

**GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall, 4600 W 51st Street
Monday, July 1, 2024 6:00 PM**

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| <ul style="list-style-type: none"> • Michael Poppa, Mayor • Benjamin Dickens, Council Member • Jan Faidley, Council Member • Emily Hage, Council Member • Jennifer Hill, Council Member | <ul style="list-style-type: none"> • Matthew Lero, Council Member • Tom Madigan, Council Member • Kate Raglow, Council Member • Jeffrey Stocks, Council Member | <ul style="list-style-type: none"> • Keith Moody, City Administrator • Jennifer Jones-Lacy, Asst. Admin. • Kelley Nielsen, City Clerk • John Morris, Police Chief • Donnie Scharff, Public Works Director |
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Admin	Finance	Safety	Public Works
Lero	Stocks	Hage	Raglow
Faidley	Dickens	Hill	Madigan

I. APPROVAL OF MINUTES

A. Governing Body Workshop Meeting Minutes June 17, 2024

II. DISCUSSION ITEMS:

1. Chapter 3 Beverages Review (10 min)
2. Review Agenda and Minute Software (10 min)

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 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 7/1/2024
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: Governing Body Workshop Meeting Minutes June 17, 2024
Item Type:

Recommendation:
Approve Workshop Minutes from June 17, 2024 meeting.

Details:

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Workshop Minutes June 17, 2024	Cover Memo

CITY OF ROELAND PARK, KANSAS
GOVERNING BODY WORKSHOP MINUTES
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
June 17, 2024, 6:00 P.M.

- Michael Poppa, Mayor
- Emily Hage, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member

- Tom Madigan, Council Member
- Jeffrey Stocks, Council Member
- Matthew Lero, Council Member
- Kate Raglow, 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 6:37 p.m.)

I. MINUTES

A. Governing Body Workshop Meeting Minutes June 3, 2024

The minutes were approved as presented.

II. DISCUSSION ITEMS

1. 2025 Line-Item Budget Presentation - General, Aquatics & Community Center Funds

City Manager Moody began his presentation with the sources of revenue for the General Fund with the main source coming from property taxes. Revenue also comes in from franchise fees, special assessments, and sales taxes. He did note they are beginning to see a downward trend with sales taxes. General Fund revenues also come from the motor vehicle tax, the transient guest tax, licenses, permits, and fines. He also noted that they have received good returns on their investments.

City Manager Moody listed out the expenses noting they will further look at contractual services. They have also budgeted for the strategic plan as well as the climate action plan, and the arts master plan.

CMBR Faidley said they budgeted \$30,000 for the arts master plan and asked what the additional funds were for. City Manager Moody said included in the fund is \$20,000 for the purchase of art and \$5,000 for maintenance.

CMBR Faidley also asked why they are creating a credit card and bank fee fund. City Manager Moody said those figures were always tracked inside another fund, but they want to track that in its own account to make it easier to see those figures.

CMBR Hage asked about the strategic planning figures. City Manager Moody said there will be a consultant hired. Also, projects that result of that planning go into their designated category.

Mayor Poppa asked why the master plan is in art purchase and not in professional services. City Manager Moody said sometimes it is a judgment call where the item will best be reflected. The arts master plan is for the arts and those one-offs, again, are a judgment call.

Ms. Jones-Lacy added that since the items pertain specifically for public art and planning for public art, it is helpful to have the items in the arts fund versus professional services. She said it is the same with

strategic planning with the argument being that professional services do not have an additional line, and this keeps the funds more narrowly focused and clear.

City Manager Moody went on to review transfers made out of the General Fund. He also noted that in 2025, Deputy Chief Honas will take over as the Chief of Police and the Assistant Chief's position will be eliminated. They will then backfill that position with another police officer.

CMBR Faidley asked what position was eliminated to create the assistant chief's position. City Manager Moody said it was their detective's position. CMBR Faidley asked if they could look at that in the future if a recommendation is made.

Mayor Poppa said that the department identified that position to be eliminated.

CMBR Faidley said she would hazard to say that none of the departments are fixed in stone and are subject to change.

Mayor Poppa said they can always add a position back if they were to determine it was needed.

CMBR Faidley asked if a detective's position requires a higher salary.

Deputy Chief Honas said that officers do investigate their own cases as far as they can take them. Issues can arise when an investigation is started on the night shift and needs to be followed up the next morning, then it requires more than one team. The benefit of a designated investigator is they can handle the complete case, so there is some benefit to that position.

City Manager Moody went on to review the budgets for the different departments in the City.

CMBR Madigan noted that part-time salaries jumped \$12,000. City Manager Moody said they started budgeting for two seasonal part-time parks personnel. The plan was to pay for a portion of their costs out of the TIF-1, but it is set to retire. Those costs have been transitioned over to the Parks Department.

CMBR Hage noted the separate fund for Aquatics and asked how the decision is made on how to allocate funds across the Parks Department. City Manager Moody said it is largely based on the amount of time. When they created the superintendent's position, they did not know how much time would be devoted to the Aquatics Center, which is entirely subsidized out of the General Fund, the same as the Parks Department.

CMBR Madigan asked about the glass pick-up and that every house pays a fee. He wanted to know if residents pay for pick-up at the Boulevard or whether the City pays for that. City Manager Moody said that glass pick-up at the Boulevard is a separate service and is paid for directly out of the General Fund. Mr. Moody said the Boulevard owners would not have participated had they been asked to pay. It is a nominal fee and a way to get all of the Roeland Park community to participate in the program.

CMBR Faidley also noted they still do not have a mixed stream recycling bin at the Boulevard and asked if GFL has offered that. City Manager Moody said that is not a service they have tried to incentivize at the Boulevard. CMBR Faidley stated she has had some conversations with some residents that would like to see some sort of mixed stream recycling available at the complex, but it is challenging to get

something going because residents are always moving. City Manager Moody said they would need to have the space and not a lot of land is dedicated to waste collection at the Boulevard. He is also apprehensive about trying to expand the service. He said that having 425 units is lot of people and it really would be nice if it was offered to those residents.

City Manager Moody continued with budgeted line items in the General Fund.

CMBR Faidley said they had previously talked about the opioid settlement funds being used for Narcan and wanted to know where that was in the budget. City Manager Moody said they did allow for the Police Department to deploy Narcan. The resources for that are available to law enforcement to outfit the department.

Deputy Chief Honas said they have the Narcan purchased as well as pouches that the officers will carry. He is waiting to hear from the medical director's office for paperwork to be complete. The department also needs some training that they hope to be able to complete in the next couple of weeks, so they are able to deploy that Narcan if needed. CMBR Faidley asked if there was any cost. Deputy Honas said there was no cost for the Narcan, but they spent a few hundred dollars on pouches which came out of the opioid settlement account.

CMBR Hage asked how the co-responder was funded before having the opioid settlement funds. City Manager Moody said there was a line item in the Police Department budget.

City Manager Moody continued with his report noting that the Aquatics Center is funded by the General Fund to cover their shortfall, which is attributed to two components - operations and capital expenditures.

CMBR Madigan asked if it is contemplated in the budget to provide passes to the Governing Body and for teachers that teach at their schools to come to the pool at the resident rate. City Manager Moody said that is included in the budget.

CMBR Hage asked if they are budgeting annually for general maintenance and repairs. City Manager Moody said the budget provides for maintenance and repair of buildings and for equipment. There are budgets for contractual services, supplies, pool equipment, and buildings. There are a lot of line items for a single department and the amount budgeted for maintenance throughout the City is significant.

CMBR Faidley asked about the pool painting schedule and whether that is considered as a capital improvement. City Manager Moody said it is shown in the CIP because it is such a large expense. It is technically maintenance, but because it is expensive and plannable, they put it in the CIP.

CMBR Hage asked that even though the ongoing deficit at the pool is getting greater, is it causing an alarm. City Manager Moody said they anticipated going in that direction with the Aquatics Center not being open seven days a week, but it is a lower deficit than anticipated.

City Manager Moody presented items surrounding the Community Center noting that Roeland Park owns the building and JCPRD does the programming. The facility manager and administrative assistant salaries are largely charged to the City. In 2023, they switched from JCPRD paying the utilities and charging the City to Roeland Park paying the utilities directly. They now have a better understanding of

what those uses are. He did note that they installed solar at the Community Center, and it has reduced their electric bill, but there is also the expense for installation.

CMBR Faidley said one of the things she noticed for Phase 2 of the improvements was moving the HVAC units to the roof. She wanted to know if there was room for that to be done considering there is solar on the roof. City Manager Moody said there is room and that the entire surface is not covered by solar.

2. Balancing Act Budget Engagement Program Review

Ms. Jones-Lacy said the Balancing Act Budget Engagement Program was purchased as a 2024 objective. She said the simulation module and taxpayer receipt module are in place for the 2025 budget. She reviewed the simulation tool as well as how users can look at their tax receipts. It links directly to the county appraiser's office and users can see specifically how their taxes are spent in the City. Residents will also be able to create a balanced budget and submit it to the City.

CMBR Raglow asked where the budget goes when someone submits it. Ms. Jones-Lacy said it will be stored in the system and the information can be downloaded for them to look at.

Mayor Poppa thanked Ms. Jones-Lacy and City Manager Moody noting that a lot of work went into getting the program up and running.

Ms. Jones-Lacy said that Balancing Act was very helpful in setup and it will be a useful tool for the residents.

CMBR Hage said they should be bragging on the site how excellent their staff is at budgeting. She said that residents can have their opinions, but they have actual experts that are good at doing that. Also, she would like to see on the page what the City's budgetary philosophy is, and it will help the residents understand why the transfers are made the way they are.

City Manager Moody said it is a powerful tool. They have taken the approach of this being more of an educational product versus trying to elicit direction from the community. They are not in a position where they are asking residents how the City should balance the budget.

Ms. Jones-Lacy said it is more of a transparency effort than anything. If they want to do it next year with priorities and want to seek input, that is completely up to the Governing Body on how they want to use the tool moving forward.

CMBR Faidley asked if they will get any feedback. Ms. Jones-Lacy said they will get that, and it will be provided in a report.

Mayor Poppa asked if staff would go over all of this at the budget presentation with the residents. City Manager Moody said they are finishing the presentation for the budget community forum. They will walk through the budget simulation with the attendees and the presentation itself has a lot of information.

CMBR Lero asked if they are pushing this program out through marketing or if it is just for someone to stumble on and find on the website. Ms. Jones-Lacy said she did put something in the newsletter coming out soon, but they can also do a news flash and put it out on social media.

III. COMMITTEE MINUTES

- A. Ad-Hoc Historical Committee Meeting Minutes May 23, 2024**
- B. Arts Advisory Committee Meeting Minutes May 1, 2024**

IV. ADJOURN

CMBR Raglow adjourned the meeting.

(Roeland Park Workshop Adjourned at 7:50 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 7/1/2024
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 7/1/2024
Submitted By: Jennifer Jones-Lacy, Assistant City Administrator/Finance Director
Committee/Department: Admin
Title: **Chapter 3 Beverages Review (10 min)**
Item Type: Presentation

Recommendation:

To review the recommended changes to Chapter 3 - Beverages of the City's municipal code.

Details:

City staff reviewed Chapter 3 of the City code related to regulating alcoholic beverages. Below is a summary of the key recommended changes by staff and the DEI Committee, and approved by the City Attorney.

- Changed all pronouns to gender neutral
- 3-102: Added R Park as a permitted location where alcohol can be consumed as well as parks in general
- 3-107: Added the minimum penalty to violations of the chapter in addition to the maximum
- 3-205: Under license disqualifications, state that the manager or agent only needs to be a Kansas resident if the owner lives outside of the state
- 3-208: Under license suspension, state that an owner could obtain a special event permit to hold tasting events.
- 3-213: Prohibited Conduct on Premises. Simplified this language to state that all nudity and other lewd and lascivious behavior is prohibited.
- 3-304: Removed that liquor cannot be sold on Memorial Day, Independence Day and Labor Day, but kept Easter as that's captured as a prohibition in state law.
- 3-305: Allowed someone convicted of a felony to be hired at a retail establishment after two years has passed.
- 3-305: Also remove the provision stating that entertainment cannot be on the premises.

Please note, several of the recommended changes made by the DEI Committee and staff are unable to be changed due to state laws. That is laid out more specifically in the attached redlined

document. These are mostly related to residency requirements and citizenship.

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

Financial Impact

Amount of Request: n/a	
Budgeted Item?	Budgeted Amount: n/a
Line Item Code/Description:	

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Chapter 3 recommended changes	Cover Memo

CHAPTER III.
BEVERAGES

ARTICLE 1. GENERAL PROVISIONS

Sec. 3-101. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

- (a) *Alcohol* means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.
- (b) *Alcoholic liquor* means the varieties of liquor as defined in K.S.A. 41-102, as amended, including alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being, but does not include any cereal malt beverage.
- (c) *Beer* means a beverage, containing more than 3.2 percent alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.
- (d) *Cereal malt beverage* means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2 percent alcohol by weight.
- (e) *Enhanced cereal malt beverage* means cereal malt beverage as that term is defined in K.S.A. 41-2701, and effective April 1, 2019, such term shall include beer containing not more than six percentage alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.
- (f) *Club* means a Class A club or a Class B club as defined by K.S.A. 41-2601, and amendments thereto.
- (g) *Place of business* means any place at which cereal malt beverages, alcoholic beverages, or, effective April 1, 2019, enhanced cereal malt beverages, are sold.
- (h) *Sale at retail* and *retail sales* means sales for use or consumption and not for resale in any form.

(Ord. No. 440, § 1; Code 2012; Ord. No. 975, § 1, 3-18-2019)

Sec. 3-102. Public Sale, Consumption.

- (a) It shall be unlawful for any person to sell, serve or dispense any cereal malt beverage or alcoholic liquor in any public place not licensed to sell, serve or dispense such beverage at such public place within or under the jurisdiction of the City.
- (b) It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic liquor in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City.

Commented [AF1]: My below comments may be frustrating in that I repeatedly cite to Kansas statutes and advise that the City should not deviate from the language provided by state statute.

However, all these language changes can *likely* be made via a charter ordinance invoking home rule authority. The Kansas Supreme Court held in 2004 (and reaffirmed in 2007) that state liquor laws are nonuniform and thus subject to charter ordinances invoking home rule authority. The City of Wichita used this authority to allow Sunday sales.

But, to our understanding, there are currently no liquor stores or sales within City limits. The City will incur legal fees to make these changes via charter ordinance. Whether or not the City wants to address these issues now, or save them for a time in the future is a decision for staff and the governing body.

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- (c) For purposes of this section, the term "public place" shall include any street, public thoroughfare, public parking lot or any privately owned parking area made available to the public generally, within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the State or any governmental subdivision thereof.
- (d) Nothing in this section shall prevent the sale or consumption of alcoholic liquor or cereal malt beverages on the premises of the Roeland Park City Hall property, 4600 West 51st Street, ~~or~~ on the premises of the Roeland Park Community Center, 4850 Rosewood Drive, [and on the premises at R Park, 5535 Juniper Drive](#) provided that a permit for such sale or consumption has been issued by the City Clerk, and provided further that all necessary licenses and permits have been obtained from the City and the State of Kansas.
- (e) Nothing in this section shall prevent the sale and consumption of alcoholic liquor at a special event held on public streets, alleys, roads, sidewalks, [city parks](#) or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Any special event must be approved by the Governing Body by ordinance. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys roads or highways at any such special event. For the purposes of this subsection, "special event" means a picnic, bazaar, festival or other similar community gathering which has been approved by the Governing Body.
- (f) Nothing in this section shall prevent the sale and consumption of cereal malt beverages on unpermitted premises, which may be open to the public, pursuant to a special event retailers' permit. Special event retailers' permits must be approved by the Governing Body by ordinance and shall be subject to the following:
- (1) The permit shall specify the premises for which the permit is issued;
 - (2) The permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;
 - (3) No more than four special event retailers' permits may be issued to any one applicant in a calendar year; and
 - (4) A special event retailers' permit shall not be transferable or assignable.

(Ord. No. 808, § 1; Code 2012; Ord. No. 896, § 1, 8-4-2014)

Sec. 3-103. Open Container.

- (a) It shall be unlawful for any person to transport in any vehicle upon a highway or street any cereal malt beverage or alcoholic beverage unless such beverage is:
- (1) In the original, unopened package or container, the seal of which has not been broken and from which the original cap or cork or other means of closure has not been removed;
 - (2) In the locked, rear trunk or rear compartment or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
 - (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle as defined by K.S.A. 75-1212, and amendments thereto, or a bus as defined by K.S.A. 8-1406, and amendments thereto, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
- (b) As used in this section highway and street have meanings provided by K.S.A. 8-1424 and K.S.A. 8-1473 and amendments thereto.

(Code 2007)

Commented [KN2]: Would we need to add R Park since they have events there? Or does it cover in section f?

Commented [AF3R2]: Subsection (f) covers this, I believe, but we could include R Park if desired.

State law reference(s)—K.S.A. 8-1599.

Sec. 3-104. Consumption While Driving.

No person shall consume any cereal malt beverage or alcoholic beverage while operating any vehicle upon any street or highway.

(Code 1986)

State law reference(s)—K.S.A. 41-2720.

Sec. 3-105. Identification Card.

(a) It shall be unlawful for any person to:

- (1) Display, cause or permit to be displayed, or have in possession, any fictitious, fraudulently altered, or fraudulently obtained identification card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.
- (2) Display or represent any identification card not issued to such person as being ~~his or her~~their card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.
- (3) Permit any unlawful use of an identification card issued to a person for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.
- (4) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(b) It shall be unlawful for any person to:

- (1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase or consumption of any alcoholic liquor.
- (2) Lend any identification card to or knowingly permit the use of any identification card by any person under the legal age for consumption of cereal malt beverage for use in the sale, purchase or consumption of any cereal malt beverage.

(Code 1986)

Sec. 3-106. Underage Purchaser.

(a) It shall be unlawful for any person under the legal age for consumption of cereal malt beverage to purchase or attempt to purchase any cereal malt beverage.

(b) It shall be unlawful for any person under 21 years of age to purchase or attempt to purchase any alcoholic liquor.

(Code 1986)

State law reference(s)—K.S.A. §§ 41-715, 41-2721.

Sec. 3-107. Penalty.

Any person convicted of violating any of the provisions of this article shall be punished by a fine in an amount ~~not less than \$200.00 and not exceeding \$499.00~~ or confinement in the county jail for a period not exceeding 90 days or by both such fine and confinement.

(Code 1986)

Commented [KN4]: Do we need to add minimum fine of \$200?
Perform 40 hours of public service? KS 41-727

Commented [AF5R4]: Yes, it would be best to include the minimum fine of \$200, please see my redline edit.

ARTICLE 2. CEREAL MALT BEVERAGES

Sec. 3-201. License Required of Retailers.

- (a) It shall be unlawful for any retailer to sell any cereal malt beverage and, effective April 1, 2019, any enhanced cereal malt beverage, at retail without a license for each place of business where such cereal malt beverages are to be sold.
- (b) It shall be unlawful for any person, having a license to sell cereal malt beverages and, effective April 1, 2019, enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any such cereal malt beverage in any other manner.
- (c) For purposes of this article, original and unopened containers shall mean the package received from the distributor as it existed at the time of its delivery, but in no event shall it consist of a container containing less than 32 fluid ounces.

(Code 1977, 3-101; Ord. No. 440, § 1; Code 1986; Ord. No. 975, § 2, 3-18-2019)

State law reference(s)—K.S.A. 41-2702.

Sec. 3-202. Application.

Any person desiring a license shall make an application to the Governing Body of the City and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the Attorney General of the State of Kansas, and shall contain:

- (a) The name and residence of the applicant;
- (b) The length of time that the applicant has resided within the State of Kansas;
- (c) The particular place of business for which a license is desired;
- (d) The name of the owner of the premises upon which the place of business is located;
- (e) A statement that the applicant is a ~~citizen~~resident of the United States and not less than 21 years of age and that the applicant has not within two years immediately preceding the date of making application been convicted of a felony, any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States;
- (f) Each application for a retailer's license shall be accompanied by a certificate from the City health officer certifying that ~~he or she has~~they have inspected the premises to be licensed and that the same comply with the provisions of section 3-214 of this article.

Commented [AF6]: Pursuant to KSA 41-311, "no [liquor] license of any kind shall be issued ...to a person who is not a citizen of the United States." This must remain as "citizen," and cannot be changed to "resident."

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- (g) Each application for a retailer's license must be accompanied by a certificate from the Fire District Chief certifying that ~~he or she has~~they have inspected the premises to be licensed and that the same comply with the provisions of section 3-202A of this article.

One copy of such application shall immediately be transmitted to the Chief of Police of the City for investigation of the applicant. It shall be the duty of the Chief of Police to investigate such applicant to determine whether ~~he or she is~~they are qualified as a licensee under the provisions of this chapter. The Chief of Police shall report to the Governing Body not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the Governing Body at the earliest meeting consistent with current notification requirements.

(Code 2014)

Sec. 3-202A. Application Procedures.

- (a) All applications for a new and renewed cereal malt beverage license, and, effective April 1, 2019, an enhanced cereal malt beverage license, shall be submitted to the City Clerk ten days in advance of the Governing Body meeting at which they will be considered.
- (b) The City Clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.
- (c) The City Clerk's office shall provide copies of all applications to the Police Department, to the Fire District, and to the County Health Department, when they are received. The Police Department will run a records check on all applicants and the Fire District and Health Department will inspect the premises in accord with Chapters 7 and 8 of this Code. The departments will then recommend approval, or disapproval, of applications within 72 hours of the department's receipt of the application.
- (d) The Governing Body will not consider any application for a new or renewed license that has not been submitted ten days in advance and been reviewed by the above City departments.
- (e) An applicant who has not had a cereal malt beverage or, effective April 1, 2019, an enhanced cereal malt beverage license, in Roeland Park shall attend the Governing Body meeting when the application for a new license will be considered.

(Code 1986; Ord. No. 975, § 3, 3-18-2019)

Sec. 3-203. License Granted; Denied.

- (a) The journal of the Governing Body shall show the action taken on the application.
- (b) If the license is granted, the City Clerk shall issue the license which shall show the name of the licensee and the year for which issued.
- (c) No license shall be transferred to another licensee.
- (d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

(Code 1986)

Sec. 3-204. License to Be Posted.

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

(Code 1986)

Sec. 3-205. License, Disqualification.

No license shall be issued to:

- (a) A person who has not been a resident of the state of Kansas for at least one year immediately preceding application for the license. If a person desiring a license is not a resident of Kansas, they may appoint an agent who is a resident of Kansas pursuant to K.S.A. 41-311(g).
- (b) A person who is not a resident of Johnson County and has not been a resident of Johnson County for at least six months prior to filing of such application.
- (c) A person who is not a citizen of the United States.
- (d) A person who is not of good character and reputation in the community in which ~~he or she~~ they resides.
- (e) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.
- (f) A partnership, unless all of the members of such partnership are otherwise qualified to obtain a license.
- (g) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.
- (h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses all of the qualifications of a licensee. This subsection (h) shall only apply if the licensee is not a resident of Kansas.
- (i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection shall not apply in determining eligibility for a renewal license.
- (j) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under Kansas law.

(Code 2014)

Sec. 3-205A. License, Discretionary Denial.

After examination of an application for a retailer's license, the Governing Body may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which has (i) had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto, or (ii) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of the State of Kansas.

(Code 2014)

Sec. 3-206. License Fee.

The license fee for each place of business shall be set by resolution and paid each calendar year. Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the

Commented [KN7]: Residency requirements?

Commented [JJ8R7]: Alex - are these state law requirements for the Johnson County and Kansas residents?

Commented [AF9R7]: KSA 41-311(g): "If the applicant is not a Kansas resident, no license shall be issued until the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent..."

Please see my redline edit, I am trying to convey that the applicant or their agent must be a Kansas resident.

Commented [JJ10]: DEI wants to change this so that it can be issued to non-citizens. Can this be done?

Commented [AF11R10]: See my above edit, under Kansas statute a person must be a US citizen to obtain any liquor license within the state.

Commented [KN12]: Residency requirement for a manager?

Commented [JJ13R12]: Recommend removal if possible

Commented [AF14R12]: Kansas law requires that either the applicant themselves, or their agent be a resident of the state of Kansas. Since (h) discusses managers/agents, this language should remain unchanged.

Commented [KN15]: Spouse?

Commented [AF16R15]: Same KSA 41-311 applies, and is where this language was directly pulled from. We cannot change this language, as odd as it may seem.

Commented [JL17]: Remove subsection j if possible.

Commented [AF18R17]: See my immediate above comment.

licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

(Code 2012)

State law reference(s)—K.S.A. 41-2702.

Sec. 3-207. Reserved.

Sec. 3-208. License Suspension/Revocation.

- (a) The Governing Body, upon five days' notice to the persons holding a license, may revoke or suspend a license for any of the following reasons:
- (1) The licensee has violated any of the provisions of K.S.A. 41-2701, or amendments thereto, or any rules or regulations of the City;
 - (2) Drunkenness of the licensee or permitting any intoxicated person to remain in or upon the licensee's place of business;
 - (3) The sale of cereal malt beverages, or, effective April 1, 2019, enhanced cereal malt beverages, to any person under the legal age for consumption of such cereal malt beverage;
 - (4) Permitting any person to mix drinks with materials purchased in or upon the place of business or brought in for that purpose;
 - (5) The sale or possession of, or for permitting any person to use or consume on the licensed premises, any alcoholic liquor unless a special event permit is obtained from City Hall pursuant to Chapter 16, Article 7 of this code or
 - (6) The licensee has been convicted of a violation of the Beer and Cereal Malt Beverage Keg Registration Act.
- (b) The provisions of subsections (a)(4) and (5) shall not apply if such place of business also are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment law of Kansas.
- (c) The Governing Body, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:
- (1) The licensee has fraudulently obtained the license by giving false information in the application therefor;
 - (2) The licensee has become ineligible to obtain a license;
 - (3) The nonpayment of any license fees;
 - (4) Permitting any gambling in or upon the licensee's place of business;
 - (5) The employment of persons under 18 years of age in dispensing or selling cereal malt beverages, and, effective April 1, 2019, enhanced cereal malt beverages;
 - (6) The employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages, and, effective April 1, 2019, enhanced cereal malt beverages, if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any other violation of the intoxicating liquor laws of Kansas, another state or the United States; or
 - (7) There has been a violation of K.S.A. 21-4106 or 21-4107, and amendments thereto, in or upon the licensee's place of business.

Commented [JJ19]: What about a tasting event? Can we provide a special permit if a wine store were to come to RP or even a whisky tasting? Maybe it's a special event? I think this would make sense. Alex, how can we go about that?

Commented [AF20R19]: Yes, we can avoid this problem by having a that business owner apply for a "special event retailer's permit" pursuant to KSA 41-2703). The state law referenced here (41-2708) pulls this exact language from the statute. While we are loath to change the wording, this future problem could be avoided by a special event retailer's permit."

See subsection (f):
https://www.ksrevisor.org/statutes/chapters/ch41/041_02_7_0003.html

(Code 2012; Ord. No. 975, § 4, 3-18-2019)

State law reference(s)—K.S.A. 41-2708.

Sec. 3-209. Same; Appeal.

The licensee, within 20 days after the order of the Governing Body revoking or suspending any license, may appeal to the District Court of Johnson County and the District Court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken under this section shall not suspend the order of revocation or suspension during the pendency of such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

(Code 2007)

State law reference(s)—K.S.A. 41-2708.

Sec. 3-210. Change of Location.

If a licensee desires to change the location of his or her place of business, ~~he or she~~ they shall make an application to the Governing Body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee as set by resolution. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

(Code 2014)

Sec. 3-211. Reserved.

Sec. 3-212. Business Regulations.

It shall be the duty of every licensee to observe the following regulations:

- (a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.
- (b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of law enforcement and health officers of the City, county and state.
- (c) Except as provided by subsection (d) and subsection (l), no cereal malt beverages, or, effective April 1, 2019, enhanced cereal malt beverages, may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:30 a.m., and 6:00 a.m., or on Sunday; closing hours for clubs shall conform to K.S.A. 41-2614 and any amendments thereto.
- (d) Cereal malt beverages, and, effective April 1, 2019, enhanced cereal malt beverages, may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2701 et seq., and licensed as a club by the State Director of Alcoholic Beverage Control.
- (e) The place of business shall be open to the public and to law enforcement officers at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to law enforcement officers and not to the public.

Commented [JJ21]: Is this necessary to have a rear exit unlocked? What if they do not have a rear exit?

Commented [AF22R21]: So I cannot find exactly where this requirement is found in state law, but every city code I researched included this requirement that the rear exit be unlocked. It is such a specific requirement that I must believe it is a state-wide regulation.

- (f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
- (g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.
- (h) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverages, or, effective April 1, 2019, enhanced cereal malt beverages, to any person under the legal age for consumption of such cereal malt beverage.
- (i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.
- (j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.
- (k) No licensee or agent or employee of the licensee shall employ any person under the legal age for consumption of cereal malt beverages or, effective April 1, 2019, enhanced cereal malt beverages, in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony ~~in the preceding~~preceding two years.
- (l) The sale at retail of cereal malt beverages and, effective April 1, 2019, enhanced cereal malt beverages, in the original package is allowed within the City on any Sunday, ~~except Easter~~, between the hours of 12:00 noon and 8:00 p.m.

(Ord. No. 785, § 1; Ord. No. 773; Code 2007; Ord. No. 975, § 5, 3-18-2019)

Sec. 3-213. Prohibited Conduct on Premises.

The following conduct by a cereal malt beverage licensee, manager or employee or, effective April 1, 2019, an enhanced cereal malt beverage licensee, manager or employee, of any licensed cereal malt beverage/enhanced cereal malt beverage establishment is deemed contrary to public welfare and is prohibited: any and all nudity and other lewd and lascivious behavior.

- ~~(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males' pubic hair, anus, buttocks or genitals;~~
- ~~(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of any other employee or any patron;~~
- ~~(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;~~
- ~~(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

 - ~~(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or~~
 - ~~(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.~~~~
- ~~(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d) of this section.~~
- ~~(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:~~

Commented [JJL23]: DEI Comment + Matches rest of the code

Commented [JJ24]: Why? Recommend removal

Commented [AF25R24]: Easter Sunday is specifically mentioned in KSA 41-2704 as a day cereal malt beverages cannot be sold. This language should remain.

Commented [KN26]: Isn't this obvious?

Commented [AF27R26]: This Section has been edited to removed the offensive language and simply refer to this conduct as "nudity and other lewd and lascivious behavior."

Commented [JJ28]: DEI recommendation

Commented [JJ29]: Has homophobic connotations

-
- ~~(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;~~
 - ~~(2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;~~
 - ~~(3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.~~
 - ~~(g) As used in this section, the term "premises" means the premises licensed by the City as a cereal malt beverage establishment, and, effective April 1, 2019, an enhanced cereal malt beverage establishment, and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.~~
- ~~(Code 1986; Ord. No. 975, § 6, 3-18-2019)~~

Sec. 3-214. Sanitary Conditions Required.

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom ~~for each sex~~ easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet room(s) ~~for women~~ shall be covered. The restroom(s) shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the City Health Officer or designee.

(Code 1986)

Sec. 3-215. Minors on Premises.

- (a) It shall be unlawful for any person under the legal age for consumption of cereal malt beverage to remain on any premises where the sale of cereal malt beverages is licensed for on-premises consumption.
- (b) This section shall not apply if the person under the legal age for consumption of cereal malt beverage is an employee of the licensed establishment, or is accompanied by his or her parent or guardian, or if the licensed establishment derives not more than 50 percent of its gross receipts in each calendar year from the sale of cereal malt beverages for on-premises consumption.

(Code 1986)

ARTICLE 3. ALCOHOLIC LIQUOR

Sec. 3-301. State License Required.

- (a) It shall be unlawful for any person to keep for sale, offer for sale, or expose for sale or sell any alcoholic liquor as defined by the "Kansas Liquor Control Act" without first having obtained a state license to do so.
- (b) The holder of a license for the retail sale in the City of alcoholic liquors by the package issued by the State Director of Alcoholic Beverage Control shall present such license to the City clerk when applying to pay the

occupation tax levied in section 3-302 and the tax shall be received and a receipt shall be issued for the period covered by the state license.

(Code 1977, § 3-301(a); Code 1986)

Sec. 3-302. Occupational Tax.

There is hereby levied an annual occupation tax as set by resolution on any person holding a license issued by the State Director of Alcoholic Beverage Control for the retail sale within the City of alcoholic liquors for consumption off the premises. Such tax shall be paid by the retailer to the City Clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.

(Code 1977, § 3-301; Code 1986)

State law reference(s)—K.S.A. 41-310.

Sec. 3-303. Posting of Receipt.

Every licensee under this article shall cause the City alcoholic liquor retailer's occupation tax receipt to be placed in plain view, next to or below the state license in a conspicuous place on the licensed premises.

(Code 1977, § 3-301(b); Code 1986)

Sec. 3-304. Hours of Sale.

No person shall sell at retail any alcoholic liquor:

- (a) Before 9:00 a.m. or after 11:00 p.m. on any day when the sale thereof is permitted except as provided in subsection (b).
- (b) Sale at retail of alcoholic liquor in the original package is allowed within the City on any Sunday, except Easter, ~~and on Memorial Day, Independence Day and Labor Day,~~ between the hours of 9:00 a.m. and 8:00 p.m.

(Ord. No. 785, § 2; Ord. 773; Code 2007; Ord. No. 1012, § 1, 6-7-2021)

Sec. 3-305. Business Regulations.

It shall be unlawful for a retailer of alcoholic liquor to:

- (a) Permit any person to mix drinks in or on the licensed premises;
- (b) Employ any person under the age of 21 years in connection with the operation of the retail establishment;
- (c) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony within the preceding two years;
- (d) ~~Furnish any entertainment in his or her premises or permit any pinball machine or game of skill or chance to be located in or on the premises; or~~
- (e) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package.

Commented [JL30]: Why? Recommend removal if possible.

Commented [AF31R30]: Removal of Memorial, Independence, and Labor Day(s) is permitted, but sale of alcohol on Easter is prohibited throughout the state of Kansas. See my redline edits.

Commented [JL32]: DEI Comment and matches the rest of the code.

Commented [JL33]: Recommend deletion. This is weird

Commented [AF34R33]: This is a relic from a bygone time when there was a fear children could be lured into an establishment that served liquor. This deletion is fine.

-
- (f) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person under 21 years of age.

(Code 1986)

Sec. 3-306. Minors, Incapacitated Persons.

- (a) It shall be unlawful for any person under the age of 21 to represent that ~~he or she is~~ they are of age for the purpose of purchasing or attempting to purchase any alcoholic liquor, or attempt to purchase or purchase alcoholic liquor from any person. No person under the age of 21 shall have any alcoholic liquor in his or her possession.
- (b) No person shall knowingly sell, give away, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.
- (c) Any person convicted of violating this section shall be punished by a fine of not more than \$250.00 or by imprisonment for not to exceed 30 days, or both.

(Code 1986)

State law reference(s)—K.S.A. 41-715

Sec. 3-307. Restrictions on Location.

No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging, or delivering of any alcoholic beverage in any building, structure or premises, for consumption in such building or upon such premises if such consumption is within 200 feet from the nearest property line of any existing hospital, school, church or library. Provided, however, that this section shall not prevent any person who is not required to be licensed pursuant to K.S.A ch. 41 from providing alcoholic liquor to social guests on his or her own property.

(Ord. 682, § 1; Code 2003)

Sec. 3-308. Same; Waiver.

The City Council may waive the locational restriction set forth in section 3-307 above upon a finding that the consumption of alcoholic liquor within 200 feet from the nearest property line of any existing hospital, school, church, or library will not be unnecessarily detrimental to the operations of any such hospital, school, church, or library, and will not otherwise be inimical to the public health, safety, and general welfare. All applications for a waiver shall be made on a form provided by the City and shall be in the name of the person who will be licensed by the Kansas Director of Alcoholic Beverage Control pursuant to K.S.A. ch. 41. No waiver shall be considered until after a public hearing on the requested waiver has been held before the City Council. The applicant shall give notice of the date, time, and place of the public hearing by certified mail, return receipt requested, addressed to each owner of property located within 200 feet of the premises for which the waiver has been requested. When such notice of hearing has been properly addressed and mailed, failure of a person to receive such notice shall not invalidate any subsequent action taken by the City Council. The date, time, and place of the hearing shall be set by the City Clerk. The date of the hearing shall be not less than seven nor more than 14 days following the date the application is filed; provided, however that if the next meeting of the City Council is scheduled to be held more than 14 days following the date the application is filed, the hearing may be scheduled for the date of the next meeting of the City Council. Notices of the hearing shall be mailed at least seven days prior to the date of the hearing. The City Council shall vote on the requested waiver within 10 days of the close of the hearing. Approval of

(Supp. No. 15)

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any waiver by the City Council shall constitute a privilege which is personal to the applicant and which may not be transferred or assigned to any other person. ;hn0; (Ord. No. 682, § 2; Code 2003)

Item Number: DISCUSSION ITEMS- II.-2.
Committee 7/1/2024
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 7/1/2024
Submitted By: Jennifer Jones-Lacy, Assistant City Administrator/Finance Director
Committee/Department: Admin
Title: **Review Agenda and Minute Software (10 min)**
Item Type: Discussion

Recommendation:

To review staff's recommended vendor for new agenda management software in preparation to approve an agreement with CivicPlus at the next Council meeting on July 15th.

Details:

The City of Roeland Park has used Novus Agenda for its agenda management software since 2017. This has become an easy way for staff to organize staff reports and agenda packets for Planning Commission, Council and Council workshops. Novus was purchased by another software vendor, Granicus several years ago. We were notified by Granicus that they will be discontinuing the use of Novus in 2024 and we need to migrate to a new system.

Staff has been reviewing alternative options and completed demos with three different software solutions: Peak by Granicus, Board Docs by Diligent, and CivicClerk by CivicPlus. Of the three, staff found CivicPlus's solution to be the best fit for our organization at the best price.

When comparing the software options we liked several features offered by CivicClerk including:

- Ease of creating agendas and packets. Items can be easily copied and moved to another agenda, and the simplicity of uploading attachments and moving items around within the agenda.
- The output format of the agenda and packet is easy to use and includes an index of agenda items that you can easily navigate to a specific item within the packet.
- The search functionality for the public is clear and can be incorporated into the search of our broader website or incorporated into the CivicClerk portal.
- It has the ability to track voting within the system.
- It has a user-friendly board portal that allows board members to annotate packets, take notes and save and search those notes at a later date.

To illustrate a few of the features, here are links (copy and paste into your browser) to some videos to show you how the system works.

- Board portal and taking notes: <https://share.vidyard.com/watch/yZy8yNXkgaSNZLh3Wtdim6?>
- Search functionality: <https://www.civicplus.com/agenda-meeting-management/demo-success-select/#panel-7>

In addition, Jacen Clapp and Rachele Cantero with CivicPlus will join the meeting via zoom and can demonstrate a couple of the features for your review and answer any questions you may have.

The proposal from CivicPlus for the CivicClerk software is attached. The first year of the product will be \$9,273.75 and will include up to 7,500 historical import of files from NOVUS as well as training and implementation. Staff was able to obtain a 25% discount from the list price for having multiple CivicPlus solutions in place. Moving forward the annual fee will be \$6,195 in year two and subject to a 5% annual increase.

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

Financial Impact

Amount of Request: \$9,273.75	
Budgeted Item?	Budgeted Amount: \$30,000 Adopted Budget; \$37,800 Amended
Line Item Code/Description: 5266.101 - Computer Software	

ATTACHMENTS:

Description	Type
▢ CivicClerk proposal	Exhibit



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:
Date:
Expires On:

Statement of Work
Q-77635-1
6/4/2024 8:38 AM
6/30/2024

Client:
City of Roeland Park, KS

Bill To:
ROELAND PARK, KANSAS

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Jacen Clapp	785-222-4874	jacen.clapp@civicplus.com		Net 30

Discount(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	CivicClerk Year 1 Annual Fee Discount	Year 1 Annual Fee Discount
1.00	CivicClerk Year 1 Annual Fee Discount	Year 1 Annual Fee Discount

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	CivicClerk Premium Configuration	CivicClerk Premium Configuration
1.00	CivicClerk Custom Template Design	CivicClerk Custom Template Set - includes 2 Agenda templates, 1 Item Report template, 1 Minutes template, 1 Agenda Script template
2.00	CivicClerk Consulting (1h, virtual)	1 hour Virtual Consulting
1.00	CivicClerk Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours
1.00	CivicClerk Historical File Import (up to 7,500 files – PDF / MP3 / MP4)	CivicClerk Historical File Import (up to 7,500 files – PDF / MP3 / MP4)

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	Agenda and Meeting Management Select Annual Fee	Agenda and Meeting Management Select Annual Fee
1.00	Live Meeting Manager Annual Fee	Agenda and Meeting Management Select: Live Meeting Manager Annual Fee - Live Meeting, Electronic Voting, Display Pages

List Price - Initial Term Total	USD 12,365.00
Total Investment - Initial Term	USD 9,273.75
Annual Recurring Services (Subject to Uplift)	USD 5,900.00

Initial Term	12 Months
Initial Term Invoice Schedule	100% Invoiced upon Signature Date

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature
By (please sign):

CivicPlus
By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)