

**GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall, 4600 W 51st Street
Monday, November 21, 2022 6:00 PM**

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

Admin	Finance	Safety	Public Works
Raglow	Rebne	Poppa	Brauer
Dickens	Hill	Madigan	Faidley

I. APPROVAL OF MINUTES

- A. Governing Body Workshop Meeting Minutes October 17, 2022

II. DISCUSSION ITEMS:

1. Review Canterbury Project Plans - 20 min
2. Discuss Construction Method for Renovations to New Public Works Facility - 10 min
3. Discuss Process for Filling Council Vacancy Seat (15 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 **11/21/2022**
Meeting Date:



City of Roeland Park
Action Item Summary

Date:

Submitted By:

Committee/Department:

Title: **Governing Body Workshop Meeting Minutes October 17, 2022**

Item Type:

Recommendation:

Details:

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Governing Body Workshop Meeting Minutes October 17, 2022	Cover Memo

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, October 17, 2022, 6:00 P.M.

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

- Tom Madigan, Council Member
- Michael Poppa, Council Member
- Kate Raglow, 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
Raglow
Dickens

Finance
Rebne
Hill

Safety
Poppa
Madigan

Public Works
Brauer
Faidley

(Governing Body Workshop Called to Order at 6:23 p.m.)

ROLL CALL

CMBR Dickens called the meeting to order. CMBR Poppa was absent, and all other Governing Body members were present.

I. MINUTES

1. Governing Body Workshop Meeting Minutes October 3, 2022

The minutes were approved as submitted.

II. DISCUSSION ITEMS

1. Discuss Cooper Creek Park Natural Erosion Prevention Plan

Dan Miller from Larkin made a presentation on the Cooper Creek restoration, stabilization, and best management practices for the park and the adjacent areas. Phase 1 of the project included removal of invasive species and is now complete. Phase 2 is underway to restore a healthy habitat with native plantings. Phase 3 is still in the planning stage and focuses on streambank stabilization. Mr. Miller said they will need homeowner engagement to help preserve the streambank and a maintenance plan and scope are needed to maintain the work done in Phases 2 and 3 of the Cooper Creek project.

Mr. Miller also addressed possible technical assistance type funding through Johnson County SMAC's Contain the Rain program. SMAC funds pay 50 percent of the cost with the City responsible for the remaining half. Mr. Miller also suggested an investment from the affected property owners for the creek noting the project must be maintained for at least three years if they are accepting SMAC funds. Those additional details still need to be finalized.

Public Works Director Scharff said the City currently asks for the minimum amount of \$3,000 in SMAC funds every year. The maximum is \$15,000 but they would need to send a justification they're getting that much buy-in from residents.

CMBR Hill asked if there is a plan in place for work done on private property, and if someone sells their home, the new buyer would not be able to rip out the work that had been done. Mr. Miller said he is

not sure the county has anything in their program that addresses that. It is something they have certainly talked about, but not sure how enforceable it is. He there is a possibility to record something like a landscape easement in the title work and recognize what's on the property is there for a reason.

CMBR Faidley added that only eight or nine properties are affected. She asked if there was buy-in from those homeowners. Public Works Director Scharff did say there is buy-in from a fair number of homeowners. Those who attended their meeting were definitely supportive. CMBR Faidley asked if the City would support the matching funds, commented she is glad they are looking to experts for advice on native plants as they get things established. She also noted it has been extremely dry and if the drought is something they have considered. Public Works Director Scharff said they are looking to plant next year in the proper planting seasons and are leaning heavily on their expert for how it should be done.

Mayor Kelly said a landscape easement would cost a lot of money and require changing deeds and recording. He said they should talk to the county on what to do with their three year maintenance requirement. He said that in terms of the maintenance requirement, eight or nine residents might not be able to physically help and suggested their Neighbors Helping Neighbors program or even students from Shawnee Mission North and Bishop Miege could help out. Mayor Kelly asked how much money was put into Contain the Rain in Roeland Park. Public Works Director Scharff they put in about \$1,700-1,800 of City funds. Mayor Kelly suggested they increase that amount 10 percent.

There was Governing Body agreement to continue on with this project.

2. Discuss El Monte to Delmar Sidewalk Extension

Mr. Miller provided conceptual work for adding a sidewalk connection that is not currently shown on the City's priority plan. He said it is an unusual connection and would be off 47th Street where El Monte is a cul-de-sac. Mr. Miller showed site images to the Governing Body. He said there is an unused right-of-way proposed for the sidewalk from El Monte to Delmar. They would also want to work with the homeowner on the plan. Currently there are no ADA ramps at Delmar. There have also been reports of drainage issues and ponding of water in the cul-de-sac. Mr. Miller said in addition to the sidewalk, the project would include storm pipe and inlets, ADA ramps, driveway replacement as well as curb and sodding. The project would also require the removal of greenery in the proposed pathway which does include some trees. He also spoke to the challenges of meeting the ADA slope for the sidewalk. Mr. Miller said they estimate the total project to cost approximately \$231,000 which is largely for concrete work.

Mr. Miller asked the Governing Body whether they would like to put this project on the Sidewalk Master Plan and allocate this as a high priority sidewalk. He also spoke to applying for CDBG funding to help support part of the project cost.

CMBR Faidley inquired about how many mature trees they would lose. Mr. Miller said his guess is it would be less than five. CMBR Faidley mentioned the unique situation going between properties with a public sidewalk. Mr. Miller agreed it is not usual in this area, but more of this type is happening in newer subdivisions behind and between homes. He added that El Monte is platted to go completely through.

City Administrator Moody said this initial presentation to the Governing Body is to give them an idea of what the challenges would be for a sidewalk and whether they need easements. Part of the right-of-way appears to have been sold and is in alignment of the sidewalk. They would need to establish a permanent sidewalk and utility easement in the right-of-way. They would also make certain to tread lightly around the trees. They would also get the driveways on the west side to function similarly as they do today.

CMBR Hill spoke to the sidewalk extension and addressed why the issue came up. A resident who lives on El Monte contacted the Governing Body requesting this specifically because El Monte is a long street with no access other than to 47th. The children who live on El Monte have to take County Line Road to get to school or cut through the path. The sidewalk proposal was suggested by residents.

Mayor Kelly said it is a cool idea. He said for the people on El Monte it would do them a great service and they should continue to explore it. He would like for the attorneys to look into the right-of-way and would be comfortable allocating those resources to do so. He would also like staff to give them a refresher on high, medium, and low priority sidewalks. Mayor Kelly also asked for Mr. Miller to let them know exactly how many trees would need to be removed and how mature they are. He added that he wants them to move forward any way they can towards ADA compliance and would hate to invest in a sidewalk that was not compliant. He again said it was a cool idea and is glad they are talking about it.

CMBR Rebne said that he likes the idea to make it easier for kids to get to school. He said the thought process of the Buena Vista sidewalk took a long time and he would like them to look at that process.

CMBR Madigan expressed support of looking further into this. He would like to see meetings with the neighbors and expressed concern about the responsibility of snow removal. Mr. Miller said that did come up and would recommend doing everything they could to make it easier on the neighbors. CMBR Madigan said they should also look at the residents' access to the sidewalk.

City Administrator Moody there is a green space between the driveway to the north, but on the south part of the driveway. He said they can do different things to make it distinguishable. They are not building something in a green field but retrofitting.

CMBR Faidley said from a safety standpoint she would like a consult from the traffic engineer. City Administrator Moody said they would prefer green space between a sidewalk and driveway. He said the Council has identified they would like to go through with this process, and they will try to approach the retrofit in a manner with a partnership. He said they don't always end there, but they do start there.

The Governing Body would like more information on the project and the way sidewalks are prioritized in the City.

