



# City of Lawrence

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COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT  
MIKE AMYX

August 14, 2015

The Board of Commissioners of the City of Lawrence met in a special meeting session at 2:00 p.m., in the City Commission Chambers in City Hall with Vice Mayor Soden presiding and Commission members Amyx, Boley, and Herbert.

Vice Mayor Soden: First, I want to thank everyone for coming to the meeting today. I definitely want to thank City Staff for their excellent work this week their experience diligence and aptitude served the City of Lawrence well this week and I'd like to thank my fellow commissioners as well we've all navigated a very bumpy week. So tonight we have 3 items on the agenda. The first one is to receive the resignation of Mayor Jeremy Farmer from the Lawrence City Commission.

Diane Stoddard:  
Interim City Manager Vice Mayor, you've received the resignation and so it would be appropriate to have our motion to receive it and you may want to make some comments to on how you might handle public comment this afternoon.

Vice Mayor Soden: Okay, we were planning on having public comment after all three items tonight.

### A. AGENDA

#### 1. Receive resignation of Mayor Jeremy Farmer from the Lawrence City Commission.

**Moved by Commissioner Herbert, seconded by Commissioner Amyx,** to receive the resignation of Jeremy Farmer. Aye: Commissioner Amyx, Commissioner Boley, Commissioner Herbert, and Vice Mayor Soden. Motion carried unanimously.

#### 2. Take formal action regarding resignation.

Commissioner Amyx: Vice Mayor, I would suggest in light of the number of people that have come today I would suggest that we take public comment at this time on anyone who wishes to address the Commission this time about the matter that is before us. That would be my suggestion and then we take Commission comments after that.

Vice Mayor Soden called for public comment.



Rob Sands:

I don't envy the Commission's decision that they have to make in the upcoming days. I just wanted to give a slight recommendation. However, we want an inclusive decision without bogging down your agenda for the decisions you have to make for the City. Obviously another election is not allowed as has been stated in the paper and I think in the Chambers. The Commission's responsibility is to select so ultimately, I'm not saying anything that you don't already know, the responsibility relies with you. In order to do this and to maximize community involvement, respect the decisions of the voters, I would recommend that the City Commission looks into adopting an Ad Hoc Committee to determine the method of selection, not the actual names, just the method that would be used. Do you go to voter rolls? Do you go to some points based system with experience, however that may be? I just recommend that the...because to drag this out any further with public comment goes on beyond today, it's going to bog down your business of making decisions for the City. Give the committee ten to fourteen days to develop the method. Again, the method of selection and then ultimately the Commission would have the authority to accept the method or deny the method, go back to the drawing board or just out and out make a decision. I just wanted to give that recommendation. Thank you.

Vice Mayor Soden:

Thank you Rob. The public comment is for the formal action regarding the resignation. Our third item is going to be about receiving information on filling the vacancy and filling the position of Mayor. So if anyone else has a recommendation on we fill the position, let's keep that until after we do the third item. We're on the second item right now. Is there any other public comment regarding formal action, regarding the resignation?

Melinda Henderson:

Thank you Vice Mayor Soden, I think that this is a great idea and it saves a lot of confusion. I just have a question. It wasn't clear if you voted yea or nay.

Vice Mayor Soden:

I voted yea. It was my mistake. I'm a little nervous. It's been a very bumpy week. Any other public comment? Alright, so back to the Commission.

Commissioner Amyx:

Vice Mayor, if I could have the floor just for a second. You're absolutely right. It has been a bumpy week for all people in Lawrence Kansas. This is a pretty tough time. History will have a lot to say about this past week in Lawrence and the affect that it has had, but one of the things that we must do as a Commission and as a community, is we need to thank Mayor Farmer for the jobs that he's done. He served his community and for that we should all be appreciative, but now it's time to move on and we must move on, we must put this behind us as was suggested. We're going to be filling a vacancy, but at this

moment here, it's time to heal a community, it's time that we come together as a Commission and we work together to go into the remainder of this term. There are a lot of big items that we have and a lot of people that are depending on us to make decisions on their behalf. We must do that. We've got not only folks to represent in this community. We've got a staff that is busy working for us every minute of the day. When I see emails from the Interim City Manager that she starts receiving at 3:53 in the morning and she's sending things out to me, I'm realizing these people don't ever go to sleep. The thing is, we have a responsibility to make sure that we act as leaders and we move ahead in this process and I know that every member of this Commission is wanting to do that and do the very best that we can for the member of this community. You know, this is pretty tough job I've decided in the last week. Owning a little barbershop on Massachusetts Street and the glass window is...there's been a lot of public comment and I want you to know how much I appreciate everybody's comments because I think that it's been very helpful for me to hear from folks and really hear their feelings about the matter because it is a tough time, but I guarantee one thing. We will come through this and we'll come through big time. We will take care of the matters at hand. We've got a City Manager to hire. We've got a seat to fill. Those are big items within themselves and we will get this done. Thanks to the former Mayor and thank you for the time and thank everyone for the comments that they provided to me. I promise I will get responded to a lot of the emails I got, but boy there is a lot. Anyway, thank you all very much.

Commissioner Herbert:

Vice Mayor, I'd like to say a few words as well. I echo many of the same things that Commissioner Amyx has just said. You know the last 72 hours have been very unfortunate for this community in a lot of ways. A lot of things have happened in a way that they shouldn't have happened and you know what's happening today with the resignation, is the right thing. Where we go from here is something we have a lot of control over. What this demonstrated to me was the vulnerability that we all face. We had a lot of issues in front of us and then all of a sudden, the train derailed and everything kind of became Plan B to dealing with this situation. I think the reason we call a special meeting today instead of waiting until next Tuesday is to make it very clear. We do not intend for this to get in the way of normal business of the City. We had no interest in dealing with this at a Tuesday night meeting because Tuesday night meetings are for one purpose, there for making Lawrence a better place. There for fixing the problems that our community faces, and while this is a problem that our community faces, we're dealing with it now and we're getting it out of the way so that regular business can continue. Along those lines there's been a lot of discussion in the paper about a timeframe for what this process should be. A lot of people have a lot of different ideas about how quickly or

how long this should drag out. When I talked to Commissioner Amyx last Tuesday, here's a man with a ton of experience. He's been here before. He's lived through this before. The rest of us simply have not. What we had discussed was the idea of we cannot rush into this decision. If we presented you a name today and said, here it is...here's the person filling the seat. That would be the absolute wrong way to handle this. This is not a choice that needs to be taken lightly and we have nearly two years, actually with the extension of the election. You have more than two years, left on that seat. This is not something that has to happen before Tuesday and if I have anything to say about it, it won't be. This is something that we're going to take some time with and we're going to make sure the public is part of. When I ran for election as did Leslie and Stuart, we talked a lot about restoring trust in the community. We've taken a pretty giant step backwards. We're a hundred days in and I feel like we're farther back than when we started, but we have two years left and it's going to be a very real priority for me to make sure that gets rebuilt. I don't know how long I'm going to be up here, it may only be two years, but when I leave, I want trust to have been restored and we have to do this right.

Vice Mayor Soden: Thank you.

Commissioner Boley: As we accept his resignation, we thank Jeremy for his service to our community. I'd also like to thank the staff for their work in the last week and I mean all of the City staff. We have great people who are doing their jobs day in and day out and that's what keeps the City moving. We will also be working to make sure that your Commission gets things done.

Vice Mayor Soden: Well, I definitely want to thank Jeremy Farmer for his past service as well and it is a big job and it's a hard choice to have to step down and take care of obligations. So I certainly appreciate that so we can get the City going again. Thank you.

**Moved by Commissioner Amyx, seconded by Commissioner Herbert,** to accept the resignation of Jeremy Farmer from the Lawrence City Commission. Aye: Commissioner Amyx, Commissioner Boley, Commissioner Herbert, and Vice Mayor Soden. Motion carried unanimously.

**3. Receive information on filling the vacancy and filling the position of Mayor.**

Toni Wheeler:  
City Attorney: Good Afternoon Vice Mayor and Commissioner's. I did put together a short presentation to try to answer some of the questions that have arisen from the Commission's action today. Before I get started I wanted to recognize and thank Maria Kaminska Garcia and Randy Larkin who have been working with me very hard for the past few days to make sure that we're prepared today and can give you sound advice in the days ahead. As you know, under our code, the governing body, the

City Commission consists of five Commissioners. When there is a vacancy on that Commission, under our City Code, a majority of the remaining Commissioners vote to fill that vacancy. The qualifications for a Commissioner are also set forth in our Code. The Commissioner must be a U.S. citizen, at least 18 years old, a qualified elector of the City of Lawrence and a resident living inside the City limits at the time of appointment and for the duration of their term. The method of selection is not set forth in the code therefore, you have the discretion to determine that yourself. In 1970, just for historical purposes we wanted to notify the Commission the last time this happened in 1970, the remaining Commissioners nominated and selected a Commissioner to replace Dr. Hughes of the day that the resignation was received and the new member was sworn in, three meeting days later. We have provided some information about how other communities address this situation and it's just for your information and knowledge, there's no particular form that we are recommending that is really the discretion of this Commission to decide how it proceeds, but we thought it might be interesting or of interest to you and the Community to see how other communities have handled that. As you know with Jeremy Farmer's departure, the position of Mayor is now in question and I just wanted to go over some provisions of the code on that. The Mayor is a position that is selected by the Commission annually. Customarily, that term has been from April to April. Mayor Farmer's term was set to expire in April 2016. The new Mayor, if the new Mayor is selected, may complete the existing term or this Commission can set a different term. With the passage of legislation in 2015, House Bill 2104, we do have to make adjustments to the Commissioners terms as a result of that legislation which I'll discuss here. As you know these elections that have traditionally been held in April, has now been moved to November of even numbered years and a lot of cities around the state are now dealing with that legislation in trying to make adjustments to their ordinances to comply with that law and we're planning to do the same as well. We will bring that back to the Commission in the next few weeks and we will be making recommendations about how to make our ordinances and terms comply with that new law. That information will be coming forward, but for now, we just want you to know that you have the ability to establish the term for the Mayor, at your own discretion. When that is finally selected, we would recommend that that be codified in an ordinance. The Mayor is a member of the Commission and the Mayor executes formal agreements and runs the meetings. However, they have no administrative duties. The Vice Mayor is also a position that is selected annually by the Commission. When the Mayor is absent from a meeting or is unable to perform his duties, then the Vice Mayor steps in as Acting Mayor and may preside in the Mayor's absence. The Vice Mayor is Acting Mayor until a new Mayor is selected by the

Commission. Again, here is a reference to House Bill 2104 that was passed just this last legislative session. Again, it provides that our elections will take place in the fall of odd years, excuse me I think I said even earlier, its odd years. The next election will be held on the Tuesday after the first Monday in November 2017. Any Commission member whose term was to expire in 2017, will now carry through to the second money in January of 2018 when the new elected officials take office. Mr. Farmer's term was set to expire in 2017 so the person who's selected to replace him, their term will run through January 2018. There is a provision in this recently passed bill, House bill 2104 that provides for addressing vacancies. However, as you may know, that bill was a compromise of several pieces of legislation and it was put together towards the end of the session at the last hour, so it has a number of deficiencies or errors in it and the League has advised that cities can disregard some of the timeframes in that bill because there are conflicts. It does establish that in House Bill 2104 that vacancies should be filled within 60 days or a special election must be called. However, that applied only to municipalities that have no procedures for filling vacancies and as you know our code does have one. So we think that those timeframes do not apply in this situation and there are no restrictions on your time for filling this vacancy. Just a few questions that may have arisen now that we have four members: The quorum will remain three so three of you will need to be in attendance to take formal action on matters; two of you can still meet and that would not qualify as a meeting under the Kansas Open Meetings Act; to pass an ordinance, the law requires that three votes are necessary to pass an ordinance and on all other matters, excluding ordinances, if there is a two to two vote that matter will not pass. There are occasions when the governing body has to act by supermajority and as before a supermajority will require four positive votes. So just in conclusion there are some items ahead of you that you need to consider. You will need to establish a process to fill the current vacancy, establish a timeline to fill that vacancy, select a Mayor, establish the Mayor's term, and select a Vice Mayor if appropriate. With that I would stand for any questions. Oh, I want to add one thing. There has been some discussion in the community about having a special election to fill this vacancy and our office has done some research on that matter. The general rule is that you cannot hold an election unless there's clear statutory authority for that election and while this House Bill 2104 does have some provisions for calling a special election, because some of those provisions are conflicting with existing statutes, there is a question about the validity of those provisions and we would not recommend that you call an election under those provisions until that legislation can be corrected or those matters can be finalized. It is in fact, not appropriate to hold elections, if there's no clear statutory authority to do that and it would have no binding authority. With

that, I would stand for any questions.

Commissioner Amyx: Toni, I show my age a little bit I guess. 1983 we did have another time when a Commission member resigned. It may have been one of your instructors, Barkley Clark left the Commission and the Commission handled the process itself in that we gave time for application and then we did interviews and went through the selection process and that I would not suggest going through again, but it really needs whatever the process and we determined it needed to have more of a public process and that would be something that I would support. I mean, I've got a little plan.

Commissioner Boley: Boley Is that when Howard Hill came on?

Commissioner Amyx: That's when Howard Hill was selected and there was a lot of push at that time and I believe it was to...we had just had the election and Don Bins was the fourth place finisher. A lot of push at that time, but not to correct you, it's historical.

Toni Wheeler:  
City Attorney Oh no, thank you very much and I apologize.

Commissioner Amyx: Not at all.

Commissioner Boley: Boley Did you like that process Mike?

Commissioner Amyx: What I'd rather do is have a process and it doesn't need to take longer than 60 days to be very honest with you. A process where we were to appoint members of the public to have a checklist if you will or a grading system where they would actually make a recommendation back to the governing body, one, two, or three people, where probably two or more to the governing body. I was telling Peter Hancock the other day, I don't want to give anybody a pass since all of us went through the election process and had to come to every forum know in this room or other rooms, but actually to have people have to respond to public questions and just go through everything, but having to go through the door to door. If you go door to door, I know the doors that you'd be coming to, but really go through the lights and the cameras and stuff and actually see how the folks ideas and how well did they do. That kind of process and then have them make a recommendation because I think it gives the public more of a sense of involvement here and I can do a grading system. I think it would work pretty well. That would be my idea. I mean obviously, not the perfect plan by any means as suggested. Anyway, it's one idea.

Commissioner Herbert: I tend to agree with you. You had discussed that with me earlier and this is a way where we can get community involvement where it comes off very bad if the four of us just hold a huddle

and break out of that huddle with a name. That can't happen. As Toni pointed out, the opposite into that spectrum having a full public election also can't happen. So I would fully support your idea Commissioner Amyx.

Commissioner Amyx: Thanks.

Vice Mayor Soden: Any other questions for staff?

Vice Mayor Soden called for public comment.

Melinda Henderson: Again, I have a procedural question. It seems like we have received information on filling the vacancy of the Commissioner and filling the position of the Mayor and I'm wondering if should separate the comment into two different sections since there's actually two different actions so there's not any confusion. Would that be something you would want to discuss?

Commissioner Amyx: Vice Mayor

Vice Mayor Soden: I heard the question. I'm writing it down.

Commissioner Herbert: Do you want to do that? Do you want to separate the public comment into Mayor?

Vice Mayor Soden: Do you want to talk about it after public comment or after each person?

Commissioner Herbert: I think that the public wants to discuss the two matters separately.

Vice Mayor Soden: If that's what we would like to do, we can do that.

Commissioner Herbert: Which one are you going to talk to, we'll start with that?

Frank Janzen: The first one you talked about, the Mayor.

Commissioner Herbert: That's where will start then.

Frank Janzen: Amyx is almost like the captain of the ship. I would recommend he be appointed to fulfill Jeremy Farmer's position, until the next cycle.

Thom Weik: And again procedurally, is a matter of picking their then voting on the Mayor or are you four going to proceed and chose a Mayor ahead of time.

Vice Mayor Soden: That's an excellent question.  
Commissioner Amyx: My suggestion is, Vice Mayor and just so everybody understands, I believe that we ought to put the item of Mayor on next week's agenda.

Vice Mayor Soden: On Tuesday?

Commissioner Amyx: That just needs to happen to get it out of the way.

Vice Mayor Soden: Do we need to have a motion to do that?

Diane Stoddard:  
Interim City Manager: What I might suggest, Vice Mayor and Commissioners, is perhaps toward the end here of the meeting, we might want to visit about what all you want to have added to the agenda and if there's any other adjustments to Tuesday night's agenda that you would like to make. For example, it's a pretty lengthy agenda and I didn't know if you wanted to make any other changes or director us anymore with regard to your remaining comments here. You might want to take up the item of taking comment on the Commissioner vacancy and then we can take your direction at the end on any and all changes to Tuesday night's agenda as a result.

Vice Mayor Soden: It sounds like staff direction is to put the Mayor election on the Tuesday's meeting. We're still doing public comment though on the Mayor because we called that so let's go ahead and finish that and then we can go back to filling the Commissioner vacancy.

Bryan Wyatt: I'm a life-long resident of Lawrence and actually a business owner also. I would formally ask this Commission to consider going to an election of a Mayor, you know full time. This form of government has served us well, but with the town growing like it has and with the number of people I would ask that we look at that in the near future, not this next week or anything. I think we do need to have somebody step up right now with the form of government we have, but really the citizens of Lawrence deserve to have a full-time Mayor. As you all know you have other jobs that pay your bills. This town has grown large enough that we need somebody, a full-time Mayor and go to an election of one and I would ask that that be a four year position just so we give it due diligence and justice to the citizens of Lawrence. Like I said I was born and raised here. It has grown tremendously and I don't expect any of you, let alone a Mayor to do a job that really deserves full time. It's just unfeasible. I would ask you, at some point in time, in the near future, to look to change this form of government to a full-time Mayor election.

Carol Klinknett: I would like to suggest that, although the members that are active on the Commission right now seem to be doing a good job, you only have one person on the Commission who has experience being on the Commission and I would suggest that the people, in a way, have spoken. It hasn't been that long since we had an election by the people and that you go back and see who the runner-up is and maybe they will be willing to serve on the Commission because I think you need a balance between experience and good will.

Ted Boyle:  
President of North Lawrence  
Improvement Association

It's too bad we're here this afternoon to deal with this unfortunate incident, but the thing that I would like to say is there's only one person on this Commission that is qualified to get us out of this situation in a manner that has a lot of experience and that's Mike Amyx. He has been on the County Commission, the City Commission and probably there is nobody in this room that knows more about Douglas County and the City of Lawrence, Kansas than Mike Amyx. I think that he should be...he was the Mayor prior to Jeremy Farmer and Jeremy did an excellent job. It was just an unfortunate thing that happened and so I'm hopeful that Mike can lead us out of this problem that we have today. So thank you.

Dennis Constance:

I'd like to suggest that in filling a vacancy of Mayor, you may not have it statutorily spelled out, but you do have a tradition of how that happens. I would further add that I think the selection of Mayor should occur from within the four of you because the fifth person who's going to be appointed, regardless of how skilled or talented they are, will not have gone through the election process. So whoever you chose, I think you should choose from among yourselves and I think you have several good options.

Bryan Wyatt:

I just want to clarify that I echo that with this form of government, I also believe that Mike should take over with his experience. I was just talking about at some time in the future looking at going to an election of a 4 year, full-time Mayor. So I just want to clarify. Thank you.

Candice Davis:  
Chair of the Oread  
Neighborhood Association

I would also like to echo many of the things that have been said and I think it would be wise to have someone like Mike step in at this point in time, but it may be that instead of, since this is an unusually long-term it could be that Mike would instead have a reduced term and then there would be some decision as to would follow up on that. Another think and this is certainly premature because I haven't done enough research on this, but I, in particular like the fact that the Mayor rotates and that all of you are given a chance because actually the Mayor does make appointments to many of the governing bodies in the City and that is a reflection of many different prospective and I happen to like that. Another thing...what was I thinking...I think that was it. Oh, obviously, so I don't want to...this is probably very obvious, but I think whoever is the replacement needs to be someone who's really skilled in City Government, has a background in history, perhaps was a former City Commission, but certainly has experience on the Planning Commission and understands this complicated process because this...it takes a lot to get up to speed on this and I definitely don't think that person should become Mayor basically for these other reasons that we mentioned about not having been an elected at this time, but get someone who's very skilled and wise. Thank you

Carol Klinknett:

I want to put a word into if the Mayor resigns the Vice Mayor becomes the Mayor so it's my understanding...

Commissioner Amyx: The Acting Mayor.

Carol Klinknett: Oh she is. Okay, never mind, cancel my input.

Vice Mayor Soden: The Vice Mayor becomes Acting Mayor when the Mayor is not able to fulfill their duties and then a new Mayor is selected.

Carol Klinknett: Okay, I'm sorry.

Vice Mayor Soden: Any other public comment on the Mayor selection?

Melinda Henderson: I have some comments from Marci Francisco who was planning on being here today and was unable to make it due to a conflict she had with her duties as a State Senator in Topeka so she emailed Diane the text. I believe you all got a copy of it, but or that you all would have enough time, before the meeting, to read it so she asked me to read this into the public record and then my comments are along the same issue, comments will follow reading her email into record. Marci says: I understand the Commission would be meeting to discuss the calendar and procedures regarding selection of the Mayor and new Commissioner. I appreciate all Commissioner members do to respond to difficult and unanticipated situations in our community. I would appreciate consistency and continuity as much as possible in your response. I served on the Lawrence City Commission in 1979 and 1980, when the Commission was still following the informal policy to have the top vote getter in each election service as Mayor during their 3<sup>rd</sup> year in office and the next highest vote getter serve as Mayor in their fourth year in office. I was impressed by the strengths provided by this pattern. Each Mayor had the opportunity to have seen close-up two other Mayors in that same roll. An individual who was in a four year term could look forward to the opportunity of serving as Mayor and one of the final two years of their term. I regret that internal disagreements in the Commission and the difficulty of getting back to it had prevented this pattern from being used and I don't actually have the historical data on that. I know when Mike Rundle was on the Commissioner later, they didn't follow that procedure either. It's been quite a while that we haven't been giving the individual, at least two years to get up to speed before becoming Mayor. So back to Marci...I would hope that in your decision, you consider the advantages of experience and might also consider steps that would allow us to again, follow a pattern that allows Commissioner's to look forward to the future and experienced Commissioners to be serving as Mayor's. That's the end of Marci comments. Excuse me...I'm at the tail end of a bug so I need some water. So I totally agree with Marci's reasoning and I really appreciate her unique prospective, especially during the time that she served on the Commission and as Mayor. In all the time I've been here, I've always thought it was at least odd, if not really appropriate for a new Commissioner to

automatically become Vice Mayor because what if something happened to Mayor. A new Commissioner with no Commission experience can end up being the Mayor and I don't think that's a very good plan to follow. New Commissioners need mentoring and the learning curve can be steep going in, especially with having to immediately deal with the budget in your first year. I think it was Commissioner Herbert who said this is a very vulnerable time and I think that's a good adjective, I think, ever foresaw this situation arising. So if we can really think hard and have a really good public discussion about this about going back to the previous way the Mayor was chosen, the two highest vote getters would still have the opportunity to become Mayor after they've had time on the Commission, learn the ropes, pay their dues, developed appropriate leadership skills. All of that takes time. The good news about HB 2104, if there is any, is that we have that time right now; we have an extra 9 months. We might even be able to fit on 3 Commissioners in it at some point, but I've been following City Commission and attending meetings since at least the year 2000. You know I dare say it's possible that I've attended more meetings in those 15 years than any of the new Commissioners. I don't know about you Stuart, but I can guarantee you that Commissioner Amyx has probably been sitting up there on the dais for the majority of those meetings and I'm very grateful to see you up there today. I certainly appreciate your knowledge and skills and experience and abilities that you've been on this Commission to help guide it through some of the tough times and I hope that you would consider stepping up once again. Hopefully for two years to guide us through into the future because we have a lot of important critical decisions to make and I just appreciate all of the skills that you bring to the table. I want to make sure that the new Commissioners understand that. I do not mean any disrespect to any of you. I want you all to have the opportunity to learn and be mentored from the master and um...I think Ted said it first. So you're there and you have the ability and you know. I hope the community really understands what an opportunity we have here to. So thank you all. I wish you all the best. Good luck. I know you've got a tough road ahead. I've been very pleased with the direction you all have been trying to move so hopefully that will continue. Thank you staff for all the time that you have put in and Toni especially. Thank you for all of your guidance. I know it's probably even really interesting for you the last few days. So thank you very much for everything you've done and I to want to say thank you to Jeremy for all the time and effort he did put in to being a City Commissioner and I'm very sad that he's not able to continue. I truly believe he has some great ideas and was able to implement a few and I hope we all remember that in the future so thank you very much for the time to speak. I really appreciate it.

Vice Mayor Soden:

Any other public comment regarding the Mayor?

Dan Dannenberg:

I don't think anybody sitting up there should be the next Mayor. I think we need to have a recently retired or senior status Federal District Judge over the next 60 days take applications and hold public interviews to select the next Mayor. That way we will have a certain degree of independence and hopefully we will have somebody with either skillset to do the job and who is not connected with developers or landlords or any of those special interest groups for all practical purposes have been running the City. We have the Fritzel Farmer Fund and Frolic Facility out there, but we can't get a new Police Facility so this is a failed enterprise and I echo the gentleman's comments earlier that we a new form of government because this isn't working. You can't do this with part-time people. We have a complex City that is growing and we need a full-time administrator, somebody who can really govern the City and so I don't have to constantly send in reports about Code Enforcement or getting the trash picked up or something like that. So we can have a modern functioning City and the only other comment I would make is that this Federal District Judge retiree or Senior Status would have 60 days in which to come up with a name and I think that person then would fill out the regular term of Mr. Farmer. By the way you won't see me singing the praises of Mr. Farmer because he called me an asinine conspiracy theorist which I probably bear that title since he uses it and he also sat up there and sometimes when I was having difficulty speaking, he would mock me and I never appreciated that so I think we need somebody other than from this group to come forward and serve out as Mayor and somebody who is qualified and chosen by an independent entity. We don't have good local elections in this town. Hardly anybody shows up. I've been a poll worker and I bring my sleeping bag because I know there are going to be times when there's just nobody showing up. So I think we need to consider that method and plus the fact it would be expeditious. I'm sure the former Mayor maybe like other former Mayor's. He will wash up on the shores of the Lawrence Chamber, that seems to be where former Mayor's land. I think we need to find that independent method of getting a new Mayor appointed and then we can go forward. I want to reiterate what that man said that we need to go forward with finding a new form of government as soon as possible because this is not a succeeding enterprise.

Vice Mayor Soden:

Any other public comment about the Mayor's position?

Dennis Constance:

Repeat performances seem to be the order of the day here. I would just like to suggest that, with all due respect to things that have been said by the public here and by your selves, it may be a good idea to revisit some of the procedures of how we organize City government, but in the middle of finding leadership, is not the time to do that. So I'd like to suggest that we don't try and reinvent the wheel at this point. Get things settled down, get the vacancy filled and then look at some of the suggestions that have been made and Commissioner Amyx's idea is a pretty good one.

Commissioner Amyx: Thanks' Dennis.

Vice Mayor Soden: Any other public comment about the Mayor? (None). So we'll bring it back to the Commission.

Commissioner Amyx: Put it on Tuesday night.

Vice Mayor Soden: So we'll be putting it on Tuesday night.

Commissioner Amyx: I just want to say a special thank you for everyone who said nice things about me, "Master," I don't know about that one, but that one caught me off guard. I do want everyone to know that I did visit with my wife this morning and that if the Commission saw reason to ask me to do the job, I would be very proud to do the job. I want everybody to know that. Thank you all.

Vice Mayor Soden: Shall we move on to public comment about filling the vacancy? Is there any public comment about filling the vacancy?

A person named Tom: I was a little unclear about the procedure of selecting the people that you would then choose from. It sounded to me like you wanted to pick them, but no guideline was set and since a person that wants to run for the Commission can just sign-up, anybody can do it. I'd like to suggest that the public has a chance to somehow, present themselves to whatever group is then going to choose so that everybody has a chance to do it.

Commissioner Amyx: Since I just brought this idea up a little bit ago and I was telling Matthew about it before we met, my suggestion would be quite honestly is have each member of the governing body select 3 or 4 names and you know come to an agreement on how big this group may be that would do the scoring. Is that what you're asking about?

A person named Tom: I know that to allow anybody in the community is a little bit extreme maybe, but I think that's fair as long as they satisfy the legalities.

Rob Sands: Since I jump the gun earlier, I'm just going to make sure my recommendation goes on the right portion of the agenda for public record. I won't go through the rest of it, but again, recommendations to the City Commission develops an ad hoc committee that develops the method, just the method, for recommendation, no names for that ad hoc committee. I would recommend giving the committee time to develop the method and then submit it to the committee for consideration and after that, you all would then choose rather or not to use that method and move forward or pick one of the ones...and there's a lot of methods that the City attorney gave so I just wanted to make sure it was on the right portion of the record. Thank you.

Vice Mayor Soden:

Any other public comment?

Joe Harkinson:

I'd like to make a couple of comments about the comments that have been made and all made in good faith, one about the form of government. This is certainly not the time to bring that up. You're recruiting a new City Manager. You can't do that with a job description that's a blank piece of paper. If you want to do that down the road, you need to set some timeline for it, but not make that a factor in the process of recruiting a new City Manager. I can't think of a better way to disrupt that process than to start that discussion at this time. Now in terms of selecting the next Commissioner, sometimes technique can triumph over the purpose and in this case with an election having occurred so recently, that reduced 3 new members of the Commission actually that represented the public's sentiment and that sentiment is still fresh and the results of that election are still available. So rather than go through the extraordinary of creating a new process in lieu of an election, I would strongly recommend that you go back and look at the results of the recent election. Simply take the next person standing and see if they want to serve the remainder of this term that's available. Thank you.

Vice Mayor Soden:

Thank you Joe.

Frank Janzen:

I would like to have Master Amyx, if you could describe, in more detail, your idea which each of you will select 2 or 3 people to be on the committee and then from that point, anybody in town can apply to that position. Can you describe that more?

Commissioner Amyx:

Sure. Basically, is that the Mayor and the Commission would appoint approximately 15 people that would act as the group that would grade or score if you will, people who wish to go through the process of being seated as the next...to fill the unexpired term. What would happen is we would set up 3 forums to be held in this room. Obviously televised so the public would have access to be able to see who that next official going to be officially in this particular case, but to actually have them go through the similar process of what we went through. You have to answer questions. Obviously, they can learn from the public, we could use Voter Education Coalition, the League, obviously there're groups here in town that do this regularly and do it very well. And then to have them meet and confer and make recommendations to the governing body whether 1, 2 or 3 people that we should interview and then we ultimately will make the selection on who that appointed person is going to be. That's it in a nut shell. You give a 14 day period for people to apply for the position or people to come forward and start that process. That's basically it. It's pretty simple, but it is a way that the public does get involved by being able to make that recommendation to the governing body. I mean think about it, it's not a bad deal.

Commissioner Herbert:  
Vice Mayor Soden:

You're the master.  
Any other public comment?

Tim Bateman:

The person before me had the way that I'd probably choose to do it, that would be take the recent election results. Those people had an interest in running. They had public support to at least get through the primary into the general election so I would just take and ask the person that finished fourth and if he didn't want to do it, then 5<sup>th</sup> and 6<sup>th</sup> and so on. I think that is a very fair way. Those people have expressed interest. They've gone through the gauntlet like you've talked about. They've gone to the meetings or the debates. They've gone door to door. I think the interest is the big part of it and coincidentally the person who was number 4 also has experience which I think would help too. I think the way to do it is to just go through and go 4, 5 and 6; election was because that's not that far removed from where we are today.

Vice Mayor Soden:

Thank you Tim.

Frank Janzen:

That idea would work and in fact those same people who did come in 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> whatever, we don't know if they've gone on to other occupations which may be true, but in any sense they can still apply and that would be a leg up on the competition in this election.

Vice Mayor Soden:

Any other public comment? (None) Bring it back to the Commission.

Commissioner Amyx:

Vice Mayor, I just want to say, mine was just one idea and the Commission would have the opportunity, if they wanted to go to the 4<sup>th</sup> place vote. I mean, those are all possibilities, but I think that we have to have that discussion as a Commission on whatever the process we're going to choose. Mine is one idea and it's one that I want to make sure that the public is involved in going through this and doing that and making recommendations. That's the best way that I thought that we would be able to meet that. The deal is that the timeline as to when we want to consider that, I would think and in looking at Tuesday night's agenda.

Commissioner Herbert:

It's a beast.

Commissioner Boley:  
Commissioner Amyx:

Is there something that we can bump?  
Like the agenda.

Commissioner Boley:

I'd like to move on this.

Commissioner Amyx:

Well, item number 6 is the Lawrence Memorial Sponsorship. I mean is that a possibility that that could be moved for a week or is that an absolute that has to be taken up this week? I think we pretty much have to move.

Diane Stoddard:  
Interim City Manager I think there was some desire from LMH to go ahead and have that on there. We kind of thought a little bit about some of these.

Commissioner Amyx: Well, Kasold Drive is not going anywhere, move that one.

Commissioner Herbert: Kasold Drive hasn't gone anywhere for a long time.

Commissioner Amyx: We can put it off for a week or two. That would be my suggestion.

Vice Mayor Soden: I would suggest putting off the bistro because it's been three years. I don't think they have an operator yet from what I hear.

Commissioner Amyx: Is there a timeline that we have to follow there to meet anything coming from the Planning Commission?

Commissioner Herbert: When I spoke to him there was some concern about that one getting bumped due to the fact that they don't have an operator because it hasn't been given approval yet. It's kind of a chicken and egg scenario.

Scott McCullough:  
Planning & Development  
Services Director I might suggest there's no applicant among the items for items 3 and 4, East Lawrence zoning and the RS5 in North Lawrence, but I know the impact of that as well. We're happy to present that Tuesday anyway.

Commissioner Herbert: I think we probably ought to leave RS-5 on there. We got away with a short one the other time, so maybe we're due.

Vice Mayor Soden: Would we like to make the Mayor selection first on the agenda?

Commissioner Boley: That would be good

Commissioner Amyx: So do want to add the discussion to fill the unexpired term as the very last item or do you want to move it up.

Vice Mayor Soden: It would be good that each of us came with an idea of a timeline and method of selecting candidates.

Diane Stoddard:  
Interim City Manager: Very good. We'll add the Mayor election as the first item, the discussion of the City Commission vacancy and then defer the current item 5, Kasold Drive Improvements to a future agenda.

Vice Mayor Soden: Any other Commissioner comment?

**Moved by Commissioner Amyx, seconded by Commissioner Herbert,** to adjourn at

3:05 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 17, 2015.**

  
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Brandon McGuire, Acting City Clerk