

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, December 20, 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">○ Tom Madigan, Council Member○ Michael Poppa, Council Member○ Kate Raglow, 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
Hill
Raglow

Finance
Madigan
Rebne

Safety
Faidley
Poppa

Public Works
Dickens
Brauer

(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, City Attorney Mauer, Assistant City Administrator Winn, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and Management Intern Verbrugge. Parks and Rec Superintendent Nichols was present virtually.

Modification of Agenda

Mayor Kelly suggested agenda modification to move the Ad Hoc Historical Committee Report to the first item under New Business and their conversation on Ordinance 1022 to Unfinished Business.

There was consensus for the modifications.

Public Hearing - Amend 2021 Budget

Mayor Kelly opened the public hearing. As no comments were made by the public, the Mayor closed the hearing.

I. Citizen Comments

No citizen comments were given.

II. Consent Agenda

- A. Appropriations Ordinance #988**
- B. Council Minutes December 6, 2021**

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. Johnson County Department of Health and Environment COVID-19 Presentation

Dr. Sanmi Areola, Director of the Johnson County Health and Environment, made a presentation to the Governing Body on the impact COVID has had in the area. He provided information on the current variants affecting the population as well as measures they are taking to slow the virus down. Dr. Areola has been working in Johnson County on the pandemic since it began. He noted when he came to Johnson County he wanted to be in the community and meet people but that never happened because of COVID, and it has been a challenge for the department the past couple of years.

Dr. Areola said the data is showing that cases are trending upwards compared to where they were a few weeks ago and that 73 percent of the cases are caused by Omicron which is more infectious than Delta. However, it does not appear to cause as severe of an illness vaccinated individuals and those who have had their booster shot, but if affected appear to be the most resilient. He said COVID continues to be a pandemic of the unvaccinated even though there are breakthrough cases.

The county has changed their metrics in the reporting to include probable cases to the incident rate and positivity rate. He said the change includes antigen testing. Currently incidents are 360 per 100,000 people.

He said that cases in schools continue to trend up, which they attributed to celebrations around Halloween and Thanksgiving. The department continues to educate the public that the virus is still as active as it has been, and that people need to continue to be careful and take precautions.

He also said they are not under the illusion that they capture every infection in the county. He noted that a significant portion of people in the county are still not taking precautions. He stressed the virus is real, is killing people, and being destructive to people's lives. He said if people are six months past their initial shot, then it is time to get a booster. He told everyone to limit their circle of contact, continue testing, and wear masks. He applauded Roeland Park for the steps they have taken to protect their citizens.

Mayor Kelly thanked Dr. Areola for speaking to them and he appreciates receiving information from the source. He asked for suggestions on mitigation strategies, and where to send people for vaccinations and boosters. Dr. Areola said as a county they lead the region in terms of vaccination rate. They are over 70 percent, which is higher than the national average. He also added that there is not a wall around Johnson County and people come and go and other regions are not high in their percentage of vaccinations. He said there is not a problem in getting the vaccine. Many healthcare professionals provide them as well in their clinics. He also noted they were having a special clinic for 5- to 11-year-olds with no appointment necessary.

CMBR Hill asked about boosters for those aged 6 to 11 or even a third booster. Dr. Areola said boosters are available from Pfizer for those 16 and older. Currently there is no booster for younger than 16, but they do expect that to change even though there is no current directive.

CMBR Dickens asked for more information about the new Pfizer pill, its concept and availability. Dr. Areola said this is a positive to look for in 2002, and they hope to continue to get new tools to fight the virus. He added that there are long-acting antibodies currently in production.

CMBR Rebne asked Dr. Areola to speak to the benefit of vaccinated individuals wearing a mask. Dr. Areola said they are still dealing with variants. The virus is still new, and they are constantly learning and needing to adjust. He said it is prudent to wear masks to avoid breakthrough cases.

Mayor Kelly asked about the efficacy of the different masks. Dr. Areola responded the more protective they are the more inconvenient. He said that N95 is not always feasible and that cloth masks are not as efficient, but they work.

Mayor Kelly asked what the county focus is with regard to educating the people. Dr. Areola said that it is a challenge. He said he has never heard so much misinformation and the threshold is higher to sift through the noise to get people the right information. He recommended that people talk to their doctor. They try to educate the elected officials to get them to put out the correct message, and also to educate on mitigation measures. They also hope that there isn't a variant that circumvents the vaccine. He said the department speaks regularly to media outlets and other venues to get information out on a regular basis. He said they are a small staff and they have been doing this for two years non-stop. It is tiring but they need to get the important information out to the residents.

CMBR Faidley thanked Dr. Areola, the Department of Health and the Johnson County Board of County Commissioners for their work. She said this has been a hard time and they have relied upon their information and leadership as a public health official, and that information has meant a great deal to them. Dr. Areola said not to hesitate to contact them at any time.

CMBR Poppa asked what information can be viewed on the dashboard. Dr. Areola said the dashboard is broken down by districts and zip codes. CMBR Poppa said it looks as though they are mirroring 12 months ago but the cases are not as high as last year. Dr. Areola said that is correct, but they are also seeing a portion of the population not reporting their cases.

IV. Mayor's Report

No report was given.

V. Reports of City Liaisons and Committees

A. Ad-Hoc Historical Advisory Committee

Chris Wolff, representative of the Ad Hoc Historical Committee, said they are working on copy for different marker signs they have proposed which will be presented at their next meeting. He did show them a mock-up of the interpretative signs that will tell the story of Roeland Park through signs and photographs.

Mr. Wolff also said he was stepping down from the leadership role as he is more of an idea man, and it is now time for implementation.

Mayor Kelly said he appreciates the time and effort that Mr. Wolff has given to the committee and also for his service to the City.

CMBR Madigan said Mr. Wolff has done a wonderful job and he would like to see him remain involved and he has a lot of historical knowledge and has come up with more in the past year than he thought was possible.

Mr. Wolff said he will still work with the City and is available in a supporting role.

VI. Unfinished Business

A. COVID Mitigation Strategies

Mayor Kelly said it is evidence that the Governing Body and staff cares about the health and well-being of their residents.

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO REMOVE THE MANDATE FROM THE TABLE. (THE MOTION CARRIED 8-0.)

Ms. Winn said the resolution does not list penalties but is modeled after New York City and reiterates best practices in regard to indoor masking.

Mayor Kelly appreciates the professionalism from Dr. Areola and the City staff's work putting together mitigation strategies. He said the focus of the White House is to get vaccinated. He also noted that the mandate will not persuade people to wear a mask, but their businesses deserve certainty. He reiterated the point made by Dr. Areola that despite their high vaccination rate of residents, there is no wall around Johnson County, and he supports the ability to be able to enforce masking indoors.

CMBR Rebne said when referencing the spike in cases, they need to continue to talk about a mitigation approach with masking, vaccines, and boosters. He said that what is safe for kids in schools is safe for all of them and he would support the ordinance.

CMBR Faidley offered an amendment to strike the language which addresses schools, public and private, and asked if that would violate the memorandum of understanding (MOU) with Bishop Miege High School. She said the public schools are under the authority of Johnson County but did not know what the legal implications would be if they passed this language. City Attorney Mauer responded that if they strike the private school language it would be consistent with the MOU. He added that the public space mentioned in the ordinance does not include public and private schools.

CMBR Poppa said he did not know if the ordinance is currently the most effective measure. He has spoken with the Northeast Johnson County Chamber President who said it is important to keep businesses open while keeping community members safe. He said they are generally supportive of the approach as outlined in the resolution and as well as the mitigation strategies; however, they believe it would be more effective as a regional approach to employ the mitigation strategies. CMBR Poppa also spoke with business owners and managers who have a concern of safety for their employees as it relates to individuals becoming irate at being forced to wear masks. He said until they have a county-wide approach with other cities along with Roeland Park, then the resolution would seem to be the most strategic right now.

CMBR Hill said they do not have months to get their neighbors on board and they need to look at this seriously. She asked Police Chief Morris if there was defiance against resolution. Chief Morris said

there was one incident at a convenience store where the employees were not following the resolution, so they called the corporate office. He said the department has received no specific calls for unruly behavior for noncompliance.

CMBR Madigan said the resolution is enforceable where the ordinance was not. From what he has read and in speaking with owners, the resolution is not enforceable. He said that the police will not stop investigating a robbery and go to a location because someone wasn't wearing a mask. He would not support a vote on the ordinance.

CMBR Rebne said they made a difference with the resolution. He noted that Price Chopper, Walmart, and Lowe's have had record sales and saying that they will lose business is unfounded.

CMBR Hill said that even though they did rescind the mandate, they said they would still offer support to businesses who wanted to continue. She asked what happened after the mandate expired. Police Chief Morris said he had his staff contact each business to let them know the resolution was in effect and they handed out flyers and when to each location even daycares. They did not do any notification when the mandate expired.

Mayor Kelly said there were a variety of strategies that Dr. Areola mentioned where they can utilize their time that has a practical impact.

CMBR Poppa wanted to know if they asked the businesses to keep the signage up.

CMBR Faidley said that businesses were told from their corporate offices to take the signs down after the mandate elapsed.

MOTION: CMBR HILL MOVED AND CMBR POPPA SECONDED TO CALL THE QUESTION. (MOTION CARRIED 7-1 WITH CMBR MADIGAN VOTING NO.)

City Administrator Moody said the options should be read as part of the ordinance.

A roll call vote was taken.

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ORDINANCE NO. 1022 - MASKING REQUIREMENTS. (MOTION FAILED 4-4 WITH CMBRS MADIGAN, DICKENS, BRAUER, AND POPPA VOTING NO.) *An ordinance needs five yes votes to pass.*

The Governing Body discussion then moved to Resolution 694.

CMBR Brauer asked how long they would keep the mask mandate in place.

CMBR Faidley asked for clarification on the trespass language. Mr. Mauer said it is identical to the previous resolution. He said it would be a violation of the City's trespass ordinance if they were contacted by store owner for someone not wearing a mask.

MOTION: CMBR POPPA MOVED AND CMBR DICKENS SECOND TO AMEND THE RESOLUTION TO INCLUDE THE TRESPASS CLAUSE TO STATE THE CITY WILL SUPPORT ANY BUSINESS THAT WOULD ENACT A MASK REQUIREMENT. (MOTION CARRIED 7-1 WITH CMBR HILL VOTING NO.)

Ms. Winn said they can add more of a business communication plan to the mitigation strategies.

MOTION: CMBR POPPA MOVED AND CMBR DICKENS SECONDED TO AMEND THE RESOLUTION TO INCLUDE CITY-OWNED BUILDINGS AND PUBLIC SPACES WOULD REQUIRE THE WEARING OF MASKS. (THE MOTION CARRIED 7-1 WITH CMBR HILL VOTING NO.)

CMBR Rebne asked what the expectation is with regard to signage and education.

Mayor Kelly said their mitigation strategies include outreach, \$10,000 of ARPA funds to be used to purchase masks, tests, and to do a broad educational campaign.

CMBR Hill recommended striking N95 masks as not a good or feasible option as stated by Dr. Areola. Mayor Kelly said the preference was for N95 as opposed to KN95 masks.

MOTION: CMBR POPPA MOVED AND CMBR FAIDLEY SECONDED TO ADOPT THE MITIGATION STRATEGIES AS OUTLINED IN THE PACKET. (MOTION CARRIED 7-1 WITH CMBR HILL VOTING NO.)

CMBR Hill said that the masks, if not worn correctly, are ineffective and she requested the language be changed to masks in general. Mayor Kelly said they will do the best they can in providing for their citizens.

CMBR Poppa asked for the motivation behind striking KN95 specifically. He said he ordered two boxes and they are readily available, but he did not know about bulk purchases.

CMBR Hill said in her own experience kids don't want them and they are hard to wear all day. She said with regular surgical masks they get more buy-in.

CMBR Madigan said he spends a lot of time at KU and has yet to see anything more than paper masks as a general rule. He said they shouldn't constrain themselves to one type of mask.

CMBR Rebne said it might be difficult for residents to obtain KN95 and they do look to the City to provide that. He suggested the language read KN95 or best available.

MOTION: CMBR HILL MOVED AND CMBR RAGLOW SECONDED TO STRIKE 1(a) TO READ "TO PURCHASE AND PROVIDE MASKS." (MOTION CARRIED 8-0)

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED THAT THE MASK LANGUAGE WOULD READ KN95 OR BEST MASKS AVAILABLE. (MOTION CARRIED 8-0)

City Administrator Moody asked how the Council would like for the distribution of masks to occur.

Mayor Kelly said it would be as a broad education component and their relationship with businesses to let them know they are making masks available to them and at their request can deliver them. For citizens, they would be available at City Hall with proof of residency.

CMBR Faidley suggested as elected officials pairing up with the Police Department to help them. Mayor Kelly said to do it.

CMBR Faidley also asked if the educational component includes signage and when the mandate was in force before did those signs happen.

Police Chief Morris said each business had a different requirement for signs as to location, color, language, and size, and they just did not have enough funds to accommodate each business individually. They did, however, create sign templates online that were available for businesses to download.

Mayor Kelly ask with the \$10,000 allocated in ARPA funding if they could get a report as to the cost of signage at their January 3rd meeting. If at that time they find cost is a preclusion, they can address it at that time.

CMBR Poppa asked if they were getting the PIO involved. Ms. Winn said they will make sure Katie Garcia puts the information out on the City's website, on social media, and other venues they use to reach the public.

CMBR Poppa asked if they are able to tell City businesses of their intention regarding sign usage and placement. He also said he really liked CMBR Faidley's idea of Councilmembers partnering with the Police Department and reaching out to businesses.

CMBR Hill said when they voted in support of bigger signage before there was a problem, and now they are trying to do it again.

CMBR Faidley said that it needs to be the letter of the law regarding size and position but acknowledged it might be an issue with corporate regulations. Police Chief Morris said window signs are very hard to enforce as people can always say they never saw the sign. He said it needs to be a concerted effort on the part of everyone and that a sign will not fix the issue.

Mayor Kelly suggested at their January 3rd meeting they have a conversation on how to speak with businesses to promote effective signage.

CMBR Rebne said they have been down this road before adopting a resolution versus an ordinance. He said this is not an opportunity to water things down. He asked how signs can be practical if every corporation wants a difference sign. He added that this cannot be their main concern.

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO ADOPT RESOLUTION 694, AMENDING TO INCLUDE CITY SUPPORT OF A BUSINESS' ENFORCEMENT OF MASKING, AND THE REQUIREMENT OF WEARING MASKS INSIDE CITY-OWNED BUILDINGS AND AT PUBLIC SPACES, AND TO PROVIDE KN95 OR THE BEST MASKS AVAILABLE. (MOTION CARRIED 7-1 WITH CMBR HILL VOTING NO.)

VII. New Business

A. Amend 2021 Budget

MOTION: CMBR FAIDLEY MOVED AND CMBR MADIGAN SECONDED TO APPROVE TO AMEND THE 2021 BUDGET FOR THE TIF 1 FUND. (MOTION CARRIED 8-0)

B. Committee Reappointments

Mayor Kelly asked to amend the reappointment list to include Xavier Comeau and Michael Ryan to the Racial Equity Committee for reappointment.

CMBR Rebne noted there was an issue that occurred in the Arts Committee that was offensive to other artists and asked if this matter were resolved as he noted one of those persons was up for reappointment.

Mayor Kelly said he considered that in his appointment recommended, weighed the factors, spoke with the committee, and opted to make the recommendation at this time. He said the issue remains, but it will not be tolerated.

CMBR Faidley asked if the Mayor has had conversations with the individual. Mayor Kelly said he has had multiple conversations with multiple individuals and has had conversations to his satisfaction at this time.

CMBR Poppa requested that they do not have discussions that pertain to their residents on the dais.

CMBR Faidley said that residents reached out to the Mayor who wanted clarification.

CMBR Rebne said he is in support of all the reappointments with the exception of the individual being discussed.

MOTION: CMBR POPPA MOVED AND CMBR DICKENS SECONDED TO THE MAYOR'S REAPPOINTMENT RECOMMENDATIONS OF CHRISTINE WEBSTER, MARY SCHULTEIS AND LYNDA LEONARD TO THE ARTS COMMITTEE; EMILY CRAMER AND MELISSA DOBBIN TO COMMUNITY ENGAGEMENT; ARDIE DAVIS, JUDY HYDE, AND LAURA SAVIDGE TO COMMUNITY FOUNDATION; LAURA SAVIDGE, JAIME DAVIS, LINDA THORNBURGH, SARAH MARTIN, JUDY HYDE, RUSSELL MCCORKLE, SARA COE, AND SANDRA BILLINGER TO PARKS; DIANE MORA, CARRIE PAULETTE, HAILE SIMS, AND MONICA ESPINOSA TO RACIAL EQUITY; JUDY HYDE TO SUSTAINABILITY; SARA COE, MICHAEL CALOVICH, AND LEONARD TOCCO TO AQUATICS; CHRIS WOLFF TO AD HOC HISTORICAL; AND ADDING XAVIER COMEAU AND MICHAEL RYAN TO THE RACIAL EQUITY COMMITTEE. (MOTION CARRIED 7-1 WITH CMBR REBNE VOTING NO.)

C. New Committee Appointments

MOTION: CMBR BRAUER MOVED AND CMBR REBNE SECONDED TO APPROVE EMILY CRAMER TO THE RACIAL EQUITY COMMITTEE AND DARREN NIELSEN TO THE BOARD OF ZONING APPEALS. (MOTION CARRIED 8-0.)

D. Approve Agreement for Street Lighting and Traffic Signal Maintenance Services

Mayor Kelly said he is getting a lot of comments on how good the streetlights look.

Public Works Director Scharff said there is a slight price increase of maintenance costs which is approximately \$1 per pole.

CMBR Faidley noted they bid out for the next three years. Public Works Director Scharff said Black & McDonald provided those numbers should the City decide to continue with them.

MOTION: CMBR MADIGAN MOVED AND CMBR REBNE TO APPROVE THE AGREEMENT WITH BLACK & MCDONALD FOR THE 2022 STREETLIGHT & TRAFFIC SIGNAL MAINTENANCE AT A COST NOT TO EXCEED \$40,283.50 (MOTION CARRIED 8-0.)

E. Approve Agreement for 2nd Phase of Street Light Painting

Public Works Director Scharff said there are 172 poles that remaining to be repainted. There has been an \$20/pole increase due to an increase in materials costs.

CMBR Hill asked about the reason one of the poles was down. Public Works Director Scharff said it is the result of a hit and run.

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN TO APPROVE UNSCI INDUSTRIES TO RE-PAINT THE REMAINING 172 RESIDENTIAL STREETLIGHT POLES AT A COST NOT TO EXCEED \$62,000. (MOTION CARRIED 8-0.)

VIII. Ordinances and Resolutions

A. Ordinance 1022 - Masking Requirements

This item was discussed in Unfinished Business - COVID Mitigation Strategies

B. Resolution 693 - Opioid Settlement

MOTION: CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE RESOLUTION CERTIFYING CITY COSTS, AFFIRMING THAT THE CITY WILL ONLY SPEND FUNDS ON PERMISSIBLE PURPOSES, AND AUTHORIZING A CITY OFFICIAL TO EXECUTE ANY AGREEMENTS NECESSARY TO RECEIVE SETTLEMENT FUNDS. (MOTION CARRIED 8-0)

IX. Reports of City Officials

A. COVID Report

Mayor Kelly said Mr. Verbrugge's report is available in the agenda packet. He thanked Mr. Verbrugge for his work at Roeland Park and gave his best wishes for his endeavors in Washington, D.C.

B. City Clerk Report

City Clerk Nielsen said the staff holiday party will be Tuesday, December 28th at 11 a.m.

C. Police Department Report

Police Chief Morris reminded everyone that the Holiday Kindness Project continues.

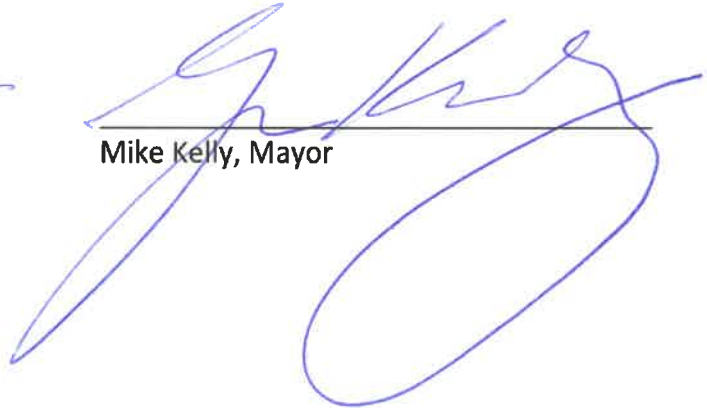
Adjourn:

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

(Roeland Park City Council Meeting Adjourned at 7:56 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor