

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Tuesday, February 20, 2023, 6:00 P.M.

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| <ul style="list-style-type: none">○ Michael Poppa, Mayor○ Trisha Brauer, Council Member○ Benjamin Dickens, Council Member○ Jan Faidley, Council Member○ Jennifer Hill, Council Member | <ul style="list-style-type: none">○ Miel Castagna-Herrera, Council Mbr.○ Tom Madigan, Council Member○ Kate Raglow, Council Member○ Michael Rebne, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ <i>Open</i>, Asst. City Administrator○ Kelley Nielsen, City Clerk○ John Morris, Police Chief○ Donnie Scharff, Public Works Director |
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Admin
Raglow
Dickens

Finance
Rebne
Hill

Safety
Castagna-Herrera
Madigan

Public Works
Brauer
Faidley

(Roeland Park Council Meeting Called to Order at 6:00 p.m.)

Pledge of Allegiance

Mayor Poppa called the City Council meeting to order and led everyone in the Pledge of Allegiance.

Roll Call

City Clerk Nielsen called the roll. CMBR Raglow appeared virtually and CMBR Brauer was absent. All other Governing Body members were present. Staff members present were City Administrator Moody, City Attorney Mauer, Public Works Director Scharff, Police Chief Morris, and City Clerk Nielsen.

Modification of Agenda

There were no modifications to the agenda.

I. Citizen Comments

There were no public comments.

II. Consent Agenda

- A. Appropriations Ordinance #1014**
- B. Council Minutes February 6, 2023**

MOTION: CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. (MOTION CARRIED 6-0.)

III. Business from the Floor - Proclamations/Applications/Presentations

- A. Update on HB 2174 and HB 2376 from Rep Xu**

State Representative Rui Xu provided an update on HB 2174 and HB 2376, which both deal with restrictive covenants on property. He noted that the section that banned the local ordinances was removed, and language was added in honor of Black History Month. There was unanimous support in committee for the bill.

Rep. Xu also spoke about the Shawnee Indian Mission, which he said impacts a lot of people. There is every indication that the conveyance of the bill is dead for at least this year.

Mayor Poppa asked if it was introduced in both chambers and Rep. Xu responded that it was. The Shawnee tribe has a full-time lobbyist in Topeka, and they were unable to get a hearing on the issue, so he does not see it moving forward at this time.

CMBR Hill asked about a bill introduced to remove county stickers off of license plates and this was shot down. She said she would be in support of removing that identifier so there wouldn't be any possible prejudice. Rep Xu said that he has spoken with Rep. Jo Ella Hoyer who introduced the bill and said that the reception to it was poor.

CMBR Rebne wanted to follow up as to why there was opposition to remove the county tags. Rep. Xu said that apparently a lot of people are proud to have their county sticker on their license plate. He also noted that on specialty tags there is no county sticker. The senate is putting forward a bill to allow that sticker, but there is a cost associated with that.

CMBR Rebne also wanted to know in terms of the Shawnee Mission manual labor school, what their community could do to advocate for the conveyance. Rep. Xu said to email their representatives and the relevant committee and try to get that conversation open. He said that regardless of what side of the conveyance issue you are on, the site itself could be better taken care of with the state funds.

B. Adopting the IHRA Working Definition of Antisemitism

Gavriela Geller, director of AJC/JCRB (American Jewish Committee/Jewish Community Relations Bureau) presented a working definition of antisemitism from the IHRA (International Holocaust Remembrance Alliance). She noted that last year, the state of Kansas passed a resolution for the working definition. Kansas City, Missouri then passed the definition. The City of Leawood is now the first Kansas city to pass it and other Johnson County cities are also looking at passing resolutions of their own incorporating the definition of antisemitism.

Ms. Geller said her organization is the representative body for all of western Missouri and all of Kansas with regard to public policy working to combat antisemitism and building relations within the local community. She has provided materials to the Governing Body that includes the working definition and a list of places and countries who have adopted the definition. There is also an article included from Atlanta addressing the issue.

She stated that why this is important is that antisemitism is at the highest levels it has ever been in the United States. Ms. Geller said you cannot fight what you cannot define, which is why it is important that they have this definition. It has already been adopted by 39 countries, the Department of Justice, the Department of Education and the Department of States. She added that it is a non-partisan definition and is recognized by most in the world.

