

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, February 21, 2022, 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. The meeting was held virtually.

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, City Clerk Nielsen, and Parks & Recreation Superintendent Nichols.

I. Public Hearing on Establishing TIF 4

City Administrator Moody said the City wishes to establish new TIF 4 district. Currently the land is in TIF 3. Roeland Park will own the entire area established by TIF 4. There will be no financial implications to the City in the establishment of a new district.

Kevin Wempe from Gilmore & Bell, the City’s bond counsel, reviewed TIFs in general. His entire presentation is included in the agenda packet.

Mayor Kelly opened the public hearing and asked for citizen comments. City Hall and the Council Chambers were open for the hearing but no comments were made. Mayor Kelly then closed the public hearing.

Modification of Agenda

The Public Schools Week proclamation was added to the Mayor’s Report.

The COVID Report would be offered after Ordinance No. 1027 and before the discussion of Ordinance No. 1027.

II. Citizen Comments

Judy Hyde (5113 W. 58th) Ms. Hyde spoke to the tree canopy protection ordinance that is currently in development. She acknowledged the challenges of the City regulating both public and private property, but she said that cities regulate a lot of things and it is not out of the ordinary to regulate certain aspects of private property. Also, as a Parks Committee member, they have discussed different levels of regulations and the committee has expressed varying degrees of concern. Ms. Hyde is the only advocate on the committee for covering the private and public trees as the majority of the tree canopy in Roeland Park is on private property. As a member of the Sustainability Committee, they also discussed the pros and cons of regulations and voted unanimously to recommend covering all trees in Roeland Park, public and private, as protecting the greater environmental good. She said she knows this is a challenge and said they will need a compromise to address public, private, front yard, and right-of-way trees, but in the end would like to see all of the City's trees protected.

Todd Zimmer (5621 Roe) Mr. Zimmer spoke to the upcoming discussion on removing the mask requirements. He said his family would appreciate this change.

III. Consent Agenda

- A. Appropriations Ordinance #992**
- B. Council Minutes February 7, 2022**

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

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

- A. ARPA Update from Witt O'Brien**

Matt Hanson, Associate Managing Director at Witt O'Brien, spoke to the progress from the U.S. Treasury and reviewed the final rules, dates of compliance, and uses of the funds. He said that Roeland Park has already received their first tranche and the second one will be coming in June of 2022.

Mr. Hanson also discussed the new feature of a standard \$10 million revenue loss allowance, for which the City will qualify. He said there is also a broader scope of use for the funds for disproportionate populations, capital projects, water, sewer, and stormwater infrastructure as well as broadband.

He also reviewed the CLFR (Coronavirus Local Fiscal Recovery) fund which is to be used to restore and bolster the public sector capacity. Further details are available in the agenda packet.

CMBR Rebne asked how a city engages in internet infrastructure. Mr. Hanson said they could be involved in broadband where there is, for example, an anchor institution such as the Community Center or a park or could even be in an area that does not have a service provider. He noted that the state is actively addressing the issue and has allocated \$100 million towards broadband. He said for Roeland Park it would most likely be to address Wi-Fi issues within the City.

Mayor Kelly asked for Mr. Hanson's recommendation or guidance given this revenue replacement opportunity and the streamlined reporting requirement, and the ability to use the funds for promoted uses, broadband, and COVID mitigation measures. Mr. Hanson said the revenue loss provision does provide a streamlined reporting process and does ask for specific justifications to the Treasury. The

City can do anything that is legal for a government entity to do but it will need to meet the deadline to spend the funds as there are some concerns about clawbacks if they are not spent in time.

V. Mayor's Report

A. Women's History Month Proclamation

Mayor Kelly said it has been to his benefit and pleasure to work with women on the Governing Body and City staff and thanked them for their contributions.

Motion: CMBR BRAUER MOVED AND CMBR FAIDLEY SECONDED TO APPROVE MARCH 2022 AS WOMEN'S HISTORY MONTH IN ROELAND PARK. (THE MOTION CARRIED 8-0.)

B. Public Schools Week Proclamation

Mayor Kelly said it is Public Schools Week throughout the State of Kansas. He said they have an amazing public school in Roeland Park and also in their district. They work to educate the workforce and broaden the skill set to become pillars of the community. He also spoke to the appreciation he has for the work the educators do to serve Roeland Park students. He recommended that everyone contact their representatives to stand for education.

Motion: CMBR POPPA MOVED AND CMBR RAGLOW SECONDED TO APPROVE THE WEEK OF FEBRUARY 21, 2022, AS PUBLIC SCHOOLS WEEK IN ROELAND PARK. (THE MOTION CARRIED 8-0.)

VI. Reports of City Liaisons

A. Aquatic Center Advisory Committee

Parks and Recreation Superintendent Nichols went over the last quarter at the Aquatics Center. He said the committee finalized their special event plans and movie night with *Moana*, as well as an after-hours event at the pool. They are continuing to recruit for the upcoming season. They have retained their management staff and a swim coach. The committee is also exploring options with the swim coach at Bishop Miege and potential opportunities. He said they do not anticipate any major staffing issues this season.

City Administrator Moody asked for an update on their punch list items. Mr. Nichols said the bottom of the family slide was replaced because of manufacturing issues and pooling of water. He also noted that the lawn area to the east was sodded in late November/December.

CMBR Faidley asked if the committee has had any discussions about improvements to the ladies' dressing room. Mr. Nichols said there hasn't been any finalized plans on the women's room but will put that on the agenda for the committee to discuss next month.

B. The 47 Committee

Ms. Winn said they are looking for business leadership to spearhead the committee. The 47 Foodie Fest is planned for May or September. Leslie from Westwood is working on it, and they are confident they will get something together and it will be fun.

VII. Unfinished Business

A. Continue Discussion of Tree Preservation Regulations Policy

Mayor Kelly said this is a continuation of their discussion and not a final vote. He said there is background information included in the agenda packet and City Administrator Moody added there have been no additional changes since their last discussion. He said that staff is looking for direction on which ordinance, regulation of public or public-private trees, the Governing Body would like to forward to a future Council meeting.

CMBR Faidley asked if it is feasible proceed with a tree survey prior to making an ordinance decision. She said that information is essential for the education component. City Administrator Moody said there is nothing to preclude them from completing an inventory prior to an ordinance and they could elect to move forward with an RFP for a survey.

CMBR Poppa asked if the citizen tree survey would be considered statistically relevant. City Administrator Moody said they got about a hundred responses and were told that was a statistically valid result.

CMBR Madigan asked about the language in the ordinance that covers public property and why there are fines in the ordinance. He also asked who is going to replace the trees and who will put up the fencing. He added that on the tree survey the vast majority responding were women and he found that to be interesting. City Administrator Moody responded that the fine is intended to deter people from removing a tree that is protected by the ordinance. The fencing is a protective step if construction will be occurring on the property to keep heavy equipment from going over the roots and trunk.

CMBR Rebne asked who would be regulating front yard trees or authorizing the removal of a protected tree and what criteria would be adhered to. He said he understood regarding dead, diseased/dying, and safety risks, but asked about removal due to construction or redevelopment and would the construction company be required to replace and landscape. City Administrator Moody said it is open to interpretation and the language is crafted to try to provide flexibility if a person builds in an area of a protected tree. He said they relied on their consultant for the development of the as the consultant recently had this issue when working with Prairie Village. CMBR Rebne said the feedback he has gotten is about the removal of mature trees and construction/redevelopment. He added that he understands the need for flexibility, but he would like them to look into that further.

CMBR Poppa asked how the caliper of tree comes into play and whether it's the size when planted or the potential it may reach. City Administrator Moody said in order to create greater flexibility they went away from that. He said there is a provision to replace a tree that's protected with a replacement tree. If a person has more trees than is required by an area and they remove one, then they are not obligated to plant back what they have removed.

CMBR Madigan asked about the definition of the width of right-of-way. City Administrator Moody said due to the age of their city and its original development, the right-of-way does vary by street and neighborhood.

MOTION: CMBR FAIDLEY MOVED AND CMBR HILL SECONDED TO AUTHORIZE A TREE STUDY ADDRESSING BOTH PUBLIC TREES IN THE RIGHT-OF-WAY AND THOSE IN FRONT YARDS. (THE MOTION CARRIED 8-0.)

VIII. New Business

A. Award Contract for 2022 Chip Seal Surface Treatment

CMBR Madigan inquired what is a double chip seal. Public Works Director Scharff said it is the use of oil and rock done in two layers. It adds a thicker layer of wearing surface.

Mayor Kelly asked if chip seal can be repaired if there is degradation around driveways. Public Works Director Scharff said it can be and they try to prep the worst areas before applying the chip seal.

CMBR Rebne asked if the treatment damages vehicles. Public Works Director Scharff said it does not. Their contractor does two sweepings while allowing time for the rock and oil to cure together.

MOTION: CMBR POPPA MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE 2022 CHIP SEAL SURFACE TREATMENT CONTRACT WITH VANCE BROTHERS AT A COST NOT TO EXCEED \$126,116. (THE MOTION CARRIED 8-0.)

B. Award Contract for 2022 UBAS Surface Treatment

MOTION: CMBR FAIDLEY MOVED AND CMBR POPPA SECONDED TO APPROVE THE 2022 STREET MAINTENANCE UBAS SURFACE TREATMENTS WITH MCANANY CONSTRUCTION A COST NOT TO EXCEED \$190,000. (THE MOTION CARRIED 8-0.)

C. Reappoint Amy Stoecker to the BZA and Mark Kohles to the Planning Commission

MOTION: CMBR POPPA MOVED AND CMBR DICKENS SECONDED TO APPROVE THE REAPPOINTMENTS OF AMY STOECKER TO THE BOARD OF ZONING APPEALS AND MARK KOHLES TO THE PLANNING COMMISSION. (THE MOTION CARRIED 8-0.)

IX. Ordinances and Resolutions:

A. Ordinance 1026 - Removing City Owned Property from TIF 3

MOTION: CMBR DICKENS MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ORDINANCE 1026, REMOVING CITY-OWNED PROPERTY FROM TIF DISTRICT 3. (THE MOTION CARRIED 8-0.)

B. Ordinance 1027 - Establishing TIF District 4

MOTION: CMBR BRAUER MOVED AND CMBR POPPA SECONDED TO ADOPT ORDINANCE 1027, ESTABLISHING TIF DISTRICT 4. (THE MOTION CARRIED 8-0.)

(CMBR Madigan stepped away from the meeting.)

(The COVID Report and Mitigation Update was given before taking up Ordinance 1028)

(CMBR Madigan returned to the meeting during the report.)

C. Ordinance 1028 - Ending Indoor Masking

Mayor Kelly said the masking ordinance is currently in place until March 16th. He said they want to continue to make certain they have the best tools available to them so they can make the best decisions for their residents.

CMBR Brauer said that March 16th is a long way away and things are changing rapidly. She said if they do end the masking, then it will be difficult to bring it back. She said she did not want to create a yo-yo effect.

CMBR Hill said she is thankful that they are able to look at this at every meeting. She said they need to be consistent, they are still in high risk, and would recommend keeping the ordinance in place.

CMBR Madigan said he personally regrets his decision to support lifting the restrictions previously and has learned from his mistake. He also advised his constituents that a decision would not be considered until their second meeting in March and could not in good conscience vote to end the ordinance tonight.

CMBR Faidley remarked about surrounding communities, but her audio/video was stalling, and her complete comments were not completely heard.

Mayor Kelly said when the ordinance was put in place it was done so with a consortium of other cities in Northeast Johnson County. He noted that Fairway and Mission have since rescinded their masking requirements and that Prairie Village will take up the issue on the 22nd, and it is likely they will also rescind their requirements.

CMBR Rebne also warn against a yo-yo effect and that they should stay consistent to allow numbers to continue to decrease. He said because other cities have dropped their requirements does not mean they should. CMBR Rebne said they need to stay true to their values and what best protects their residents.

CMBR Faidley said they need to remember the healthcare workers who are still fighting the fight against the virus. They are seeing the numbers drop but said it is too early to lift restrictions. She asked if they were prepared for the next increase or even the next variant. She recommended staying the course. (The audio/video continued to stall through her comments.)

Mayor Kelly said it is good to have the conversation now as numbers continue to drop, and he understands how people feel. He looks forward to the ordinance lapsing on March 16th if the numbers continue to trend as they are.

Mayor Kelly also asked for a discussion to return to in-person Council meetings. He said they are more productive when they are together, and it is also better for staff. He felt it was time for them to return.

CMBR Raglow said she would continue to have a virtual option. Her spouse provides direct care to COVID and high-risk patients and would prefer to continue to meet virtually to protect everyone.

CMBR Dickens said he would support returning to in-person meetings if they are comfortable. He does not mind if someone wants to be virtual.

CMBR Madigan said he would also be in favor of returning to in-person meeting but would want to keep the virtual option.

CMBR Rebne said to keep the Zoom option does makes sense. He is wary to split the meeting and give them a choice. He said he feels like the women on the Council have been the most consistent in doing what is right. He does see a problem with the men meeting in person and the women over Zoom, or an age-related split and what the optics might be on that.

CMBR Faidley said she would like to meet in person but is currently the primary caregiver for a cancer patient and cannot attend in-person at this time.

Mayor Kelly said he understands CMBRS Raglow and Faidley circumstances and being able to utilize the virtual options. He said creating a come if you want, don't come if you don't want to atmosphere where does it end. He would like to invite everyone back absent compelling reasons as they serve their residents best when they are in person.

CMBR Dickens asked if there was anything stopping them from returning in person regardless of what they decide. Mayor Kelly said City Hall is open, staff is there, and nothing is precluding them from going in.

CMBR Hill said she is uncomfortable in being told she cannot effectively do her job from home and disagrees with comments otherwise. She said she cannot do her real job if she goes into the Council Chambers and gets COVID. She believes they should leave it to the individual to choose what is right for them until they have a better hold over COVID.

Mayor Kelly said he appreciates everyone's concerns. He added that waiting until they have a better hold over COVID that some may never want to return to the Council Chambers. He also said that he disagrees that they are as effective in a Zoom meeting as when they are in person.

CMBR Hill said she is ineffective when she has COVID, and it is unpleasant.

CMBR Poppa said he is open to returning if people are comfortable. He asked if they actually need a vote or if people can just return.

MOTION: CMBR POPPA MOVED AND CMBR DICKENS SECONDED FOR THE GOVERNING BODY TO RETURN TO THE COUNCIL CHAMBERS FOR THEIR NEXT COUNCIL/WORKSHOP MEETING IF THEY ARE COMFORTABLE IN DOING SO. (THE MOTION CARRIED 6-1-1 WITH CMBR REBNE VOTING NO AND CMBR HILL ABSTAINING.)

X. Reports of City Officials

A. COVID Report and Mitigation Update

Ms. Winn said the data in the attachment is from February 18th, but updated numbers are in the staff report. She said that currently they are at a 9.3 percent positivity rate. She noted that the Johnson County Board of Commissioners has removed the masking requirement for elementary students and the Shawnee Mission School District has made masking optional for students in upper grades.

(The meeting went back to discuss Ordinance 1028.)

B. City Administrator’s Report

City Administrator Moody said early on there was discussion of working cooperatively with other cities on different programs to have a greater impact with their ARPA funds. He said there was a small group meeting with city administrators, but no clear direction was established. Their discussion will continue. He said if there are existing organizations or a structure in place to take advantage of ways to disseminate the resources, they will lean towards that direction. He said the county is also working on how they will allocate their resources. They are considering 60 percent would be used for one-time expenditures and the remaining 40 percent would be used for community investment such as housing, business or workforce assistance, and childcare assistance. The county’s allocation is \$118 million, and Roeland Parks is \$1 million. Mr. Moody said he will continue to monitor the county’s allocation.


C. Assistant City Administrator’s Report

Ms. Winn said she had sent out an email earlier for help with test distribution and expressed thanks for the volunteers.

Adjourn:

MOTION: CMBR DICKENS MOVED AND CMBR RAGLOW SECONDED TO ADJOURN. (MOTION CARRIED 8-0)

(Roeland Park City Council Meeting Adjourned at 7:54 p.m.)



Kelley Nielsen, City Clerk



Mike Kelly, Mayor