

**CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, May 4, 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.)

Moment of Silence for Overland Park Officer Mike Mosher

Mayor Kelly called the meeting to order and offered a moment of silence for slain police officer Mike Mosher.

Pledge of Allegiance

Mayor Kelly 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, Assistant City Administrator Jones-Lacy, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and City Attorney Steve Mauer.

Modifications to the Agenda

There were no modifications to the agenda.

Citizens Comments

There were no public comments.

Consent Agenda

- A. Appropriations Ordinance #949**
- B. April 20, 2020 Council Minutes**
- C. Fair Housing Proclamation.**
- D. National Municipal Clerks Week Proclamation**
- E. National Police Week Proclamation**
- F. National Public Works Week Proclamation**
- G. Bike Month Proclamation**

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

**I. Business from the Floor (Proclamations/Presentations/Awards)
Applications / Presentations**

A. First Quarter Social Media Report - Katie Garcia

Katie Garcia, the City's Public Information Officer, reviewed their information results for the first quarter of 2020, which included COVID-19 information, the census marketing plan, updates on capital projects, news from the community, the City's new partnership with Dynamhex, and the new Ripple Glass container for Roeland Park. She also highlighted the press coverage for the first quarter as well as statistics from social media such as Constant Contact, Twitter, and Facebook. She noted that most of their press coverage comes from the *Shawnee Mission Post*. Leaf pickup, the Silver Sneakers announcement, the Comprehensive Plan, Ripple Glass, and the pandemic received the most comments. Ms. Garcia said the top performing post in terms of engagement rate was the award for Public Works employee Frankie Reeves on the Public Impact Award.

She also provided a competitor report of other area cities. She said Roeland Park continues to get very high engagement for its posts.

Ms. Garcia said as the Governing Body looks through the reports she provided, if they have any content ideas or questions to reach out to her.

CMBR Rebne thanked Ms. Garcia for the update and her thoroughness in posting information on the Roeland Park Food Pantry and for keeping the City updated on COVID-19 information.

II. Mayor's Report

There were no reports given.

III. Reports of City Liaisons and Committees

No reports given.

IV. Unfinished Business

A. Consider Request from Scenic Road to Amend Lease Terms

Mayor Kelly said the agenda packet includes the proposed lease amendment. Based upon the proposal presented by Scenic Road it reflects a nine-month period of reduced rent and they are amenable to the terms reflected agreement.

MOTION: CMBR HILL MOVED AND CMBR BRAUER SECONDED TO ADOPT THE AMENDED LEASE WITH SCENIC ROAD. (MOTION CARRIED 8-0)

V. New Business

A. Pool Season Discussion

Mayor Kelly thanked Tony Nichols, the pool manager, for working with staff, the county, and those nationally to help the City make an informed decision with regard to pool operations.

Mr. Nichols stated that with the release of the Reopen Kansas Plan staff evaluated the 2020 Roeland Park Aquatic Center season to identify the modifications that would be required to accommodate the restrictions outlined. Johnson County has already voted to cancel the Super Pass agreement and the Swim and Dive League for the 2020 season. With the restrictions and guidelines in effect, it would make the Roeland Park Aquatics Center nearly impossible to operate in Phase 2 of the reopen plan. Some of the restrictions include that all residents would be encouraged to wear masks in public and to maintain social distancing of at least six feet. This would result in reduced patron capacity to maintain social distancing even though gathering limits do not appear to be applicable to pools.

Some operational concerns with an opening are that the CDC recommends having a dedicated staff member walk the facility to ensure adherence to distancing guidelines. They also would not be able to conduct lifeguard training and following social distance guidelines. The continuous cleaning and sanitation of frequently touched surfaces such as pool furniture, ladders, diving board handles, slide rails, restrooms, etc. and the procuring and maintaining personal protective equipment (PPE) for all staff would be a challenge. There would also be no swimming lessons, as they do not comply with social distancing.

The lifeguard staff is young and protocols would require them to take on responsibilities of first responders. Staff also anticipates frequent confrontations with patrons for denial of entry or enforcement of social distancing. Enforcing social distancing with children in an aquatic and play environment would be a monumental task. They also run the potential for staffing shortages due to fear by employees of potential exposure.

The phase out portion of the plan that lifts most all restrictive guidelines occurs no earlier than June 15. Staff would need at least one week to train staff prior to opening the facility for public use. The best case opening date without any delay would be June 22.

Mr. Nichols provided significantly reduced revenue projections with the elimination of season passes and programming. Staffing expenditures would also increase in that time period to meet the cleaning and social distancing guidelines.

Some things Mr. Nichols wanted the Governing Body to consider for the cancellation of the 2020 pool season is it will be safer for its employees. The financial impact would be a \$197,000 savings for Roeland Park. They will then have the opportunity to start the renovation project earlier than the projected September 8 date. He said that the sooner the decision is made, the greater opportunity for seasonal staff to secure other employment opportunities.

Mr. Nichols read his statement into the record. "My primary concern as a pool operator is the safety of my staff. Patron safety is a very close second. But as a manager, my first obligation is to ensure the safety of my staff. I have serious concerns about putting the staff of the Roeland Park Aquatic Center in the positions outlined above. Our staff is primarily minors and we are asking them to take on the responsibility and risks that many of our full-time staff will not face throughout this COVID-19 response. Laying all the risks associated with the modified operational plan, uncertainty of phase roll-out dates and the potential financial benefit to the City of Roeland Park, staff recommends the cancellation of the 2020 pool season."

Mayor Kelly said he appreciated the diligent and frank report Mr. Nichols provided and agreed with his recommendations noting that their primary concern is safety. He said that putting young people on the front lines is too high of an expectation for him.

CMBR Faidley also thanked Mr. Nichols for all the work he has done and knows this is a hard decision for him as he was hired to facilitate the pool seasons. She said she knows it is the right decision. She would also like to see them use this opportunity to become a positive thing with the new amenities that will be coming to the future.

MOTION: CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO CANCEL THE 2020 POOL SEASON FOR THE ROELAND PARK AQUATIC CENTER. (MOTION CARRIED 8-0)

B. Approve Extending Vertical Construction and Final Completion Deadlines for Sunflower Medical

Mayor Kelly said the amendment would change the start date from May 1 to May 25.

CMBR Madigan said he saw they want to change the building materials and would like to know when they will be able to review that.

Mayor Kelly said they have not formally submitted any change to the materials used. City Administrator Moody said they have provided examples and staff is continuing to convey feedback to them on the submittals. He said the question before the Council relates strictly to the construction deadline from May 1 to May 25.

MOTION: CMBR KELLY MOVED AND CMBR HILL SECONDED TO APPROVE THE EXTENSION OF VERTICAL CONSTRUCTION AND FINAL COMPLETION DEADLINES FOR THE SUNFLOWER MEDICAL FACILITY. (MOTION CARRIED 8-0)

VI. Ordinances and Resolutions

A. Charter Ordinance 37 for Issuance of General Obligation Bonds

Mayor Kelly said the issuance of bonds would be used for R Park improvements as well as for the Roeland Park Aquatics Center.

CMBR Madigan said he was surprised to see this on a Council agenda without first having been on a Workshop agenda to allow for an appropriate negotiation without having to vote right away. He said he does not like the unexpected urgency to vote on this ordinance.

Ms. Jones-Lacy said the charter ordinance is required to be able to issue the bonds at all. This is not to say that they are issuing them at this point. Another resolution would need to take place that indicates the allowed amount to be issued at that time. A charter ordinance is required to move the process along and start the timetable because it needs to be published twice before it can go into effect. They also wanted to keep this item separate from other discussions when they are talking about having to renew a sales tax as well and did not want to put these items on top of each other.

CMBR Madigan asked when the protest period would be. Ms. Jones-Lacy said the 60-day protest period begins after the approval of the ordinance, and it would be published next Tuesday.

CMBR Madigan said given the current economic forecast and probable recession, he questioned taking the action of borrowing this large sum of money is a responsible course of action. He would like to see them possibly reconsider revisiting the pay-as-you-go policy for the near future and concentrate on completing the Roe 2020 project and the R Park improvements.

CMBR Faidley asked for clarification on the current economic climate when they are looking to borrow this sum of money. City Administrator Moody said this is an uncertain time. He said Khalen Dwyer from Columbia Capital provided insight that was shared with the Governing Body. This charter ordinance is the first step and has a long lead-time before they get to where they are ready to issue bonds. The time should be sufficient to allow the economy to settle. If there is a protest petition, they can still have time to get a question on the ballot for November. If they were in a position to have a question on November ballot, it would also give them time to move forward with awarding a contract for the pool. Staff will continue to go over the most cost-effective approach to issue those bonds.

Kevin Wempe with Gilmore & Bell, the City's bond counsel addressed the Governing Body saying they would go through a three-step process before issuing bonds with the first step beginning with consideration of a charter ordinance which installs the state law authority to issue bonds for the projects. Step 2 would be at the expiration of the protest period and when there is authorization of an exact amount of bonds for the projects. Step 3 would be to consider an ordinance and resolution actually issuing the bonds.

CMBR Rebne said they have spent a lot of discussing this and this is a great step forward for the City.

MOTION: CMBR HILL MOVED AND CMBR KELLY SECONDED TO APPROVE CHARTER ORDINANCE NO. 37 TO ISSUE GENERAL OBLIGATIONS BONDS FOR R PARK AND AQUATICS CENTER IMPROVEMENTS. (MOTION CARRIED 7-1 WITH CMBR MADIGAN VOTING NO.)

VII. Workshop Items

1. Proposed 2020 Pay Scale.

Mayor Kelly said staff recommends updating the 2021 pay scale taking effect January 1, 2021, and will follow the implementation of employee merit increases.

City Administrator Moody noted this the second step in their adjustment to the pay scale from Gallagher. The adoption of the first step was January 1, 2020. The estimated financial impact is to be about \$9,000 total to the 2021 budget. Most of that accrues to the benefit of police staff.

CMBR Kelly said due to the optics of the current pandemic and the problems people have to deal with he would like to see management levels 12 through 16 frozen at their current levels and allow everyone else to adjust appropriately.

CMBR Faidley said she can understand CMBR Kelly's point of view, but she knew they were addressing the inequity in their pay scale to get themselves closer to market rate. She asked what the impact would be if they put it off a year to raise other members on the pay scale. City Administrator Moody said the Public Works Director's pay position would be impacted by moving this up.

CMBR Hill said using COVID-19 as a reason to not raise the pay of the Finance Director, Director of Public Works, Police Chief and City Administrator is not reflective of where they want to go. They are the people

who have been working the hardest for the City and are still in the trenches taking care of things while everyone else is at home. She expressed her support of the pay raise.

CMBR Madigan asked if moving the Public Works Director up one pay grade to be on the same level as the Police Chief. City Administrator Moody said the proposed pay scale effective 1/1/2021, reflects the adjustments. They would not change any more than what is listed. Mr. Moody also said the moving of the positions to different pay levels is based upon the recommendation of Gallagher who was looking at how the City compares to other similar communities in their market.

Mayor Kelly added he too understands CMBR Kelly's sentiment that if cuts were to be made they should come from the top as a matter of example in leadership. He recognizes that staff is very lean and their people wear many different hats. The City has diligent, dedicated employees throughout all pay levels. If they are not going to be in a position where they are going to require cuts to anybody, then they are better off by not making symbolic cuts.

CMBR Kelly said if they cannot freeze the top end, then he would have to vote no. He recognizes that they have good people and wants to keep them, but they cannot afford to pay them top dollar. He said they are not able to keep up with other cities if this continues to be an issue adding that with the increase in property taxes and sales tax going down his vote is a no.

CMBR Madigan agrees with CMBR Kelly that they cannot afford to compete with the big cities. He too said he would vote no on this item.

Mayor Kelly said he disagreed with the sentiment that they cannot compete as a city.

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO ADOPT THE 2021 PAY SCALE. (MOTION CARRIED 6-2 WITH CMBRS KELLY AND MADIGAN VOTING NO.)

MOTION: CMBR KELLY MOVED TO AMEND THE MOTION TO FREEZE THE PAY RATES FOR LEVEL 12 THROUGH 16 EMPLOYEES. (MOTION FAILS FOR LACK OF A SECOND)

2. Draft Ordinance Adopting Solar-Ready Requirements

Mayor Kelly said this would apply to new construction only. There was agreement to place this item onto Ordinances and Resolutions at the next Council meeting.

3. Discussion Regarding Conducting Background Checks on Volunteers

Mayor Kelly said that staff does not recommend implementing criminal background checks for volunteers at this time.

Ms. Jones-Lacy said she discussed this in conjunction with some other staff members, the City Attorney, as well as working with their insurance provider to get their feedback. After reviewing the details of what it would entail doing a background check, they did not feel it would be necessary. Their committee interactions, while they allow for youth members, they currently do not have any. There are also no one-on-one interactions and all interactions are in a public setting such as at City Hall. Any interactions with children or vulnerable adults are in supervised locations. They did provide some recommendations on

best practices to pursue when working with children. For example, having first aid kits on hand, AEDs as well as other safety precautions, forms, et cetera.

CMBR Madigan said the discussion is centered on children. They need to understand that there are people who have many problems and can be aggressive to adults and nice to children. A search of the Johnson County court's public records is not a background check but they can find things that way.

CMBR Faidley asked if other cities have a policy for volunteers. Ms. Jones-Lacy said some other cities do, but she could not find anything that applied to situations like the City would have.

City Attorney Mauer said they could not find any good workable guidelines for action by Roeland Park and it became an issue of why do it and why assume the responsibility if they do not have a good understanding of what they want to do with the background check.

CMBR Brauer agreed with the sentiment that it becomes a slippery slope and at what point do they draw the line in the sand, especially with the consideration of time that has passed from the time the infraction was committed or the sentence was completed. People do not want their "dirty laundry" being aired especially if they have paid their debt to society or there is something in their past they are not proud of. She said knowing there would be a background check could also discourage people from volunteering.

4. Discuss the Elimination of the Criminal History Questions from an Employment Application

Chief Morris said they run criminal history checks for their police officers. It is not allowed under their responsibilities to do that on anyone else. They can do open source intelligence checks by checking things that are readily available to the public. Records checks are available for a fee through the police department.

CMBR Rebne said that there is a discriminatory risk that employees take on when they have a criminal background check. He would like to see the City pass not having a background check.

Ms. Jones-Lacy said by "banning the box" if an applicant does have a background that they are not proud of that they could still get to the next phase of the employment. If that person is impressive enough to the hiring managers, depending on their criminal history, they can make a decision from there. In 2016, Johnson County removed the criminal history question from their job applications. In 2018, it was an executive order signed order by then-Governor Colyer to remove it from the executive branch job applications in the state of Kansas.

City Administrator Moody said a resident that shared their support for this item is Grant Mayfield. Mr. Moody read his comments into the record about a ban the box policy for the City who said he was happy to see this being put forward.

There was agreement to move this item forward to a Council meeting. Mayor Kelly thanked Ms. Jones-Lacy and Chief Morris for putting the presentation together as well as those who have advocated it to the Council.

VIII. Reports of City Officials

A. Mayor's Report

Mayor Kelly reviewed the proclamations approved the consent agenda. He also noted that it was National Clerks Week and thanked City Clerk Nielsen and said how much they appreciate all that she does for the vital services of the community.

It was also National Police Week and he recognized the immense sacrifice of those on the front lines and all the efforts they take to make the community safe.

Additionally, National Public Works Week is coming up and Mayor Kelly noted they provide valuable and critical infrastructure services for the community. The City is also lucky to have award-winning individuals on their Public Works crew. He recognized everyone and said they provide great work and he is proud to have them represent them in Roeland Park.

B. Staff Report - COVID 19 Update


Ms. Jones-Lacy said Governor Kelly came out with her phased rollout plan of the state's reopening. The Johnson County Board of County Commissioners adopted the state's plan rather than adopting the COVID-19 task force plan completed by business leaders and government leaders in Johnson County delaying the opening to May 11. Attached in the packet is the City's planned reopening for City Hall, City facilities as well as the return of staff back to the regular work schedule.

Mayor Kelly thanked everyone for putting the reopening plan together.

IX. Adjourn

MOTION: CMBR MADIGAN MOVED AND CMBR KELLY SECONDED TO ADJOURN. (MOTION CARRIED 8-0)

(Roeland Park City Council Meeting Adjourned at 7:37 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor