



City of Lawrence

CITY COMMISSION

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SUE HACK

COMMISSIONERS
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January 29, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Hack presiding and members Amyx, Dever, Chestnut and Highberger present.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the City Commission meeting minutes of January 15, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive the Public Health Board meeting minutes of November 19, 2007; the Hospital Board meeting minutes of December 19, 2007; the Lawrence Alliance meeting minutes of January 10, 2007, March 14, 2007, May 9, 2007, July 11, 2007, September 12, 2007, and November 14, 2007; and the Convention & Visitors Bureau Advisory Board meeting minutes of October 23, 2007. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 460 vendors in the amount of \$983,269.41. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Drinking Establishment License for La Tropicana Restaurant, 434 Locust; Gaslight Tavern, 317 North 2nd; and the Retail Liquor License to Glass House Liquor, 2301 Wakarusa Ste. C. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve 2008 annual software maintenance fee to SunGard HTE for \$86,440. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve repairs by Midway Sterling to unit 489, Refuse Truck for the Solid Waste Division of Public Works, up to \$15,147.90. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve extension of parking agreement with Sunflower Broadband to use City Lot 16 at the monthly rate of \$10 per metered space for 43 spaces, for a total of \$430 per month, until March 1, 2008. Motion carried unanimously. (3)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said that Frank Reeb, Administrative Services Director, drafted an annual report that followed the City's tax abatement policy on regarding the wage floor. The information was shared with industries that were affected by that wage floor and policy.

Scott McCullough, Planning and Development Services Director, reported the first on-line packet was used at the Planning Commission meeting. The first packet contained 525 pages which included the T2030 document, so it saved thousands of pieces of paper in the process. The new on-line process was well received, and they were already seeing a number of efficiencies with this new process from an internal staff level. (4)

REGULAR AGENDA ITEMS:

Receive report from Lawrence Alliance.

Deb Taylor, Chair, Lawrence Alliance, said she would not discuss the entire report, but she wanted to give an example of something that came out of their big push to network more among different members of the community.

Lydia Leon, Chair of the Centro Hispano, recommended a young man named Carlos Otero, who was an active member in the Hispanic community, to become a part of the board. She said Otero suggested that members of the Hispanic community would like to feel more comfortable being part of the community and learning things like safety issues and how to feel better adjusted in the City of Lawrence. As a result, Otero's suggestion culminated into a cultural awareness event that was held at St. John's Church and members of the Police Department attended and discussed to the Hispanic community, issues important to their community. She said through that event, it helped the Hispanic community create more understanding with the City's law enforcement and visa versa.

The report also indicated that a training session, presented by different members of the community, would share different cultures with the Lawrence Police Officers.

Also, the report shared their goals for 2008. She said the Lawrence Alliance was inviting representatives from various communities in Lawrence to attend their September 10, 2008, Board meeting and hoped to have that meeting in the City Commission Chambers and desired to invite a number of members of the public. She also wanted to invite the City Commission so they could hear comments made by various people from the Lawrence community.

Finally, the Lawrence Alliance was working hard to make sure people on the Board had an appreciation for diversity and as vacancies occur, she hoped the City Commission would work with the Lawrence Alliance to make sure there were good people on their Board from all different cross sections of the community. (5)

Consider request from Lawrence Freenet for City support for "Freenet-Kids". Receive update on the status of the Busquest Proposal.

Joshua Montgomery, Lawrence Freenet, presented their request for City support for "Freenet-Kids" and an update on the status of the Busquest Proposal. He said the Busquest proposal was going well. He said he met with Google to discuss this proposal and Google was on board to provide transportation planning and real time tracking services. Google put

Lawrence Freenet in contact with a company out of Vancouver, Washington, that had a location based software service already developed and were excited about working on this project too. Lawrence Freenet had also been working with a local company called Popstar Networks that provided display technology for all types of organizations nationwide. He said Freenet would be putting together a formal proposal and expected completion of that proposal in 60 to 90 days to present to the City Commission.

Cort Buffington, Interim Executive Director, Kansas Research and Education Network Inc., said they had been based in Lawrence since their inception in 1993, originally as a service unit of the University of Kansas Center for Research Inc. He said that was important because they had been providing internet service since the dawn of the internet and in the beginning when there was a digital divide in 1993 not all of the Regents universities in Kansas had the ability to gain internet access. The original creation of their organization was to provide that service to all universities and then they expanded on out.

During that time, they had seen a lot of change and added a lot of other types of sites to their network, mostly in the K-12 and Community College area and they wholeheartedly supported the Freenet Kids Program. The importance of the internet and daily connectivity in education really could not be under stressed. What they had seen developed with advanced network services started at the high end of research and education and moved down until it eventually it was commoditized and everyone had network services in their homes.

The ability for schools and educators to use the internet was directly linked to access their students had to that service, both in the school buildings, at home, and anywhere else those students were.

He said they liked the Freenet Kids Program because it was a service delivery method that Freenet was using, not just wireless connectivity, but a wireless community network was significantly different than even wireless hotspots. They were talking about a technology that was available everywhere. Kids were on the go these days and sometimes they had more than

one place they lived and sometimes together in public places with friends. He said anywhere those kids go they would have access and hopefully that access would allow those kids to do more research, learn more, become more productive students, and would help as they get older and move to higher levels in education.

He said the service was not based on wired technology and the ubiquity of access throughout the community, they found very compelling. He said it was important because the easier it was to access, the more likely it was to be used and more kids would spend time learning good things and improving as they moved up the educational ladder.

Deannie Hayes, Director of the O'Connell Youth Ranch, said they had been in Lawrence approximately 25 or 30 years. One of their greatest difficulties was receiving internet service on their 20 acre ranch. Therefore, she said they were using dial up which was difficult to run an office with dial up along with their kids and educational needs.

They were also involved in a credit recovery program that helped at-risk students. She said with their summer school being a virtual school, it was expected that kids had laptops and internet access. She said when approaching internet companies, it appeared as though it would cost between \$10,000 and \$20,000 to have cable placed in their facility.

In 2006, she contacted Freenet and they placed two internet systems throughout their homes, one in their office and the other for their kids which was quite costly for Freenet, but free to their youth ranch. She was supportive of Freenet's action of providing internet service to kids in the community. I

Nora Murphy, representing the Central Junior High parents group, read a letter on behalf of the group which read: "The Central Junior High School parents group discussed Lawrence Freenet Kids at our open meeting and we would like to publicly urge you to support this free wireless broadband internet access for our children. We believe that universal internet access is a vital importance to the community. Please authorize the revenue neutral proposal that Lawrence Freenet is submitting to the City of Lawrence to finance the Lawrence Freenet Kids."

Adam Mansfield, President of the Board of Directors of Lawrence Freenet, said they were interested in working with the City to find a way to secure financing for a project that would allow Lawrence to become the first city in the nation to offer free wireless broadband internet access to every school aged child and also expand internet access throughout the rest of the community. He said the City Commission had heard other people speak about why this was important and did not think there was much disagreement about benefits of internet access to the community on many different levels. As much as the newspaper might want to frame this as competition between Journal World and Freenet, this was really competition between Lawrence as a community and the rest of the world. Internet access throughout other countries had vastly outstripped what they had in Lawrence. He thought the City was about even with the Czech Republic now. He said Japan, South Korea and other areas had faster speed at lower cost and was something that needed to be addressed as a community. They were offering this proposal as a way to try and get at that problem.

He looked at internet access like electricity was in the early 1900's. There were a number of people that did not have access to electricity and there was not an easy way to figure out how to give those people that access. If they looked at the Rural Electrification Act in 1935 where FDR allowed the government to provide bonds and funding for the expansion of the electric network, more people were able to connect. That greatly improved their ability to market their products and made things much easier for those people. That worked so well that in the 1950's it was expanded to telephone service. There were telephone co-ops that were started under the REA that were providing service today. They would think that model would be one way to expand that access to everyone who did not have that access right now. They understood at the time electricity was expanded to people who did not have it and people who were making candles then were probably not too happy with that expansion, but it ended up being better for everyone involved to have access to that electricity.

He said there were other benefits involved with this proposal to the City directly. There could be increased access to the Police Department, City staff, and the Planning Department could have on site access to documents and records that they might not have access to otherwise and that was all included in the proposal presented. He did not want to get too much into details because it was something that was new and different and would require work on staff's part and direction from the City Commission as to how they could best proceed and make something like this work. They were willing to work with staff if the City Commission would like to direct them to find the issues where there might be problems and find ways at working towards solving those problems. If there was any additional information people would like to know on the project, they could go to kids.lawrencefreenet.org and if they were interested in volunteering, they could go to volunteer@lawrencefreenet.org.

Dan Simons, World Company, said he was not against Freenet, and he would love their marketers working with the World Company. He was not against kids or clean air or water. Their competition in their minds was AT&T who had \$10 billion in profit. Other competitors were Google and Dish.

He said there were two issues that came with this interesting discussion, and one was the 700 GHz issue. He said part of the discussion of the entire Freenet situation was potential police broadband. In this current auction that had been going on for four days, it set aside dedicated, allocated bandwidth to first responder City fire and police, was a whole new high speed broadband spectrum which was already coming and it would be interesting to see what happened over the next couple of years of the spectrum that was allocated to City's first responders' broadband wireless.

He said the other issue was an interest in the fiber connectivity. In the 38 or so years since the World Company had been in business, since the very beginning, and in three times when he had been specifically involved with City engineers and his engineers discussing if they could put connectivity of stop lights, traffic intersections and on water meters, there were many

discussions. It had never panned out and the City decided they did not want it to happen. If this was now the case where the City wanted to discuss fiber optic connectivity of street lights, water meters, whatever, the World Company had over 200 miles of already in place fiber optic connectivity. He would love to bid for that contract. It was a highly competitive world with internet service. There were others in this town today that were national providers and world providers and it was guaranteed to get more competitive. The internet was going to be a commodity in the future.

Again, regarding the 700 GHz auction where they had dedicated to first responders', the World Company already had a couple miles of fiber optic already in place and would love to have a bid for that contract.

Patrick Knorr, Chief Operating Officer, World Company and General Manager of Sunflower Broadband, said he would echo what Simon's said as far as wanting an opportunity to bid if there was an identified need, which was what they said repeatedly with Freenet's creative proposals. If there was a need, they would like an opportunity to bid on that need. If a business came forward trying to manufacture a need, and what better need than free internet for all kids, he thought that was a dangerous play. It sounded great, but one thing he asked both as a taxpayer and competitive provider, to fully examine the sustainability. He looked at the proposal and the numbers could be crunched to put in that much fiber and it was optimistic to say the least. Something he handed out was a sampling of articles on the internet regarding municipal Wi-Fi.

He said there had been a lot of discussion on how Lawrence was unique and how this service was working better than in any other community, but it could be disputed. Everything that was being said was being said in other communities which was it was more expensive than thought and more money was needed and this service could not be provided without the City. It was not unique and was really a question of the best use of municipal funds and how much risk

there was involved in the City supporting and subsidizing such an effort. There was also an issue of fairness and legality in picking a vendor and how to go across that process.

One thing that was getting lost as far as the public relations debate was despite being the dominate media company they seemed to be losing the public relations debate. The things their company had done in the community seemed to get lost. Their company brought broadband back in 1995 to Lawrence years ahead of when other communities had broadband. They brought 20MB service, the highest speed service available with cable modems, years ahead of where it had been available. It was just now becoming available in New York through Time Warner. At \$15.95, they had the lowest cable modem internet rates in the country with cable providers. They had provided to hundreds of non profits, a standing discount service not tied to their success, but their inception back in 1995 including to the City, to the fire houses, providing internet access. They had free hot spots going back to 2001. They were rolling out a lifeline internet service to make available to low income families. It was something they talked about for years and did not do because Freenet appeared to filling that void with their original mandate two years ago, which was supposed to be solely focused on that. More and more, it seemed to focus on being a competitive for profit company and they received complaints from municipal organizations that the nitch was not being served and those that needed internet access were not getting it. They responded to that request and were filling that nitch not because they were competing with Freenet for free customers, but because they were serving the community as they had done as an internet provider for going on a dozen years, as a cable provider for 38 years, and a media company for over 100 years.

Mansfield asked to speak on the issue of for profit/nonprofit issue. He said they first started looking at different ways to structure the organization and looked at co-ops, and there was nothing in the statutes that allowed for internet service provider cooperatives, so in talking with the IRS, they suggested the 501(c)(4) and gave them revenue rulings which showed this set up had been used in the past for community bus service and other cities used it to build an

airport and use the non profit, for profit contractor relationship. That was where they initially got the idea and had been working with that since. He said the combination of for profit/non profit and there being some type of switch, was news to him because they had been operating under that status since first looking into how to expand the model from before.

Commissioner Amyx said, in information provided by Freenet, a statement was provided that the Freenet Kids Program was revenue neutral which meant it would not cost the taxpayer anything. If the City Commission were to guarantee the loan, he asked if the City needed to operate under cash basis and appropriate the monies in an account that would be held, essentially raising taxes.

Corliss said Mansfield and Montgomery came in for a meeting earlier that month where the City received the proposal that was shared with the City Commission. They talked about the importance of it getting to the City Commission and getting direction from the City Commission on how to evaluate the proposal. Staff received their narrative package last Thursday, which was posted on the City's website. Staff had not conducted any extensive analysis on this proposal. One of the questions that were in his memo was the legal authority to provide financial guarantees for the proposal which clearly needed to be analyzed. The City had to operate under the cash basis law. The cash basis law, in the vernacular, stated that if the City was going to make a financial commitment of any kind, it had to do one of two things. It had to point to money in the bank that had been budgeted for that purpose or it had to follow the state laws about going into debt and make a debt commitment. He said when he signed a contract, it was because the City had money in the bank that was appropriated for that purpose or the City Commission indicated they wanted to finance the debt for that capital improvement project. That was the only way they could make those types of financial commitments and it was a quick windshield tour of the cash basis law.

He said there might be ways to get at the goal of a financial assurance short of signing a bank note. He did not believe the City had the legal authority to sign a bank note. It did not

mean there might be another way to provide a financial assurance which was the legal authority issue, but not the policy issue of whether or not it was wise to do it from a business standpoint or a priority of the City Commission to obligate those funds.

He said the cash basis law required a level of financial commitment. Whether or not there was another way to do that and still provide the level of assurance was something he did not know yet. He said the City had to follow the cash basis law and staff would recommend it because it was good financial stewardship.

Commissioner Chestnut said he met with Montgomery several times and did some reading on the digital divide which was a reality. He said ubiquitous internet connectivity was something that was a goal for the community. There were a lot of issues in the proposal that he had a problem with, not only from the standpoint of the risk that was involved, but also the precedent the City Commission might be taking.

As far as the risks, clearly by the presentation given, if there was 7% difference in the risk assessment that the bank had, between a non-collateralized loan by the City and a collateralized loan, it probably meant the bank wanted the full faith and credit of the municipal government behind it. As far as being in the fourth collateral position, he was not sure. They did not have a lot of information about what that meant and there was a lot of risk as far as a \$5 million commitment that was difficult to know what the City's possible exposure could be.

Secondly, he knew that some of the money was going toward some of the operations of Freenet Kids and the service and knowing that split was pretty important as far as not all of that money was going toward financing the infrastructure. Some of that money, he believed, was going toward some of the operating costs of the on going business. It became problematic because there were rules about the way the City did debt financing and could not always have operating costs in there. It was normally toward capital.

He agreed with Commissioner Amyx about revenue neutral. He said one of the proposals indicated that municipal bonds would be an option and essentially Freenet would give

the City the first \$53,000 a month if that amount was available and was clearly where the City would be assigning all the risks in hoping they received some of the return. He said he loved the concept of the proposal, but was troubled by the risks involved with the municipal government.

As for the precedent issue, he said the City was currently going through discussions about economic development and public incentives. He said to some extent, this proposal in some ways qualified, in some ways, in that arena in that there was an unknown investment, but there might be a possibility of some investment. He said the proposal needed to go through the due diligence the Commission would expect of a TIF or tax abatement project.

He said the Commission needed time to digest the information, but clearly, the Commission needed to figure out what the options were before getting far into this proposal and if the Commission could do anything from a guaranteed standpoint and what was involved.

Mayor Hack asked the other Commissioners if the direction would be to ask staff to look at other ways to help and still provide a level of assurance in terms of fiscal risk of the City.

Commissioner Chestnut said he would like to know what the Commission could do to provide assistance, but he was not sure if he would be willing to commit to guaranteeing the entire loan because it was a risk. He said the Commission was on a diving board, but did not know how deep the water was.

Mayor Hack asked if Commissioner Chestnut was shutting the door on this proposal or wanted more conversation with Freenet.

Commissioner Chestnut said he would not mind having more dialogue to look at other options because it was a proposal that had a lot of benefits but wondered if the proposal was doable because of all the legal issues.

Commissioner Amyx said he brought up the cash basis law because the City needed money appropriated to take care of the obligations of the City. He said regarding the comments about revenue neutral, an appropriation of monies was needed in the event the guarantees on

those loans were not met, the City needed to have the ability to pay those loans. He said the City guaranteeing a private loan was a concern. He said he would not guarantee a loan privately and neither should the City. He said the World Company wanted the chance to bid on the services Freenet was proposing, but he would like to know what the City was getting into and what was available. He said Simons commented there would be money and programs available for the Police Departments, First Responders, and Fire Departments, but it was the first that he heard about those programs. He said he could not support moving forward with this proposal if the City had to guarantee a loan.

Commissioner Highberger said he understood the concerns expressed, but the proposal was exciting both from a social justice perspective and an economic development perspective. He said it was his impression that most of the places where this was happening around the country, the leadership came from the City and he thought in that way they dropped the ball. He was glad someone took the energy to push the City in that direction.

He said he needed more information before deciding to say “yes” and go forward. There were questions about possible financing mechanisms that could be used. Obviously, the City could not use public resources to favor one private business over another. It needed to be clear and the process needed to be completely transparent.

The Commission needed to have a discussion on how much the city would be willing to provide to a proposal like this. He said this proposal was for public good and the potential benefits were staggering, both in terms of opening up opportunities for a lot of the kids and general economic development potential. He would like to encourage staff to work with Freenet to refine the proposal and see what was possible and bring it back to the City Commission in a relatively short time frame because he would like to see this proposal to happen.

As for the 700 GHz issue, he said he understood that spectrum might be allocated, but the infrastructure needed to be provided in order to use it and he was sure there was no funding attached for infrastructure either.

He said he did not see this proposal as a threat to the World Company but this needed to be done in a way that ensured the long-term viability of both entities.

Vice Mayor Dever said he was in favor of directing staff to evaluate the economic ramifications of getting into this type of agreement. Given the fact they only had a couple of weeks to digest the information, it was important to continue to look at the proposal. It was a unique opportunity and most municipalities had to dive in and find a provider to give them all the equipment and bandwidth in order to provide this service. In this case, they had a provider who was willing to take on the risk given the community was willing to take some risk associated with the benefit received if this proposal moved forward.

Some of the things he saw as an advantage to providing this type of service went along the lines of economic development. It would put Lawrence in the forefront nationally and internationally as a community that cared about its citizens and providing an incubator for small businesses. The Commission needed to tout the services provided by the World Company and the potential services provided by Lawrence Freenet.

When it came down to it, the Commission needed to evaluate whether or not it was fair to provide this leverage to a private company. Anything the community did should be open and free for bidding for others if others were interested. He knew Freenet had asked for bids in the past for providing services and tried to be forthright and transparent in developing their network. He said for him it would boil down to asking the City to look at this further and look at the benefits and risks.

He said he hoped this issue shed light in the community of where the community stood and should be proud of how long the community had this advantage over other communities. He hoped it would open up a dialogue with The World Company who had over 200 miles of infrastructure in place and open up a dialogue to somehow utilize that infrastructure instead of laying new cable and new infrastructure and could partner and provide that fertile ground for a better relationship for the community, Lawrence Freenet, The World Company and the outside

world. If they together could use all the resources and infrastructure available, both the wireless and cable, that would be the best of both worlds and would be less risk and cost of infrastructure to get it off and running.

He said he was in favor of the concept, but clearly the City needed to be open to this issue and he thought it would be appropriate to ask staff to look at this issue further.

Mayor Hack said there was a difference between the good work of Freenet and the goals of trying to narrow, if not completely close, that digital divide and the difference in asking the City to perhaps deviate from policy, which the City could not do in terms of providing a guarantee for the loan. She said she would take Mansfield up on his offer of working with staff. She said the non-profit/for-profit issue needed to be clear and she was concerned about setting a precedent. She also worried about the risk to the community and the fairness. She asked staff to work with Lawrence Freenet, but also asked The World Company to sit in on those discussions as well. She said as a former teacher, if kids did not have the tools to do the very best job they could, then those kids could not do that and the City would be hurting its future.

Corliss said he would like to know a time frame on when the City Commission would like to see this issue back on the agenda. Staff was spending quite a bit of time, for example, on the Oread Inn Project, making sure to get all that information out. He said staff could have a status report on March 4th. Staff could discuss the legal issues with bond counsel and how those types of things could be structured. Staff could get the information regarding intelligent transportation system status and how staff might see this being complementary to different City services. He said the City Commission would have some important policy issues about selection of a vendor and staff would outline those issues, but it was ultimately the Commission's decision as to how they wanted to proceed with that type of choice. He said if there was a level of financial commitment, whether it was actual or good will, the Commission would need to decide the appropriate place to place those resources, given all the other competing resources.

Mayor Hack asked staff to set it up for the 4th and if that did not work, it might need to be pushed back one or two weeks.

Commissioner Amyx said it was just 8-10 months ago when discussions were taking place about reducing the expenditures to outside agencies, looking for money for transit, and having the debates about raises for employees, he asked that the City Commission be extremely careful and remember those discussions. (6)

Consider the following items related to The Links at Lawrence, a Planned Residential Development containing 40 multi-dwelling buildings with 12 dwelling units per building for a total of 480 dwelling units, located at the intersection of Queens Road and Wakarusa Drive.

a) Consider approval of the requested annexation of approximately 81.13 acres located at the intersection of Queens Road & Wakarusa Drive, and adopt on first reading, Ordinance No. 8225, providing for the annexation of approximately 81.13 acres, if appropriate.

b) Consider approval of the requested rezoning Z-11-28A-07, a request to rezone a tract of land approximately 80 acres, from A (Agricultural) to RM12 (Multi-Dwelling Residential). The property is located at the intersection of Queens Road & Wakarusa Drive.

c) Consider approval of the requested rezoning Z-11-28B-07, a request to rezone a tract of land approximately 80 acres, from RM12 (Multi-Dwelling Residential) to RM12-PD (Multi-Dwelling Residential Planned Development Overlay). The property is located at the intersection of Queens Road & Wakarusa Drive.

d) Consider approving, subject to conditions and use restrictions, PDP-11-06-07, a Preliminary Development Plan for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive.

e) Discussion of possible Queens Road special assessment benefit district.

All of the items related to The Links at Lawrence were deferred indefinitely at the request of the applicant. However, Mayor Hack asked Chuck Soules, Public Works Director, to provide a brief presentation on the possible Queens Road special assessment benefit district.

Chuck Soules, Director of Public Works, said improvements to Queens included:

Intersection Improvements

- Signalization of the intersection at 6th and Queens Road

- Right-turn lane from 6th Street onto Queens Road

South of 6th Street

- Approximately 450' of street 31' wide, sidewalks on both sides, storm sewer, and waterline improvements
- Entrance treatment (island)
- At the intersection, widening to four lanes to provide for turning movements

North of 6th Street

- At the intersection the traffic volume would require a five-lane section to accommodate through and turning traffic. Just north of the intersection the street section will taper down to a two-lane collector street.
- Roundabouts will provide traffic control at Overland Drive and Wakarusa Drive
- Multi-use path (10') and sidewalks (6')
- Stormwater improvements and water main
- Approximate length of one mile to north city limits

Soules said, regarding project financing, typically for straight streets a front footage method of assessment was used dividing the cost equally to each side of the street. The costs were then spread on a square footage basis. Some of the individuals in the residential areas might or might not know that an agreement not-to-protest the formation of a benefit district was attached to their property which would have been signed by the developer when constructing the development and might be an issue. Staff anticipated The Links project would be designed next fall and the benefit district would be established sometime this spring or summer and the construction would begin next year. He said with The Links Project, the intersection at Wakarusa would need to be constructed with that project, which was part of The Links proposal, so they could get access into their facility.

Mayor Hack asked about the width of the lanes.

Soules said the 31 foot street, north of the intersection, would likely be an 11 foot lane. He said at the intersection where there were five lanes, would be 55 feet.

Commissioner Amyx said, regarding the three parcels to the east of Queens Road toward 6th Street, he asked for an estimate of what the assessment would cost for those properties versus the valuation of those properties. He said the City might be getting into a situation where the assessments were greater than the value in that area.

Soules said he had not addressed the cost of the project, but staff would take a look at that request and get the information back to the City Commission. Those three tracts might be similar to Folks Road, where they wanted some type of deferral agreement.

Commissioner Amyx said he was not sure a deferral would be an option because of the cost of that roadway.

Commissioner Chestnut asked why there were no agreements with properties on the other side of 6th Street to the south because if a signal was being placed at the intersection, those properties would not be participating in the benefit district.

Soules said no, those properties would be included. Everyone in the intersection would be participating.

Commissioner Chestnut asked, as far as the longer term, what would happen as far as completing Branchwood or was that going to happen.

Soules said that was another discussion. Obviously, it would not need signalization if they did not have the other lane. This was the same issue with George Williams Way in that should the benefit district include half the intersection and how it was broken up was the question. Obviously, the signalization served more than those two properties to the north of 6th Street.

Commissioner Chestnut said another issue was the money and that particular intersection in that stretch of road was going to be the closest connection to single family homes getting off of 6th. He thought there was a lot of neighborhood discussion to be had because George Williams and Stoneridge would be going through an RM-12 zoning, but on Branchwood, 50 or 100 feet and the residences were right there. Intersection design and entry into that neighborhood would need to be considered.

Corliss said it was important to look at the right type of calming to ensure that it was neighborhood friendly and he also thought it was important to recognize the lesson that was learned between Wakarusa and Monterey Way as far as the importance of connections to

arterial streets with the Folks road eventually coming through. He said it was important that connections be made, but it was also important that those connections be made in a way that made the neighborhood suffer.

Vice Mayor Dever asked if the only reason for doing that intersection was because of the proposed development to the north.

Soules said it was not the only reason, but it might have been the trigger.

Vice Mayor Dever asked about the southerly route and why that route was not put in when 6th street was widened.

Soules said at that time, George Williams Way was tied in, but KDOT did not want to go beyond the right of way they acquired.

Corliss said the project would only go so far and KDOT's responsibility was not beyond the state highway. The City negotiated with KDOT for them to do as much as they did as far as some of the future capacity they built into the road. The right turn lane was under construction at Stoneridge and preferably it should have been done when the road was constructed, but the funding was not available. The same thing would be done again at George Williams Way and 6th Street because funding was not available. The project escalated in cost which was approximately 14 million dollars and choices had to be made about how much the city could pay for.

One of the things the City Commission could appreciate was the difficulty the City had with some of the financing tools for this type of road. He said Johnson County colleagues had applied excise tax, but the City did not have the authority to have that type of tax. The City did not have impact fees for arterial streets and it would have been nice, when the Parkway subdivision came in, to collect those funds upfront for that road as opposed to now telling those 80 property owners that buried in their title commitment was an agreement not-to-protest the improvement of Queens Road that was signed by the developer.

He said they had discussed Queens Road three or four years ago about how they wanted to try and be more proactive. The reason why they were bringing Queens Road to the Commission now was because this was the first development that was on the west side of Queens that was ready to develop and the developers were ready, "once" or "if" they received all the land use approvals, there wanting to proceed and staff thought it was time to have this discussion again.

Mayor Hack said in a sense the City had impact fees, but in the reverse order.

Corliss said one of the values of collecting fees at the time of the development was it went with the price point of the impact it created as opposed to now and with our luck, the letter telling the property owners about the hearing on the benefit district would show up the same time they were getting a letter from the bank about their adjustable rate mortgage. He said he thought it would be a challenge to build this road.

Commissioner Chestnut said they needed to recognize the intersection of Wakarusa and 6th Street was going to get busier as well, because of the commercial development in that corner. Right now, that was where that traffic was funneled from those neighborhoods. He said there would be a lot of surprises unfortunately, but it was time to move forward.

Corliss said one thing they might talk about was when to place this item back on the agenda.

Mayor Hack suggested talking to the applicant or the agent of the applicant, and figure out next Tuesday, when to place the item back on the agenda. (7)

Consider authorizing the City Manager to enter into an Engineering Service Agreement with Professional Engineering Consultants, in the amount of \$285,680, for completion of the design and construction phase services for the West Baldwin Creek Interceptor Sewer and initiation of condemnation proceedings, if appropriate.

David Corliss, City Manager, said they proceeded with this project under the design/build method and staff had looked at the guaranteed maximum price which the City Commission and the development community had questions about it. He said he had questions regarding the

allowances that were fairly generous. Those allowances would not necessarily be spent under that proposal, but there was a strong likelihood a portion of those allowances would be spent.

Staff was recommending signing a contract with Professional Engineering Consultants to finalize the design of that project and the consultant would do the construction phase, inspection portions of that project, and would be able to proceed and get the project underway. This project was in the area of The Links. The Links was dependent upon this project but also the property to the south for their full sewer capacities.

Commissioner Amyx asked whether there was an agreement when the project was first started under the design/build method.

Corliss said the City had an agreement with the joint venture of PEC and CAS Construction and then integral in the project to its design level right now which was completed. The City was acquiring property for this project right now because of the level of design, but there was still significant design that needed to be accomplished for biddable documents and details of the plans and specifications.

Mayor Hack called for public comment.

After receiving no public comment, **it was moved by Dever, seconded by Chestnut**, to authorize the City Manager to enter into an Engineering Services Agreement with Professional Engineering Consultants, in the amount of \$285,680, for completion of the design and construction phase services for the West Baldwin Creek Interceptor Sewer and initiation of condemnation proceedings. Motion carried unanimously. **(8)**

Consider authorizing the City Manager to execute a contract in the amount of \$1,131,654 with Burns & McDonnell for design and construction phase engineering service for Phase I of the Kaw Water Treatment Plant Transmission Main and additional services associated with property acquisition along with Phases II & III, and the design and construction of the Kansas River crossing associated with Phase II.

Corliss said the City Commission had previously selected the design firm of Burns & McDonnell partnering with PEC to do the design and construction for the engineering for Phase I of this project. The project started at the Kaw Water Treatment Plant, went underneath the

river through North Lawrence, and went on the eastern part of North Lawrence again underneath the river and then stayed outside the City Limits, and came back into the City Limits about where the Farmland property was located. It provided the City significant additional water capacity in the southeast part of town the City needed now and projected would need in the future. It also provided additional water sources for North Lawrence. In the Master Plan staff recognized the need to provide a redundancy to the water supplying North Lawrence right now that was served by a water line that was on the Vermont Street Bridge and wanted to provide water sources to North Lawrence. He said the project was sizeable and one of the things staff recommended was in addition to the design of Phase I, to look at the additional design of the river boring, the other river project as well to take advantage of looking at both river crossing projects at the same time and also complete the additional services for the property acquisition for the entire project.

Philip Ciesielski, Assistant Director of Utilities, said staff was asking not only for the engineering and construction phase services for Phase I, which took them from the Kaw Water Treatment Plant, north and just south of the KTA, crossing the Kansas River, into North Lawrence, get to the other side of North 3rd Street, terminating that phase of the project tying into existing infrastructure, but also staff's recommendation was to proceed with the design effort for the second river crossing which would be a specialized contractor who would do that type of work. He said there were savings to be had by having that contractor mobilized and come to town one time to do both river crossings with the first phase of construction as well as doing the review of the entire alignment, identifying those properties needed and supporting the property acquisition for all three phases of the alignment so as they move forward over the subsequent years, they had those tracts of land ahead and did not have hiccups or delays, coming up with joint pieces of property when working down the other two phases.

Commissioner Amyx said the anticipated project budget of 2007 Phase I design of \$922,000 and asked if that was the \$1.1 million now for Phase I.

Ciesielski said no. The \$1.1 million included efforts that would have been included in Phase II for the design of the river crossing that was in Phase II. The itemized costs for the Phase I effort in this were roughly \$835,000. That component equated to the \$922,000 in the anticipated budget. The additional dollars were for those efforts to design the second river crossing, which would have occurred in the Phase II design in 2008 as well as efforts to identify and assist with property acquisition for Phases II and III, which would have happened during Phase II design 2008 and Phase III design 2009. The current request looked over and above the anticipated budget for the first phase.

Commissioner Amyx asked if the \$1.1 million was just for those two phases.

Ciesielski said no, there were additional dollars within that \$1.1 million that accommodated portions of Phase II and portions of Phase II and III. He said for Phase I, the current engineering and construction phase services as negotiated for Phase I was \$835,450 or approximately 13% of the total anticipated construction costs; roughly 8% for design; and 5% for construction phase services. There was a graphic in the staff memo that compared this project to others and, while each one of those projects listed had its own issues, intricacies, difficulties, and challenges, the Phase I costs fell in line with the same percentages the City paid for similar projects, but the City had not had anything quite this size in the way of a pipeline project with regard to a dollar value.

Mayor Hack called for public comment.

KT Walsh, Lawrence, said she wanted to remind everyone during the Burroughs Creek Trail discussions, before that became a reality, there was a dream there would be a bike/hike bridge across the river. She realized that money was tight, but if they were building infrastructure and acquiring land along the river, it might good to include Parks and Recreation to see if there was some type of application.

Mayor Hack said including Parks and Recreation was a good idea.

Commissioner Chestnut said this project was part of the total construction plan for Utilities. One item that needed to be discussed was revisiting that plan, looking at some of the sensitivity analysis around population growth and so on because this was part and parcel of that bigger group.

Vice Mayor Dever said the staff memo talked about who bid on the project and staff came up with a joint venture between the two companies. At one part it said Burns & McDonnell/Professional Engineering Consultants.

Ciesielski said the City's contract would be with Burns & McDonnell. Burns & McDonnell had teamed with PEC as a sub consultant and it was not a joint venture per se in terms of a business sense, but had a contractual agreement between those two firms to work on this project.

Vice Mayor Dever asked if staff was sensitive to the expenditures related to engineering staff located in Lawrence and what type of funds would be used to pay the fees to Lawrence based companies for this project. He asked if staff evaluated that idea at all, based on the Commission's previous discussions.

Ciesielski said staff looked at the qualifications, experience and content of the proposal primarily to identify the best qualified team to negotiate design services. He said there was a local component within each team and 3 groups proposed. He said an engineering firm was represented on the Lawrence side within each team. He said Utilities staff ranked those groups, looking at the experience with the river crossing, pipelines of that size, and the amount of experience the team brought forth. The team of Burns and McDonnell and PEC came out as the highest ranked team on those qualifications and staff went forward with negotiations. He said staff was cognizant of the local participation and local effort. He said as those RFP's were written and as the City's purchasing policy went, staff was charged at making that choice on the best qualified team.

Moved by Amyx, seconded by Chestnut, to authorize the City Manager to execute a contract in the amount of \$1,131,654 with Burns & McDonnell for design and construction phase engineering services for Phase I of the Kaw Water Treatment Plant Transmission Main and additional services associated with property acquisition along Phases II and III, and the design and construction of the Kansas River crossing associated with Phase II. Motion carried unanimously. (9)

Receive briefing from Director of Public Works on request for possible geometric changes at southeast corner of 9th and Iowa Streets.

David Corliss, City Manager, said this was not necessarily a discussion about a particular project that was in place. Staff had a request from the property owner at the southeast corner of 9th and Iowa that owned the Zarco Stations and who was doing an exciting project with an Environmental Protection Agency (EPA) representative. He said the EPA was trying to promote green gas stations and staff would try to help with that venture. He said staff would work with that property owner on the City's ability to do some fueling at that location with some of the City's E85 vehicles.

In this case, the property owner was interested in talking about some property consolidation at that location. He wanted to be careful about how they communicated to the property owner about this because he did not want to get too far ahead of any expectations the community or Commission might have. The spur road, he viewed as something a lot of the motoring public enjoyed and did not know if they necessarily wanted to take that away.

Chuck Soules, Public Works Director, presented the staff report. He said there were no commitments and only brief discussions and brainstorming among the property owner and staff. The challenges with that intersection included turning storage and sight distance. He said no plans had been drafted on this proposal. He presented one idea, of probably many ideas, for that intersection to the Commission.

The request was to provide the property owner with a letter stating that options were discussed with the City for that area. No discussion had taken place with the public, but knew the public would like public discussions about this proposal.

Commissioner Highberger said anything that was done at that intersection would need to include improving pedestrian safety. That area had fairly high traffic right now.

Soules said one of the sidewalks project the City Commission approved was to construct a new sidewalk. There were issues with right-of-way, but staff was trying to figure out how to construct the sidewalk to get people across.

Commissioner Amyx asked if there was a site plan application on the northwest corner of 9th and Iowa.

Scott McCullough, Planning and Development Services Director, said they were in the process of reviewing a site plan application on the northwest corner.

Commissioner Amyx asked if there was any discussion about improvements on that corner of the intersection.

McCullough said there were some very basic improvements in terms of the entrance widths to the existing entrances, sidewalk improvements and right-of-way being dedicated, but nothing that would have a great impact on the geometry of that intersection.

Mayor Hack asked if one of the two access points on that corner be closed on 9th Street.

McCullough said he understood there was one access point on 9th and one on Iowa. He believed the other access point was on a separate property.

Scott Zaremba, owner of the property on the southeast corner of 9th Street, said they purchased that property in April and would be putting earth friendly fuels in that location. With the purchase of that property, he knew 15 years ago when they reconstructed the location at 9th and Iowa, Phillips Gas Station location, they discussed the spur and what they could do to clean it up. As a result, they purchased the other side and asked what could be done to clean up that intersection because it had been a problem for a long time.

He said the only comment he received since news of this item came out in the paper was as the area was being constructed, he was asked about a deceleration lane and a place for the busses to load and unload because right now, those busses were loading and unloading on the 9th Street spur so when people came around the corner, the bus was stopped at that location. He asked staff to include that idea into whatever plan was approved. (10)

PUBLIC COMMENT:

Price Banks, Lawrence, said he was present to discuss the Kasold street lights. He said he believed the City Commission had received a copy of their petition and knew staff had received the petition because they recently called everyone who signed the petition. Unfortunately, the Kasold story was a story of broken promises and raised issues of the very integrity of City government. He said when the Kasold project was originally proposed neighbors on both sides of the street and in Alvamar Estates expressed concerns about how the project was going to impact the neighborhood. The neighborhood was first told the project was too far along in the design process and could not affect the design at that point. After some discussion, they pressed on and were finally able to get the City to make some concessions and agree to do some things to ameliorate the impact of the project. One of the things they agreed to do was to reduce the size of the recreation path to 8 feet in width. That would reduce the amount they would have to take for the street and reduce the impact on the properties. Unfortunately, the size was expanded by 1 foot. It went from 10 feet to 11 feet. The path out there today was 11 feet wide.

The City staff indicated they would not need any construction easements in order to build that street or along the west side of Kasold. As the project was approved, staff came by negotiating with property owners and threatening eminent domain if people did not sell, and people sold. City staff said that during the project they would regulate traffic through the neighborhood; City staff took traffic counts and that was the last thing they did even though

there were a number of complaints about traffic running through the neighborhood. They did put up signs, but they were never enforced.

They broached the issue of light pollution and the City staff said, "The street lights would be relocated behind the curb and gutter and positioned focused outward toward the street. City codes did not allow for light to spill across the property line, therefore Westar will develop a photometric plan that would meet the City Code for new street lights." They believed that promise and relied upon it when they negotiated with the City to sell construction easements. If they had known then what they know now, the price for that property would have been much higher. Most would spend much more attempting to screen, but they would not be able to screen from those lights. He suspected many of his neighbors would have asked for additional damages to vegetation and screening on the lots if they knew the City would renege on that promise. He showed the City Commission a rendering of what was promised from the City.

He said the lighting was the highest intensity of any street lighting in town; it illuminated their property and shined directly into their homes. The fixtures were exceedingly tall so they could not be screened, were industrial in appearance, blight on the streetscape and blight on the townscape.

When the issue was presented to City staff, a representative from Westar came to their neighborhood. The representative said it was a lot of light, but it was the City's call. When pressed, he understood that Westar initially changed the bulbs and ultimately turned off every other light. By leaving shining lights on only half of the neighborhood, they only solved half of the problem. Someone was penalized and left with a street that looked like an industrial corridor instead of a residential thoroughfare. Now staff was saying they had no control and Westar got to determine how much energy the City used, dictate how large the City's carbon footprint was. He asked if they had delegated the management of the City to Westar.

He said the fixtures were still in place and when Westar needed to sell more electricity, would they turn on the other lights and put in the brighter bulbs again. If the City had no control,

the promise should not have been made. When the City made a promise, they ought to follow through with it.

He had the privilege to work with Rod Bremby, former Assistant City Manager, in developing the City's adopted mission statement, "We are committed to providing excellent City services that enhance the quality of life for the Lawrence community." This project has damaged the quality of life in Alvamar Estates and for the community at large. They ought not to be proud of how that looks out there. They were a community of arts. In this case, the mission statement might have been, "Promise them anything that will make them go away when we refuse to deliver it will be too late for them to do anything about it," because that was the response he was getting.

He encouraged the City Commission to take whatever action necessary to ensure that in this case, the City honored the promise it made in the staff memorandum several years ago. They attempted to get more people to attend the meeting, but it was not a night that was inviting for people to come out. He hoped the City Commission did not assume the low numbers in attendance meant there was no interest out there.

David Corliss, City Manager, asked Chuck Soules, Public Works Director, to brief the City Commission on the status of the City's work with Westar on this issue.

Chuck Soules, Public Works Director, said he had been working with Westar. A petition was submitted and those people were contacted as well as the adjacent neighbors. He said there were only two in the neighborhood that were not satisfied at this point. He said Westar had provided several options regarding those street lights, but there were significant costs associated with those options. Westar indicated the lighting in that area met their minimum standards. If there were any changes to their minimum standards, the City would need to potentially accept the maintenance responsibility of that system and potentially pay back the system that had been installed. Westar installed that system at a significant cost of approximately \$146,000 and the City paid \$19,000 in additional costs for break away bases. At

this point, half of the lights were off and from what he heard about a week ago, it seemed to satisfy almost everyone. He had calls both ways; he had calls that people wanted the lights back on. At this point, staff was waiting for direction.

Corliss asked about the issue of the width of the path.

Soules said the recreation path should be 8 foot wide, a 2 foot exposed aggregate area, and 1 foot between the sidewalk and the wall. It was 11 feet, but that was how it had always been portrayed because they did not want people right on the edge of the sidewalk and people were not going to ride bicycles or walk next to the wall.

Mayor Hack said that was exactly the way it was portrayed to the City Commission, at that time, when the Commission supported that.

Corliss said he knew the Police Department did enforce the no cut through traffic through the neighborhood because he was familiar with citations issued and had the opportunity to talk to one of the drivers that received a citation. He was not saying it was always effective or they were there all the time, but it was not accurate to say it was not enforced.

He was not satisfied with the level of lighting at that location. He agreed this was not the quality of services the City wanted to provide at this location and thought it was too much lighting. He was not satisfied with the responses from Westar as well, but staff still had some negotiation opportunities with Westar. It might be in order to fully respond to those issues, they would have to replace the street lights elsewhere. There were other places in the community to move those street lights such as arterial streets. He said it was his suggestion to turn half of those lights off, but he did not indicate which half, to see what it would look like. He said staff was trying to respond and work with Westar on that issue. He said Soules had kept him informed and talked with the property owners, who signed the petition, and that was what they were telling Soules.

He said he would ask an inspector to confirm the width of the different paths, but he thought it was as indicated.

Soules said he had taken light readings and could present that information to the City Commission. He took light meter readings under the street lights when all the lights were on and at other various locations. It was higher when they turned half the lights off with the lower light bulbs.

Mayor Hack asked if Soules could reconcile the difference between the drawing and actual photograph in terms of the light standards. She asked if there was conversation about the design.

Soules said staff asked Westar to put together lighting for the area, but he could not tell the City Commission where the rendering lost its vision on what was shown to the neighborhood.

Mayor Hack asked Soules to provide information to the City Commission on notes he had with the individuals who signed the petition and then they would see where to go from that point. If it was a question of needing one of the Commissioners to meet with Soules and Westar, they were more than willing.

Banks said there was a little bit of bamboozle going on because today, he spoke with four neighbors and all had admitted Soules had called them and tried to play neighbor against neighbor.

Mayor Hack said that was not how staff operated and that had not been done. She understood Banks' frustration and concern and would love to hear his response from the people he talked to, but also wanted Soules' as well.

Banks said the people he talked to had said they did not like those lights. When you turn off half the lights, then only half were shining. They have been fooling around with this since June and whether they were brighter or dimmer, they were still just as tall and shining in the bedroom windows. The fact was the City made a promise and the City was not keeping that promise. He thought it was a matter of municipal integrity and the City ought to be keeping its promise.

Commissioner Highberger said he would like to revisit the relationship between the City and Westar on street lighting. He would like the City to have more control in addition to installation. He did not know the whole extent of the agreement, but at least a review and a chance to discuss it.

Corliss asked Banks to fax him that illustration. He said he was not saying it was the first time he saw that illustration because he probably saw the illustration when the project was shown earlier, but it was the first time since they were talking about street lights that he recalled seeing it. He wanted to find out where it was and why it was that way. He said Banks had a valid point, that if that was what was shown, that was not what was installed.

Commissioner Amyx said that street was redesigned three times.

Corliss said those streets were redesigned three times, but he did not recall seeing that illustration since they had the discussion on street lights and wanted to see where that was in the trajectory of things because there was a valid point made if that was what was relied upon at one point and they did something different, it was not right.

Banks said he thought everyone had read the memo from Chuck Soules to the City Commission in response to his concerns about light pollution that said that they were going to be on the curbside, directed downward onto the street, and there would be no light spill over.

Corliss said staff would follow up on the issue at this location and continuing those discussions. It might be necessary to start talking about Westar's policies, particular to that location because Westar had a take it or leave it attitude as far as what they would and would not provide. Also, staff would look at Commissioner Highberger's direction on a more community wide policy about wattage and the use of lights in the community. (11)

FUTURE AGENDA ITEMS:

02/05/08

The February 5, 2008 City Commission meeting will start at 5:00 p.m. and will consist of bill paying items and consent agenda items.

- Resolution creating Climate Protection Task Force.

- 02/12/08 • Conduct public hearing on the advisability of the construction of improvements at the intersection of Congressional Drive and 6th Street, including property acquisition, subgrade stabilization, traffic signals, and traffic calming devices south of 6th Street along Congressional Drive to the southern most point of Tracts 9 and 10.

- Consider the following items related to the Proposed Oread Inn project (12th and Oread): *Following commission discussion at the December 27, 2007 City Commission Meeting, the land use findings will be considered after the completion of the financial feasibility service study.*

a) Receive financial feasibility study.

- b) The public hearing on the appeal of the Historic Resources Commission determination for DR-07-93-07 was conducted on November 13, 2007. Additional public comment from the applicant and the public in response to recently submitted material would also be appropriate.

ACTION: Receive public comment.

- c) Consider making a determination on the appeal of the Certified Local Government Review under K.S.A. 75-2715 – 75-2726, as amended:

ACTION: Make a determination based on a consideration of all relevant factors that there is no feasible and prudent alternative to the proposed demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new construction proposed for the site, if appropriate.

ACTION: Make a determination that the proposed project includes all possible planning to minimize harm to the listed properties, if appropriate.

- d) Consider making a determination to issue a Certificate of Appropriateness for the demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new construction proposed for the site.

ACTION: Make a determination to issue a Certificate of Appropriateness for the demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new construction proposed for the site, if appropriate.

- e) Consider approval of the requested rezoning and direct staff to draft ordinance for Z-07-13-07, a request to rezone a tract of land approximately .746 acres, from CN1 (Inner Neighborhood Commercial) & RM32 (Multi-Dwelling Residential) to PCD-2 (Planned Commercial Development). The property is located at 618 W 12th Street. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record. (PC Item 6A; approved 9-1 on 10/22/07)

ACTION: Approve rezoning, Z-07-13-07, and direct staff to draft ordinance for 618 W 12th Street, if appropriate.

- f) Consider approval, subject to conditions and use restrictions, PDP-07-03-07, a Preliminary Development Plan for Oread Circle (Oread Inn), located at 618 W 12th Street. The plan proposes mixed use residential and commercial development. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record. (PC Item 6B; approved 9-1 on 10/22/07)

ACTION: Approve, subject to conditions and use restrictions, PDP-07-03-07, if appropriate.

- g) Conduct public hearing on proposed redevelopment district.
- h) Consider passing ordinance creating redevelopment district.

- 02/26/08 • Consider the following items related to the proposed Oread Inn project (12th & Oread):
 - a) Adopt resolution calling for a public hearing on proposed redevelopment plan.
 - b) Adopt resolution calling for a public hearing on proposed Transportation Development District.

- TBD • Discussion of Snow Removal Ordinance.
- Fire/Medical Department Apparatus Replacement Plans
- Receive follow-up staff report on sales tax options
- Access Management including Traditional Neighborhood Design Code issues
- Presentation of Transportation 2030 Plan
- City Commission consideration of revised Preliminary Development Plan for

Bauer Farm development at 6th and Wakarusa, submitted by the applicant on November 29, 2007.

- Consideration and discussion of proposed Neighborhood Revitalization Act plans. The Lawrence Association of Neighborhoods has indicated an interest in establishing a task force to review applications of the NRA.
- Consider amendments to Sections 20-804, 20-805, 20-808, and 20-815 of the Development Code for TA-09-21-07 to clarify that access shall be taken from a hard-surfaced road. (PC Item 13; approved 8-2 on 10/22/07. Approved by County Commission on 11/14/07.) *City Commission is awaiting additional comments from the County Commission before placing this item on a City Commission Agenda.*
- Consider approving request from Aquila, Inc., to transfer its franchise to Black Hills/Kansas Gas Company, LLC, and authorize the Mayor to sign the Franchise Transfer Consent Letter.
- Proposed City of Lawrence – DMI agreement for Convention and Visitors Bureau services.
- Consider County request regarding special assessments in the East Hills Business Park.
- Discussion of City/County funding relationships
- Consider the following items related to the Farmland Industries Redevelopment Plan:
 - a) Consider approval of the Farmland Industries Redevelopment Plan. (PC Item No. 14; approved 9-0 on 11/28/07)

ACTION: Approve Farmland Industries Redevelopment Plan, if appropriate.
 - b) Consider adopting on first reading joint City Ordinance No. 8218/County Resolution No. ____ regarding the Farmland Industries Redevelopment Plan and CPA-2007-05, amending Horizon 2020, Chapter 14 Specific Plans.

ACTION: Adopt on first reading joint City Ordinance No. 8218/County Resolution No. ____, if appropriate.
- Approve, subject to conditions, SP-03-25-06, a site plan for improvements to the northwest corner of 9th and Vermont Streets (Carnegie Library). Submitted by Peridian Group, Inc., for the City of Lawrence, property owner of record.
- Receive status report regarding the timing and scope of sanitary sewer projects, and consider the following items:

- a) Consider authorizing staff to advertise a Request for Proposals (RFP) for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan.

ACTION: Authorize staff to advertise a Request for Proposals (RFP for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan, if appropriate.

- b) Consider authorizing staff to distribute a Request for Proposals for a Construction Management Agreement for the expansion of the wet weather storage capacity at Pump Station 09 (Four Seasons).

ACTION: Authorize staff to distribute RFP, if appropriate.

The Airport Business Park items have been deferred indefinitely at the applicant's request.

Airport business park land use and public financing issues. ***Because valid protest petitions have been received, a super-majority vote (4 votes) would be needed regarding the rezoning items.***

- (a) Consider approval of the requested annexation of approximately 144.959 acres and direct staff to draft an ordinance for A-06-05-07, for Airport Business Park No. 1, located at E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16A; approved 5-2 on 10/24/07)
- (b) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-09-07, a request to rezone a tract of land approximately 99.31 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District with use restrictions. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16B; approved 6-1 on 10/24/07)
- (c) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-10-07, a request to rezone a tract of land approximately 43.48 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16C; approved 6-1 on 10/24/07).
- (d) Consider approval of the requested rezoning and direct staff to draft an

ordinance for Z-06-11-07, a request to rezone a tract of land approximately 26.22 acres, from A (Agricultural) & B-2 (General Business) Districts to IL-FP (Limited Industrial-Floodplain Overlay) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16D; approved 6-1 on 10/24/07).

- (e) Consider accepting dedication of easements and rights-of-way for PP-06-07-07, a Preliminary Plat for Airport Business Park No. 1, located at E 1500 Road & US Hwy 24/40. The Planning Commission will also consider a number of waivers from the Development Code with this request. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16E; approved 6-1 on 10/24/07).
- Sidewalk dining regulations and guidelines.
 - Rural Water District contracts.
 - Economic Development study session follow-up items.

It was then **moved by Chestnut, seconded by Amyx**, at 8:30 p.m. to recess the regular meeting and reconvene on Thursday, January 31, 2008 at 9:00 a.m. in the City Commission meeting room and then meet in executive session for the purposes of discussing non elected personnel matters. Motion carried unanimously.

On January 31, 2008 at 9:00 a.m. the City Commission reconvened in regular session at which time, **it was moved by Chestnut, seconded by Dever**, to meet in executive session until 11:30 a.m., in the City Manager's Conference Room, to discuss non elected personnel matters. Motion carried unanimously.

At 11:30 a.m., the City Commission returned to regular session on the 4th Floor of City Hall, at which time it was moved **by Amyx, seconded by Chestnut**, to meet in executive session for an additional 15 minutes to continue the discussion of non elected personnel matters. Motion carried unanimously.

At 11:45 a.m., the City Commission returned to regular session on the 4th Floor of City Hall at which time it was **moved by Chestnut, seconded by Amyx**, to adjourn the meeting. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JANUARY 29, 2008

1. 2008 Annual Software Maintenance Fee - SunGard HTW for \$86,440.
2. Refuse Truck – Unit 489, Midway Sterling for \$15,147.90.
3. Parking Agreement – extend Sunflower Broadband, City Lot 16.
4. City Manager’s Report.
5. Report from Lawrence Alliance.
6. Request from Lawrence Freenet for City support for “Freenet-Kids” and Busquest Proposal.
7. Benefit District – The Links, Queens & Wakarusa (deferred indefinitely).
8. Engineering Services Agreement - Professional Engineering Consultants for W Baldwin Creek Interceptor Sewer for \$285,680.
9. Contract - Kaw Water Treatment Plant Transmission Main, Burns & McDonnell for \$1,131,654.
10. Geometric changes - SE corner of 9th & Iowa.
11. Public Comment – Price Banks – street lighting.