

**GOVERNING BODY WORKSHOP AGENDA  
ROELAND PARK**

**Roeland Park City Hall 4600 W 51st Street, Roeland Park, KS 66205  
Tuesday, September 7, 2021 6:00 PM**

<ul style="list-style-type: none"><li>• Mike Kelly, Mayor</li><li>• Trisha Brauer, Council Member</li><li>• Benjamin Dickens, Council Member</li><li>• Jan Faidley, Council Member</li><li>• Jennifer Hill, Council Member</li></ul>	<ul style="list-style-type: none"><li>• Jim Kelly, Council Member</li><li>• Tom Madigan, Council Member</li><li>• Claudia McCormack, Council Member</li><li>• Michael Rebne, Council Member</li></ul>	<ul style="list-style-type: none"><li>• Keith Moody, City Administrator</li><li>• Erin Winn, Asst. Admin.</li><li>• Kelley Nielsen, City Clerk</li><li>• John Morris, Police Chief</li><li>• Donnie Scharff, Public Works Director</li></ul>
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<b>Admin</b>	<b>Finance</b>	<b>Safety</b>	<b>Public Works</b>
Hill	Madigan	Faidley	Dickens
McCormack	Rebne	Kelly	Brauer

**I. APPROVAL OF MINUTES**

A. August 23, 2021

**II. DISCUSSION ITEMS:**

1. Discuss Changing KS Unemployment Enrollment Method
2. Discuss Fireworks Regulations
3. Executive Session - City Administrator Evaluation I move the Governing Body recess into executive session to discuss the City Administrator Evaluation pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The open meeting to resume in the council chamber at \_\_\_\_\_. Roeland Park City Council and Governing Body Workshop Meeting

**III. NON-ACTION ITEMS:**

**IV. ADJOURN**

**Welcome to this meeting of the Committee of the Whole of Roeland Park.**

**Below are the Procedural Rules of the Committee**

*The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of*

*business during the meeting. Please take a moment to review these rules before the meeting begins.*

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**
- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of

his/her time to another, and no speaker will be credited with time requested but not used by another.

G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.

H. **Agendas and minutes** can be accessed at [www.roelandpark.org](http://www.roelandpark.org) or by contacting the City Clerk

***The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.***

Item Number:     **APPROVAL OF MINUTES- I.-A.**  
Committee         **9/7/2021**  
Meeting Date:



**City of Roeland Park**  
Action Item Summary

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Date:  
Submitted By:  
Committee/Department:  
Title:                     **August 23, 2021**  
Item Type:

**Recommendation:**

**Details:**

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

**ATTACHMENTS:**

Description	Type
▣ August 23, 2021	Cover Memo

**GOVERNING BODY WORKSHOP MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, August 23, 2021, 6:00 P.M.**

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

- Jennifer Hill, Council Member
- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Claudia McCormack, Council Member
- Michael Rebne, Council Member

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

**Admin**

Brauer  
Hill

**Finance**

McCormack  
Madigan

**Safety**

Rebne  
Faidley

**Public Works**

Kelly  
Dickens

(Governing Body Workshop Called to Order at 8:23 p.m.)

**ROLL CALL**

CMBR Faidley called the meeting to order. CMBR Madigan was present virtually and CMBR Brauer was absent.

**I. APPROVAL OF MINUTES**

**1. August 2, 2021**

The minutes were approved as submitted.

**II. DISCUSSION ITEMS**

**1. Review Plat for Nall Park, Community Center and Pool Property**

City Administrator Moody said creating a formal plat for the ground enables the City to comply with its own regulations. Recording this property is a housecleaning effort that will enable them to record utility easements which will make it easier for a variety of users.

CMBR Madigan said he did some research and noticed that none of the parks have been platted. He asked if R Park and Granada Park need to be platted for right-of-way. City Administrator Moody responded that technically they should all be platted.

This item will be placed on the next Council agenda for approval.

**2. Review and Discuss Fireworks Regulations**

Since CMBR Brauer was not able to attend the meeting, she requested this discussion be held at the next Workshop. Everyone agreed to discuss this later.

**3. Review and Discuss Tree Regulations.**

City Administrator Moody said the attached sample ordinance would amend the City code for what is not a part of the current zoning regulations. The tree language is related to planting trees on lots being

developed. That part will be going to the Planning Commission for their review. This section for the Governing Body deals with the preservation of trees. As written, it only addresses trees that are in the public right-of-way and on public property.