3. Executive Session

MOTION: CMBR HILL MOVED AND MAYOR KELLY SECONDED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS THE POTENTIAL ACQUISITION OF REAL ESTATE, PURSUANT TO THE REAL ESTATE EXCEPTION OF THE KANSAS OPEN MEETINGS ACT, K.S.A. 75-4319(B)(6) WITH THE OPEN MEETING TO RESUME IN THE COUNCIL CHAMBER AT 7:40 P.M. (THE MOTION CARRIED 7-0.)

III. NON-ACTION ITEMS:

No items were presented.

IV. ADJOURN

(Roeland Park Governing Body Workshop Adjourned at 7:37 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 11/21/2022
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/15/2022
Submitted By: Donnie Scharff, Director of Public Works
Committee/Department: Public Works
Title: **Review Canterbury Project Plans - 20 min**
Item Type: Discussion

Recommendation:

Review preliminary project plans for the 2023 Neighborhood Steet Reconstruction project on Canterbury

Details:

The city has programmed reconstruction of residential streets through the Residential Street Reconstruction program with design taking place in even years and construction in the following odd numbered year. The program focuses on streets with a condition rating of Poor or worse, where surface treatments alone would not be effective at extending the life of the street. The sub-grade has failed on many of these streets requiring that the street be reconstructed from the sub-grade up. Canterbury functions as a residential street as it serves Bishop Miede, New Horizons and the surrounding neighborhood.

Construction items that will be addressed are:

- New street base and surface
- New curb & gutter
- New sidewalk added to westside - 47th to 48th and 50th to 51st St
- Replacement of sidewalks
- Minor Stormwater improvements

Staff hosted a neighborhood meeting with the property owners along Canterbury on November 10th, 2022 (attached is the presentation from that meeting). Staff & engineers presented information and details about the project scope, impacts, and estimated project timeline. Adding the missing sidewalk segments will require 24 temporary construction easements for the project since the driveway aprons will also need to be replaced to meet the ADA cross slope standards.

The addition of the sidewalk is proposed on the westside of the street as the topography is more favorable, requires fewer retaining walls/grading, and would cost less (\$100k less), however there are 3 trees that will need removed that conflict with the new sidewalk and relocating some landscaping items would be necessary.

The Complete Street Policy has been applied during the design and planning for this project. The corridor is not identified as a bike way on our sidewalk and bike way strategic plan. Existing street lighting meets residential street lighting standards.

Below is a link to the preliminary plans for the reconstruction of Canterbury from 47th St to 51st St.

<https://www.roelandpark.net/DocumentCenter/View/4992/2023-Canterbury-St-Preliminary-Plan-Sheets-PDF?bidId=>

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
□ Canterbury Presentation	Cover Memo

2023 NEIGHBORHOOD STREET RECONSTRUCTION PROGRAM CANTERBURY STREET PUBLIC INFORMATION MEETING

NOVEMBER 10TH, 2022 6:00-7:30 PM



AGENDA



- Introductions
- Why? Need/Purpose of project?
- Project Scope and Schedule
- Construction Sequencing
- 48th Street to 47th Street Sidewalk Location
- Complete Streets Analysis



DONNIE SCHARFF
PUBLIC WORKS DIRECTOR
ROELAND PARK



DAN MILLER
CIVIL DESIGN GROUP LEADER
LAMP RYNEARSON



GREG VAN PATTEN
PROJECT MANAGER
LAMP RYNEARSON



TROY MONTAGUE
PROJECT ENGINEER
LAMP RYNEARSON



WHY? NEED/PURPOSE

The intent of the reconstruction project is to replace streets that have reached the end of useful life. The City plans for reconstruction of streets every other year. New infrastructure is installed to increase pedestrian access by replacing or installing new sidewalks to ADA standards, improved driving surface, and enhanced pedestrian crossings.



SCOPE OF WORK

- Full depth street reconstruction of Canterbury Street from 51st Street to 47th Street
- New 5' Sidewalk on West side of Canterbury between 51st Street and 50th Street
- Spot sidewalk replacement from 50th Street to 48th Street
- New 5' Sidewalk on West side of Canterbury from 48th Street to 47th Street
- Replacement of driveway aprons on all houses on West side of Canterbury from 51st Street to 47th Street
- Spot curb replacement on both sides of Canterbury where needed
- Storm Sewer Replacement at 50th Street Intersection
- Project Restoration/Sodding

PREVIOUS NSRP ON REINHARDT DRIVE

- In 2021 Reinhardt Drive from 52nd Place to 48th Street was reconstructed
- Similar project scope



CONSTRUCTION SCHEDULE

Phase I – W. 51st Street to W. 48th Street

- Start Date – Spring 2023

Phase 2 – W. 48th Street to W 47th Street

- Anticipated completion of Phase 2 in late summer

Final Restoration Completed in Fall of
2023

48TH STREET TO 47TH STREET WEST SIDE SIDEWALK

PROS

- Topography is more favorable
- Fewer retaining walls and grading required
- Sidewalk connection to 47th Street would be available upon completion of construction
- Sidewalk is currently on west side for two southern blocks of Canterbury
- Less expensive

CONS

- 3 large trees will be removed for sidewalk
- Landscaping relocations will need to be made
- More driveways on West side of street
- 9 of 14 driveways have existing grade exceeding 12%
- Temporary construction easements required for 11 homes

48TH STREET TO 47TH STREET EAST SIDE SIDEWALK

PROS

- Sidewalk is listed on east side for city's pedestrian-bicycle infrastructure plan
- Developer at 4702 Mission Road would be responsible for approximately 170 feet of sidewalk

CONS

- Topography is less favorable
- More retaining walls will be needed
- Construction cost approximately \$100k more than placing sidewalk on west side
- Temporary construction easements required at all homes
- More landscaping relocations will need to be made
- All 11 driveways have existing grade exceeding 12%

ACCESS DURING CONSTRUCTION

- There will be a slight duration in which homeowners will not have access to their driveways. This will be during the construction and cure-time of the curb and gutter adjacent to the driveway as well as the reconstruction and cure-time of the driveway approaches. We anticipate the closure of select driveways to be limited to 3-5 days each (depending on weather).
- Special accommodations will be made for those with special medical needs and those with disabilities.
- Street access will be limited to residents that live on Canterbury while street under demolition. Driveway access will be maintained except for the days listed above.

COMPLETE STREETS ANALYSIS

- Study:
 - Street characteristics (i.e. width, direction of traffic, sidewalks, and on street parking)
 - Traffic volumes
 - Speed data
 - Crash data
 - Safety concerns
 - Bicycle lanes
 - Pedestrian crossings
 - Intersection site distance
 - Street Lighting

COMPLETE STREETS ANALYSIS

- Traffic flow/speed

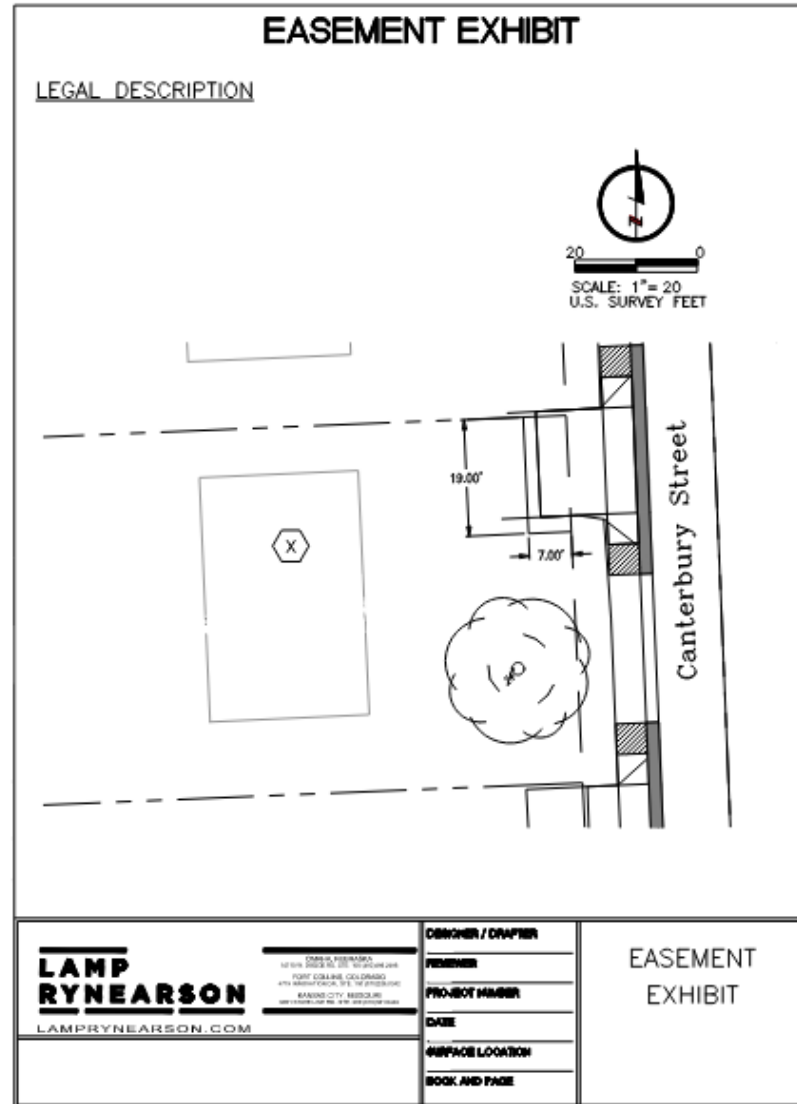
	Average Speed (mph)	85 th Percentile Speed (mph)	Percent of Vehicles Exceeding 25 mph
NB Canterbury Street	17	27.32	41.33%
SB Canterbury Street	17	27.47	33.33%

- Pedestrian Crossings

- Pedestrian Crossings were not recommended along Canterbury because of low traffic volumes

COMPLETE STREETS ANALYSIS

- Intersection Sight Distance
 - Current intersection sight distances are adequate for both intersections at 50th Street and 48th Street
- Street Lighting
 - Current street lighting levels are adequate along Canterbury and along the corridor



TEMPORARY CONSTRUCTION EASEMENT

- Displays location of property that construction will occur
- Purpose is for correcting driveway slopes to meet sidewalk ADA compliance
- Only temporary access is granted

THANK YOU

QUESTIONS?

If you have questions after this meeting please submit to Donnie Scharff, Director of Public Works at the following email - dscharff@roelandpark.org



Item Number: DISCUSSION ITEMS- II.-2.
Committee Meeting Date: 11/21/2022



City of Roeland Park
Action Item Summary

Date: 11/17/2022
Submitted By: Keith Moody
Committee/Department:
Title: **Discuss Construction Method for Renovations to New Public Works Facility - 10 min**
Item Type: Discussion

Recommendation:

Staff is seeking consensus from Council to employ a Construction Manager at Risk methodology for renovations to the new public works facility.

Details:

Per the land purchase agreement with EPC the City has until October 1, 2023 to complete relocation of Public Works from the existing facility at the Rocks. A traditional design, bid, construct method (we regularly follow) tends to take longer than a design-build (or construction manager at risk) approach. The design-build method starts with selecting an architect, in our case the City already has in place a city architect (SFS). The next step is to request proposals from construction companies. SFS would assist in soliciting, reviewing and making a recommendation on the proposals received. A construction company is then selected with the idea that their experience will add value (cost savings, time savings and quality) as they work as a member of the team during the design of the project. Their experience will also aid in identifying the materials and construction methods best suited to the project (again taking advantage of their experience). Engaging the construction company early in the process accelerates the design and construction process. The fee to be paid to the contractor is developed along with the design and that fee is incorporated into the contract as a not to exceed amount making the contractor the "construction manager at risk".

Both Larkin and SFS believe the design-build method is best for this project. Task orders would be developed with SFS (building renovations) and Larkin (site changes) to cover the work for these two team members.

The link below provides a simple pros and cons assessment of the Construction Manager At Risk (Design Build) method:

<https://www.tfharper.com/the-pros-cons-of-construction-manager-at-risk-contracts/#:~:text=The%20Pros%20%26%20Cons%20of%20Construction%20Manager%20at,in%20the%20U.S.%2C%20and%20for%20good%20reason.%20>

The Pros & Cons of CMAR Contracts - T.F. Harper (tfharper.com)

Link to a comparison of Design Build and Design Bid methods:

<https://www.symmetrybuilders.net/symmetry-builders-blog/2019/7/16/design-build-vs-design-bid-build-delivery-methods#:~:text=Overall%2C%20the%20primary%20difference%20when%20considering%20design-build%20vs.,final%20points%20to%20consider%20when%20comparing%20the%20two.>

Symmetry Builders Discusses Design-Build & Design-Bid-Build

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Item Number: DISCUSSION ITEMS- II.-3.
Committee 11/21/2022
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 12/15/2022
Submitted By: Keith Moody
Committee/Department:
Title: Discuss Process for Filling Council Vacancy Seat (15 min)
Item Type: Discussion

Recommendation:

Staff is seeking direction on the process to be followed in identifying a candidate to fill a Council seat vacancy.

Details:

Per Charter Ordinance 38 a vacant council seat is to be filled with a person recommended by the Mayor and approved by a majority of the remaining Council members. It also notes an application process.

Attached is a draft procedure developed by staff after reviewing procedures from other JOCO cities. The City has a volunteer application portal in place on the City web site that can be used to collect applications. Other cities use their social media outlets to advertise the opportunity.

Review of applications and interviews are handled in a variety of ways among other cities. This draft makes a committee of three (the Mayor, the Council President and the other Council person from the ward with the vacancy) responsible for this task but also notes all elected officials will be provided the applications received. The draft process is streamlined and keeps all officials informed.

Staff is looking for direction on a process to be followed. A council vacancy is anticipated on 1/3/23 when a new mayor is selected from the council members. If Council can provide direction on a process at this time, staff can prepare for and implement the selected process following the 1/3/23 meeting. This should allow enough time for a candidate to be identified for consideration by the 2/6/23 meeting.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Additional Information

Lenexa Procedure: No formal selection procedure. Typically advertise for those interested to apply on website and via social media, then Mayor reviews the applications and interviews. Depending upon number of applicants, Mayor will likely interview everyone and in the past has included our Chamber president in the interviews for a second opinion/perspective. The selection criteria is specific to that Mayor. Mayor makes a recommendation to the Council and Council approves.

Fairway Procedure is attached.

Prairie Village Procedure: Advertise and then the mayor interviews. The mayor then usually has the candidate meet with staff and then resume is put in the council packet for consideration.

Mission Procedure: Advertise for anyone interested in being considered for the position; interview all applicants and then make the appointment. No formal policy for who is on the interview panel, but it has typically been the other Ward Councilmember, City Administrator, and the Mayor (for a council seat vacancy).

Mission Hills Procedure: no procedure other than the language included in Section 1-301.D of their city code, link below.

<https://www.missionhillsks.gov/DocumentCenter/View/5721/Chapter-1---Administration>

Olathe Procedure: Link to procedure below-

<https://olathe.municipal.codes/Code/1.02>

Merriam Procedure:

Sec. 2-27. - Councilmember vacancy; procedure for filling.

Whenever a vacancy occurs in the position of councilmember, including when a councilmember moves from the ward from which elected, or whenever the council president becomes mayor leaving a vacancy in the office of councilmember, the city council shall appoint an elector of the ward where the vacancy occurs to be councilmember for the balance of the unexpired term and a notice of vacancy shall be announced at the first regular council meeting following the occurrence of such vacancy. The vacancy shall be filled by the city council pursuant to the following procedures:

1. The deadline for individuals to submit a letter of interest and statement of qualifications for the vacant council position shall be 30 days from the date the notice of vacancy is announced. If such 30th day is a weekend or holiday, the deadline shall be the next regular business day following the expiration of such 30-day period.
2. Letters of intent and statements of qualifications for the vacant council position shall only be considered by the city council if submitted to the city clerk's office by 4:30 p.m. on the deadline specified by the city council as set forth in subsection (1) of this section.
3. The city council may use whatever publicity forum it chooses to disseminate information regarding the vacancy and the associated selection process.
4. All letters of intent and statements of qualifications and associated documents received for the vacant council position shall be treated as open records pursuant to the provisions of the Kansas Open Records Act, K.S.A. 45-215 et seq.

5. The city council shall interview all qualified candidates (electors of the ward where the vacancy occurred who have timely submitted letters of intent and statements of qualifications) within 30 days following the deadline specified by the city council as set forth in subsection (1) of this section. Interviews shall be conducted as open meetings of the city council according to the provisions of the Kansas Open Meetings Act, K.S.A. 45-215 et seq. Nothing herein shall be construed as to limit the number of interview sessions the city council may conduct, so long as each remaining candidate has the opportunity to be interviewed in each subsequent set of interview sessions.

6. In the event that eight or more candidates have submitted a letter of intent and statement of qualifications for the vacant council position, following the completion of candidate interviews, the city council, in an open meeting and by written ballot, shall narrow the list of candidates to five. Each city council member shall vote for not more than five candidates and may cast no more than one vote per candidate. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. Those five candidates receiving the greatest number of votes shall be considered as set forth in subsection (7) of this section at the same or a subsequent meeting.

7. Whenever more than two, but less than eight, candidates have submitted a letter of intent and statement of qualifications for the vacant council position, or whenever the number of candidates has been reduced as set forth in subsection (6) of this section, the city council, in an open meeting and by written ballot, shall narrow the list of candidates to two. Each city council member shall vote for not more than two candidates and may cast no more than one vote per candidate. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. Those two candidates receiving the greatest number of votes shall be considered as set forth in subsection (h) of this section at the same or a subsequent meeting.

8. Whenever two or fewer candidates have submitted a letter of intent and statement of qualifications for the vacant council position, or whenever the number of candidates has been reduced to two as set forth in subsection (7) of this section, each city council member shall, in an open meeting and by written ballot, cast not more than one vote for the purpose of selecting a candidate to fill the vacant council position. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. The candidate receiving a majority vote of the city council shall be appointed as councilmember for the balance of the unexpired term. In the event the city council vote results in a tie, the mayor, at the same meeting as the tie vote, shall cast a vote in favor of one of the two candidates to serve the balance of the unexpired term.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Draft Procedure for Filling Vacant Council Seat	Cover Memo
<input type="checkbox"/> Ordinance for Filling Vacant Seats	Cover Memo
<input type="checkbox"/> Fairway Procedure	Cover Memo

DRAFT Process for Filling a Vacant Council Seat

Interview Committee consisting of the Mayor, Council President, and remaining Council person from the Ward with the council vacancy.

Advertise vacancy and solicit applications through customary channels:

- Constant Contact
- On website
- On social media

Applications submitted through the city's volunteer portal on the city website along with Letters of Interest and Resumes. Applications will be shared with all elected officials as informational.

Link to volunteer application portal: <https://www.roelandpark.org/FormCenter/Volunteering-8/Committee-Volunteer-Form-48>

Interview Committee to review applications and select candidates to interview. Interview Committee shall consider a candidate's ability to carry out the duties of a council person (link to city council duties below). The Mayor, with the consultation and advice of the interview committee, will present a candidate to the Council for consideration.

https://library.municode.com/ks/roeland_park/codes/code_of_ordinances?nodeId=CHIAD_ART2GOBO_S1-204.1COPUPODU

A majority of the city Council must vote in favor of a candidate recommended by the Mayor to confirm appointment.

The process is anticipated to take 30 to 45 days from the time a seat is vacant until a candidate is presented for Council consideration.

CHARTER ORDINANCE NO. 38

A CHARTER ORDINANCE AMENDING THE PROCEDURE TO FILL A VACANT GOVERNING BODY SEAT.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Roeland Park, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-104a(c) states that a vacancy in the City's governing body is to be filled by a special election; and

WHEREAS, K.S.A. 12-104a(d) allows for the City to enact a different procedure for filling governing body vacancies other than by special election; and

WHEREAS, the governing body of the City (the "Governing Body") desires, by Charter Ordinance, to amend Charter Ordinance 32, Sections 6, and 7.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. Existing Section 6 of Charter Ordinance No. 32 is hereby amended to read as follows:

6. "In the event that a vacancy in the office of Councilmember should occur by reason of resignation, with or without acceptance by the Mayor, death, removal from office for cause, promotion to Mayor pursuant to Section 6-101(f) or change of residency to outside the ward from which said Councilmember was elected, the vacancy shall be filled in the following manner: At the next regular City Council meeting, the vacancy shall be filled by appointment of the Mayor, after an application process, with the advice and consent of a majority of the remaining members of the City Council. The Councilmember appointment shall be effective until the next general election, as defined in K.S.A. § 25-2102. Any appointment made after 12:00 P.M. on June 1 of any given year will serve until the general election occurring in the following year."

SECTION 2. Existing Section 7 of Charter Ordinance No. 32 is hereby amended to read as follows:

7. "In the event that a vacancy in the office of the Mayor should occur because of death, resignation, removal from office for cause, or change of residency to outside the limits of the City, then, the Council shall appoint, by a majority of those Councilmembers present, a new mayor from those Councilmembers serving at the time of the vacancy. In the case where there is a tie among two (2) Councilmembers, a coin flip shall determine the winner. A Mayoral vacancy shall be filled within thirty (30) days of the date the vacancy becomes effective. The vacancy in the Council created by the Council appointing a new Mayor will

be filled in accordance with Section 6 of Charter Ordinance No. 38. The Mayoral appointment shall be effective until the next general election, as defined in K.S.A. § 25-2102. Any appointment made after 12:00 P.M. on June 1 of any given year will serve until the general election occurring in the following year.”

SECTION 3. Chapter 6, Article 1, Section 6-101(e) and Section 6-101(f) of the Roeland Park Municipal Code are hereby amended to read as follows in Section 1 and Section 2 of this Charter Ordinance, respectively.

SECTION 4. This Charter Ordinance shall take effect after its publication in the official City newspaper, and shall have an effective date of December ____, 2022.

PASSED by the Governing Body, not less than two-thirds of the elected members voting in favor thereof, this ____ day of _____, 2022.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM

Steven E. Mauer, City Attorney

City of Fairway Process for Filling a Vacant Council Seat

COMMITTEE FORMED - @ CITY COUNCIL MEETING following vacancy

Members: Mayor, Council President, remaining Ward representative

Following communications to advertise vacancy:

- Constant Contact email
- On website
- On social media

Letters of Interest/Resumes accepted

Committee to set up interviews if more than 2 applicants

Two chosen by committee to be interviewed by entire Council at next meeting

Full Council to approve appointment of candidate by way of public vote following interview