

**CITY OF ROELAND PARK, KANSAS  
CITY COUNCIL MEETING MINUTES  
Roeland Park City Hall  
4600 W 51st Street, Roeland Park, KS 66205  
Monday, June 1, 2020 6:00 P.M.**

- |                                    |                                     |   |
|------------------------------------|-------------------------------------|---|
| ○ Mike Kelly, Mayor                | ○ Jim Kelly, Council Member         | ○ Keith Moody, City Administrator       |
| ○ Trisha Brauer, Council Member    | ○ Tom Madigan, Council Member       | ○ Jennifer Jones-Lacy, Asst. Admin.     |
| ○ Benjamin Dickens, Council Member | ○ Claudia McCormack, Council Member | ○ Kelley Nielsen, City Clerk            |
| ○ Jan Faidley, Council Member      | ○ Michael Rebne, Council Member     | ○ John Morris, Police Chief             |
| ○ Jennifer Hill, Council Member    |                                     | ○ Donnie Scharff, Public Works Director |

**Admin**  
Brauer  
Hill

**Finance**  
McCormack  
Madigan

**Safety**  
Rebne  
Faidley

**Public Works**  
Kelly  
Dickens

(Roeland Park Council Meeting Called to Order at 6:09 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. CMBR Brauer was absent. Staff members present were City Administrator Moody, Assistant City Administrator Jones-Lacy, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and City Attorney Chrissy Roto.

### **Modification of Agenda**

At the request of CMBR Madigan, Consent Agenda Item C, Resolution 678 was moved to Ordinances and Resolutions, Item C, to open the item for discussion and a separate vote.

### **Public Comment**

Mayor Kelly thanked guests at the meeting for their patience and recognized these teleconference meetings can be frustrating given the nature of everyone being separate. He said they are all eager for the time when they can get together in person.

### **I. Citizens Comments**

**Jesse Brace** (23000 Hwy 368, Lot 18, Vassar, KS) Jesse Brace spoke as a mental health and LGBTQ+ advocate as well as a survivor of conversion therapy in Roeland Park. Jesse shared their own personal experiences and spoke in support of outlawing conversion therapy in the City especially on minors.

**Inoru Wade** (1575 Birdie Way, Lawrence, KS) Inoru said as a student their study focus is on gender and sexual minorities and law enforcement. Inoru stated that conversion therapy is a sexually based hate crime and that banning this practice is the right step to take as it is the job of a governmental entity to

protect the people. Inoru thanked CMBR Dickens for ensuring Roeland Park's government is proactive in protecting the City's most vulnerable.

**Jae Moyer** (7809 England, Overland Park) Jae stated that people who undergo conversion therapy are more likely to commit suicide than their heterosexual peers. Jae stated this is a harmful practice and only shows that it deserves to be banned not only in Roeland Park but also throughout the country. He thanked the Councilmembers for taking up this issue.

**Terry Cushman** (17008 W. 84, Lenexa) Mr. Cushman is the Chairman of Equality Kansas - Metro Chapter and thanked the Council for taking action on this topic.

**Susan Ruiz** (7306 Bond, Shawnee) Kansas State Representative Ruiz thanked the City Council for consideration of this ordinance. She introduced H.B. 2483 to the Committee on Children and Seniors on behalf of the Executive Director of Equality Kansas. It was referred to the Health and Human Services Committee where it died. The bill would have added protections to children and adolescents in the state from being subjected to conversion therapy.

**Michael Poppa** - Former Councilmember Poppa stated in 2014, Roeland Park was the first Johnson County city to pass an inclusive non-discrimination ordinance which the City then updated in 2019 to reflect best practice language. He thanked the Council for strengthening the ordinance to protect the most vulnerable and expressed his support.

**Grant Mayfield** (4924 Mission) Mr. Mayfield said he is a Roeland Parker because of the non-discrimination ordinance that Roeland Park has in place. He said he is proud to live in a City that is taking steps to protect the children.

Mayor Kelly thanked everyone for expressing their thoughts, thanked them for their courage, and that they appreciate their perspective.

## II. Consent Agenda

- A. Appropriations Ordinance #951
- B. May 18, 2020 Council Minutes
- ~~C. Resolution 678 Approving Special Purpose Sales Tax Ballot Language~~ (Moved to Ordinances and Resolutions, Item C)

**MOTION:** CMBR REBNE MOVED AND CMBR MCCORMACK SECONDED TO APPROVE THE CONSENT AGENDA AS AMENDED. (MOTION CARRIED 7-0.)

## III. Business from the Floor

### A. Applications / Presentations

#### 1. Introduce Chris Verbrugge

Ms. Jones-Lacy introduced Chris Verbrugge, the City Administrative Intern from the University of Missouri - Kansas City. She said that Mr. Verbrugge is working on his MBA and is interested in local government.

Mr. Verbrugge shared his previous experience in local government and activism including lobbying the Missouri state legislature for "It's on Us."

Mayor Kelly welcomed Mr. Verbrugge to Roeland Park and said they look forward to working with him.

## **2. The Voter Project's - City to City Challenge**

Mayor Kelly introduced former Council President Michael Poppa, Executive Director of the Mainstream Coalition. He said in times like these it is fundamentally important to encourage the residents to vote. He thanked the Voter Project for ensuring that as many people as possible exercise their constitutional right to vote. Mayor Kelly said he is excited to learn more about the challenge.

Mr. Poppa said the Voter Network is an arm of the Mainstream Coalition and serves to inform, engage, and connect Kansans through non-partisan voter education and effective voter turnout efforts. He reviewed the network and program tools that will be coming online to assist voters, which can be found at [www.thevoternetwork.org](http://www.thevoternetwork.org). As a non-partisan movement, they are looking for teams of 5 to 10 people to each make sure that 5 or 10 people they know go out and vote. Mr. Poppa reviewed the support mechanism they provide their teams. He also reviewed the voter percentage response in the last few elections. Mr. Poppa said the upcoming elections would have a lot of mail-in ballots, which will be new and intimidating for many people. He said they need to get the word out and explain what it means and why it is important to vote.

Mr. Poppa said the Mainstream Coalition spoke with Mayor Kelly as well as other mayors across Northeast Johnson County and Johnson County as a whole and suggested a friendly competition between the cities to see who can show an increase in voter turnout. He said there would be a dedicated page on their website that will have leaderboards, tools, team lists and other support features for each of the teams. The number one indicator will be what each city can achieve to see an increase in low propensity or non-voter turnout.

Mayor Kelly thanked Mr. Poppa for his presentation and said he is always up for a friendly challenge with their neighboring cities as a little Roeland Park pride goes a long way.

Mr. Poppa added that Prairie Village, Westwood, Mission, and Westwood Hills have all shown an interest in this and said they will be discussing it. He said it should be a good competition.

CMBR Faidley asked what if someone is already a member of a team. Mr. Poppa said people could be on more than one team.

CMBR Rebne said there is confusion around the upcoming election and asked what the actual process will look like. He asked how much does their tool help educate and inform around all of this shifting and changing in terms of the election and that may or may not look like. Mr. Poppa said they still do not know what election voting is going to look like. They will be re-launching the tool within the next week so it will have a lot more functionality and be very useful. He stressed that it is very important to talk to people about mail ballots and advance polling, as well as how to be safe if voting in person.

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

Mayor Kelly offered the following statement in response to the events of the past week.

"I admit I'm not an expert in the struggle that's lived by our residents of color. I recognize fully that I've been privileged by the color of my skin. However, that's not going to prevent me from listening or from learning or from modeling the behaviors of an elected official that I would like to see in working towards a more just community, not only here in Roeland Park but in our country as a whole that is hurting right now.

Seeing the murder of George Floyd and the passions and sentiments that it has arisen in our residents causes us to think about what the new normal might be when we get back to whatever sense of normal there is after this pandemic. And as we go towards that normal, I want to stress the importance of continuing our work here in Roeland Park. And I think we do a fine job of doing what we can, but I'd like us to continue moving forward, of listening and learning and not being afraid to challenge the status quo in the interest of equality and justice in a real, thriving, metropolitan area.

So, I'd like to thank our Police Chief for the changes and improvements that he continues to make for our department. Just as a reminder to our residents, all of our officers wear body cams, and we have done that for a number of years. We offer extensive training to our officers and Chief Morris is a real leader in this. He's our Region 7 representative to the Kansas Association of Chiefs of Police, which means he's always on the cutting edge of best practices. And he's also a racial profiling prevention instructor. So, we appreciate his knowledge and experience in training our police force, which is more often than not, that first line of interaction that we have with our residents and, therefore, our residents and visitors of color.

So, I appreciate the efforts that we've made thus far but recognize that there is more that we can do. And I look forward to continuing that journey with you."

## **V. Workshop and Committee Reports**

*There were no reports given.*

## **VI. Reports of City Liaisons**

*There were no reports given.*

## **VII. Unfinished Business**

### **A. Approve Extending Vertical Construction and Final Completion Deadlines for Sunflower Medical**

City Administrator Moody said the extension request is for the time period from May 25 through June 25, 2020. There is an explanation in the request. The amendment would extend the deadline for the completion of construction to June 25, 2021.

**MOTION:** CMBR MADIGAN MOVED AND CMBR MCCORMACK SECONDED TO APPROVE THE EXTENSION OF VERTICAL CONSTRUCTION AND FINAL COMPLETION DEADLINES FOR SUNFLOWER MEDICAL. (MOTION CARRIED 7-0)

## **VIII. New Business**

### **A. Approval of Materials Testing Services Agreement with Kaw Valley Engineering for Roe Blvd Project**

CMBR Kelly asked why the testing is being done separately from the contracts with Miles Excavating or Lamp Rynearson. City Administrator Moody said this was contemplated to be a separate service from the engineer's design services. George Butler Associates (GBA) will be doing the inspection of the actual construction and having another firm do the testing creates some separation and independence.

CMBR Rebne said he was surprised to see the bid came in at nearly a third of the budgeted amount. City Administrator Moody said the scope of the testing is now well defined, but when they put together the estimate, it was not as refined. They are confident that the scope of services reflected in the proposals that we received are adequate and sufficient to meet all the tests that the bid specifications contemplate.

**MOTION:** CMBR REBNE MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE MATERIALS TESTING SERVICES AGREEMENT WITH KAW VALLEY ENGINEERING FOR THE ROE BOULEVARD PROJECT. (MOTION CARRIED 7-0.)

## **IX. Ordinances and Resolutions**

### **A. Resolution 677 to Approve 2021 to 2025 CARS Program**

CMBR Rebne asked if they go in 2022 with Fairway for the sidewalk on Buena Vista would they lose the option for the 2025 item, the 53<sup>rd</sup> Street, Buena Vista to Shawnee Mission Parkway. City Administrator Moody said they would not lose the option of the Buena Vista project. He added that having a variety of shared projects does add some flexibility in prioritizing with their partnering cities. Resolution 677 only locks them into the 2021 Roe Boulevard request. The other four years will be up for review as the applications are presented to CARS.

CMBR Kelly said he would like to see the Buena Vista project moved from the 2024/2025 timeframe and put it in 2022.

CMBR Faidley asked if Fairway listed that as their number one priority in 2022, then Roeland Park would not need to do that.

**MOTION:** CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE RESOLUTION 677 TO APPROVE THE 2021 TO 2025 CARS PROGRAM. (MOTION CARRIED 7-0)

### **B. Ordinance 996, a Policy Prohibiting Conversion Therapy**

CMBR Dickens said they are taking an historic vote not only for the City but also for the state. He spoke of the experiences of people he has known who have experienced conversion therapy and believes that Roeland Park is a community of leaders and that other cities and the entire state will take up this issue. CMBR Dickens said he is proud to have co-sponsored this ordinance with CMBRS Faidley and Madigan.

CMBR Kelly asked if they should include individuals under the guardianship, for whatever reason, and are over the age of 18. City Attorney Roto said her understanding was the ordinance was drafted for the protection of minors. If they wanted to include language for persons over the age of 18 that have a guardian, they could attempt to do so. She said there are many different reasons that people might have a guardianship and it would be difficult to draft blanket language and standards that would need to be set by the Council.

CMBR Kelly then asked why they are making it illegal only for those compensated and not for non-profits or other groups that might be doing this for compensation. Ms. Roto said the reason it is connected to compensation is the ordinance and the City's police powers, which goes to the business license, are connected with a professional provider.

Mayor Kelly said he would like the City attorney to look at the issue of guardianship. He also said that given the odd number of Councilmembers at the meeting, he will not be able to vote on this ordinance, but wanted to state on the record that he wholeheartedly supports the ordinance and the sentiments behind it. He stated he is proud of what Roeland Park is doing and looks forward for the City to again being a leader for Johnson County and the state of Kansas.

Mayor Kelly said there is no way to craft a perfect ordinance the first time around and to the extent there is an opportunity to continue to study ways to make the ordinance better to provide the best ordinance possible, they will continue to do that.

CMBR Madigan said they should vote on it as it is to get it on the books and then look at updating it. He said he understands how religious ideas do not gel with the real world. He said if the ordinance does not cover churches, ministers, or something like that, he feels that in the future they need to get that done. City Attorney Roto said the ordinance, as written, would directed to anyone providing these types of services for compensation. They would have to look deeper as to whether they could write an ordinance that would prohibit a church from offering these types of services.

CMBR Faidley said some of the issues they are discussing have already come up. She agreed with CMBR Madigan that passing the language as presented is something they can do and then look at improving it at a later date. She believes there is more research that may need to be done on the legal front. She proposed an amendment to the fifth "Whereas" of the proposed ordinance.

**MOTION:** CMBR FAIDLEY MOVED AND CMBR HILL SECONDED TO AMEND ORDINANCE 966 TO INCLUDE THE LANGUAGE OF THE FIFTH WHEREAS TO READ, "WHEREAS, TWENTY STATES, WASHINGTON, D.C., AND DOZENS OF CITIES AND MUNICIPALITIES HAVE ENACTED LAWS OR REGULATIONS TO BAN CONVERSION THERAPY AGAINST MINORS BY LICENSED MEDICAL PROVIDERS." (MOTION CARRIED 7-0)

**MOTION:** CMBR DICKENS MOVED AND CMBR FAIDLEY SECONDED TO APPROVE ORDINANCE 996, PROHIBITING CONVERSION THERAPY IN THE CITY OF ROELAND PARK AS AMENDED. (MOTION CARRIED 7-0)

### **C. Resolution 678 Approving Special Purpose Sales Tax Ballot Language**

CMBR Rebne said he has reservations around a highly regressive nature of a sales tax especially on food and essential items in Roeland Park. He also understands that the residents want sidewalk projects and other infrastructure work. He said the sales tax works against the City's values a little bit in terms of who they target and who they seek to get their revenues from. He asked if they could come up with language that is more income neutral if they need to raise additional funds to pay for things the City wants.

CMBR Madigan said he did research and found in the 2016 citizen survey only 10 percent favored not extending the tax. There was a question of what if they double the sales tax and reduce the mill by four mills and 26 percent did not favor that. The citizens voted for a ten-year one-quarter cent sales tax and

now they are proposing to end it two years before its scheduled sunset. He added that the sales tax would go into effect, but the mill levy would not drop before 2022. CMBR Madigan stated he does not believe this is what the voters voted for and said he is not able to support this resolution.

CMBR Hill said she understands CMBR Rebne's position. She said they have no interest or no intent of taxing those who are impoverished, but this does balance out the taxes a little more. She said the sales tax in Roeland Park is lower than their counterparts, but also because of their lack of businesses in the City, their taxes are heavily weighted onto the property owners.

CMBR Faidley had some agreement with CMBR Madigan and said the language is clear they are stopping the tax early. They still do not know what the financial impact the pandemic is going to have on the City finances and questioned the optics of putting a tax increase on the November ballot now. As CMBR Rebne stated, a sales tax increase will weigh more heavily on those who can less afford it because they are talking about renters and those who come to shop from outside of Roeland Park.

Mayor Kelly said they decided to separate the tax language from the mill levy and to focus on the balancing of sales tax with neighboring communities. He also appreciates looking at the data they have from the past citizen surveys and the optics of potentially raising a sales tax during a pandemic could be difficult. He said it is important to have a robust outpouring of education and communication with residents about the sales tax. At the end of the day, it comes down to whether the residents trust them to spend their money effectively. He said he looks forward to the robust discussion they will be having before the November ballot.

CMBR Rebne echoed CMBR Faidley that this is a significant impact to renters and their property tax is a more stable and predictive revenue than sales tax.

**MOTION:** CMBR HILL MOVED AND CMBR DICKENS SECONDED TO APPROVE RESOLUTION 678 APPROVING SPECIAL PURPOSE SALES TAX BALLOT LANGUAGE. (MOTION CARRIED 5-2 WITH CMBRS MADIGAN AND REBNE VOTING NO.)

## **X. Reports of City Officials**

City Administrator Moody said the Community Center reopened today with limited use. They are working with JCPRD setting up schedules and making the building available again. They will be doing additional social media to promote that and following the City's reopening plan to open up other recreation elements as they reach those particular phases.

CMBR Kelly asked how things are going with Roe 2020. He was sad to see that the two small trees by CVS cut down as he thought they were supposed to be replaced. He also asked about the water line break.

City Administrator Moody said the water main break has been fixed and they have e-mailed the Governing Body on any damage because of that and how it will be handled. He was unsure of the trees and did not recall there being a replanting of any of the trees. He did say some trees are being replanted at R Park.

Mayor Kelly they have seen how the trees have affected people emotionally and wants people to know they recognize that, but referred people to the planting plan on the dedicated web page for the Roe 2020 project. There will be a robust planting in the medians as they recognize the importance of being a Tree City.

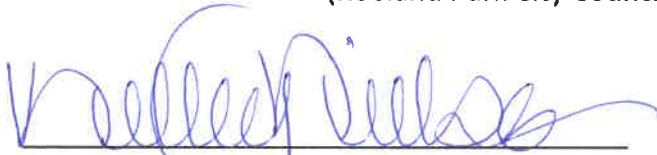
CMBR Faidley said she remembered the discussion on the CVS trees and that they were young and they wanted them relocated and not cut down.

CMBR Faidley also brought up the reopening plan. City Administrator Moody said their intention is to stick with the Ad Astra plan the Governor is recommending. City Administrator Moody said they have not made any changes to their reopening plan.

**XI. Adjourn**

**MOTION:** CMBR HILL MOVED AND CMBR FAIDLEY SECONDED TO ADJOURN. (MOTION CARRIED 7-0)

(Roeland Park City Council Meeting Adjourned at 7:34 p.m.)



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Kelley Nielsen, City Clerk



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Mike Kelly, Mayor