At the last Workshop there was some discussion on whether this ordinance should also be applied to trees on private property. The Parks and Trees Committee were asked to provide feedback. All of them were supportive of an ordinance applied to public trees, but only one committee member supported broadening the language to apply to trees on private property.

City Administrator Moody said that language dealing with safety has been incorporated and the language itself has been formatted to fit into the City code.

Judy Hyde, chair of the Sustainability Committee submitted comments online stating they will be discussing the tree canopy ordinance as well as the Complete Streets draft ordinance at a special meeting on Thursday. She personally supports an ordinance that includes private property trees but recognizes there must be exceptions for extenuating circumstances. She said that most of the tree canopy in Roeland Park is on private property and if that is left out of an ordinance it will create a gap.

CMBR Madigan said he did not favor the Fairway regulation. And he also did not favor using Prairie Village as an example because Prairie Village was developed JC Nichols who enforced restrictions, covenants, rules and regulations to create a segregated white-only city. He said he did not see any reason to use them as an example to start encroaching on the rights of homeowners.

Mayor Kelly disagreed with CMBR Madigan statements in that the tree ordinance passed by Prairie Village did not align with the racism of JC Nichols. He said they need to have the public-private property conversation but he also wanted to allow the Sustainability Committee to meet and be allowed to comment. He did not feel the ordinance is ready to move forward to Council as it does not fit the Roeland Park community. He noted that Roeland Park's main concern is the tree canopy and the current draft would not protect many of its trees because of their caliper size. He again said the ordinance as written is not robust enough to meet the desires of the community and to protect what they already have. He would like to have them look at the protection of trees in the right-of-way regardless of caliper.

CMBR Faidley agreed they are not there yet with the ordinance. She felt that polling the citizens would be a good idea and to also add an educational element. She did not feel that a community forum is the way to go. She also mentioned the signs she had previously seen and would like to see used that notes how much carbon a tree takes in. CMBR Faidley added she spoke with a couple neighbors for feedback and they would not have a problem notifying the City if they wanted to remove a tree but would have an issue if they had to pay them a fee to do it.

CMBR Rebne said they need to consider the comments Ms. Hyde made, protect their tree canopy, have that protection laid out in the ordinance as well as safety concerns. He also added that he was fine with regulating trees on private property.

CMBR McCormack agreed with the comments of the Mayor and CMBR Faidley about the education component stating that is huge. Their ideas need to be fleshed out with committee involvement. She said she is eager to get a quality ordinance to protect Roeland Park's tree canopy.

CMBR Kelly said he is fine moving forward to protecting trees in the right-of-way.

Mayor Kelly said he would like to see examples such as caliper sizes in the ordinance and of what is and isn't protected in the right-of-way.

There was a brief discussion of the trees that were removed on Reinhardt.

CMBR Madigan said he acknowledged the Mayor's right to disagree with his comments but felt the language was too strong towards him and would not be accepted if he used it. He then added that they need a clear definition of tree canopy. He also added that they have no right dictating what they as a City can do to another's property. He also apologize to the Mayor.

CMBR Hill said that they are not mandating something superficial but that trees are crucial for their survival on the planet. She said that trees are not only for the property owner but affect everyone globally.

CMBR Faidley concurred with those comments.

CMBR Kelly agreed that trees are beneficial to the population and as a climate issue but recognized that some people do not want to have trees in their yard and do not want to deal with the maintenance. He said it is a personal issue.

Mayor Kelly said that trees are hard to deal with but their benefits outweigh those difficulties. He said it comes down to where people choose to live. When they talk about the Roeland Park community, it is what they invest in and should not be seen as something cost-prohibitive. Trees are a hallmark of their community. It is a choice people make when they want to invest in living in Roeland Park.

CMBR Dickens said he liked the idea of getting a better pulse on the opinion of their population. However, among several of his neighbors, he found no support of homeowners of City regulation on private property. He also asked how quickly they could get a poll put together.

City Administrator Moody said he would ask Ryan Murray from ETC to put something together for the volunteer group from the survey results. He did note that it would not be a statistically valid survey.

Judy Hyde, via online, said that this is a situation for the greater good, thinking of others more than just their own property.

Mayor Kelly reiterated he would like an idea of the caliper trees to have a better understanding of what would be protected.

CMBR Faidley said she is interested in seeing the tree census. She noted they have lost a large number of mature trees in Nall Park and they have not kept up replacing a tree after one is lost. Planting a tree for a tree will benefit the generations that come after. She said she just wants to see more trees in their parks.

CMBR Hill said there are a lot of education components such as what to plant and where.

CMBR McCormack wants them to look at the protected tree size also and work out the private property aspect.

CMBR Kelly said that filling out a form is one thing on private property but replanting several trees for replacement can become a cost issue.

CMBR Faidley said there are county programs in place for planting trees to help defray the cost somewhat.

(Comments were made by unknown speaker away from microphone)

Staff will look further into caliper size, and the public-private regulations while waiting to get feedback from the Sustainability Committee.

### **III. ADJOURN**

**MOTION:** CMBR DICKENS MOVED AND MAYOR KELLY SECONDED TO ADJOURN. (THE MOTION CARRIED 7-0).

(Roeland Park Governing Body Workshop Adjourned at 8:54 p.m.)

**Item Number:** DISCUSSION ITEMS- II.-1.  
**Committee** 9/7/2021  
**Meeting Date:**



## **City of Roeland Park**

Action Item Summary

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**Date:** 8/19/2021  
**Submitted By:** Keith Moody  
**Committee/Department:** Admin.  
**Title:** **Discuss Changing KS Unemployment Enrollment Method**  
**Item Type:** Discussion

### **Recommendation:**

**Staff recommends changing to the "Reimbursement" method of enrollment for Unemployment Benefits with the Kansas Department of Labor.**

### **Details:**

There are three options for enrollment in the Kansas Unemployment Benefits program.

1. Rated Government Employer Option- which is the enrollment method currently elected by Roeland Park. This method requires the City contribute a percentage of covered payroll to the state each month. That percentage is calculated annually based upon two factors: A) the percent that unemployment benefits paid out to Roeland Park employees or prior employees are of the City's total covered payroll during the fiscal year ending 3/31, referred to as the employer's "Experience Factor", B) a state "Adjustment Factor" which allocates unemployment benefit costs not assigned to a particular rated government employer to all rated government employers in the state. Historically Roeland Park does not incurred unemployment benefit costs so our "Experience Factor" has been at or near zero. The States "Adjustment Factor" is proposed to increase 140% between 2021 and 2022 due to significant increases in unassigned unemployment benefits during the pandemic. The contribution percentage is derived by multiplying the "Adjustment Factor" by the "Experience Factor". If that product is zero (due to en employer's Experience Factor being zero) then the contribution rate shall be .001 of covered payroll (state mandated minimum). The City did experience an unemployment claim last year (not normal) and that along with the increase in the Adjustment Factor will result in unemployment contributions increasing from \$2,200 in 2021 to \$34,000 in 2022.

2. Reimbursing Employer Option- this enrollment method requires the employer to reimburse the State for any unemployment benefits paid out to eligible employees. Changing to this method would pose no significant increase in expense to the City since we do not generally layoff staff or

have employees that are eligible for unemployment benefits. The City would no longer make monthly contributions to the State of KS, the City would only make reimbursing payments to the State in an amount equal to any unemployment benefits paid out by the state to a Roeland Park employee. The City would have to post a certificate of deposit with the State in an amount equal to 5.4% of annual covered wages (this would not be an issue since we have CD's in our investment portfolio).

3. Contributing Employer Options- this is the contribution method available to employers other than governments and entails a higher contribution percentage than the Rated Government method.

Changing to the Reimbursing Employer Option from the Rated Government Options is a 4 year commitment. There is no way of knowing how the "Adjustment Factor" will change during the next four years, but staff developed scenarios resulting in an estimated **savings** to the City ranging between \$60,000 and \$30,000 during the initial 4 year period.

As a point of reference over the past 11 years the City has contributed \$36,000 to the Kansas Unemployment Benefit program, during that same period Kansas provided \$28,000 of unemployment benefits to four people previously employed by the City. Again, because the City does not generally lay off staff or have staff eligible for unemployment benefits changing to the Reimbursement Option creates opportunity for savings.

A line item budget would still be maintained to cover reimbursements for unemployment benefits paid out by the state should that occur.

Notice of change in enrollment method must be made to KDOL by 11/30/21 to take affect at the beginning of the next calendar year.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

#### Financial Impact

Amount of Request: The anticipated impact is a \$19k Decrease in Expense from The Current 2022 Estimate of \$34k	
Budgeted Item?	Budgeted Amount: A very conservation \$42,000 was included in the 2022 Budget
Line Item Code/Description: 107-5124 Unemployment Benefits	

**Item Number:** DISCUSSION ITEMS- II.-2.  
**Committee** 9/7/2021  
**Meeting Date:**



**City of Roeland Park**  
Action Item Summary

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**Date:** 7/27/2021  
**Submitted By:** Chief Morris  
**Committee/Department:** Police Department  
**Title:** **Discuss Fireworks Regulations**  
**Item Type:** Other

**Recommendation:**

**Staff is looking for direction concerning any desired changes to fireworks regulations in Roeland Park.**

**Details:**

The attached presentation provides information on current Roeland Park fireworks regulations as well as regulations in place for other JOCO cities. The challenges associated with enforcement are also reflected in the presentation.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

**ATTACHMENTS:**

Description	Type
📎 Fireworks Presentation	Cover Memo



# FIREWORKS DISCUSSION

City of Roeland Park

# WHAT IS THE CURRENT LAW CONCERNING FIREWORKS IN THE CITY OF ROELAND PARK

- Article 4 of the Municipal Code:
- The use of the following fireworks is **allowed and permitted** in the City on the dates and times listed.
- Nonpoisonous snakes, smoke bombs and similar items of composition.
- Cone fountains and whistling fountains without report.
- Firecrackers as defined by the Consumer Product Safety Commission, (10C.F.R. 7 1500.7(a)(8) (ord.No. 732,& 3;Code2007)
- **December 31- Jan 1 11:45 pm-12:30 am & July 3-4 8am-11:30 pm**



## **Sec. 7-414. - Penalty.**

Any person violating the provisions of this article shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$500.00 for each and every offense.

## Neighboring Communities Regulations On Fireworks

- **Mission:** Only novelty items such as party poppers, colored fire cones, sparklers, smoke bombs and similar items.
- **Merriam:** No fireworks allowed.
- **Prairie Village:** No fireworks allowed.
- **Westwood:** No fireworks allowed.
- **Fairway:** No fireworks allowed.
- **Overland Park:** Snappers, toy caps and similar items.
- **Shawnee:** Snakes & caps.
- **Mission Hills:** Sparklers, colored cones, snakes, caps.
- **Leawood:** No fireworks allowed.
- **KCK:** Fireworks allowed

### When can I shoot consumer fireworks?

The Kansas State Fire Marshal's Office does not regulate when consumer fireworks can be discharged. This is left up to the local authority.

### What fireworks are illegal?

Pursuant to K.S.A. 31-155, bottle rockets are illegal in the state of Kansas.

### Can I make my own fireworks?

You will need to apply for a hobbyist manufacturer permit.

### Can I shoot display fireworks?

You will need to apply for a display operator permit.

### My city doesn't allow fireworks. Can they do that?

Yes. The local authority is allowed to be more restrictive than the state.

# CONCERNS RELATED TO FIREWORKS

Citizens do NOT follow the law concerning the use of illegal fireworks in Roeland Park.

Fire hazards from use of illegal fireworks. ( Bottle Rockets, items shot into the air)

Failure to follow the times allowed to use fireworks. (Late at night or too early)

Enforcement of illegal use of fireworks. ( Educational or Strict Enforcement) Too many violators.

Other communities lack of enforcement / Proximity of fireworks sales .



# ITEMS TO CONSIDER

- No change to current ordinance.
- Stricter enforcement, zero tolerance, Increase fines.
- Fines for violations attached to property tax.
- Prohibit fireworks in the City.
- Other ?

**BRACE YOURSELVES**



**THE FIREWORKS ARE COMING**



# QUESTIONS ?



**Item Number:** DISCUSSION ITEMS- II.-3.  
**Committee**  
**Meeting Date:** 9/7/2021



**City of Roeland Park**  
Action Item Summary

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Date:

Submitted By:

Committee/Department:

Title:

**Executive Session - City Administrator Evaluation I move the Governing Body recess into executive session to discuss the City Administrator Evaluation pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The open meeting to resume in the council chamber at \_\_\_\_\_. Roeland Park City Council and Governing Body Workshop Meeting**

Item Type:

**Recommendation:**

**Details:**

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?