

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, October 18, 2021, 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○ Erin Winn, Asst. City Administrator○ 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
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(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. All Governing Body members were present. Staff members present were City Administrator Moody, Assistant City Administrator Winn, City Attorney Mauer, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and Management Intern Verbrugge.

Modification of Agenda

There were no modifications to the agenda.

I. Citizen Comments

There were no citizen comments made.

II. Consent Agenda

A. Appropriations Ordinance #984

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

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

A. 3rd Quarter Social Media Report by Katie Garcia

Ms. Garcia reviewed the open and click-through rates on emails sent from the City. She reviewed the City engagement with the City's top posts which related to the mask mandate and the mural. Informational videos were also put out on social media as alternate way to provide the news to people. Detailed statistics and comparisons with other cities are also found in her report.

Of note, the Citizens' Academy has begun and will meet through the month of October with a final ceremony being held in November.

Mayor Kelly thanked Ms. Garcia for her work on behalf of the City and also for getting the news out there of what is going on in Roeland Park.

CMBR Faidley asked if there is a point where they will max out their reach on social media or if it is a matter of keeping the content fresh. Ms. Garcia responded that they have a great mix of City news, projects, events, etc., and she tries to remember that everyone like to get their news in a different way which is why they use different forums. She said they will continue to keep a mix of marketing to make certain people are getting information where they are.

IV. Mayor's Report

No report was given.

V. Reports of City Liaisons and Committees

A. Community Foundation

Assistant City Administrator Winn reviewed the financials from the Committee's last meeting and noted the updates are in the packet. The committee is set to meet again in December to wrap up for the year. There was only one grant issued which was to reimburse the foundation for a grant that was given to Judy Hyde for plantings at Cooper Creek . A complete breakdown of expenses is listed in the report.

(CMBR Madigan made a few comments that were not captured by the recording.)

B. Art Committee

Mary Schulteis, a co-chair of the Arts Advisory Committee, reported that along with Parks and Rec Superintendent Tony Nichols, participants in the Citizens' Academy received a 2-hour tour of the art in Roeland Park. City Intern Chris Verbrugge created an arts brochure for the students and comments were made about the great job done on the brochure.

Ms. Schulteis said October 23rd at 4:30 will be the dedication of the art mural. Mayor Kelly will do a ribbon cutting and the artists will receive certificates for their artistry and ability to capture the essence of Roeland Park. After the ceremony, they will move on to Nall Park.

Marek Gliniecki, also a co-chair of the Arts Advisory Committee, asked to clarify information regarding a sculpture called "Industrial" was referred to as a tree sculpture without leaves. That sculpture was on the Roe median and removed during construction. The committee does not intend to put it back on Roe but would like to move it to the southeast corner of the City Hall campus where there is a rock garden. He felt that this piece was confused with another sculpture that will be going in on Roe.

Mayor Kelly said when an actual site has been determined, it will come before Council for approval He thanked Mr. Gliniecki for making that clarification.

CMBR Hill asked Police Chief Morris asked if 48th Street would be closed during the dedication. Chief Morris said they are not able to close the entire intersection for safety reasons, but there will be cones, marked units with lights and officers in vests directing traffic. CMBR Hill said that area is also loud. Chief Morris said they have a megaphone or a PA system in their cars if needed.

VI. Unfinished Business

A. COVID Report

City Intern Verbrugge provided highlights from his report noting Governor Kelly's launch of a school district dashboard which represents school-aged cases and students presumed vaccinated. Also of note is that flu shots are now available at Johnson County Department of Health and Environment at the walk-in clinic in Olathe.

Mr. Verbrugge said that the CDC still reports Johnson County as a high transmission area. He said that overall they are trending downward, but still encouraged everyone to get vaccinated.

CMBR Rebne asked what is meant by a presumed case on the school district map. Mr. Verbrugge said it is for a person experiencing symptoms until they can be verified.

B. Continued Discussion of Resolution 692 - Masking Requirement

Mayor Kelly said that currently October 19th is set to be the end date of their masking requirement. He did note that things are getting better but that their surrounding areas are continuing with their mask requirements. Therefore, Mayor Kelly made a recommendation to extend their requirement through the month of November. He noted they would have two meetings by then and could make a final decision at their November 16th meeting.

MOTION: CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO EXTEND RESOLUTION 692- LOCAL MASK REQUIREMENT TO THE NOVEMBER 16, 2021, CITY COUNCIL MEETING. (MOTION CARRIED 8-0.)

C. MOU with Bishop Miege Related to COVID Mitigation

Mayor Kelly thanked the Bishop Miege community, President Salisbury, other school representatives, and the City's legal team for their commitment to work on this issue. He wanted everyone to understand that the school continues to do the best they can in the formation of their students and it is through their joint efforts that is keeping their community and students safe. He said the administration at Miege and the City's legal team have created this MOU of when universal masking would be employed at Miege.

CMBR Hill expressed a few concerns on the wording, specifically Section 3, page 2, noting that the language is very subjective when it states they will promote physical distancing to the extent possible. She said there is too much freedom in that language to allow for a total disregard. She also said that distancing reads within the structures of the school and should be changed to all school functions. She noted there was an overnight retreat where people were unmasked and that constitutes a school event. Ms. Hill also said she was concerned about the numbers chart on page 3 of the MOU. She asked if this was a chart created by Miege or based off of CDC numbers

Mr. Mauer said the chart is from the CDC and Bishop Miege did not create anything and are figures that they accepted.

CMBR Hill also expressed an issue over ventilation noting that doors open in a school is an unsafe practice. She said that the CDC does not state that 726 can be together unmasked if they are three feet apart. She also expressed concerns about information being put together to benefit someone and falsifying the data.

Mayor Kelly said there was gating criteria which came from the CDC and Johnson County. He added that Miege did not have any edits to the mitigation standards that are reflected in the MOU.

CMBR Faidley thanked CMBR Hill for stating the obvious concerns and appreciates her comments. She would like to know why they are looking at it from only their school population of 726 in total regarding percentages and required masking when they should be basing their numbers on the community as a whole.

Mayor Kelly said the percentages were not adjusted from the CDC and are from CDC guidelines. CMBR Faidley stated they do not consider the surrounding community.

Mr. Mauer said Bishop Miege's position is well-founded and they are unlike a Walmart or other business in that they know who is coming through their doors, how long they are there, and in large part who they come into contact with. He said they are more able to identify the exposure rate, which is far different than the general community. He said in all honesty, their student body population does not all come from Roeland Park. The school will track their population and know what the exposure rate is. They are in a different position than that of the community at large.

CMBR Kelly said the MOU is pro-Miege and how do they know that they are complying with testing and at what level are they on the Section 5 chart? He also spoke to the issue of ventilation and the last phrase "if economically feasible," which he said is putting cost before the student population. He said they should be doing maximum outside air in their HVAC system.

CMBR McCormack said as a healthcare worker she works with a high risk population. She also understands CMBR Hill's angle as an educator. However, for as long as the pandemic has been going on they are now embarking on gray areas. She said it is important to the Council to continue a good relationship with Bishop Miege. She noted that there was cooperation in the negotiations and it is a very reasonable document and does what they need to do for this time and place. She said it is difficult to see widening division between masking, no masking, vaccinations, and anti-vaxxers. She said it is not one way or the other and expressed her support of the MOU.

CMBR Rebne said he appreciates the comments stated by CMBR Hill. He added that the MOU overall reads as an informational pamphlet on how everyone should handle COVID. He said that Miege will endeavor but never quite gets there. He said this is a formal public relationship and he would like to see more specifics in terms of what Miege will do.

CMBR Dickens noted the link in the packet to the school's online portal. Mayor Kelly said the school's vaccination levels are higher than the county average and they are also seeing a voluntary reporting increase.

Mayor Kelly added that he appreciates that this is a passionate issue. He said everyone has deeply held feelings about what should be required. He also said this is not tied to a resolution from the City or an ordinance from the county. This is in place regardless of City or state requirement by their voluntary action. He said they will get to go further by working together. He also stated that nothing has been done in regard to the pandemic that has been perfect. He is, however, proud of the efforts made by their community and for the Governing Body being a leader. He asked then not to let the perfect get in the way of the good.

CMBR Kelly said the MOU is not binding and just an informational document that doesn't do anything.

CMBR Hill said the CDC recommends masks for students and has proven that it works.

CMBR Faidley also said that the public schools require masking and it works. She said she is disappointed with Bishop Miede and their decisions. She said she is not certain the MOU is the best thing in the interest for the students and their families. She also added that there is no tracking of who a teenage comes in contact with.

MOTION: CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH BISHOP MIEGE HIGH SCHOOL RELATED COVID MITIGATION. (MOTION CARRIED 5-4 WITH CMBRS HILL, KELLY, REBNE, AND FAIDLEY VOTING NO.)

VII. New Business

A. Approve Updates to Employee Handbook

Mayor Kelly noted the work that staff has done on updates to include diversity, equity, and inclusion. He thanked the Racial Equity Committee, and the City attorneys for their work on this.

City Administrator Moody said they made a clarification as to when Juneteenth and Indigenous Peoples' Day holidays would be celebrated.

CMBR Rebne said he appreciates the work. In regard to the Indigenous Peoples' Day, he wanted to recognize that their land was stolen from them and that we now live on that stolen land. As a City, they need to determine what that means to them now and how to look down the road of giving that land back and what that looks like.

CMBR Madigan wanted to make sure that the second Monday in October is celebrated as Indigenous Peoples' Day and not Columbus Day. City Administrator Moody said that Columbus Day is not celebrated.

MOTION: CMBR DICKENS MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE UPDATES TO THE EMPLOYEE HANDBOOK. (MOTION CARRIED 8-0.)

B. Approve Contract for Street Maintenance

Public Works Director Scharff said their recommendation for approval includes the 2022 UBAS and chip seal treatment. He said they usually do a lot of the prep work but a lot of time this year has been spent on greenspace. Mr. Scharff also noted that they are short-staffed.

CMBR Faidley asked if the reason they did not get three bids was due to time constraints and whether the extra time spent on greenspace will be the norm. Public Works Director Scharff replied that there was a lot of extra greenspace work this year but believes once they are fully staffed, they can get back to a better split between the roads and greenspace.

CMBR Kelly asked why there was a 30 percent difference between the two bidders, McAnany and McConnell. Public Works Director Scharff said that McConnell has historically come in lower and has done quite a bit of work for the City.

City Administrator Moody said the bids are based on the same cubic yard but is just a difference in pricing.

MOTION: CMBR KELLY MOVED AND CMBR MCCORMACK TO APPROVE THE CONTRACT WITH MCCONNELL & ASSOCIATES TO PERFORM STREET MAINTENANCE BASE REPAIRS FOR THE 2022 UBAS & CHIPSEAL SURFACE TREATMENTS AT A COST NOT TO EXCEED \$88,712.50. (MOTION CARRIED 8-0)

C. Appoint Jonna Crosby to the Arts Committee

MOTION: CMBR HILL MOVED AND CMBR MADIGAN SECONDED TO APPROVE JONNA CROSBY TO THE ARTS COMMITTEE. (MOTION CARRIED 8-0)

VIII. Ordinances and Resolutions

A. Ordinance 1016 - Banning Fireworks

Mayor Kelly opened the discussion noting that the issue became convoluted as to what the motion was.

There was extensive discussion on accepting Ordinance 1016 as presented or 1016-alternate.

CMBR Madigan restated his exceptions from the last meeting to include sparklers, snakes, smoke bombs, snappers, caps, and non-noisemaking fountains as being the only allowed fireworks permitted, only on July 4th, and between the hours of 12:00 p.m. to 10 p.m. He wanted to incorporate language stating no fireworks shall be lit or ignited within 100 feet of a gasoline station or a commercial propane storage facility.

CMBR Hill wanted to see in Section 402(d) that the fireworks at Miego would be done by a professional. Mayor Kelly said the City-sponsored fireworks display would be done by a professional.

City Administrator Moody added that the fireworks set off at Bishop Miego football games are not City-sponsored. He also could not confirm who was organizing it and whether or not they were licensed professionals and is the reason for the way the language is written.

CMBR Hill asked if it protected the City from anyone shooting off fireworks at the game. City Administrator Moody said the “at” specifies it will be at the game and implies the property owner is doing it.

CMBR Madigan said that people who set off fireworks after games would then be illegal. City Administrator Moody said that is a fair point.

CMBR Faidley said they do not have enough information to move forward with this item as they do not know what is being done at the football games.

CMBR Kelly asked if the school always sets off fireworks and wants to make sure that “professional, licensed, and insured” are added to the amendment. Mayor Kelly said the fireworks are usually at the beginning of the game after the National Anthem and are not at every game.

Mr. Mauer said that rather than trying to rewrite this on the fly, he understands the changes and would like to take an opportunity to rewrite the changes. He can also work to get information from Bishop Miede’s fireworks and what is done, when, and by whom. He asked the Governing Body if they care if children are throwing down snappers on any given day.

CMBR Kelly said he would like to see if there is enough support for a total ban before going further with making amendments.

CMBR Madigan said that citizens have reached to him that they dislike fireworks going off in the morning and then proceeding for two days.

Mayor Kelly said they cannot have two amendments pending at the same time. After which, CMBR McCormack withdrew her amendment.

CMBR Hill noted they can buy poppers at any time at Walmart.

Mr. Mauer asked if everyone was fine with the list from CMBR Madigan and all agreed.

CMBR McCormack said she was in support of banning fireworks from at least 100 feet from gasoline and propane. She realized they are not allowing anything in the air but said they should have it in there anyway.

Mayor Kelly said state regulation prohibits any explosive within 20 feet of a station that provides motor fuels

MOTION: CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO AMEND SECTION 7-402 OF THE CITY CODE TO INCLUDE SPARKLERS, SNAKES, SMOKE BOMBS, SNAPPERS, CAPS, AND NON-NOISEMAKING FOUNTAINS AS THE ONLY ALLOWED FIREWORKS PERMITTED IN THE CITY OF ROELAND PARK KANSAS; AMEND SECTION 7-403 OF THE CITY CODE TO JULY 4TH BETWEEN THE HOURS OF 12:00 P.M. TO 10 P.M.; NO FIREWORKS SHALL BE LIT OR IGNITED WITHIN 100 FEET OF A GASOLINE STATION OR A COMMERCIAL PROPANE STORAGE FACILITY. (MOTION WITHDRAWN)

MOTION: CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO ADOPT 1016-ALTERNATE. (NO VOTE TAKEN.)

MOTION: CMBR MCCORMACK MOVED AND CMBR MADIGAN SECONDED TO AMEND 7.402(D), FOR FIREWORKS TO BE ALLOWED FOR THE ANNUAL CITY-SPONSORED EVENT AT BISHOP MIEGE

HIGH SCHOOL, AND FOR BISHOP MIEGE HIGH SCHOOL ORGANIZED FIREWORKS FOR HOME FOOTBALL GAMES. (CMBR MCCORMACK WITHDREW HER MOTION)

MOTION: CMBR KELLY MOVED AND FAIDLEY SECONDED TO APPROVE ORDINANCE 1016 WITHOUT THE PROPOSED ALTERNATE. (MOTION FAILED 3-5 WITH CMBS MADIGAN, DICKENS, HILL, MCCORMACK, AND REBNE VOTING NO)

MOTION: CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO TABLE THE DISCUSSION TO THE NEXT COUNCIL MEETING TO ALLOW FOR THE CITY ATTORNEY TO INCORPORATE LANGUAGE FROM THEIR DISCUSSION AND TO RECEIVE MORE INFORMATION FROM BISHOP MIEGE REGARDING THEIR FIREWORKS DISPLAYS. (MOTION CARRIED 8-0)

IX. Reports of City Officials:


Police Chief Morris said there will be a DEA Drug Take Back October 23rd from 10-2 at Price Chopper.

Parks and Recreation Superintendent Nichols said there will be a Haunted Trail on October 23rd from 5 p.m. to 9 p.m. at Nall Park.

Adjourn:

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

(Roeland Park City Council Meeting Adjourned at 7:42 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor