



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
SUE HACK

**COMMISSIONERS**  
MICHAEL H. DEVER  
ROBERT CHESTNUT  
DENNIS "BOOG" HIGHBERGER  
MIKE AMYX

February 5, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:00 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 Dever**, to approve the City Commission meeting minutes from January 22, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to receive the Mental Health Board meeting minutes of December 4, 2007 and the Lawrence Citizen Review Board meeting minutes of September 10, 2007. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve claims to 464 vendors in the amount of \$3,456,805.23 and payroll from January 20, 2008 to February 2, 2008 to in the amount \$1,801,307.83. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve the Drinking Establishment License for Free State Brewing Co., 636 Massachusetts; Pachamama's, 800 New Hampshire; Old Chicago, 2329 Iowa; Yokohama Sushi, 811 New Hampshire; and the Cereal Malt Beverage License for Bullwinkles, 1344 Tennessee. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to concur with the recommendation of the Mayor and reappoint Matthew Herren and Lora Jost;



and, appoint Jane Pennington, to the Lawrence Arts Commission, to terms which will expire January 31, 2011. Motion carried unanimously.

The City Commission reviewed the bid for residential trash carts and recycling carts for the Public Works-Sanitation Division. The bids were:

<b>BIDDER</b>	<b>BID AMOUNT</b>
<b>Roy Conley</b>	<b>\$22,711</b>

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever,**to award the sole bid to Roy Conley, in the amount of \$22,711. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever,** to authorize the City Manager to enter into a contract with Professional Engineering Consultants for the design, bidding, and construction oversight on the East Lawrence Center HVAC Project. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever,** to authorize the City Manager to sign an Amendment Number 1 with BG Consultants in the amount of \$11,153.34 for additional services for George Williams Way. Motion carried unanimously. **(3)**

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said the City's Wastewater Treatment Plant had its annual Kansas Department of Health and Environment inspection which showed the facilities complete compliance with all regulations which was documented in the inspection report. **(4)**

**REGULAR AGENDA: None**

**PUBLIC COMMENT**

Craig Sundell, member of a political action committee called Kansas for Common Sense and Accountability, said Rex Youngquist, a friend, had a matter before the City and County, on and off for 25 years, regarding the illegal dumping of the North Lawrence bridge, when it was taken down by Anderson Construction until that construction company when into bankruptcy between 1978 and 1980. He said Youngquist owned property on the northwest corner of Teepee Junction. He said there was a timeline on the history of this matter and some of the legal situations were non-traditional, but those legal situations had been reviewed carefully by attorneys in Atlanta, Washington D.C. as well as the Kansas City area. He said a commercial lien would be filed within the next two to three weeks regarding this matter. The City of Lawrence would be named as well as Douglas County.

David Corliss, City Manager, said the City had no comment and staff was familiar with this issue. (5)

**REGULAR AGENDA ITEMS: (Cont'd):**

**Consider motion to recess into executive session for approximately 20 minutes to discuss possible property acquisition matters and matters deemed privileged under the attorney-client relationship. The justification for the executive session is to maintain confidentiality of attorney-client matters and property acquisition matters. The regular meeting will resume in the Commission Room at approximately 5:30 p.m.**

At 5:15 it was moved by Amyx, seconded by Chestnut, to recess into executive session beginning at 5:20 for approximately 30 minutes to discuss possible property acquisition matters and matters deemed privileged under the attorney-client relationship. The justification for the executive session is to maintain confidentiality of attorney-client matters and property acquisition matters.

The City Commission returned to regular session at 5:50 pm and took additional public comment.

**PUBLIC COMMENT:**

Charles Rayton, Lawrence, said he had concerns about profiling from the judicial and court system because that system had done a lot of harm to him, his family and other people in

the community. He handed the City Manager a large stack of documents outlining his concerns.

## **FUTURE AGENDA ITEMS**

02/12/08 The February 12, 2008 City Commission meeting will start at 5:00 p.m. and recess into executive session to discuss non elected personnel matters.

- Receive annual report from the Lawrence Citizens' Advisory Board.
- Consider request to annex property near K-10 and the Turnpike. The City Commission action would be to refer the request to the Planning Commission for a recommendation.
- Consider adopting Resolution No. 6752, establishing the Mayor's Task Force on Climate Protection.
- Consideration of ordinances to change the composition of the Convention and Visitor's Bureau Advisory Board.
- Conduct public hearing on the advisability of the construction of improvements at the intersection of Congressional Drive and 6<sup>th</sup> Street, including property acquisition, subgrade stabilization, traffic signals, and traffic calming devices south of 6<sup>th</sup> 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 (12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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.

- 02/19/08
- City Commission consideration of revised Preliminary Development Plan for Bauer Farm development at 6<sup>th</sup> and Wakarusa, submitted by the applicant on November 29, 2007.
  - Adopt Annexation Ordinance for Bauer Brook Estates.
- 02/26/08
- Consider the following items related to the proposed Oread Inn project (12<sup>th</sup> & 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.
- 03/05/08
- Receive status update on Lawrence Freenet proposal for “Freenet-Kids”.
- 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
  - 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 9<sup>th</sup> 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.
- 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 & Wakarusa Drive.
  - a) Consider approval of the requested annexation of approximately 81.13 acres for A-11-07-07 for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4A; approved 8-1 on 12/17/07)

**ACTION:** Approve requested annexation (A-11-07-07) of 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. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4B; approved 7-2 on 12/17/07)

**ACTION:** Approve requested rezoning (Z-11-28A-07) of approximately 80 acres located at the intersection of Queens Road & Wakarusa Drive, from A to RM12 and adopt on first reading, Ordinance No. 8226, providing for the rezoning of approximately 80 acres from A to RM12, if appropriate.

- 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. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4C; approved 7-2 on 12/17/07)

**ACTION:** Approve requested rezoning (Z-11-28B-07) of approximately 80 acres located at the intersection of Queens Road & Wakarusa Drive, from RM12 to RM12-PD and adopt on first reading, Ordinance No. 8227, providing for the rezoning of approximately 80 acres from RM12 to RM12-PD, if appropriate.

- 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. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4D; approved 7-2 on 12/17/07)

**ACTION:** Approve, subject to conditions and use restrictions, PDP-11-06-07, if appropriate.

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

**ACTION:** Direct staff as appropriate.

- Adopt revised truck route ordinance, removing Kasold Drive, Michigan Street, Peterson Road, and Riverridge Road from the schedule until completion of the Iowa Street Bridge. The City will place No Truck signage on these streets.

**Moved by Dever, seconded by Chestnut,** to adjourn at 5:55 p.m. Motion carried unanimously.

**APPROVED:**

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Sue Hack, Mayor

**ATTEST:**

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Frank S. Reeb, City Clerk

### **CITY COMMISSION MEETING OF FEBRUARY 5, 2008**

1. Bid – Residential trash carts & recycling carts to Roy Conley for \$22,711.
2. Contract - E Lawrence Ctr HVAC project to Professional Engineering Consultants.
3. Amendment No. 1 – GWW to BG Consultants for \$\$11,153.34
4. City Manager's Report.
5. Executive Session.
6. Future Agenda Items