

**CITY OF ROELAND PARK, KANSAS  
CITY COUNCIL MEETING MINUTES  
Roeland Park City Hall  
4600 W 51st Street, Roeland Park, KS 66205  
Monday, September 19, 2022, 6:00 P.M.**

- Mike Kelly, Mayor
- Trisha Brauer, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member

- Tom Madigan, Council Member
- Michael Poppa, Council Member
- Kate Raglow, Council Member
- Michael Rebne, Council Member

- Keith Moody, City Administrator
- Erin Winn, Asst. City Administrator
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

**Admin**  
Raglow  
Dickens

**Finance**  
Rebne  
Hill

**Safety**  
Poppa  
Madigan

**Public Works**  
Brauer  
Faidley

(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 with Mayor Kelly appearing virtually. Staff members present were City Administrator Moody, City Attorney Mauer, Assistant City Administrator Winn, Public Works Superintendent Vandenbos, Police Chief Morris, Parks and Recreation Superintendent Marshall, and City Clerk Nielsen.

### **Modification of Agenda**

*There were no modifications to the agenda.*

#### **I. Citizen Comments**

*There were no citizen comments.*

#### **II. Consent Agenda**

- A. Appropriations Ordinance #1005**
- B. Council Minutes September 6, 2022**

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

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

*There was no Business from the Floor.*

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

*There was no Mayor's Report.*

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

### **A. Aquatic Center Advisory Committee**

Parks and Recreation Superintendent Anthony Marshall gave a wrap-up on the 2022 Aquatic Center season.

Mayor Kelly asked if Mr. Marshall was pleased with the pool season. He said the season was a success in that they had over 15 saves and there were no issues. That is the most important thing they do is to make sure everyone is safe. He added that they also had over 2,200 summer camp attendees and the lifeguards and pool managers did a wonderful job.

CMBR Rebne added that he and his family always felt safe when they were at the pool. He did note that the resident daily visits were down by half and asked he attributed that do and also what they can do to support him. Mr. Marshall recommended doing more advertising and putting out information. He said that people are still feeling the effects of COVID.

CMBR Faidley asked if Mr. Marshall sees any trends towards resident versus non-resident and if there are any concerns. He said that with the location of the pool being close to the highway and that a lot of surrounding pools did not open, they were a draw from those areas.

CMBR Madigan suggested advertising outside of Roeland Park for daily visit sales with Wyandotte being a suggestion.

CMBR Hill asked about the pool's expenditures and how much they lost this year in revenue. Mr. Marshall said he did not have those figures at this time. City Administrator Moody said they did some estimating and an adjustment to revenues and expenses, they are anticipating a \$100,000 operating loss for 2022, which is better than they experienced in 2021. As for the season passes, they did not track those purchases between resident and non-resident, but they will attempt to do that going forward.

Mr. Marshall said he would like to improve the snack bar so he will be focusing on that. He also said this is the City's third year without a swim team. Most likely they will be renting the pool out for use by another swim team. He added that the most complaints he had were about the speakers, but those have been fixed. He has also been working with the Aquatics Committee and more programs will be coming along as they move forward.

City Administrator Moody congratulated Marshall for a safe and fun summer.

### **B. Sustainability Committee**

Judy Hyde from the Sustainability Committee provided an update on their recent activities. At their August meeting they had as their guest Gayle Terry Holmes, Executive Director from Sleepyhead Beds, a non-profit organization. Sleepyhead beds sanitizes used beds and linens for reuse or recycle, which keeps them out of the landfill and helps those in need.

The Go Green 2022 Environmental Fair was held Saturday, September 17<sup>th</sup> and was a success. It was hosted by nine Northeast Johnson County cities including Roeland Park. There were 49 exhibitors and the welcome desk estimated they had about 500 attendees. There were electric vehicles, rain barrels, children's games, door prizes, and was a family-friendly event.

Ms. Hyde also reviewed the booth display for Roeland Park. She said there was a good deal of interest regarding eradication of invasive species.

The City's energy audit generated interest including from those out of Roeland Park. Johnson County Health and Environment sought them out and expressed a desire for a broader county-wide collaboration on that project.

Ms. Hyde noted that CMBR Faidley and Commissioner Fast, Mary Schulteis from the Arts Committee also stopped by their booth.

Mayor Kelly thanked Ms. Hyde for her leadership and is proud of the work the committee continues to do. He they continue to represent Roeland Park well.

CMBR Faidley thanked Ms. Hyde and the committee for all they do and said Roeland Park is getting a reputation and receiving compliments for the work they are doing. She was also proud to see all the work they put into the display.

## **VI. Unfinished Business**

*There was no Unfinished Business discussed.*

## **VII. New Business**

### **A. Fireworks Request from Bishop Miego**

Mayor Kelly said there is a fireworks request from Bishop Miego during home games at kickoff.

Police Chief Morris said Miego is not quite in compliance yet and is waiting on a proof of insurance and a letter of recommendation from the Fire Department. He added that it is not really a fireworks display, but shooting off two or three display shells that sounds like a sonic boom and is done over a short period of time. He said they have done this for years and there is always an off-duty officer present and monitoring. But with the creation of the ordinance, they want to make sure Miego is complying, so the request has not been approved.

**MOTION:** CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO AMEND THE MOTION TO BE CONTINGENT ON MEETING THE REQUIREMENTS FOR PROOF OF INSURANCE AND RECEIVING A LETTER OF RECOMMENDATION FROM THE FIRE DEPARTMENT. (THE MOTION CARRIED 8-0.)

CMBR Hill stated they put a lot of time and effort into writing the ordinance. She said the noise is traumatic and the ordinance states no one is to shoot off a loud bomb. She did not agree with making a loud noise just for fun and this request defies the face of the ordinance and is not what the residents want.

CMBR Faidley asked if there have been any complaints made in the past. Police Chief Morris said he has never received any complaints but only a few calls asking what is going on. He reiterated that the school has been doing this for the past 20-plus years. CMBR Faidley asked if the school has the intent to comply. Police Chief Morris said they are finishing the last two pieces.

CMBR Raglow asked what is required for insurance. Police Chief Morris responded there needs to be coverage of \$2 million bodily injury and property damage on and off the property. They also inquired about Mr. Babcock's injury and City Attorney Mauer said that was covered under the required insurance.

CMBR Poppa asked whether they would normally have someone apply for every display or could they do it once. City Administrator Moody said they normally don't have people requesting to do it more than once. They encouraged Bishop Miege to provide them the anticipated dates to avoid repeated requests.

Mayor Kelly said they wanted to be able to customize this to the community when they put the application process together because residents expressed concerned about unpredictability at random times. He said he feels comfortable with the published football schedule and predictable times.

CMBR Madigan said the original complaints were about loud noises throughout the afternoon and evening being continuous and beyond the set limit. He added that he sees no problem with this. They're advertising the times, letting the people know, and it's a set schedule.

CMBR Rebne agreed that it feels hypocritical to issue the permit. He wanted to confirm that it is allowed within the ordinance. City Administrator Moody said the information attached is from their code, adding that this is not a full scale firework, but they are held to the same standards.

CMBR Poppa asked if the permit would allow them to do this again next year. City Administrator Moody said the permit is just for the 2022 dates.

CMBR Faidley asked if there was mention of the timeframe when they need to apply and when the permit fee needs to be paid. Police Chief Morris said they want to make sure everyone is following the rules.

CMBR Rebne also asked about the time period for an application. Police Chief Morris said it is 30 days in advance with a \$100 fee, but this issue didn't come to light within those 30 days.

Mayor Kelly said he would be willing to waive the 30-day requirement if they come into compliance, and the Chief could approve the application. City Administrator Moody said the ordinance contemplates a larger display and this request is not a display contemplated in the City code, but it has occurred in the past, and is something the City is familiar with, but they still need to provide the required submittals. The location is at a safe distance from buildings and spectators. It is not an aerial display, so it is simpler to determine the zone.

CMBR Dickens noted that Bishop Miege wants to continue their past practices and they are not bypassing the ordinance. They believed they had verbal approval the same as their past experiences, but they want to be in ordinance compliance.

**MOTION:** CMBR MADIGAN MOVED AND CMBR REBNE SECONDED TO APPROVE THE MOTION AS AMENDED TO APPROVE THE PERMIT TO BISHOP MIEGE HIGH SCHOOL CONTINGENT ON MEETING REQUIREMENTS OF CITY CODE, PROVIDING PROOF OF INSURANCE, PERMIT PAYMENT, AND A LETTER OF RECOMMENDATION FROM CFD #2. (THE MOTION CARRIED 5-4 WITH CMBRS FAIDLEY, DICKENS, HILL, AND REBNE VOTING NO, AND MAYOR KELLY BREAKING THE TIE WITH A YES VOTE.)

**B. Approve Street Preparation Service Agreement**

Mayor Kelly said they received three quotes and staff is recommending McConnell & Associates for the service agreement.

CMBR Faidley noted the attached map indicates UBAS. She asked if all the work is UBAS or just a prep for UBAS. Mr. VandenBos stated it is just the prep. City Administrator Moody commended that all 2023 streets will be UBAS and there will be no chipseal in 2023.

**MOTION:** CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE CONTRACT WITH MCCONNELL AND ASSOCIATES TO PERFORM STREET PREPARATION WORK INCLUDING BASE REPAIRS AND CURB REPLACEMENT FOR THOSE STREETS IDENTIFIED FOR THE 2023 SURFACE TREATMENT PROGRAM AT A COST NOT TO EXCEED \$110,508. (THE MOTION CARRIED 8-0.)

**C. Approve Change Order to Complete Storm Sewer Repair at 52<sup>nd</sup> Terrace and Clark**

Mayor Kelly said that staff has recommended Phillips Construction for the replacement of the pipe. He asked staff if they had any concerns, to which they responded that they do not.

CMBR Faidley said she has heard comments about the work done on Elledge by Phillips. City Administrator Moody said they are on schedule. It has been challenging to break through the rock and it did slow their progress. This was an intense project and required more storm pipe than any other they have had. He agreed they could have been tidier and is aware of the interactions the public have expressed concerns about. He said that Phillips has progressed in a timely manner and have worked with the residents trying to address those concerns.

CMBR Poppa said he too has heard the concerns from the residents. He noted that they are a lower bid than Kansas Heavy and is trying to weigh between the two the work they have done with the City. He also wants to be able to save money for the residents. He asked if there is a performance clause put into the contract. City Administrator Moody said the section of road proposed is a closed section of Clark, and there is much less inconvenience to residents in this project.

CMBR Hill said there were numerous times where people needed ADA access and were blocked in their driveways and houses. She also noted that there were inappropriate and sexist comments made. She added she cannot believe how they would be considered again. She said they had parameters set up how they were to notify residents and to give them 48 hours' notice and leave notes that they would be blocking the driveways, and they didn't notify the residents. She said they have proven they are unwilling to work around residents and with the City's requests.

Mayor Kelly asked what the parameters and/or timeline exist on the change order. City Administrator Moody said this is timely because they want to fix the hole in the street. They sought out two companies currently doing work in the City and hoped to extend the contract to do the work.

CMBR Faidley asked when they would be able to start with the work. City Administrator Moody said that Phillips is done with work on Elledge and can start to move their equipment over, and the same with Kansas Heavy.

Mayor Kelly said he understands the concerns as well and wants to make sure they hear the residents' concerns, but he would defer to staff recommendations. He also noted the higher price with Kansas Heavy versus Phillips.

CMBR Poppa asked why Phillips was so much lower than Kansas Heavy and City Administrator Moody said he did not have an answer for that.

CMBR Rebne said they need to be transparent with their thinking and that \$17,000 is a significant amount of money; however what they stand for is making sure their residents are treated right, receive quality work, and that he doesn't want residents to experience what CMBR Hill has experienced twice, and would, therefore, support the Kansas heavy bid.

CMBR Raglow noted Kansas Heavy has done a lot of work in Roeland Park on Reinhardt, R Park Phase 3, 53<sup>rd</sup> and Buena Vista, the Community Center, and the Aldi staircase. She asked if it would be the same Phillips team. City Administrator Moody expects it to be.

**MOTION:** CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE A CHANGE ORDER WITH KANSAS HEAVY TO COMPLETE REPLACEMENT OF A FAILED SEGMENT OF CORRUGATED METAL STORM PIPE CROSSING UNDER 52<sup>nd</sup> TERRACE AT A COST NOT TO EXCEED \$48,650 KANSAS HEAVY. (THE MOTION CARRIED 7-1 WITH CMBR MADIGAN VOTING NO.)

**D. Approve Pool Painting Service Agreement**

Parks and Rec Superintendent Marshall said Blast It Clean is the best company with the best references and came in with the lowest bid.

CMBR Faidley asked if there will be any changes to the markings. Mr. Marshall said they will have fewer black lines.

CMBR Raglow asked about the lanes not being painted in. Mr. Marshall said currently it is a crisscross, but will keep the regular lane lines for lap swimmers.

CMBR Madigan asked which direction the lanes would go. He said they will go north and south as opposed to the current east and west.

**MOTION:** CMBR FAIDLEY MOVED AND CMBR MADIGAN SECONDED TO APPROVE ENTERING INTO A SERVICE AGREEMENT WITH BLAST IT CLEAN TO COMPLETE REPAINTING OF THE POOL AT A COST NOT TO EXCEED \$110,000. (THE MOTION CARRIED 8-0.)

**E. Approve Funding Agreement with EPC for Reimbursement of Legal and Financial Advisory Services Associated with Development Incentives**

**MOTION:** CMBR POPPA MOVED AND CMBR DICKENS SECONDED TO APPROVE ENTERING INTO AN AGREEMENT WITH EPC FOR FUNDING THE LEGAL AND FINANCIAL ADVISORY SERVICES EMPLOYED BY THE CITY RELATED TO INCENTIVES REQUESTED IN SUPPORT OF EPC'S DEVELOPMENT PROJECT. (THE MOTION CARRIED 8-0.)

**F. Approve Legal Services Agreement with Gilmore and Bell**

**MOTION:** CMBR DICKENS MOVED AND CMBR FAIDLEY SECONDED TO APPROVE AN AGREEMENT FOR SPECIAL LEGAL SERVICES WITH GILMORE AND BELL RELATED TO THE EPC PROJECT. (THE MOTION CARRIED 8-0.)

**G. Approve Financial Service Agreement with Columbia Capital**

**MOTION:** CMBR DICKENS MOVED AND CMBR POPPA SECONDED TO ENTER INTO AN AGREEMENT FOR FINANCIAL ADVISORY SERVICES WITH COLUMBIA CAPITAL RELATED TO THE EPC DEVELOPMENT AGREEMENT. (THE MOTION CARRIED 8-0.)

**VIII. Ordinances and Resolutions**

*No ordinances or resolutions were presented.*

**IX. Reports of City Officials**

**A. Capital Project Update from Public Works**

CMBR Faidley asked about the storm sewer damage at 52<sup>nd</sup> Terrace. She asked if it was due to the recent construction and if the new house was contributing to those problems. Mr. Vandebos said it is not related to that.

Mayor Kelly noted they have been busy at Public Works, and he appreciates all the work being done.

**B. City Attorney Report**

Mr. Mauer said that Debbie Moeller has requested that evaluations be turned in by Thursday.

**C. Police Chief Report**

Police Chief Morris reminded everyone of the football game at Miego. There will also be a Safety Day on October 8<sup>th</sup> at the Community Center.

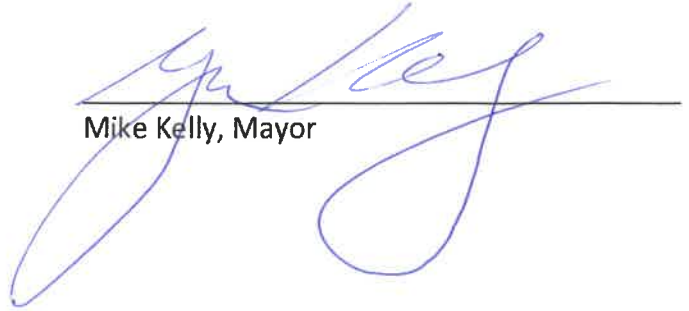
**Adjourn:**

**MOTION:** CMBR POPPA MOVED AND CMBR MADIGAN 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