

**CITY OF ROELAND PARK, KANSAS**  
**CITY COUNCIL MEETING MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, August 23, 2021, 6:00 P.M.**

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| <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>○ Erin Winn, Asst. City Administrator</li><li>○ Kelley Nielsen, City Clerk</li><li>○ John Morris, Police Chief</li><li>○ Donnie Scharff, Public Works Director</li></ul> |
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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. CMBR Brauer was absent and CMBR Madigan attended the meeting virtually. Staff members present were City Administrator Moody, Assistant City Administrator Winn, City Attorney Mauer, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, Management Intern Verbrugge, and Parks and Recreation Superintendent Nichols.

**Modification of Agenda**

Mayor Kelly asked to move Item VI. B. Resolution 692 to New Business to become the new Item E under New Business and Item E will become F. There was agreement among the Governing Body.

**Public Hearings**

**Exceeding Revenue Neutral Mill**

Mayor Kelly opened the public hearing. No public comments were made and the hearing was closed.

**Adoption of 2022 Budget**

Mayor Kelly opened the public hearing. No public comments were made and the hearing was closed.

**Amend 2021 Budget**

Mayor Kelly opened the public hearing. No public comments were made and the hearing was closed.

**I. Citizen Comments**

**Tristan Young.** Mr. Young expressed his concerns about the City’s increased sales tax noting that it is wrong for the City and hurts people on a low income. He said it was wrong to raise taxes on a global pandemic and that the tax affects food and groceries. He stated the City could take funding from other areas and spend them on road improvements. Mr. Young said he would like to see the sales tax put back to where it was before the vote.

## **II. Consent Agenda**

- A. Appropriations Ordinance #980**
- B. Council Minutes August 2, 2021**

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

## **III. Business from the Floor - Proclamations/Applications/Presentation**

### **A. Outstanding Service Award**

Mayor Kelly thanked CMBR Hill, CMBR McCormack, and City Clerk Nielsen for their nomination of employee Sgt. Zach Stamper.

City Administrator Moody said the award goes to an employee who exhibits outstanding service, going above and beyond, and being a great representative for the community. He said that Sgt. Stamper does this day in and day out.

Sgt. Stamper was awarded the “traveling trophy” and will be able to share this with family and friends for six months when the next recipient is named.

(Applause)

### **B. 2021 Citizen Survey Results Presentation**

Mayor Kelly thanked everyone who participated in the survey process. He said they hit their target number of participating residents which makes the survey statistically valid.

*(Mr. Murray was not present and the Governing Body agreed to return to this item later in the meeting when he was available. The meeting continued with Item C.)*

*(After completing the agenda, the meeting returned to the survey results.)*

Ryan Murray from ETC said they had an excellent showing in that 806 surveys were returned with an initial goal to get 400 responses. He said the purpose of the survey is to assess City services and to help with planning in the future. The full report is included in the packet.

Mr. Murray reported that 98 percent of residents rated Roeland Park as an excellent or good place to live. The City continues to move in the right direction and remained the same or improved in 49 of the 79 areas assessed over the last survey. City services are rated much higher in Roeland Park than other communities. The overall priority for residents are the maintenance of streets, buildings and facilities.

Mr. Murray also noted the continued improvement in their satisfaction index. He said that staff is taking notice of the feedback they are getting on working on meeting expectations of the residents.

Mr. Murray reviewed the questions to each of the survey questions. He noted the increased improvement in satisfaction with parks and recreation. He added it was a good strategic idea to wait on the survey to give people a chance to see the improvements that have been made at the Aquatics Center.

City Administrator Moody said in asking the residents how they feel in certain areas it gives them opportunities for improvement. They want to do better and identifying those areas can help them make that change.

Traffic flow and congestion management, environmental and sustainability efforts, maintenance of City streets, building, and facilities were identified as very important as was codes enforcement of litter/debris on private property, and property maintenance.

Mayor Kelly thanked Mr. Murray for providing such in-depth information. The results are clearly positive in the report. The one part that he enjoyed looking at is the percentage of increases. They saw a 36 percent increase satisfaction in the Aquatics Center and that is a direct result based on a dedication of resources. He said this shows the community responds when they put time, money, resources where they say they are.

CMBR Hill said she wants to look deeper into the satisfaction with the trash service because that is the number one complaint she receives.

City Administrator Moody encouraged the Governing Body to make notes as they look through the document and forward them on to him. He said they have the ability to do a more sophisticated mining of the data. They also have the additional ability to participate in smaller surveys from citizens who submitted their emails indicating they would like to participate further. Mr. Murray said many respondents gave their name, number, and email address. ETC will let Roeland Park do a mini-survey of about 3-4 question 4 times a year based on results of the initial survey.

CMBR Faidley said one question she wished they would have asked was in regard to their tree protection ordinances to get a sense of where the community is as well as to provide education.

CMBR Madigan asked about the frequency of the survey noting it is now every two years when previously it was every three years. Mr. Murray said that since City Administrator Moody was hired the survey has been done about every two years.

CMBR Kelly thanked Mr. Murray for the mapping and said that it helps to understand the different areas of the City and how they answered the questions.

City Administrator Moody said they will put the 2021 survey results on the City's website.

CMBR Rebne said there is a lot of good news in the survey and asked if they were able to get any racial identity data.

Mr. Murray said initially when the results were coming back it was a little lop-sided, but there was a community outreach and they got more balanced results that are in line with the race/ethnic census data they have.

Mayor Kelly said he appreciates Mr. Murray for this undertaking. He added that after digging into the data, they may invite him back. He is very excited to have the results in hand and they will utilize this as a tool to make Roeland Park a better place.

**C. Recognize City Clerk Kelley Nielsen for Receiving Her Certified Municipal Clerk Designation**

Mayor Kelly stated that City Clerk Nielsen has received her Certified Municipal Clerk Designation. He said they are very proud of her accomplishments and thanked her for all that she does. He said it is great having a City resident who has a vested interest in Roeland Park to fill that role and they really enjoy having her there.

(Applause)

**D. Distinguished Budget Presentation Award**

Mayor Kelly said this is the third year in a row that Roeland Park is receiving this award. They are one of 8.4 percent American cities to receive this honor and among the top 5 percent in the state of Kansas. He thanked Ms. Winn and the staff for their work on this budget.

Ms. Winn said she cannot take credit for what was done by her predecessor Ms. Jones-Lacy and City Administrator Moody, but she is thrilled to be a part of a City that values this type of work and highlights the best practices in public finance. She said they are going to go get it again for next year too.

(Applause)

**IV. Mayor's Report**

*The Mayor said he would make his comments on individual items throughout the meeting and no specific report was made.*

**V. Reports of City Liaisons and Committees**

*No reports were given.*

**VI. Ordinances and Resolutions**

**A. Resolution 691 - Intent to Exceed the Revenue Neutral Rate and Setting the 2022 Mill Rate**

Ms. Winn said the revenue neutral rate is set by the state and it is set to give a city the same property tax revenue that they received the year before.

CMBR Rebne said he feels like they are voting on 2 things, one to exceed the rate and two, to adopt the 2022 mill levy rate. Ms. Winn said the resolution talks about the two things. She said the state

requires a resolution to exceed the revenue neutral rate and for transparency they separated the two items in the resolution.

CMBR Kelly asked about their assessed valuations and the increased value of the mill. Ms. Winn said one mill is equal 102,000 and that 5.7 percent increase is directly related to an increase in property valuation.

CMBR Madigan said he is not in favor of exceeding the revenue neutral rate. He said even though the increase is a tiny portion it would save people a few dollars on property tax.

CMBR Rebne said he feels like they are at a moment where they can keep revenues of the City static and still enjoy a high quality of life. He said their property values have increased and expected to continue and so it seems prudent to keep things as they are.

CMBR Hill wanted to clarify that they are not increasing the mill. She said they have lowered the mill in the past and this resolution is keeping the status quo.

**MOTION:** CMBR FAIDLEY MOVED AND CMBR DICKENS SECONDED TO APPROVE RESOLUTION 691 TO EXCEED THE REVENUE NEUTRAL RATE AND ADOPT THE 2022 MILL LEVY RATE. (MOTION CARRIED 4-3 WITH CMBS MADIGAN, KELLY, AND REBNE VOTING NO.)

**B. Resolution 692 - Implementing Local Masking Requirements Related to COVID**

*This item was moved to VIII. New Business Item E.*

**VII. Unfinished Business**

*There was no Unfinished Business to discuss.*

**VIII. New Business**

**A. Adopt 2022 Budget**

City Administrator Moody pointed out the line for unemployment costs/contributions reflects a significant increase in percentage rate from the Kansas Department of Labor from what they are currently paying in 2021. Staff is looking at other enrollment options and they have through the end of November to decide. The increased rate is what is reflected in the budget.

CMBR Kelly asked about their vote on the mill levy and did not realize that in passing Resolution 691 it also included setting the mill rate but believed it was only to exceed the revenue neutral rate.

Mayor Kelly said the mill levy rate is in the body of the resolution. He said the resolution has passed and they are now into the adopting the budget. He asked for comments on the 2022 budget.

CMBR Rebne said he understood they were voting on both items but asked if there is an opportunity to propose an amendment to the budget that would affect the mill levy.

City Administrator Moody said if they want to adjust the mill rate for 2022, it will require an action equal to the 28.548 mills stated in the resolution. If they amended the 2022 budget it does not affect the approval by the resolution.

City Attorney Mauer said according to *Robert's Rules of Order*, to change a resolution voted on, a motion to bring the item back to the table would need to be made and seconded by the winning party which meant it could not be brought by CMBRS Kelly, Madigan, or Rebne. He said if they decide to change the mill levy, then they change the budget.

Mayor Kelly said they many conversations specifically regarding the mill levy. They knew there was not unanimous consent but that they had a robust conversation and all recognized this would be an opportunity to disagree before presenting the budget as a whole.

CMBR Faidley said she really liked the color coding but noted there were a lot of blue cells that indicate special circumstances. She asked if there is a way to make a footnote to say what that special situation is. City Administrator Moody said there are cell notes in the document and work as reminders for staff, denote what may have happened since the item's first review, and act as a timeline of events. He did say those cells are accessible in the Excel spreadsheet but cannot be opened in the PDF format presented.

Ms. Winn said they can look into making the notes more accessible.

A roll call vote was taken.

**MOTION** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ADOPTION OF THE 2022 BUDGET INCLUSIVE OF THE GOALS AND OBJECTIVES AND CAPITAL IMPROVEMENT PLAN. (MOTION CARRIED 4-3 WITH CMBRS MADIGAN, KELLY, AND REBNE VOTING NO.)

**B. Amend 2021 Budget**

Mayor Kelly recognize costs of projects as-is in 2021.

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE AMENDMENTS TO THE 2021 BUDGET AS PRESENTED. (MOTION CARRIED 7-0)

**C. Award Bid Community Center Parking, Aldi Stair, Cedar Sidewalk Project**

Public Works Director Scharff recommended awarding the contract to Kansas Heavy Construction. He said they received five bids in total. He also stated that the Community Center project is the largest of all three of the project which will include stormwater infrastructure, parking repairs and improvements, more ADA access and improvements, and various other items.

The Aldi stairs will be added going from Roe Lane up to the Aldi parking lot and include a curb ramp and crosswalk. There is also an art mural component that will be added separately.

The Cedar Street sidewalk extension will begin at the north end of Carpenter Park and extend on the west side of Cedar Street to the existing Rosewood Drive sidewalk. It will also include some driveway and curb replacement.

CMBR Faidley asked if they are satisfied with the work that Kansas Heavy Construction has one for the City in the past and Public Works Director Scharff said that yes, they are.

**MOTION:** CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO APPROVE THE COMMUNITY CENTER PARKING, ALDI STAIR, AND CEDAR SIDEWALK PROJECTS TO KANSAS HEAVY CONSTRUCTION IN THE AMOUNT NOT TO EXCEED \$1,127,324.70. (MOTION CARRIED 7-0.)

**D. Approve Task Order for Construction Administration Services on the Community Center Parking/Aldi Stair/Cedar Sidewalk Project**

Public Works Director Scharff said that the Governing Body previously approved the design for the projects and staff is asking for approval of the task order.

**MOTION:** CMBR REBNE MOVED AND CMBR DICKENS SECONDED TO APPROVE THE TASK ORDER FOR CONSTRUCTION ADMINISTRATION SERVICES WITH LARKIN FOR THE COMMUNITY CENTER PARKING LOT/STORM/ADA IMPROVEMENTS AND CEDAR SIDEWALK INSTALLATION PROJECT. (MOTION CARRIED 7-0.)

**E. Resolution 692 - Implementing Local Masking Requirements Related to COVID**

Mayor Kelly said he appreciates how they have always followed the science in Roeland Park. To date, they have largely been aligned with Johnson County in how they have regulated and conducted themselves regarding COVID-19. Unfortunately, however, the county has not chosen to act in compliance with CDC recommendations and other public health officials. He added that there have been urgent calls from chief medical officers and hospitals within the region given the increase in infections, the percentage of positive cases, ICU admissions, and children who cannot be vaccinated are testing positive. What they can do though is take actions as a community in whole.

Included in the packet is a memo from Police Chief John Morris that outlines how his department would approach the mask requirement with education and voluntary participation. There is also a health order from Dr. Lemaster on implementing mask requirements. Mayor Kelly said these are a minimally restrictive ask and he is asking support from the community to help keep kids, residents, and others in Roeland Park safe and to follow the science.

CMBR Kelly asked why they are doing this with a resolution and not an ordinance like Prairie Village. City Attorney Mauer said this is far more practical and expedient as a resolution versus an ordinance which is time consuming. He said resolution is a temporary issue and does not need to change the laws of the City forever. The resolution allows it to be put in force immediately. Prairie Village did an ordinance because they wanted home rule authority if there was ever an issue of their enforcement. Roeland Park will be handling this as an opportunity for education and not an opportunity to arrest someone. They are not creating a separate violation but creating a provision if an owner of public property sees someone on their property not wearing a mask, then they can ask them to put one or leave. If a person does neither, they can be charged with trespassing.

CMBR Dickens said he was one of the first to recommend easing up on wearing a mask but he is in full support of the resolution. He said he works in a hospital and it is getting bad. Wearing a mask is the minimum someone can do.

CMBR Rebne asked why the resolution was for government property. Mayor Kelly said the resolution does have the effect of requiring masks in businesses in Roeland Park.

CMBR Hill said she is proud of their community and sees people masked that do not have to be. She said this shows their mindfulness of others and the values that they hold. She also appreciates Chief Morris' take on education and understands why this is necessary and important. She noted that they are also holding their students responsible for wearing a mask in school.

CMBR Madigan said he was anxious to stop wearing a mask but is seeing the rising level of infections and how quickly this is all happening, so this is next step is only logical and prudent.

CMBR Kelly said he has seen 50/50 mask wearing when he is out. He said he understood the effectiveness of a resolution but also knew that Prairie Village has a fine for not wearing a mask. He wondered if Roeland Park could have a generic mask ordinance for future uses should the need arise.

Mayor Kelly said that type of ordinance is something they have considered. But now for expediency's sake a resolution is what they want to do given the rapid rise in cases. Mayor Kelly said he also appreciates how Mr. Verbrugge has been keeping them updated with information from the state and throughout the nation.

CMBR Faidley asked for clarification on the expiration. Mayor Kelly said it is with every intent to be able to end this in October and he hoped they can. He thanked the Governing Body for their leadership.

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE RESOLUTION 692 IMPLEMENTING LOCAL MASKING REQUIREMENTS RELATED TO COVID. (MOTION CARRIED 7-0.)

**F. Approve Staff Providing Either Confirmation of COVID Vaccination or Negative COVID Test**

Mayor Kelly said that City Administrator Moody would like the support of the Governing Body to take another action to protect their talented, albeit small staff at Roeland Park. He noted that they all wear a lot of different hats and when one is out it affects the whole team. He said they need to try to keep people at work and the City operating. The City Administrator is asking for proof of vaccination or weekly negative testing prior to coming to work.

City Administrator Moody wanted to clarify that they do not have any gating criteria at this point when they can dissolve the criteria. He said he is looking for support in implementing this policy which would be for permanent staff and not seasonal employees. He said they are near the end of the pool season and would not seek to implement this for those employees.

Mr. Moody said from unofficial voluntary information he has received about 90 percent of the staff are vaccinated. Out of an abundance of caution and as an example of leadership, he does support implementing this type of a policy. City Administrator Moody said when they have clear gating criteria, he will take it upon himself to dissolve or stop the policy.

CMBR Hill said she understands not placing these requirements on seasonal employees now, but she would like to see that for next summer especially if they are still under a mask mandate.



CMBR Kelly asked how they would handle an employee who is not vaccinated would they be allowed time off. City Administrator Moody said the City had a generous COVID time off policy but given that the vaccination has been out for quite some time, they chose not to extend the COVID time off policy. The vaccine has been proven effective, reduces the transmission rate and many do not become ill if vaccinated and come in contact with the virus. He did say if someone were to become ill, they could use their sick time, comp time, or vacation time.

CMBR Rebne asked if they considered expecting everyone to be vaccination and whether the employees were asked about vaccinations and weekly testing as a policy. City Administrator Moody said they did think of it. The question became what if someone has very a strong opinion, is a good employee, and then they are faced with losing an employee over their beliefs.

City Attorney Mauer said if the City does want to require employee vaccinations, they can do that.

Mayor Kelly said that many companies are mandating vaccines to maintain employment so this request is not without precedent. He said he supports City Administrator Moody's direction in this.

CMBR Faidley said she lost cousin, who chose not to get vaccinated, to COVID today at the age of 47. She wanted to reach out to the 10 percent of unvaccinated staff members and urged them to get vaccinated.

Mayor Kelly expressed condolences to her family.

**MOTION:** CMBR DICKENS MOVED AND CMBR HILL SECONDED TO APPROVE FULL-TIME CITY EMPLOYEES TO BE FULLY VACCINATED OR TO SUBMIT WEEKLY NEGATIVE TEST RESULTS PRIOR TO THEIR FIRST WORK SHIFT OF THE WEEK. (MOTION CARRIED 5-0 WITH CMBRS MADIGAN AND MCCORMACK WERE NOT PRESENT FOR THE VOTE.)

## **IX. Reports of City Officials:**

### **A. COVID Report**

City Intern Chris Verbrugge noted that August is Immunization Awareness Month. His detailed report was included in the agenda packet. Of note, is that students in Grade 2 through 6 will be required to wear masks. The CDC has extended the eviction moratorium through October. Mr. Verbrugge also noted that the Kansas City Metropolitan area continues to have a high level of transmission rates and cases are increasing.

CMBR Dickens asked if the newest COVID numbers were of the Delta variant? Mr. Verbrugge said the vast majority are Delta cases of the unvaccinated. He said that breakthrough cases are newsworthy in that they are rare. He said the vaccination reduces the risk of contracting the virus even if there is a breakthrough.

CMBR Faidley asked about the Delta-plus. Mr. Verbrugge said there is a Delta plus which is largely from South Korea as well as a Lambda variant that is also showing up. Mr. Verbrugge said he is creating a glossary of terms.

*(The meeting continued with III. B. Citizen Satisfaction Survey Results)*

**Adjourn:**

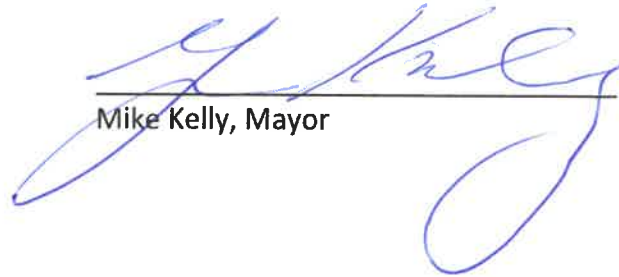
**MOTION:** CMBR HILL MOVED AND CMBR DICKENS SECONDED TO ADJOURN. (MOTION CARRIED 7-0)

(Roeland Park City Council Meeting Adjourned at 8:13 p.m.)



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Kelley Nielsen, City Clerk



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Mike Kelly, Mayor