

COMMITTEE OF THE WHOLE MEETING AGENDA

Roeland Park City Hall

4600 W 51st Street, Roeland Park, KS 66205

Monday, May 18, 2015, 6:00 P.M.

- Joel Marquardt, Mayor
- Becky Fast, Council Member
- Tim Janssen, Council Member
- Ryan Kellerman, Council Member

- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Poppa, Council Member
- Michael Rhoades, Council Member
- Erin Thompson, Council Member

- Aaron Otto, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

Admin

Chair, Janssen
Co-Chair, Poppa

Finance

Chair, Rhoades
Co-Chair, Kelly

Safety

Chair, McNeil
Co-Chair, Thompson

Public Works

Chair, Fast
Co-Chair, Kellerman

Mayor Marquardt called the meeting to order.

I. APPROVAL OF MINUTES:

A. April 27, 2015

The Committee agreed to approval of the minutes for April 27, 2015

II. REPORTS OF COMMITTEES:

1. Admin - Council Procedures Review with City Attorney

City Attorney Shortlidge reviewed and clarified various sections of the Council's procedures. He noted that the Kansas Open Meetings Act does not require an agenda, nor does it prohibit the amendment of the agenda if one is provided. It does state, however, that in a special called meeting, the discussion is limited to the topic for which the meeting was called.

Section 21 - Motions to Table - The motions must be seconded and are non-debatable. Once the motion is made, all discussion must stop. The Motion to Table is to be voted on separately from the discussion motion.

Section 22 - Motion to Reconsider. A motion can always be made to bring a topic back for discussion even if previously voted on. The exception would be if an action has taken place pursuant to the motion. For example, the approval to purchase a piece of equipment. Once equipment is purchased, it cannot be re-voted on not to purchase it.

Section 23 - Motion to Call the Previous Question. Once this motion is made, discussion or debate stops and a vote must be taken.

Section 24 - Motion to Go into Executive Session. Kansas Open Meetings Act provides explicit direction of what must be included in the language to enter into executive session. Mr. Shortlidge prepares this language in advance of the meeting. If something arises during a meeting, he will inform the Governing Body of the specific language to use to conform to state statute before recessing into executive session.

Section 28 – Division. If after a vote is declared by the Mayor, and a Governing Body member is not certain if there was a majority, they can ask for clarification by a more formal vote, either by a show of hands or a roll call vote.

Section 29 - Duty to Vote. Mr. Shortlidge noted the Governing Body was elected to make decisions for the City and sometimes those votes may be difficult and unpopular, but the members have a duty to vote. The only exception would be in the case of a conflict of interest.

There was Committee discussion regarding members not voting and if there are any ramifications to avoiding a vote. Mr. Shortlidge directed the Committee to Section 42 as there is nothing in the Council procedures that addresses this topic.

Section 31 - Votes on Non-Ordinance Matters. Under Kansas case law, an abstention is presumed to be acquiescence and the will of the majority, and will be counted towards the prevailing side.

Section 39 - Confirmation to Mayoral Appointments. This notes that the Mayor can cast the deciding vote in a tie even though he made the appointment.

Section 40 - Relating to Confirmation of Mayoral Appointments to Elected Positions. Mr. Shortlidge stated this section was probably not needed for Roeland Park as it has chartered that statute to where it provides for a special election in the event of a vacancy.

Section 42 - This section states that matters or procedures not covered by the rules shall be created and decided upon by a majority vote of the Council.

Mr. Shortlidge addressed the section on point of order and appeal. If someone raises a point of order as to whether or not the rules are being followed that is permitted. If the chair agrees with the person raising the point of order, then the meeting will go forward. If the chair does not agree, then an appeal can be made to the ruling. This appeal will require a vote by the City Council and the appeal process is not debatable. If the vote is a majority or a tie in favor of the ruling of the Chair, then it will sustain the ruling of the chair.

City Administrator Otto clarified that that the Council agenda was previously written in Chapter 1 of the City Codes and was removed as part of the procedural changes.

CMBR Fast inquired as to whether a point of order could be called for interruptions of a speaker or not adhering to the discussion of an agenda topic. City Attorney Shortlidge stated a call for point of order is appropriate at that time and the Mayor can decide whether or not it needs to be addressed further. He also noted that there are currently no time limits set on the Governing Body as to the length of time they can speak on a matter. He did note that it could be determined at the beginning of the discussion to create time limits as sometimes there are time restrictions in the meeting schedule.

2. Public Works – Granada Park Change Order # 1

CMBR Fast presented a change order to the contract previously approved by the Governing Body for concrete work to be done in Granada Park. She noted it was inadvertently left off the contract to add concrete pads for picnic tables, trash and recycling receptacles.

Mayor Marquardt, who has been working on this project noted the concrete work would be ADA compliant and will also allow for a shelter in the future if one is desired. There has been an issue at the people with patrons moving the equipment and the Public Works Department has had difficulty maintaining the areas under the picnic tables due to mud and other conditions.

Public Works Director Leon noted that adding concrete under tables, trash and recycling containers will keep them out of the dirt. Concrete pads will also be under the benches and drinking fountain. An additional concrete pad is also being added for a barbeque grill. Mr. Leon expressed his appreciation of the Mayor's input on the design which will now have the picnic tables permanently mounted in a shady area of the park. Access to the playground will also be ADA compliant.

City Administrator Otto noted that payments for the improvements are from TIF funds and that this type of work is being considered for R Park as well.

CMBR Fast noted that Mr. Leon is seeking approval at tonight's Council meeting as the concrete work is currently in process at Granada Park. If the item is not approved this evening, it will result in a higher rate from the contractor as they will have to return at another time to complete the work.

The Council recommended to move forward for Council the approval of Change Order #1 for Golconda Group to construct a concrete pad for Granada Park at a cost not to exceed \$11,120.00.

III. **ADJOURN**