

**CITY OF ROELAND PARK, KANSAS**  
**CITY COUNCIL MEETING MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, November 15, 2021, 6:00 P.M.**

- |  |   |  |
|--|---|--|
| <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> |
|--|---|--|

**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. Mayor Kelly conducted the meeting virtually. CMBR McCormack joined the meeting virtually shortly after roll call and all other Councilmembers were present. Staff members present were City Administrator Moody, Assistant City Administrator Winn, City Attorney Felzien, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, Parks and Rec Superintendent Nichols, and Management Intern Verbrugge.

**Modification of Agenda**

*There were no modifications to the agenda.*

**I. Citizen Comments**

**Erica Payne** (5142 Rosewood) Ms. Payne spoke of her desire to cut down the trees in her yard noting that tree roots were damaging her foundation and expressed concerns of a waterline break. She also said that she is tired of leaves. She felt the 100-person study regarding a tree ordinance was not sufficient and would like to see the matter on the ballot. She would like to have a garden and is angry about the possibility of not being able to remove her trees.

**II. Consent Agenda**

- A. Appropriations Ordinance #986**
- B. Council Minutes November 1, 2021**

**MOTION:** CMBR MADIGAN 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. Applications/Presentations**

### **1. 2022 United Community Services Presentation on Human Services Fund**

Christina Guidry, Director of Resource Allocation for United Community Services of Johnson County, provided a slide presentation on the Human Services Fund. The fund is comprised of general tax dollars from 15 participating cities. Awards are made to nonprofits who provide vital health and human services program for low-income residents. Ms. Guidry reviewed the over \$6 million that has been spent since 1990. United Community Services asked Roeland Park for an increase in 2022 and they responded with \$6,000 in annual contributions. She also reviewed the list of organizations requesting funds and the different services that they will be giving grants for.

CMBR Faidley that Shawnee's food pantry was the only one on the list. Ms. Guidry said that Catholic Charities is their largest donor and provides a significant amount of food assistance. The Salvation Army and Hillcrest also provide food assistance. Harvesters is usually a big recipient, but they declined this year because they had a lot of federal support given to them. They will be back to make a request in 2023.

Mayor Kelly thanked Ms. Guidry for the important work she does through United Community Services. He said they are glad to have them in the community and for the City to be able to help support their work.

(CMBR McCormack joined the meeting virtually)

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

Mayor Kelly reminded everyone of the upcoming Holiday Kindness Project and that they were able to provide support to nearly 200 community members. He said that flyers and further information are available at City Hall. This project also fosters good community relations with the Police Department. The event will be promoted through social media channels, and he invites City Council members and staff to also participate.

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

### **A. Racial Equity Committee**

Haile Sims, Chairman of the Racial Equity Committee, provided an update on what they have been doing. First, he thanked the Council for recognizing Indigenous Peoples' Day and Juneteenth. The committee is currently working on the following three items.

- Forming a mission statement as a guide for them as the committee moves forward.
- Offering to be a resource for the Council and provide feedback and assessment for policies and decisions the Council is considering from a racial equity perspective.
- Leading a book club or watch party by members of the committee while encouraging the community to read a book together.

Mr. Sims asked for help from the City to advertise on social media. He said that education was the biggest thing on the survey that the community wanted from them.

Mayor Kelly thanked Mr. Sims for his report, and he appreciates the recognition of being mutually supportive and working together.

## **B. Ad-Hoc Development**

City Administrator Moody said there was no quorum, and the Development committee did not meet. He did provide an update on the Sunflower Development. They have been through a variety of site plans and adding details to be able to get to a point where they can get cost estimates. He anticipates having a presentation of a proposal for the Governing Body at their first or second meeting in December.

## **VI. Unfinished Business**

### **A. COVID Report**

City Intern Chris Verbrugge said the biggest update is that the CDC has endorsed vaccines for children, ages 5-11. They have already begun receiving the Pfizer vaccine provided by Johnson County. Included in his report is the status on mask orders, noting that Johnson County transmissibility has been upgraded from substantial to high.

### **B. Continued Discussion Resolution 692 - Masking Requirement**

Mayor Kelly said the masking mandate is set to lapse at midnight. He has looked at the 14-day trending and is still seeing a decline on a metro-wide scale. Mayor Kelly said he is proud of Roeland Park as they have residents who care and wear a mask wherever they go, and it does provide an additional level of protection. He noted the resolution was a tool for their business community. He said the Police Department will honor, whether the resolution is in place or not, if a business chooses to require masking or impose any other public health requirements, and a customer refuses, then the Police Department has the right to remove the person as a trespasser. He said they have gained knowledge of the tools that are available within the City of Roeland Park, and they should be ready with an ordinance or otherwise when compelling needs arise. Mayor Kelly said he appreciates everyone's thoughtfulness, consideration, and patience as they have worked through this.

CMBR Hill made a motion to continue the mask resolution through December 31<sup>st</sup>. CMBR Rebne seconded that motion.

CMBR Madigan said it is time to let it rest and they should not continue it. He added that people that are going to wear a mask will continue to do so. He said the resolution has outlived its purpose.

CMBR Faidley said the resolution was in coordination with businesses. She asked if they allow it to lapse and a business wants to continue to require masks and they have an issue with someone, would the City still help enforce the requirements of that business. Mayor Kelly said yes, they would. City Attorney Felzien said it would be considered a trespass at that point and the person was not abiding by the regulations of the City.

CMBR Kelly asked how many cities still have a mask resolution. Intern Verbrugge said that Roeland Park is the only one. Kansas City, Kansas is expected to drop their requirement. They are still required in KCMO schools, and the federal government requires them on public transportation and in their buildings.

CMBR Kelly said it is time to let it lapse. They are getting to the point where they need to let people make their own decisions.

CMBR Rebne said he has heard feedback from residents, some of whom are ready to see it lapse. He does think about those most at risk to COVID including young kids who can't be vaccinated and said it is worth supporting until the end of the year.

CMBR Faidley said she has struggled, and her gut says this is not the right time to let up on masks. She said a lot can be said by leading by example and she understands it is difficult if none of the other cities are enforcing it. She said if they do not use mitigation practices then there is no way to get on top of the virus. She did say that if they let the resolution lapse and they need to revisit the issue, then she would like to see an ordinance based on home rule as a next step.

Mayor Kelly said they should have the strength of an ordinance in future, if needed.

CMBR Kelly stated that he is in favor of wearing a mask and believes people should wear them, but that it is really not enforceable and he can't see the purpose behind the resolution. If they're going to do something, then it needs to be something with teeth and be enforceable.

*After the vote, Resolution 692 would expire at midnight.*

**MOTION:** CMBR HILL MOVED AND CMBR REBNE SECONDED TO CONTINUE THE RESOLUTION 692 TO DECEMBER 31, 2021. (THE MOTION FAILED 4-5 WITH CMBRS FAIDLEY, MADIGAN, DICKENS, KELLY, AND MAYOR KELLY VOTING NO.)

## **VII. New Business**

### **A. Approve Arborist agreement with the City of Mission Hills**

City Administrator Moody said there have been no changes to the agreement since it was presented at the last Workshop. It would recover the cost and overhead of the person providing services and would be for consultation on public trees only.

**MOTION:** CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE ARBORIST AGREEMENT WITH THE CITY OF MISSION HILLS. (MOTION CARRIED 8-0)

### **B. Approve Purchase of Jorge Blanco Bench Near Mural on 48<sup>th</sup> Street**

Marek Gliniecki, Co-chair of the Arts Committee, said they were looking for a bench where people can stop and enjoy the new mural. It would be positioned to provide an enhanced view. The bench they have chosen is a work of art in its own right designed by Jorge Blanco who made the "See Red Run" sculpture for R Park. The bench was presented to the Parks Committee and they also liked it. There were a couple caveats to the bench, such as making sure there are no sharp edges and there would be some infill on the back for safety reasons. The committee also spoke with Public Works to make sure it was placed so that it would not interfere with their maintenance of the area.

CMBR Faidley asked if it was designed to be placed across the street for viewing. She asked that there be a concrete base to anchor the base for security and also to make mowing easier for Public Works so as not to create a muddy spot.

CMBR Dickens asked about the cost of a concrete base and park benches. Public Works Director Scharff said most simple concrete pads done in-house are a couple hundred dollars max. The benches for R Park were unique and were about \$2,800 apiece.

CMBR Rebne said the bench is stunning and he can see the symmetry with R Park but asked if it were comfortable and if it is metal it would heat up. Mr. Gliniecki said it is designed as a garden bench and is being upgraded for public use. It will be powder coated aluminum and would not be placed in a sunny spot but by a tree and positioned for relief.

CMBR Kelly asked about the dimensions of the bench and expressed safety concerns and tripping hazards with the bolts in the footings. Mary Schulteis, Co-Chair of the Arts Committee said the bench is 89x72x22. She also said Mr. Blanco is happy to modify the bench for rounded corners and adding more branches to the back. The Parks Committee expressed concerns about skateboarding, and they will make sure the bench is set far enough back to protect it.

CMBR Madigan said people should use common sense not to sit on a hot metal bench.

CMBR Kelly asked about the 1 percent for art used for the staircase, mural, and staircase addition. Mayor Kelly said there was \$36,000 from the Special Infrastructure Fund to maintain the art. Currently there is \$12,000 remaining for the calendar year. If those funds are unused, they return to the General Fund.

Mayor Kelly asked if there was a budget for the Aldi staircase. City Administrator Moody said they have the construction costs, but they do not know how much the art or the treatment will be. Mayor Kelly said he wants to make sure they do not lose any funding for that project and would like to see them utilize the available \$12,000 for the bench. He said he likes the Jorge Blanco connection with "See Red Run."

**MOTION:** CMBR KELLY MOVED AND CMBR MADIGAN SECONDED TO AMEND THE MOTION AND APPROVE USING FUNDS FROM THE PUBLIC ART ACCOUNT, OPTION 2. (MOTION CARRIED 8-0)

**MOTION:** CMBR FAIDLEY MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE PURCHASE OF THE JORGE BLANCO BENCH NEAR THE MURAL ON 48<sup>th</sup> STREET, OPTION 1, USING FUNDS FROM THE PUBLIC ART ACCOUNT IN THE GENERAL FUND AS AMENDED TO OPTION 2. (MOTION CARRIED 8-0.)

**C. Amend COVID Temporary Leave Policy**

Mayor Kelly thanked the staff who worked through 2020 and weren't able to take vacations.

**MOTION:** CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO APPROVE THE TEMPORARY PERSONNEL LEAVE POLICY AS RELATED TO COVID. (MOTION CARRIED 8-0.)

**VIII. Ordinances and Resolutions**

**A. Ordinance 1019 - Food Truck Regulations**

**MOTION:** CMBR DICKENS MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ORDINANCE 1019 - FOOD TRUCK REGULATIONS. (MOTION CARRIED 8-0)

**IX. Reports of City Officials**

**A. Roe 2020 Update**

Public Works Director Scharff said Roe Boulevard is nearly complete. Tree replacements, landscaping, and sodding started today and will be wrapping up soon. All 20,000+ flower bulbs have been planted.

**B. Public Works**

Public Works Director Scharff reported that the leaf program is going well, they are on track and the truck is up to par with no mechanical issues.

CMBR Rebne asked for confirmation that they would be picking up the east side along Mission tomorrow. Public Works Director Scharff said they would.

CMBR Hill asked why the truck is on the street and leaves before everything is picked up. Public Works Director Scharff said it is more than likely they need to empty the truck and then they come back.

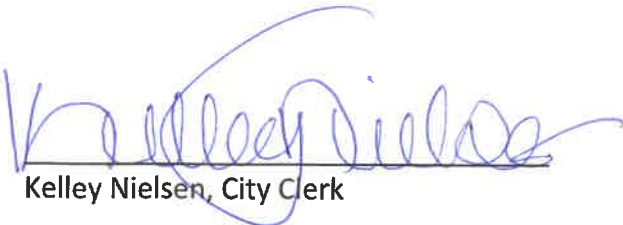
CMBR Faidley update on staffing for Public Works. Mr. Scharff said they are down one employee and have a new one starting Monday.

**Adjourn:**

Mayor Kelly thanked CMBR Kelly and CMBR McCormack for their service and dedication to the City.

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

(Roeland Park City Council Meeting Adjourned at 7:06 p.m.)

  
Kelley Nielsen, City Clerk

  
Mike Kelly, Mayor