Ms. Geller also said that antisemitism is a problem in our region, which is apparent with the reports they received. It has become prevalent in Johnson County, while in the past it was not an issue.

The purpose of the definition is to provide a guiding tool for those in leadership and the community as well as extensions of that such as police departments. The definition is supported by all major American-Jewish organizations and organizations supporting antisemitism. Ms. Geller said fighting antisemitism is a 2,000 year old issue and is quite controversial. She said that disagreement with the Israeli government and policies is not antisemitic. Denying the Jewish population by saying that Israel has no right to exist, use of nazi imagery, and jokes are all antisemitic. Incorporating the definition of antisemitism into policy helps ferret out bias-motivated crimes and allows for the calling out of antisemitic speech. People are feeling scared, upset, and disturbed by the national and local statistics and this is not a trite issue for the Jewish community.

Mayor Poppa said the Governing Body takes pride itself in protecting their residents by the decisions they make. The Council will review the information Ms. Geller has provided and submit questions for when they discuss this matter again at a future meeting. Ms. Geller will return for further discussion. Mayor Poppa said an electronic version of the information provided to the Governing Body will be attached to the electronic version of the minutes when they are posted.

IV. Mayor's Report

A. Appoint Ward 4 Resident to Vacant Council Seat

Mayor Poppa brought forward the recommendation of Miel Castagna-Herrera to fill his vacant Council seat. He also thanked CMBR Rebne and CMBR Hill for serving on the selection committee and the time they spent conducting interviews of all the candidates.

CMBR Rebne said it was an honor to interview candidates. He also said that Ms. Castagna-Herrera shined above the rest. She is very well-informed and brings a unique, intelligent, and exciting point of view to the Governing Body.

(Applause)

MOTION: CMBR MADIGAN MOVED AND CMBR FAIDLEY SECONDED TO APPROVE MIEL CASTAGNA-HERRERA TO FILL THE VACANT WARD 4 COUNCILMEMBER SEAT. (MOTION CARRIED 6-0)

B. Swear in New Ward 4 Council Member

City Clerk Nielsen swore in Miel Castagna-Herrera as the new Ward 4 Councilmember.

(Applause)

Mayor Poppa thanked Curtis Herrera for giving up time with his wife to serve on the Council.

V. Report of City Liaisons and Committees

No reports were given.

VI. Unfinished Business

There was no Unfinished Business to discuss.

VII. New Business

A. Award Canterbury Street Reconstruction Contract & 48th St CARS Project

Public Works Director Scharff said they bid both projects together for a greater response. They received five bids and Kansas Heavy was the low bidder and is their recommendation. For design, construction, and inspection \$1.7 million was budgeted. They will also be receiving \$77,000 from CARS, which is less than they hoped for. Despite that, the project will still come in under budget.

The Canterbury portion of the project will be done in three phases beginning in April and anticipated completion mid-summer, July or August.

The 48th Street project will include spot repairs, mill and overlay, and sidewalk repairs. Evergy is relocating a duct bank along The Rocks site, and that will be complete prior to the beginning of the City's project.

CMBR Faidley asked for an update on acquiring easements. Public Works Director Scharff said they have 10 of the 21 needed. He has sent a certified letter to those properties where easements are still needed.

CMBR Dickens commented that he turned in his easement in already.

CMBR Rebne said he looked at their recommendation for Kansas Heavy and asked what other projects they have completed in the City. Public Works Director Scharff said they have worked on the Community Center parking lot and storm drainage, the Buena Vista project, and R Park Phase 3.

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE 2023 NSRP CANTERBURY RECONSTRUCTION AND 48th ST CARS PROJECTS TO KANSAS HEAVY CONSTRUCTION AT A COST NOT TO EXCEED \$1,346,000. (MOTION CARRIED 6-0.)

(CMBR Raglow left the meeting)

B. Award 2023 Street Surface Treatment Contract

Mayor Poppa said that none of the streets considered for the contract were good candidates for chip seal, which is why they are all UBAS.

Public Works Director Scharff said their recommendation is to award McAnany Construction the contract. This will leave his department \$94,000 for in-house repairs and prep work in anticipation of the 2024 contract.

CMBR Faidley noted there were only two responses to the bid contract when they normally try for three. Public Works Director Scharff said they usually receive the same responses when they put this out to bid. He added that McAnany has been the one they have used for UBAS since they began that surface treatment.

CMBR Faidley also asked about the in-house repairs and whether they will actually be done by City staff or will that also have to be contracted out. Public Works Director Scharff said he is hopeful it will

be done in-house. He has five interviews coming up for new staff and is anticipating being back to a full team soon so they can complete all of their in-house tasks.

CMBR Rebne asked about road repairs on 52nd Terrace between Clark and Buena Vista due to the recent construction. Public Works Director Scharff said there was only eight or nine feet of actual repair work and that has been taken care of.

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO APPROVE THE 2023 STREET MAINTENANCE SURFACE TREATMENTS WITH MCANANY CONSTRUCTION FOR UBAS AT A COST NOT TO EXCEED \$344,000. (MOTION CARRIED 6-0.)

C. Approve Allocating Funds in Support of Public Works Facility Renovations

Mayor Poppa said that every year surplus funds are transferred to the General Fund. This year staff is recommending the transfer be made to the Special Infrastructure Fund to support the Public Works facility renovations.

Kelly Stindt and Aaron Schaefer with SFS Architecture made a presentation of the proposed renovations to the new Public Works building. Ms. Stindt showed the site plan and the location of the existing building. The plan delineated a new paving area for truck and vehicular storage and allows for movement through the building. They will also improve the site with an ADA ramp and parking. There is also an allocation for some outdoor material storage and a dumpster.

A portion of the site that is currently designated as parking will be removed and replaced with grass to offset some of the impermeable areas they are creating by adding asphalt.

Ms. Stindt also reviewed the demolition plan, parking plan, and the renovation of areas for staff. There will also be overhead doors installed to allow vehicle access inside the facility.

There are some optional add-ons, which includes staining the brick to closely match the Roeland Park facilities. Signage will also be installed. Ms. Stindt also showed some finish choices that are under consideration noting they are leaning towards durable, low-maintenance items for the interior finishes.

CMBR Madigan said he is familiar with the area and wanted to make certain the outside storage area will be secured. Ms. Stindt said the area is intended for items such as gravel or mulch and a dumpster and that no equipment or loose items would be stored there.

CMBR Faidley asked if the materials outside would be screened. Ms. Stindt said there will be screening as the Unified Government has a screen requirement. A portion of the area will be screened by the retaining wall, but the rest will have added landscaping.

CMBR Hill said they do not need to stain the brick to match Roeland Park facilities as the site is in a different city.

CMBR Rebne said he would like to get Public Works' perspective on the brick. He also wanted to guard against them thinking that folks outside of Roeland Park, particularly in Wyandotte County, that that is where more crime happens and they will be needing more security. He said the security should be for the sake of the facility and not based on where it is located.

CMBR Madigan added that he fought many years ago against the concept of urban creep. He was only stating that that particular area does have a higher instance of crime. He noted there are a lot of bars there, cars broken into, and someone tried to kick their way into a friend's house. He also said there is a lot of movement in that area late at night. He emphasized that he is not saying anything disparaging about Wyandotte County.

Mayor Poppa brought the discussion back to the agenda item which is to support the allocation of funds from the General Fund to the Public Works facility.

City Administrator Moody reviewed the budget noting they received an estimate from Universal, the construction manager at-risk. \$640,000 will come from the General Fund and \$400,000 will come from the Special Infrastructure Fund. They will prioritize the list of improvements at the facility beginning with the "must do" list, which includes satisfying the planning requirements at Unified Government.

CMBR Madigan asked about the \$377,000 from the developer for not putting in a park. He asked if that was in addition to the sale price. He said the way it appears is that they sold the land to the developer and because they're putting in park land, the City is paying the \$377,000. So, in essence, this does not affect the developer. City Administrator Moody replied that in this case the City is the developer/landowner. There were areas that EPC had in their proposal that could be set aside for recreational purposes and could be seen as them trying to fulfill the park land requirement. He added that the Council did not take that into account. He said it is reflected in the reports that the funds would come from the land sale.

CMBR Faidley asked if the roof was excluded or if any amount is included for repairs or roof replacement. City Administrator Moody said there is a replacement on the building addition included in the \$2.6 million.

CMBR Hill wanted to follow-up that prior to the development they were getting nothing for the land. Moving forward, the land will now be making them money.

CMBR Rebne said he appreciated the reminder on the park land and that they voted to move it forward. He did say that it is giving him a funny feeling like this was a dedication to the purchaser when in reality it's a contribution from the City. He added that he agrees with CMBR Hill about the sale of the land. He asked if there was space in the budget to perhaps use those monies for actual park land.

MOTION: CMBR FAIDLEY MOVED AND CMBR HILL SECONDED TO APPROVE TRANSFERRING EXCESS RESERVES FROM THE GENERAL FUND AND ALLOCATING UNCOMMITTED FUNDS IN THE SPECIAL INFRASTRUCTURE FUND TO SUPPORT THE PUBLIC WORKS FACILITY RENOVATIONS. (MOTION CARRIED 6-0.)

D. Approve Purchase of License Plate Reader System

Mayor Poppa said this item is a 2023 budget objected okayed by the Council. Included are two documents, one for the license plate reader policy and the other the records policy, both of which they already have in place.

Police Chief Morris said when things were updated, the policies were already in place and so it made it easy for them to adopt them. He also congratulated CMBR Castagna-Herrera as the new Councilmember.

He said there is a lot of information concerning license plate readers. They are an investigative tool they use to help keep the community safe. They are not used for ticketing or profiling. They are associated with stolen vehicles and criminal activity. The server will be on premises and the information will not be shared with the public. The system will alert officers while in their car and notify them a specific vehicle has entered Roeland Park. The system will have checks and balances, and information must be confirmed through dispatch. Police Chief Morris reiterated the system does not check for race.

Police Chief Morris said they did a 5-year plan, and it is within the allotted budget for a cost of \$44,335. They are recommending Electronic Technology as it allows them to keep their server in-house.

CMBR Faidley asked for confirmation that Roeland Park is keeping the data and wanted to know for how long. Police Chief Morris stated the data would remain in Roeland Park and be held for 30 days. They will have the ability to decide what other agencies they share the information with.

CMBR Faidley asked if the cameras need to be replaced in five years. Police Chief Morris said they have a warranty for that time.

CMBR Rebne said he was concerned about the location and was not sure how they keep shoppers safe, and if there are other ways to support folks more likely to be a victim of a crime. He said the Business District is more racially diverse and sees more police activity.

Police Chief Morris said there is more crime, theft, shoplifting, and robberies in the Business District. Eighty (80) percent of crimes involve a motor vehicle. Most of them are from out of town are not Roeland Park citizens. If they are coming here and they are being looked for somewhere else, knowing that does make them safer. He also added that there are videos in a lot of the businesses such as QuikTrip and Walmart and even when coming into City Hall.

CMBR Dickens said he supports this as an investigative tool and understands putting it in high trafficked areas that lead straight to the highway. He thought another location could be on the east side that has direct access to the highway at 47th and Mission. Police Chief Morris said that involves money, time and Council support, but he will put them anywhere they choose.

CMBR Castagna-Herrera said the readers can be used to locate stolen vehicles, but wanted to know who is inputting the information of what to look for, and whether a citizen could choose to search for someone. Police Chief Morris said the information has to be entered by law enforcement only and in regards to criminal activity. CMBR Castagna-Herrera said the Business District is a diverse area. Police Chief Morris responded the LPR does not target race.

City Administrator Moody said the location was driven by where the greatest opportunity is to catch someone coming through their town. The north-south route has the heaviest traffic volume. He said there are only 2 east-west points, one is Johnson Drive and the other is Shawnee Mission Parkway.

Mayor Poppa said they are voting on the purchase of the cameras and not the final location. Police Chief Morris said they are recommending two cameras at 48th & Roe and one at 51st and Roe. Mayor Poppa said the City of Mission is discussing this issue and maybe they could partner on placement at their shared intersections.

CMBR Faidley asked if Chief Morris would report back to them on the results. Police Chief Morris said he absolutely would. He added that the technology is ever changing, and this is another tool to help keep them safe.

Mayor Poppa recommended they not to install the license plate readers until they speak with Mission about the Roe and Johnson Drive location. He will reach out to them tomorrow.

MOTION: CMBR FAIDLEY MOVED AND CMBR DICKENS SECONDED TO AMEND THE MOTION NOT TO PROCEED WITH INSTALLATION OF THE LICENSE PLATE READERS UNTIL AFTER SPEAKING WITH THE CITY OF MISSION IN ANTICIPATION OF A POSSIBLE PARTNERSHIP ON LOCATION. (MOTION CARRIED 4-1 CMBR REBNE VOTING NO AND CMBRS MADIGAN AND RAGLOW NOT PRESENT FOR THE VOTE.)

MOTION: CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO APPROVE THE PURCHASE OF LICENSE PLATE READER SYSTEMS FROM ELECTRONIC TECHNOLOGY WITH A FIVE-YEAR CONTRACT AT A COST NOT TO EXCEED \$44,335, AND TO DELAY INSTALLMENT UNTIL AFTER CONTACT WITH THE CITY OF MISSION. (MOTION CARRIED 4-1 WITH CMBR REBNE VOTING NO AND CMBRS MADIGAN AND RAGLOW NOT PRESENT FOR THE VOTE.)

E. Approve Mental Health Co-Responder Service Agreement with JoCo

Police Chief Morris said the additional co-responder is funded through the third quarter of 2023, but they are asking for the approval of the Memorandum of Understanding to have them funded through 2023.

MOTION: CMBR HILL MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR THE 2023 CO-RESPONDER SERVICE AGREEMENT WITH JOHNSON COUNTY (MOTION CARRIED 6-0.)

F. Approve Temporary Referral and Retention Bonus Policy

City Administrator Moody said two policies are included in the packet. One is the initial draft policy, and the other is the revised policy after review by the Admin committee. One of the changes is to increase the fee to \$3,000 for the new employee recruit with \$1,000 going to the referring employee. The second change is an added option for the person to take their bonus in vacation time versus a cash payout. It is cheaper for the City if a person takes the vacation bonus option.

CMBR Dickens said he is excited to see something like this go forward. Working in HR, he said these incentives do help and that Roeland Park has had vacancies that have been out there for a long time. He said it is a healthy chunk of change, but Roeland Park is generous and a great place to work.

CMBR Faidley asked about the vacation time option adding additional stress on departments and staff. City Administrator Moody said the department directors were part of the discussion and felt the added

flexibility by being able to offer that vacation benefit could be instrumental in getting the new recruit to come on board.

CMBR Madigan said he too is in favor of this idea. It does concern him about the number of hours off when they are needing people at work. He also said there is a possibility for morale problems when newer employees have more hours of vacation. City Administrator Moody said they have not discussed any retroactive situations. Also, the choice of vacation or monetary bonus will be broken up over time and the employee can make their option choice each time. City Administrator Moody said they are losing employees for an unknown reason, and he doesn't want to add jealousy as a reason.

CMBR Rebne said that Roeland Park is a great place to work, but he would add that at the budget retreat it was a very serious topic of conversation of how to keep up with improving working conditions.

MOTION: CMBR MADIGAN MOVED AND CMBR DICKENS SECONDED TO APPROVE ADOPTION OF A TEMPORARY REFERRAL AND RETENTION (SIGN-ON) BONUS POLICY TO AID IN RECRUITING AND RETAINING STAFF. (MOTION CARRIED 6-0.)

VIII. Ordinances and Resolutions

A. Resolution 701 Regional Resource Sharing

Mayor Poppa said this resolution does not impose any financial burden or have an impact in the City. They are putting in place the structure should they move forward with this in the future.

MOTION: CMBR FAIDLEY MOVED AND CMBR DICKENS SECONDED TO APPROVE THE RESOURCE SHARING RESOLUTION. (MOTION CARRIED 6-0.)

IX. Reports of City Officials

No reports were given.

Adjourn:

MOTION: CMBR MADIGAN MOVED AND CMBR CASTAGNA-HERRERA SECONDED TO ADJOURN. (MOTION CARRIED 6-0.)

(Roeland Park City Council Meeting Adjourned at 7:41 p.m.)



Kelley Nielsen, City Clerk



Michael Poppa, Mayor