

CITY OF ROELAND PARK, KANSAS
GOVERNING BODY WORKSHOP MINUTES
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
September 3, 2024, 6:00 P.M.

- Michael Poppa, Mayor
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Emily Hage, Council Member
- Jennifer Hill, Council Member
- Matthew Lero, Council Member
- Tom Madigan, Council Member
- Kate Raglow, Council Member
- Jeffrey Stocks, Council Member
- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. City Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

(Roeland Park Governing Body Workshop Meeting Called to Order at 6:33 p.m.)

I. MINUTES

A. Governing Body Workshop Meeting Minutes August 20, 2024

The minutes were approved as presented.

II. DISCUSSION ITEMS

1. Continued Discussion of Tree Preservation Policy

City Attorney Felzien provided a redline version of the Tree Preservation Policy that reflected the feedback from the Council's last discussion. Mr. Felzien said that more definitions were added. He would like to see more direction on developers and development and Mayor Poppa said that they cannot be treated differently than residents.

CMBR Hage said that in addition to having a tree program discussion, they also should have a future conversation on how to incentivize tree planting.

CMBR Lero said that he is not completely sure that he understands the tree fund, how it would be administered, and how those funds would be accessed. Mayor Poppa said that is still up for discussion. CMBR Lero said that people are concerned with the high cost of tree trimming as well as trimming to keep a tree healthy versus a possible cheaper option of just cutting it down. He wants to encourage people not to do what is less expensive, pay a fee, and then add two new trees as a less expensive way when the goal is to care for the existing tree canopy.

CMBR Madigan said he is confused on how the money will be spent. He asked if the tree fund money would be to help residents or the City. He would also like to see a semi-annual report on the funds spent.

Mayor Poppa asked if the City could assist with removal, replacement, or trimming of trees. Mr. Felzien responded that would be a Council decision. He said they can include language for planting or removal, or they can decide whether to have language to include trimming and general maintenance.

CMBR Hage said they need to determine what their approach will be before they can move forward. She did not want to go with a tree ordinance that does not have some meaningful incentives that

support the goal of a robust tree canopy. She noted that there are a lot of aging trees, and they need to plan now for new trees.

CMBR Lero asked how the tree fund would be capitalized, whether it is by the City or through people paying fines for not following the tree policy.

Mayor Poppa said the tree fund will be a repository for City dollars and the details of which will be outlined in the tree preservation policy.

CMBR Lero said it could be years before there is a significant amount of money in the fund. He said people might feel differently knowing there is no money in the fund and that support is not available.

CMBR Faidley said this is not the be-all and end-all. They need to decide on a policy and as a Governing Body they can create a line item in the budget. The amounts do not have to be in the ordinance but is a policy. She said this has been over two years in the making and they need to move forward.

CMBR Stocks asked if there is an estimate or a precedent whether cities with a tree ordinance have put up public funds. And if so, is there a reasonable amount. City Manager Moody did not have any information on what other cities do to fund tree maintenance on private property, but did say that most cities do have an allocation for maintenance of trees on public property.

Mayor Poppa said they have used their Neighbors Helping Neighbors program for trees. He said they could have a discussion on allocating certain funds from that program to be available for the tree fund in 2025 to have something to start with.

CMBR Raglow said she is ready to move forward and bring this to Council knowing that they have options to seed the tree fund going into 2025, as they continue to work towards a policy.

Mr. Felzien said this really creates a recourse for the City. He posited what they can do in retrospect when someone does not follow the codes. He said they view the fund as a way to discourage cutting down healthy trees. However, if they find that someone did not follow the code, at least they will have a fund for replacement trees or some kind of remuneration for destroying some of the canopy.

Mayor Poppa said they previously agreed on a 90-day lead time for education. This gives them time to talk about the policy of a tree fund and to also establish a fee schedule. There is already an administrative fee for enforcement of \$500 for each instance.

Mr. Felzien clarified that the \$500 is for an ordinance violation. Other fees are to be paid into the tree fund. City Manager Moody added a provision should be in the policy if someone removes a tree and does not follow up with a replacement or does not pay the penalty.

CMBR Lero said the policy is as good as they can have it. It is clear and easily understood and now they can move forward.

CMBR Madigan said when this item does come before the Council, he would like to see the entire Governing Body present to vote on this as it is a hot button issue. He added that the best way to represent the people is to have the entire body voting on this.

It was agreed to bring this before the full Council at the September 16th meeting.

2. Chapter 5 Review - Articles 8-14

Ms. Jones-Lacy said they have not made a lot of recommended changes to Chapter 5 after it was reviewed by staff, the City attorney, and the DEI Committee. Most notably is the change to gender neutral pronouns. She also reviewed the redlines in the chapter.

CMBR Hage questioned whether there is any validity or data about small box retailers having a deleterious impact on an area or whether that is pure stigma. Ms. Jones-Lacy said this is a finding that the Governing Body made in 2016 when this was first implemented.

CMBR Hill said this was related to the City not wanting multiple dollar stores or payday store locations in the City and why there is a mileage restriction. She asked if removing the language opens them up now to multiple locations. Ms. Jones-Lacy stated the rest of the resolution stays in place, and they are only removing the phrase “deleterious impact” and not the regulations themselves.

CMBR Dickens suggested that small box discount retailers are not a problem, and could they strike the term “thrift stores” because people tend to think of them as not the nicest place to go shopping. A thrift store by a different name is an antique mall. Mr. Felzien said they would still want a thrift store definition, especially to account for that should there be a request for a business application.

CMBR Hill asked if Marshalls, HomeGoods, etc. were classified as small box retailers. Mr. Felzien said it is usually considered to be a retail business smaller than 15,000 square feet.

Ms. Jones-Lacy continued her presentation on the recommended changes in Chapter 5. For food trucks, it is recommended to have a special event permit if the truck is on public property. The truck needs to be in a commercial district unless it is for a private catering event or a block party.

CMBR Stocks asked if there is a provision to include a food truck when an individual is renting a shelter in the park. City Clerk Nielsen said there is nothing in the shelter application process that accounts for that.

CMBR Hill asked about trucks on private property such as the one at Price Chopper. Ms. Jones-Lacy said that Price Chopper has a special use permit. A food truck on private property would still need to fill out an application for a permit, but currently they do not have the information up for people to apply and that is why they are creating this section of the chapter. The regulation is already there, but there was no process. On private property, a food truck would not be allowed unless it is in conjunction with a private party or a catering event.

Mr. Felzien said that if you have a food truck at a private event, it requires a license to operate within the City. As long as they have paid their permit to operate within Roeland Park and adhere to the regulations of the Kansas health department, they are able to enter into a private contract to serve food on private property. It is a \$50 annual fee.

CMBR Hage asked if the food truck comes to a private event at the park whose responsibility is it to ensure they have the proper permits. Mr. Felzien said it is the business’ requirement to know if they

need a permit to operate. He also said that they could be subject to a ticket from police should they be operating without a permit.

CMBR Faidley noted that the City of Mission has a lot of food trucks, but they do not require permits. She asked what they could do in Roeland Park to bring in more food trucks and wondered if that could be through less regulation.

CMBR Madigan asked if they require the permit to be visible. Ms. Jones-Lacy said that is required.

CMBR Dickens said that he did not even know if \$50 is worth it when Mission does not even charge.

Mr. Felzien said a lot of cities have nominal fees to recoup administrative costs. They are not meant to be exorbitant but just a way to recoup some of those costs of processing the applications and permits. Ms. Jones-Lacy said that ultimately if you invite them, they may come.

Ms. Jones-Lacy stated they will exempt private catering events from being required to have a special permit on private property.

The DEI Committee made a request to have recycling options in addition to trash receptacles.

CMBR Hill said she appreciates that notion but is not even sure it would make it to a recycling center.

CMBR Faidley said they have been successful with recycling at the concerts in R Park as GFL picks them up. CMBR Hill has had people say the GFL truck picks up the recycling together with the trash.

CMBR Madigan agrees it is a good idea, but if they even pick up the trash, they are doing good.

Ms. Jones-Lacy also noted that there is language in the ordinance for complaints.

Following the Governing Body discussion, this item will come before the Council at the September 16th meeting.

III. COMMITTEE MINUTES

No minutes were submitted.

IV. ADJOURN

Mayor Poppa adjourned the meeting.

(Roeland Park Workshop Adjourned at 7:35 p.m.)