COMMITTEE. (MOTION CARRIED 7-0.)

D. Approve Local Funding Commitment for Roe 2020 Project

Mayor Kelly recognized the hard work City staff and the City Engineer continue to do to prepare for the largest infrastructure project in Roeland Park history.

CMBR Kelly noted that they would receive \$1.619 million for CARS, but wanted to know where the \$1.281 million in TIF resources came from. City Administrator Moody said the all-in cost sheet reflects construction, engineering, easement acquisition, and all the soft costs to cover the project and it looked at all of the costs.

CMBR Faidley asked when during the process that the CARS funds are made available to the City. City Administrator Moody said it is traditional to show the funds there and noted it is a local match. As dollars are spent on construction they are eligible for reimbursement from CARS. They will be applying for CARS reimbursement as soon as they meet the \$1.619 million threshold and those funds will come directly to the City not KDOT.

CMBR Madigan said after they have received all of the funds back, what is the estimated total City cost. City Administrator Moody said the all-in cost is \$10 million and City resources towards the project are \$226,211 with Special Street Fund sales tax dollars committed to the project, plus they are also committing TIF resources.

MOTION: CMBR MCCORMACK MOVED AND CMBR KELLY SECONDED TO APPROVE THE LOCAL FUNDING COMMITMENT FOR THE ROE 2020 PROJECT. (MOTION CARRIED 7-0)

E. Appropriations Ordinance #945

CMBR Faidley asked if they know what is going on with Novus. City Clerk Nielsen said she has e-mailed Novus and has not heard back from them.

MOTION: CMBR MADIGAN MOVED AND CMBR REBNE SECONDED TO APPROVE APPROPRIATIONS ORDINANCE #945 ON THE CONDITION THAT CMBR KELLY HAS A CHANCE TO READ IT. (MOTION CARRIED 7-0)

IX. Ordinances and Resolutions

A. Ordinance to Eliminate Discriminatory Language Included in Home Owner's Association Covenants

Mayor Kelly said he appreciates the comments they have had thus far from their citizens on this ordinance and appreciates the work that has gone into this.

CMBR Faidley asked in response to Ms. Mau's earlier comment if they know how much they have actually spent in attorney's fees. She said she does take issue with referring to this as a vanity ordinance. She believes it is the right thing for the City to do, but recognizes it is not a fix-all. The covenants still exist, which in some ways it is good that they do as that is part of Roeland Park's history.

Mayor Kelly said the attorney time spent was minimal but he did not know the number of billable hours. City Administrator Moody said it can be tallied and e-mailed to the Governing Body if they would like to know.

Mayor Kelly said he did not believe this is a vanity issue. The NDO that was first passed in Roeland Park and subsequently passed throughout multiple cities in Johnson County has been extensively worked. This

ordinance is not the end of the conversation but is a mark along the journey to make sure that Roeland Park is the city that continues to improve and makes sure that its history isn't lost, but remains a City for All Ages, and a city for all races that they hold themselves out to be.

CMBR Rebne expressed his support in making the language illegal and that it is an important statement to make. He did want to make sure the ordinance they are looking to pass does not set up more barriers for someone if they filed a racial discrimination claim than they would have if going through other avenues.

CMBR Hill said her understanding of the ordinance is it is more teeth to the law in that if someone had a discrimination case because of the covenants that Roeland Park would stand behind them.

City Administrator Moody said if a complaint is filed, the initial data is gathered by the investigating officer, which is the prosecuting attorney. There would be a hearing before the municipal judge and the City would cover those costs.

CMBR Rebne thought he read that the person who brought the complaint and the accused denied any wrongdoing and the case was settled against him, if there was an appeal then the onus would be on the person discriminated against to hire an attorney.

City Administrator Moody said if the decision at the municipal level is appealed by either party, then the appeal would move to the Johnson County Circuit Court. They do not provide a mechanism within this code to cover appeal costs or representative costs of an appeal.

City Attorney Moeller added that the ordinance does provide a provision if the complainant appeals and wins, then the court can order the other party to pay attorney fees.

MOTION: CMBR REBNE MOVED AND CMBR DICKENS SECONDED TO APPROVE ORDINANCE 990 - AN ORDINANCE RELATED TO NONDISCRIMINATION, AMENDING AND REPEALING EXISTING CHAPTER V, ARTICLE 12, SECTIONS 5-1201; 5-1202; 5-1203; AND 5-1204 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS AND ADDING CHAPTER V, ARTICLE 12, SECTION 5-1205. (MOTION CARRIED 6-0)

X. Workshop Items

There were no items discussed.

XI. Reports of City Officials


CMBR Faidley asked for a report on the community forum. City Administrator Moody said 20 people attended the forum. There was a presentation on recycling as well as code enforcement. He said the presenters did a nice job and there was good communication back and forth. He added that CMBR Faidley did a nice job hosting and the forums are a good approach to reach out to residents to present topics they're interested in.

CMBR Faidley said she missed everyone that did not attend and added the forums are for the entire community and not limited to an individual ward.

XII. Adjourn

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

(Roeland Park City Council Meeting Adjourned at 7:22 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor