

**CITY OF ROELAND PARK, KANSAS**  
**CITY COUNCIL MEETING MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, October 4, 2021, 5:30 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 5:31 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 Kelly was absent. Staff members present were City Administrator Moody, Assistant City Administrator Winn, City Attorney Moeller, Public Works Director Scharff, Sgt. Chaffee, City Clerk Nielsen, and Management Intern Verbrugge.

**Executive Session**

- MOTION:** CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO RECESS INTO EXECUTIVE SESSION WITH THE OPEN MEETING TO RESUME AT 6:00 P.M. (MOTION CARRIED 7-0)
- MOTION:** CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO EXTEND THE EXECUTIVE SESSION WITH THE OPEN MEETING TO RESUME AT 6:10 P.M. (MOTION CARRIED 7-0)
- MOTION:** CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO EXTEND THE EXECUTIVE SESSION WITH THE OPEN MEETING TO RESUME AT 6:20 P.M. (MOTION CARRIED 7-0)

(Roeland Park City Meeting Resumed at 6:22 P.M.)

**Modification of Agenda**

CMBR Madigan noted in the September 20, 2021, Council minutes the vote for Item III.B. was recorded incorrectly. City Clerk Nielsen said that has been corrected.

**I. Citizen Comments**

**Judy Hyde** (5113 W. 58<sup>th</sup> Ms. Hyde) Ms. Hyde read a comment on behalf **Carrie Sallie** (5324 Sherwood) who spoke 10 opposition to firecrackers of any type in Roeland Park. She noted the negative effects

such as noise upsetting animals, those with lung and heart conditions can have aggravated conditions, and the smoke can worsen the symptoms of those with asthma and COPD. She also noted the pollution from the debris left behind and the effects of it entering the water system. She said that many times children are left unattended while they shoot off firecrackers. She supported people visiting a professional fireworks display.

**Kevin White** (5223 W. 58<sup>th</sup>) Mr. White offered comments on behalf of **Susie Hediger** (4925 Fontana). She agreed on a fireworks ban in the City and stated they are out of control in Roeland Park. Noted were illegal fireworks going off before and after the allowed time for legal fireworks. The illegal fireworks put neighborhoods, homes, businesses and people in danger. She noted that the Police Department do the best they can and those who ignore the rules are acting illegally and ruining it for children and families who abide by the rules. The loud noises cause extreme stress to pets.

**Gretchen Davis** (5206 W. 58<sup>th</sup>) Ms. Davis spoke on behalf of her 90-year-old neighbor **Shirley Smart** (5800 Roeland Drive) who said the fireworks are a mess. She said it is disturbing to see aerial fireworks with sparks falling on roofs and the exploding noise is unending. She stated it has become more excessive every year and asked the Governing Body to endorse a ban on fireworks.

**Ardie Davis** (5206 W. 58<sup>th</sup>) Mr. Davis also spoke in support of Roeland Park's ban of fireworks. He said the ban would be in accordance with the Community for All Ages and also strengthens public safety by reducing risk to children and adults.

**Linda Donnelly** (5207 W. 58<sup>th</sup>) Ms. Donnelly encouraged people to get to know their neighbors in the hopes that they could speak to them about things they find upsetting, disturbing, or possibly even destructive and also to report to the police if doing some illegally. She has spoken with the person who has helped to instigate the loud oversized for the past six years.

**George Reising** (5200 w. 58<sup>th</sup>) Mr. Reising read a statement from **Elizabeth Anderson** (4913 Mohawk), and her sons David and Grant, who said they have never seen fireworks this bad and that people have come to think of Roeland Park as a haven for setting off fireworks. After taking a walk on July 5<sup>th</sup>, they noticed a lot of debris and continued to hear booms well after the Fourth was over. This behavior shows no consideration of others.

## **II. Consent Agenda**

- A. Appropriations Ordinance #963**
- B. Council Minutes September 20, 2021**

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

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

*There was no Business from the Floor.*

## **IV. Mayor's Report**

- A. Home Rule Day Proclamation.**

A Kansas constitutional amendment, the Home Rule Amendment, took effect July 1, 1961, and provides Roeland Park the opportunity to make decisions at the local level on the unique needs and the values of its residents.

**MOTION:** CMBR FAIDLEY MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE HOME RULE DAY PROCLAMATION. (MOTION CARRIED 7-0.)

**B. Energy Efficient Day Proclamation**

Mayor Kelly said that the City has not been shy about its action to help mitigate the impacts of climate change in the community. They are doing their part to stem the tide facing them internationally, and the benefits of the solutions that reduce emissions have tangible co-benefits. Using less energy reduces their emissions and additionally they are saving taxpayer funds by using less money to power City buildings. They are also decreasing the rate burden on their most vulnerable community members.

**MOTION:** CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE THE ENERGY EFFICIENT DAY PROCLAMATION FOR OCTOBER 6, 2021. (MOTION CARRIED 7-0.)

**C. Hispanic Heritage Month Proclamation**

Mayor Kelly said Hispanic Heritage Month began in 1968 and noted that the Hispanic population is strong in Roeland Park and throughout the metropolitan areas. Mayor Kelly said they are lucky in that they are able to enjoy such diversity in Roeland Park .

**MOTION:** CMBR DICKENS MOVED AND CMBR HILL SECONDED TO APPROVE THE HISPANIC HERITAGE MONTH PROCLAMATION. (MOTION CARRIED 7-0.)

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

**A. Parks Committee**

Laura Savidge, Parks Committee Chair, began the update with Cooper Creek. The first phase of the eradication begins this year with another next year. Ten native trees will be planted to replace the ones that were removed.

Each member of the Cooper Creek Park Restoration subcommittee will adopt a tree and take care of it for two years, watering, weeding, and keeping them safe.

Regarding Sweany Park, Ms. Savidge asked for the ability to hold their meeting in-person at the park. They are getting close to choosing the color for the fall zone and the structure itself. They need to have eyes on the site to make appropriate color choices.

Phase 3 at R Park is coming up. They are waiting on Confluence for something they can approve. The big focus at their next meeting will be the traffic garden and whether to do it or not, or how to do it. One idea is to incorporate it into the sidewalk that is already there and widen the sidewalks when they get rid of the limestone paths and install the concrete. Confluence presented an oval traffic garden but the concern is the loss of greenspace. The City survey said 87 percent of the people wanted more

greenspace. They want to do it right and make sure it can be done correctly given the budget that they have.

One more item of concern at R Park is the concern of the fireplace. Mr. Nichols had looked at it and \$6,300 would get doors on the fireplace and wall off one side of it. It doesn't draw up because it is so open and ashes and smoke tend to blow into the pavilion. It is definitely a safety feature.

The committee is very excited about Nall Park as the next park renovation. The committee will need to know what budget they can expect to have for that renovation in 2023. Plans are for new playscapes, terracing on the hill, and keeping it more of a natural park.

The tennis instructor has asked for a broom to keep on the tennis court.

CMBR McCormack said they will discuss meeting in person later in the meeting.

Ms. Savidge said there is one bigger item that is her pet peeve. She showed images at R Park and said of a \$9,000 budget, they paid over \$3,000 for a year of maintenance which did not happen. The weeds are strangling the rose bushes. They did not do a fall cleanup last year or a spring cleanup this year. Images also showed some dead plants some of which have been replaced. She stressed that they paid so much money and that Arbor Masters walked off with their money, which was earned. Most of the monies came from Laura Steele when she did the Park to Park Run. She said the company should be held responsible for not doing work by either doing the job or giving the money back.

CMBR Faidley asked if it is bind weed that has taken over. Ms. Savidge agreed that it was.

CMBR Madigan asked if they have current contracts with Arbor Masters. Ms. Savidge said they do well with them for trees.

City Administrator Moody said Arbor Masters does tree planting, removal, and large debris pickup from storm damage for the City.

CMBR Madigan said they ought to be able to approach them with this issue. City Administrator Moody said he had a conversation with Public Works Director Scharff and Parks & Rec Superintendent Nichols who will be following up with Arbor Masters to bring to resolution the maintenance of this garden area.

Ms. Savidge said their contract is up this month, and as they have not done anything, she would like to see the contract honored for one more year.

CMBR Faidley added that fall is a great planting time if they need to replace any of the dead plantings.

**B. MARC - Bike & Pedestrian (Jan Faidley)**

CMBR Faidley said all the information is in the agenda packet.

CMBR Madigan said two neighbors spoke with him about a problem on 51<sup>st</sup> Street and bicyclists' failure to stop at signs at Nall and Rosewood. He said the neighbors wanted to know why the cyclists

don't feel they have to abide by the rules of the road. He personally saw a cyclist almost get killed at 50<sup>th</sup> and Nall because he ran a red light.

CMBR Rebne said that while some cyclists don't follow the rules, on his own bicycle he was almost run over trying to cross Roe. He said the issue is much stronger in the other direction which is people driving cars are vastly more dangerous than those on bikes. He would like to see them make roads more friendly for bicycles and less friendly for cars to travel at the speeds that they do.

CMBR Faidley said she is not sure what she can do. She said they might look at collaborating with BikeWalkKC and schedule an educational event. She bike education is a thing and she will research that and see what she can come up with.

CMBR Madigan said as a lifelong motorcyclist, he understands the problems. He does not want to make it harder for bicyclists but asks that they stop at stop signs and do not run red lights. CMBR Rebne agreed.

## **VI. Unfinished Business**

### **A. COVID Report**

City Intern Verbrugge said that Johnson County is reminding people that the emergency rental assistance program is still available for Johnson County residents. Also, Governor Kelly is launching a testimonial campaign to encourage more people to get vaccinated. For businesses, the Governor announced the launch of the Pandemic Assistance and Vaccine Equity Grants Program as well as the Increase the Reach Grant initiatives. These are efforts to increase vaccination rates in underserved communities or communities where vaccination rates are low. Kansas will also adopt the CDC's booster recommendations. The current guidelines are outlined in the report. Currently, the guidance is somewhat conflicting and confusing.

Mr. Verbrugge noted that the map is increasingly red, and the Kansas City region remains an area of high transmission of COVID-19. Johnson County shows the vaccination rate as 67.5 percent have received first vaccine dose and 62.7 percent are fully vaccinated. The CDC reports that 88.4 percent of Johnson Countians have received one dose and 75.7 percent are fully vaccinated. The discrepancy between County and CDC statistics is that Johnson County does not include those residents who have been vaccinated in other states or Johnson Countians living abroad. Also, the Johnson County dashboard has a week delay on its reports. Of note, the trends of vaccine rates reported by Johnson County and the CDC are essentially both showing a rise and a plateau. So, the numbers are different, the trends are the same.

CMBR Hill said that educators are now included in the group eligible for the booster shot.

Mayor Kelly asked about the increase. Mr. Verbrugge said there is a slower increase in transmissibility. Mayor Kelly said in looking at the MARC and Johnson County COVID dashboards show the positivity rate has decreased to 5.4 percent.

### **B. Continued Discussion of Resolution 692 - Mask Requirement**

Mayor Kelly said the mask requirement continues in Roeland Park. He said they are pleased by progress that the percent of positivity and hospitalizations are going down but is not recommending

removal of the resolution. He also said he appreciates the work and concern that continues to be brought to the Council about institutions not complying with Resolution 692 and added that the City has undertaken significant discussions with Bishop Miege High School and its community to work towards mutual agreements on how best to keep the community safe and to prevent the spread of the virus not only within the school but in the larger community. He has appreciated the multiple conversations held at the staff level over the last two weeks and looks forward to them continuing.

CMBR Rebne appreciates the comments about case numbers going down and teachers being eligible for a booster shot. With numbers going down, he said the science would say that this is a result of vaccinations and mandatory enforcement of masking. He said it has shown that it is possible to carry on and wear masks. He is also encouraged by what those expectations have made to the community.

CMBR McCormack led off the discussion to allow the Parks Committee to meet outdoors. Currently all committees are meeting remotely.

Mayor Kelly said if the Parks Committee would like to meet outside, keep socially distanced, and follow CDC guidelines and recommendations, they should be allowed to do so.

CMBR Rebne said originally there was an issue about whether the meetings would be hybrid, how they would work, and how accessible they would be for everyone. He wanted to know if that was still a concern.

CMBR Hill said she would like the motion to be amended to meeting on an as-needed basis outside and for them to continue with the hybrid format. She said it will be more difficult for people to join online if they are permitted to meet outside.

City Administrator Moody said the hybrid method is challenging when meeting outside. They have done it with difficulty. Mayor Kelly said the committees understand what's best for their committees in terms of meeting. He also said there is a cost and benefit analysis they can run through whether to have outdoor in-person meetings or the hybrid meeting or determine the opportunity cost loss when trying to have a hybrid meeting outside when it is not working. He appreciates their desire to have a hybrid meeting whenever possible but would like to leave that discretion to the committee as long as they follow CDC guidelines and are able to provide minutes. They will also need to publish a notice so that people can make plans to attend.

CMBR Faidley thought they were trying to avoid exposure for staff by making meetings virtual for committees that were deemed non-essential. She asked for clarification if the committees were to make the decisions for themselves could they meet in person inside.

Mayor Kelly clarified that was not the case and they were only discussing the meeting options of virtual or outdoors.

CMBR Madigan said he attended a hybrid meeting and people in person could not hear the people online and vice versa. He said he supports the comments made by the Mayor but when there is an outdoor meeting with a virtual component, they are eliminating people from attending because it is too difficult.

Mayor Kelly reiterated if they want to meet outside, they should be able to do so per CDC guidelines.

CMBR Hill said her request for not allowing outdoor meetings was not related to COVID but the inability for people to successfully be in a virtual meeting while one component is held outdoors.

CMBR McCormack agreed. She tried to attend a parks meeting that was held remotely. She said meeting in person is important and felt the committees could make that decision for themselves and it would also make for a more possible interaction with people who can meet virtually.

CMBR Rebne asked whether they could leave the decision to the individual committees to vote for themselves and not force them into a hybrid situation that doesn't work. He said that accessibility is important but may be too complicated and cannot manage it. He said they could decide whether or not hybrid is truly necessary.

Ms. Savidge said that no one outside of their group, except CMBR McCormack and CMBR Madigan, have tried to log on to a meeting. She said that residents are not logging into their meetings.

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO AMEND THE MOTION TO ALLOW COMMITTEES TO MEET, WHEN NECESSARY, AT AN OUTDOOR SPACE THAT IS THE PURPOSE OF THEIR MEETING. (MOTION FAILED 2-4 WITH CMBRS DICKENS, MCCORMACK, BRAUER, AND REBNE VOTING NO. CMBR MADIGAN WAS NOT PRESENT FOR THE VOTE.)

**MOTION:** CMBR MCCORMACK MOVED AND CMBR MADIGAN SECONDED TO ALLOW CITIZEN COMMITTEES TO MEET OUTDOORS AT THEIR DISCRETION WHILE CONTINUING TO PRACTICE CDC GUIDELINES OF SOCIAL DISTANCING. (MOTION CARRIED 6-1 WITH CMBR HILL VOTING NO.)

### **C. Amend Memorandum of Understanding with Sunflower Development**

Mayor Kelly said this memorandum of understanding with Sunflower Development is for The Rocks site and will afford Sunflower time to refine a site and building layout and to secure development costs. The amendment would allow Sunflower to do the requisite work to prepare the site and it also gives them exclusivity.

City Administrator Moody added they are trying to get to a point where the project is achievable and the specifics associated with the land use and scope of the project will be consistent with where they end up. The intent is to give Sunflower an opportunity to do more site analysis, market analysis, and cost estimates so they can refine to a point where they feel confident. They will then be able to negotiate for the land sale based upon a clearer picture.

Jason Swords from the Sunflower Development Group said for them it is about building the right product and understanding the market noting that it is a complicated site. They have made a lot of progress with an architecture firm in understanding the infrastructure and the existing work that the City has done to the site. They have also engaged a national firm to perform a market study which lenders and investors will rely upon. Overall, they are excited to move forward. They would not have put forth this request if they were not confident that this is something they wanted to pursue. Mr. Swords said he will bring a formal purchase offer for the ground that will list the incentives that may or may not be awarded to them. He added that they are working on a good product. Sunflower Development wants to build something that is right for the City, right for them, and very leasable that will be of value to the City for a long time.

CMBR Faidley said she is fine with approving this. She said the earnest money speaks loudly as well. Ms. Faidley said at this point in time they have no idea what types of incentives they might be requesting.

Mr. Swords has not put in any formal incentive requests. Right now they are working on construction pricing, design, and keeping it an affordable component. They are working through some issues with consultants that will lead them to what is buildable. Mr. Swords reiterated that this is something they are excited about had looking to pursue.

CMBR Rebne said later in the meeting they will be discussing the City's racially restrictive covenants and that the City strongly holds the value of continuing to diversify the City and to push back all the ways possible against the City Roeland Park was established in segregation. He said they are also wanting more workforce and affordable housing. CMBR Rebne wanted to impress on Mr. Swords these ideals of the City and to make sure he understood the deep importance of them.

Mr. Swords said he appreciates those comments and understands them.

**MOTION:** CMBR REBNE MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING WITH SUNFLOWER DEVELOPMENT GROUP FOR THE ROCKS SITE. (MOTION CARRIED 7-0.)

## **VII. New Business**

### **A. Approve Street Light Maintenance Work**

Public Works Director Scharff presented plans on how to proceed with streetlight maintenance as a result of previous Council Workshop discussion. Twenty (20) poles with severe to moderate rust will be replaced by Black & McDonald with poles that were salvaged from Roe Boulevard. They will also be painted. Also, UNSCI came in with a bid just over \$60,000 for repainting 179 streetlight poles. The anticipated budget was \$90,000.

CMBR Faidley asked where they would start painting the poles. Public Works Director Scharff said they can identify where to start. This will be completed over a two-year timeframe but can put the information out on social media for residents to let them know where and when the work will be taking place.

**MOTION:** CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO APPROVE BLACK & MCDONALD REPLACING 20 STREETLIGHT POLES WITH SALVAGED POLES FROM ROE BOULEVARD AT A COST NOT TO EXCEED \$16,000; AND TO APPROVE UNSCI INDUSTRIES TO RE-PAINT 179 RESIDENTIAL STREETLIGHT POLES AT A COST NOT TO EXCEED \$60,500. (MOTION CARRIED 7-0.)

### **B. Leaf Collection Agreement with Westwood Hills**

Public Works Director Scharff said the agreement is similar to that of 2020. They will have to do a leaf collection on Sunday due to Roeland Park's program is Monday through Saturday. Westwood Hills chose December 5<sup>th</sup> as their pickup date.



**MOTION:** CMBR FAIDLEY MOVED AND CMBR HILL SECONDED TO APPROVE THE LEAF COLLECTION AGREEMENT WITH WESTWOOD HILLS FOR 2021. (MOTION CARRIED 7-0)

## **VIII. Ordinances and Resolutions**

### **A. Ordinance 1016 - Banning Fireworks**

Mayor Kelly thanked everyone for the robust conversation around this issue. He said that he understands that change can be difficult, unpopular, and frightening but it is the only constant in life. He is disappointed that in the last few years they have not been able to have a community celebration around the Fourth of July. He said they will do everything in their power to have a celebration next year in collaboration with Fairway and Westwood at the Miega-St. Agnes campus or somewhere else in the City.

He said many cities have banned fireworks and this is not something that Roeland Park is considering doing alone. In passing this ordinance, he asked for the Governing Body and community's cooperation to make sure they dedicate sufficient time and resources to education, public information, and support for the Roeland Park Police Department when the officers are enforcing this ordinance. He also wanted to see support for the ordinance and the Police Department around the time of the Super Bowl, New Year's, and other celebrations that may happen.

CMBR Madigan said he understands the problems and complaints of noise. He added that citizens are willing to complain but are not willing to sign a complaint against a violation. CMBR Madigan said if they do that, then people will stop setting off the illegal fireworks.

City Administrator Moody spoke with City Attorney Mauer who said the language needed to have some girth to it for it to be enforceable. The proposed language was, "Permitted fireworks shall be fireworks which are designed to stay on the ground and do not produce an offensively loud sound. Examples of permitted fireworks are fountains, sparklers, snakes, smoke bombs, and rolling tanks or cars. Sparklers may be used hand-held when proper safety measures are followed, and in the case of children with parental guidance. Examples of fireworks not permitted are artillery shells, parachutes, Roman candles, aerial luminaries, balloons lifted by heat (from a flame), buzz bombs, rockets, bottle rockets, and any firework not allowed by county or state law."

CMBR Dickens said he was approached by quite a few residents who are split down the middle on fireworks. He did say that after conversations with residents, he would support a professional fireworks display, and agreed with what Mr. Maurer had put together with the exception of fountains as some are obnoxiously loud. He also asked the language to be modified to no whistling fountains, spinners, and sparks.

CMBR Faidley mostly heard from those in support of a complete ban. She heard from a nurse and also related a story from her nurse grandmother who saw many injuries to children and adults caused by fireworks. She said that with supervision a lot of them can be safe and are best handled by professionals especially in an urban setting. For those reasons, she will vote in favor of safety issues and support a complete ban of fireworks in the City.

CMBR Hill said like CMBR Dickens she has heard from people on both sides of the matter. The real issue is the professional grade fireworks being set off in a residential area. She said she does not like

writing law that they know people will violate and she would also support allowing the smaller fireworks as outlined.

City Administrator Moody said the proposed language from Mr. Mauer addresses the noise concern. The fireworks are supposed to stay on the ground and not make an annoying noise.

There was informal discussion amongst the Councilmembers on the various types of fireworks.

CMBR Faidley said they need not forget the value of saying that they banned fireworks in the City. It is not saying they permit some and not others. A complete ban gives a way for officers to enforce the ordinance.

CMBR Brauer agreed with CMBRS Hill and Madigan that little kids with sparklers and smoke bombs are not the issue they are talking about. She also does not like the subjectivity of the phrase "offensively loud." She would support language that states the fireworks do not create a noise.

CMBR Rebne said a complete ban would make lawbreakers of families with children that are doing the small fireworks. He said it also leads to a larger conversation of enforcement. He also added that the proposed revision is similar to what exists now except for the examples added.

City Administrator Moody said the language is similar but worded differently than the version provided compared with what's in the code. Mayor Kelly added they have increased the fine for this ordinance.

CMBR Madigan said if the whole idea is to keep noise down, then it will be much easier for police officers to find out where loud explosions are coming from. He wants children to be able to experience the joy of sparklers and smaller items.

CMBR Hill reiterated she is in favor of keeping child fireworks. She said that not everyone has the ability to go somewhere else to do the larger fireworks. By keeping the permitted ones smaller, then they will hear and see the larger ones and be able to enforce that.

Sgt. Chaffee said that anytime discretionary language such as aggravating or offensively is in an ordinance it creates a problem with enforcements as those can be considered discretionary to an officer. *(Additional comments were made away from the microphone.)*

Mayor Kelly said if they pass an ordinance regulating fireworks, they must make sure that there are mechanisms in place to enforce it while providing support to the officers and the community. If they are not prepared to enforce an ordinance or provide community support, then it does not matter what they make illegal or provide an exception for.

CMBR McCormack agreed with CMBR Madigan in having small fireworks but also recognized the Police Department also said it was hard to enforce things as they are. She said they may not be ready to decide on this item yet.

CMBR Madigan said the crux of the problem is if they outlaw fireworks, then they better be able to describe what they are. He said that Sgt. Chaffe is correct in that what bothers one person doesn't necessarily bother another. He said they need to do this ordinance right and make sure they know

what fireworks are. CMBR Madigan added that snappers and caps are sold generally in the store and do not need a fireworks license.

CMBR Faidley said when they are talking enforcement, they are implying the need for public support behind this because police officers will only be coming out if something is reported. She said they are not only behind the officers in their enforcement but they also need support from the community.

CMBR Hill asked why they would be tabling this if it is not going a certain way.

CMBR Faidley said they do not have an exact language. They have what CMBR Madigan proposed in his motion and what City Attorney Mauer suggested.

Mayor Kelly asked for an amendment to CMBR Madigan's motion in asking if Mauer's language is acceptable.

City Attorney Moeller said she believed Mr. Madigan's language was more specific and better language of what could be permitted over the language that contained any loud sound, which she agreed is too non-specific. CMBR Madigan's language specifies with precision which specific fireworks are permitted.

Mayor Kelly said they have very specific ideas and they would need to have that written out in front of them as it is difficult to consider the amendment.

(Councilmembers talking over one another)

Mayor Kelly recommended amending Ordinance 1016 to say that permitted fireworks which are designated to stay on the ground and do not produce an offensively loud sound be included. He also reread the language from Mr. Mauer.

CMBR Madigan brought up that CMBR Dickens wanted to add fountains that do not make noise.

**MOTION:** CMBR REBNE MOVED AND CMBR BRAUER SECONDED TO APPROVE ORDINANCE 1016, AMENDING SECTION 7-402 - USE OF FIREWORKS PROHIBITED; REPEALING 7-403 - EXCEPTIONS, 7-404 - DAYS ON WHICH EXCEPTED FIREWORKS MAY BE USED, AND 7-405 - THROWING FIREWORKS FROM VEHICLE PROHIBITED; AND AMENDING SECTION 7-414. (No vote was taken.)

**MOTION:** CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO AMEND ORDINANCE 1016 TO INCLUDE SPARKLERS, SNAKES, SMOKE BOMBS, SNAPPERS, CAPS, AND NON-NOISEMAKING ITEMS BE ALLOWED IN THE CITY ONLY ON JULY 4<sup>TH</sup> DURING HOURS OF THE CURRENT ORDINANCE AND NOT WITHIN 100 FEET OF A GASOLINE STATION. (No vote was taken.)

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO TABLE THE ITEM PENDING FURTHER DISCUSSION. (MOTION CARRIED 6-1 WITH CMBR BRAUER VOTING NO.)

## IX. Reports of City Officials:

**A. 3<sup>rd</sup> Quarter Progress Report on Objectives**

City Administrator Moody said there are a fair number of projects yet to be completed from 2021 and from prior years. Staff will continue to track them and the details of the progress are listed in the packet. He said a lot is being accomplished.

**B. 3<sup>rd</sup> Quarter Progress Report on Strategic Plan**

City Administrator Moody said highlighted in green are items that have had activity or completed in the 3<sup>rd</sup> quarter of 2021. A long list of initiatives has been created since the adoption of the strategic plan. The total amount invested is in the staff report.

**C. 3<sup>rd</sup> Quarter Progress Report from Police Department**

Police Sgt. Chaffee reported that the statistics are in the packet. UCR offenses appear to be higher in the third quarter. Several of the offenses were done by a single offender. The Burger King was robbed three times by a juvenile ex-employee. Another suspect was involved in swatting instances six or seven times.

CMBR Rebne commented that he missed seeing the racial data on the report. Sgt. Chaffee said he will make that available for the Council to review. CMBR Rebne asked questions about the juvenile arrestee regarding the Burger King and thinking that people make mistakes or are in desperate situations. He asked if the Police Department or the community ever engaged in restorative accountability, a process to face the community, decide what the accountability is and be able to build relationship. Sgt. Chaffee said the juvenile system is different than adult. As far as community involvement there is not a program in place for that as a juvenile case is not open record and the public is not privy to that information. There are more options available for juveniles for life skills, and work to reintroduce them into society. This particular suspect was in debt to drug dealers.

Sgt. Chaffee said that there will be a Community event Saturday October 9<sup>th</sup> from 11 a.m. to 2 p.m. K-9 Rango will be there as well as the police motorcycle. They will also be serving free hot dogs.

**D. 3<sup>rd</sup> Quarter Progress Report from Public Works**

Public Works Director Scharff said he will be down two employees and they have those positions advertised. He presented the hours for 2021, greenspace vs. street maintenance. He noted that so much greenspace has been created such as landscaping throughout the parks, along Roe Boulevard, and the island areas. His department has spent 53 percent of their time this year doing greenspace maintenance, which includes park maintenance, watering trees, adding mulch, and landscaping. There is an ongoing discussion how to approach street maintenance activities which are down and being short-staffed. They are working on an approach to facilitate the next year's service treatments.

Mr. Scharff showed photos of the progress made at Cooper Creek and noted they will be adding ten new trees.

In regards to R Park, they are still working with Confluence for the playground and the traffic garden. They are doing the design now and construction will be in the fall of 2022 to allow as much access to the park as they can throughout the spring and summertime.

Public Works Director Scharff showed pictures of highlights noting that bulbs will be planted along Roe Boulevard. City Hall work has been completed and turned out very well. He said that Reinhart is almost complete. There is brickwork to be done back of the curb and the sidewalk. The sharrows are down and the signage is in.

Come up will be the Community Center, the Aldi stairs, and the Cedar Street sidewalk. The contractor is identifying a schedule of narrowing down when they're going to start. They indicated they will do the Cedar Street sidewalk first.

For 2022 CARS, they have three different projects. They are finalizing designs and improvements.

With stormwater, they have swept up 130 cubic yards of debris between January and December. They do a monthly sweeping.

CMBR Faidley asked if all the dead trees as part of the Roe 2020 project have been identified and replaced. Public Works Director Scharff said it is in the works. The contractor is waiting for the trees to go dormant and is still identifying a timeline but they will be replaced this fall.

Mayor Kelly thanked Public Works Director Scharff for all the attention given to the City's greenspace this past year.

**Adjourn:**

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

(Roeland Park City Council Meeting Adjourned at 8:11 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor