

**CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, March 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">○ Tom Madigan, Council Member○ Castagna-Herrera, Council Member○ Michael Rebne, Council Member○ Kate Raglow, 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

Dickens
Rebne

Finance

Hill
Castagna-Herrera

Safety

Madigan
Brauer

Public Works

Faidley
Raglow

(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. All Governing Body members were present with CMBRS Madigan and Brauer appearing virtually. Staff members present were City Administrator Moody, City Attorney Walker, Public Works Director Scharff, Police Chief Morris, Building Official Jacobson, and City Clerk Nielsen.

Modification of Agenda

There were no modifications to the agenda.

I. PUBLIC COMMENTS

There were no public comments.

II. Consent Agenda

- A. Appropriations Ordinance #1016**
- B. Council Minutes March 6, 2023**
- C. Approve 2023 Super Pass Agreement**

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

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

- A. Senator Ethan Corson**

Mayor Poppa introduced State Senator Corson who provided a legislative update to the Governing Body. Senator Corson thanked the Governing Body for the work they are doing at the community level.

Senator Corson said one of the issues of concern for Johnson County that they have worked on is HB 2376, a bill to help get rid of restrictive deed covenants. The bill did pass the House 121-0. Currently it is sitting in the senate and is not scheduled at present for a hearing. He said he is doubtful that they will be seeing action on the senate side of the legislature. Because the bill has passed the house, it is able to be worked as part of a conference committee process, so the bill is not dead. He does wish it would be considered by the senate. They hope to get to the conference process at the end of the month get it in before they adjourn. Senator Corson has spoken with Chairman Thompson who has indicated they want to prioritize other pieces of legislation.

The biggest impact on legislation for the Roeland Park community is the food sales tax. The bill has been passed that will eliminate state sales tax on groceries and food ingredients, but would include the local portion as well. For Roeland Park this would be a \$2.15 million hit. He understands the local food sales tax is a dedicated funding stream for local government and funds public safety, public works, and many things needed to make a thriving community. The House is not keen on eliminating the local sales tax. SB309 has been proposed that would set up a fund that localities could apply to cover lost revenues. It would be \$220 million from the budget to make certain they matching grant monies from the bipartisan infrastructure fund supported by the governor. The senate would like to see this put into a fund that localities could apply to if they could show a revenue loss by not collecting the grocery sales tax. There is also a move to do away with the local ad valorem fund as it is not fully funded.

There are also bills in the house and senate that would have transferred the Shawnee Indian Mission to the Shawnee tribe, which is primarily located in Oklahoma. Neither of those bills have moved forward and will not be considered by the legislation at this session. Senator Corson, in his view, is reticent about conveying the mission to one particular tribe because when it was in operation there were 22 different tribes there. He feels this is a better solution for the state historical society, the City of Fairway, and representation of a greater number of tribes to discuss what they want the mission to be. He said they want to be as historically accurate as possible and with more input they will do a better job in conveying the mission's history.

Senator Corson also spoke to public education and vouchers and said that he feels good about where they are in terms of sustaining the governor's veto. They have a strong bipartisan coalition who want to maintain the school system.

CMBR Rebne thanked Senator Corson for supporting public education and being a strong, consistent supporter. Regarding his comments around the mission, he wondered if there is a way that these groups can come together that demonstrates good faith and an honest extension of trying to learn and understand. Senator Corson responded that he has met with the various stakeholders. One message he has shared is they need to get everyone together, noting that the issue is sensitive and challenging. The ultimate solution to accurately tell the story is by bringing everyone together. He has also heard from other tribes in addition to the Shawnee who are willing to work with the historical society and the state.

CMBR Faidley said she appreciates the importance of accurately telling its history, but it cannot be accurate if not all voices are heard. She also asked Senator Corson to address the funding for

maintaining the structures and land by the historical society. She said it has been put forth by the tribes that the site is not being adequately maintained. Senator Corson said that granted the state does not put in a lot of resources, but he also do not believe the site is in as bad of shape as has been represented. He further stated the state is in a strong fiscal position with a \$2.3 billion surplus, and that it is appropriate to look at additional funding for the site. CMBR Faidley said that is a sign of good faith and a first step in bringing people together.

B. Roeland Park Community Garden Update - Anne O’Leary

Ms. O’Leary has been involved with the Community Garden since 2008, which is located on the grounds between the dome and the swimming pool. The garden began as a help to provide fresh produce to those who live in the community. The produce is harvested twice weekly and taken to food pantries in the area. She said that they are able to get their seeds from Kansas City Community Gardens. Last year they donated 900 pounds of food. That total does not include what neighbors helped themselves to or what the birds got. She also thanked the Governing Body for the help they continue to give to the garden.

The garden is a completely volunteer endeavor and Ms. O’Leary asked for volunteers. Those wishing to help can contact CMBR Faidley directly or Judy Parker at parker-j@att.net.

IV. Mayor’s Report

A. Appoint Jeffrey Stocks to the Board of Zoning Appeals

Mayor Poppa recommended the appointment of Jeffrey Stocks, a Ward 4 resident, to fill the at-large position on the Board of Zoning Appeals. There is still a Ward 2 position that remains open and applications can be filled out on the City’s website.

Mr. Stocks introduced himself to the Governing Body. He moved to Roeland Park in 2020 and had reached out to the Mayor for ways to help. He is a 16-year veteran working with government in social service policy, and has worked with public policy and regulation. He said he is excited to assist the City in any way needed.

CMBR Faidley asked the City Attorney about any potential conflicts of interest due to Mr. Stocks’ work for the federal government. Attorney Walker said that they do not anticipate there being any conflict. Mayor Poppa added that Mr. Stocks is working with his employer to get the clearance to participate on the board. Mr. Stocks added that he will go through an extensive ethics review and will step aside if there are any issues.

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO APPROVE THE APPOINTMENT OF JEFFREY STOCKS TO THE BOARD OF ZONING APPEALS. (MOTION CARRIED 8-0.)

V. Report of City Liaisons and Committees

A. MARC - Bike & Pedestrian

CMBR Faidley’s report is included in the agenda packet. She added that their most recent meeting was taken up with the Flint Hill Trails extension near Council Grove and west. She encouraged hikers and bikers to check it out as it looked beautiful. She said that when they were working on the trail, they

consulted on amenities with the Kaw Nation in the areas of Council Grove. Restrooms and facilities have been added to enable people to go longer distances.

B. Board of Zoning Appeals

John Jacobson, the City's Building Official, gave the BZA report. He said the committee has been down three members, but that one spot was filled this evening. He also said that they have had two meetings this year.

CMBR Faidley asked what items were covered in those two meetings. Mr. Jacobson said the first was a variance request for a side yard setback, requesting the minimum of 20 feet be reduced to 9 feet. It was for a corner lot property located on W. 48th Street. He added that a lot of properties in the area have that reduction and it goes along with the character of the neighborhood which is why it was approved.

The second variance request for a front yard height requirement on a fence. The property owner wanted to install a 48-inch chain link, deviating from the 30-inch regulation. It was deemed to be a unique condition due to the location of the residence on the lot and the variance was granted.

CMBR Dickens asked that outside of the meetings, how much time could someone be expected to donate should they join the BZA. Mr. Jacobson said the meetings last about an hour and occur two or three times a year, and that is all that is required.

CMBR Madigan said as a former BZA member, he took the time to drive by the properties to be discussed to see what they would be talking about. He added when he was first appointed, they went a year without a meeting. You just never know when there will be one.

VI. Unfinished Business

There was no Unfinished Business presented.

VII. New Business

A. Review Gateway Art Proposals and Provide Direction to the art Committee on the Preferred Concept

Art Committee Co-Chairs Marek Gliniecki and Mary Schulteis and Art Gallery Director Lynda Leonard were present to discuss the Gateway proposals.

Ms. Schulteis asked if everyone on the Governing Body had a chance to review the maquette. She said that of the three top choices they considered, Nathan Pierce had the most votes and is, therefore, recommending approval by the Governing Body for his proposal.

Mr. Gliniecki added it was a close vote. There was no frontrunner stating that it was a tough decision since they were excellent, strong proposals. He reviewed the three top submissions. It was noted that Mr. Pierce's art would be about 20 feet tall and is shaped acrylic and stainless steel supports. His piece did not include lighting, but is recommending illuminating the sculpture from below. The other two submissions had lighting incorporated into their design. Mr. Gliniecki also reviewed the criteria the artists were asked to meet.

CMBR Faidley said that the committee felt that the Nathan Pierce art piece would be the easiest to maintain and could be most appreciated by travelers driving past as there is no pedestrian access to the site. It also has the benefit of durability.

Mr. Gliniecki said that the panels on Hasna Salam's piece "Ascension" are amazing. He said that the panels would be larger than what is depicted in the photo and would make them easier to read. He noted that as people drive by frequently they will see them more in depth each time they pass. The art piece also included lighting.

The third finalist, Amie Jacobsen, currently has artwork outside of City Hall. Her submission is glass and metal construction with a lighting effect. There was a question of whether the images were readable by drivers going back and forth, and that it might not have the impact of the other two.

CMBR Faidley noted that her sculpture was only 12 feet in height. Mr. Gliniecki said that the impact is more mass where the other pieces are more open.

Mayor Poppa thanked the Arts Committee for spearheading this project, recognizing there was a lot of time and effort put into to this.

CMBR Dickens said he does like Mr. Pierce's work, but his first choice would be Ms. Jacobsen's. Her sculpture is a tree and they are a Tree City. Mr. Pierce's sculpture strikes him as more of a fountain which is representative of Kansas City and not Roeland Park.

CMBR Raglow questioned the lighting for Mr. Pierce's sculpture and whether it would have the impact being lighted from below and would that require more maintenance. Mr. Gliniecki said that all options would have similar lighting maintenance and one would not be more difficult to maintain than the other.

CMBR Rebne also asked about the perspective of lighting. Mr. Gliniecki said that without lighting at nighttime there would be no impact, and that proper lighting would show it as a dynamic piece.

CMBR Castagna-Herrera said that Mr. Pierce's design feels more generic than the other two, which are more dynamic color-wise. She asked if any of the artists that applied were local. Mr. Gliniecki said that Amie Jacobsen is local and used to live in Roeland Park before moving to Independence for studio piece. Hasna Salam has a studio nearby and works at the Rock Cottage Glassworks. Mr. Pierce is also from Missouri.

CMBR Faidley asked if the artists understood the budget is \$100,000. Mr. Gliniecki said the funds are from monies they've received from the one percent for art requirement on construction projects. Also, the Art and Parks Committees have set aside part of their budget allocation for the past two years. He added that of the three, Mr. Pierce is the only one that did not include lighting as part of their budget. He also added that it is critical to get the base right and they will test for wind load.

CMBR Faidley said the committee's focus was an art piece that would last for about 20 years and be low maintenance.

Gallery Director Leonard said this has been an incredible journey and is an amazing event for the City. She said that all of the images are wonderful. She said the reason she is drawn to Nathan Pierce's sculpture is that Roeland Park is the heart or center of the Metropolitan Kansas City area. The circle is symbolic of that core/center that they are. The angular part of the structure picks up on the roads as you come in and out of the whole metro. It is an energy exchange that brings community, commerce, education, et cetera to the piece. It is so simple it is almost miss-able, but that is what makes it strong.

CMBR Faidley said it is remarkable the diverse group of submissions they received.

CMBR Raglow said she appreciates the perspective that this is a piece of art that is driven by and not walked up to. She really liked all three, But she was drawn to the color of Hasna and Amie's sculptures. But when thinking of where and how the art will be viewed, Nathan's piece is simple and everyone will be able to see the whole thing without being distracted by the details.

CMBR Rebne said he appreciates the context of movement and a dynamic nature. He did state the colors seem to blend in with the background and thinks Ms. Jacobsen's submission would be the statement piece. He also like that it lights up at night as well as Hasna's, and that Mr. Pierce would be his third choice.

CMBR Madigan said he too is drawn to Amie's piece and the color. Ms. Jacobsen also made a note that it is not distracting from the side, which is important when driving by. That would be his first choice as it is dynamic. He said that Mr. Pierces sculpture seems to be the same thing as is other works, and they are looking for a signature piece that is different from the artist's other works.

Mayor Poppa agreed that all three finalist submissions are beautiful and it is a hard choice to make one recommendation. He said it's a shame they couldn't find a place for all three in the City. But after hearing Ms. Leonard's description, the Pierce sculpture makes sense to him. It is beautiful and striking yet not so big and colorful as to be distracting.

MOTION: CMBR RAGLOW MOVED AND CMBR DICKENS SECONDED TO INTEGRATE LIGHTING INTO THE GATEWAY SCULPTURE. (THE MOTION CARRIED 8-0.)

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE TO THE NATHAN PIERCE SCULPTURE "ORIGIN" WITH INTEGRATED LIGHTING OR AN APPROPRIATE PROPOSAL FOR A LIGHTING ALTERNATIVE. (MOTION CARRIED 5-3 WITH CMBRS MADIGAN, CASTAGNA-HERRERA, AND REBNE VOTING NO.)

B. Stormwater BMP Cost Share Agreement with Johnson County

Public Works Director Scharff said this agreement for Best Management Practices is a cost share program with Johnson County for 2023. It is a 50 percent reimbursement to homeowners for planting rain gardens, native plants and trees, etc.

CMBR Madigan asked of the \$3,000 available how much was reimbursed last year. Public Works Director Scharff said they refunded almost \$1,750. CMBR Madigan asked how they can better advertise this program. Public Works Director Scharff said they put it out on social media, the City website, and it's in the newsletter.

CMBR Faidley believed they can do a better job getting folks to know about this program and also how it could help to replace an older tree that is taken down.

MOTION: CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO APPROVE THE STORMWATER BMP COST SHARE AGREEMENT WITH JOHNSON COUNTY. (MOTION CARRIED 8-0.)

C. Approve On-Call Planning Services Agreement with Confluence

Mayor Poppa said that Mr. Jacobson would be leaving the City at the end of the month. City Administrator Moody said that Confluence does have familiarity with their development standards and were the lead consultant on their Comprehensive Plan update. He said their experience was beneficial when going through that review process.

MOTION: CMBR FAIDLEY MOVED AND CMBR DICKENS SECONDED TO APPROVE THE ON-CALL PLANNING SERVICES AGREEMENT WITH CONFLUENCE. (MOTION CARRIED 8-0.)

D. Approve On-Call Building Services Agreement with IBTS

CMBR Faidley said as they get into the project at The Rocks, the individual tasked with inspections is going to be very busy. She asked if there would be any issue about IBTS being able to meet the demand in a timely fashion to keep the project moving.

City Administrator Moody said that IBTS has multiple staff members who are certified inspectors and certified plan reviewers, which gives them greater flexibility. Construction at The Rocks is likely to begin this year and they want to be able to rely on someone with the certification until they are able to get someone on staff. This is a sophisticated project and they want someone to rely on with that high level of experience. Wade Holtkamp, City Code Officer, has expressed interest in training opportunities for a way to gain knowledge for building inspections.

MOTION: CMBR REBNE MOVED AND CMBR RAGLOW SECONDED TO APPROVE THE ON-CALL BUILDING SERVICES AGREEMENT WITH IBTS. (MOTION CARRIED 8-0.)

VIII. Ordinances and Resolutions

There were no ordinances or resolutions presented.

IX. Reports of City Officials

City Administrator Moody wanted to wish Mr. Jacobson the best as he moves on and said he was a great addition to the City. He said they all have to wear a lot of hats in a smaller agency and he thanked him for his service. He has a great opportunity close by and it is a big job as the Community Development Director for Leavenworth. Mr. Moody said that he is proud of him and happy as well. Mr. Moody said he does have some concerns in their being able to bring someone on board, but that Mr. Holtkamp is willing to learn and that is very much appreciated.

Adjourn:

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

(Roeland Park City Council Meeting Adjourned at 7:16 p.m.)



Kelley Nielsen, City Clerk



Michael Poppa, Mayor