



City of Lawrence

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CITY COMMISSION

MAYOR
SUE HACK

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

March 25, 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.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Hack proclaimed the week of March 30 – April 5, 2008 as, "Lawrence Pride Week."

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the City Commission meeting minutes of March 4, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to receive the Public Health Board meeting minutes of January 28, 2008; the Board of Electrical Appeals meeting minutes of October 3, 2007; the Hospital Board meeting minutes of February 20, 2008; the Community Commission on Homelessness meeting minutes of January 8, 2008 and February 12, 2008; and the Neighborhood Resources Advisory Committee meeting minutes of February 7, 2008 and February 28, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve payroll from March 2nd – March 15th, 2008, in the amount of \$1,795,692.81 and claims to 620 vendors in the amount of \$3,364,219.12. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve Drinking Establishment License for Jazzhaus of Lawrence, 926 ½ Massachusetts;



PaPa Keno's, 1035 Massachusetts; Ixtapa, 2016 West 23rd Street Ste: B; Chipotle Mexican Grill, 4000 West 6th Street; Axis, 821 Iowa; La Familia Café & Cantina, 733 New Hampshire, Jade Mongolian Barbeque, 1511 West 23rd Street; Krause Dining, 917 Delaware; Lone Steer BBQ, 2176 East 23rd Street; Eldridge Hotel Extended, 201 West 8th Street; Eldridge Hotel, 701 Massachusetts; approve a Caterer License for Eldridge Hotel, 701 Massachusetts; and a Cereal Malt Beverage License to Alvamar Orchards, 3000 Bob Billings Parkway (Contingent Upon Departmental Approval). Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to concur with the recommendation of the Mayor and reappoint BJ LaBounty to the Board of Electrical Appeals, to an additional term which will expire March 31, 2011; reappoint March Jarboe to the Mechanical Code Board of Appeals to an additional term which will expire March 31, 2011; and appoint Kelly Herndon to the Sister Cities Advisory Board, to a term which will expire December 31, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve sale of surplus equipment on Gov Deals. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to set bid date of April 15, 2008 for the tire shop construction project. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to set bid date of April 15, 2008, for the Pump Station No.16 Pipeline Cleaning and Closed-Circuit Television Inspection Project. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve sole source purchase of Solar Bee Model No. SB1250V12PW solar powered re-circulating tank mixer from Utility Service Company for \$43,200 for complete installation at the 19th & Kasold above ground storage tank. Motion carried unanimously. (4)

The City Commission reviewed the bids for one ½ ton pickup for the Finance Department (Utility Billing). The bids were:

BIDDER	BID AMOUNT
Laird Noller Automotive	\$17,513
Shawnee Mission Ford	\$17,786
Olathe Ford	\$18,270
Crown Chevrolet	\$20,100

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to award the bid to Laird Noller Automotive, in the amount of \$17,513. Motion carried unanimously. **(5)**

The City Commission reviewed the bids for the Kaw Water Treatment Plant High Service Pump Replacement for the Utilities Department. The bids were:

BIDDER	BID AMOUNT
Foley Company	\$410,300
Blaze Mechanical	\$309,918
Walters Morgan	\$352,000
CAS Construction	\$313,000
Midland Contractors	\$304,000

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to award the bid to Midland Contractors, in the amount of \$304,000, and authorize the City Manager to execute a contract agreement for the project. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to authorize the City Manager to execute an Engineering Services Agreement with Peridian Group, Inc. not to exceed the amount of \$249,906.31 for Construction Phase engineering Services related to the Southeast Sanitary Sewer Benefit District's Nos. 1, 2 and 3. Motion carried unanimously. **(7)**

The City Commission reviewed the bids for the North Iowa Street and I-70 Waterline and Sanitary Sewer Relocations for the Utilities Department. The bids were:

BIDDER	BID AMOUNT
Meadows Construction Co., Inc.	\$287,087.00
Linaweaver Construction, Inc.	\$326,615.00
Nowak Construction Co., Inc.	\$348,432.50
Redford Construction, Inc.	\$406,705.00
Site Rite Construction Company	\$422,379.00
I-Con Underground, LLC	\$459,495.00

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to award the bid to Meadows Construction Company, Inc., in the amount of \$287,087.00, and authorize the City Manager to execute a contract agreement for the project. Motion carried unanimously.

(8)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to authorize distribution of request for proposals for video equipment in 36 police department vehicles, financed through the City's equipment reserve fund. Motion carried unanimously. **(9)**

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to place on first reading Ordinance No. 8233, rezoning (Z-10-26-07) approximately 15,171 acres from RSO (Single Dwelling Residential Office) to RM15 (Multi-dwelling Residential), located at 4000 West 24th Place, Inverness Park Addition, west of Crossgate Drive and south of Clinton Parkway. Motion carried unanimously. **(10)**

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to place on first reading Ordinance No. 8242, approving a Special Use Permit at 714 Vermont, for a cabinet shop, which is "Limited Manufacturing & Production Business". Motion carried unanimously. **(11)**

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt on first reading Ordinance No. 8248, designating Ohio Street, 6th Street to 9th Street, as a main trafficway connecting link. Motion carried unanimously. (12)

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, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt this ordinance. Aye: Hack, Dever, Amyx, Highberger, Chestnut. Nay: None. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve Special Event Permit (SE-03-04-08), to allow a tent produce sale in the Sears parking lot at 2727 Iowa Street from July 18 through August 15, 2008. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve a Comprehensive Plan Amendment (CPA-2007-8) to Horizon 2020 Chapter 6, Commercial Land Use, to update the identified Neighborhood Commercial Center on the southeast corner of O'Connell Road and East 23rd Street/K-10 Highway to be identified as a Community Commercial Center. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve a Comprehensive Plan Amendment (CPA-2007-9) to Horizon 2020 Chapter 6, Commercial Land Use, to identify a Neighborhood Commercial Center on the northeast corner of Franklin Road extended and East 28th Street extended. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve a Comprehensive Plan Amendment (CPA-2007-10) to Horizon 2020 Chapter 6, Commercial Land Use, to remove a Neighborhood Commercial Center on the northwest corner of Frank Road extended and North 1300 Road (East. 31st Street). Motion carried unanimously.

(18)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to place on first reading Joint City Ordinance No. 8243/County Resolution No. _____, regarding CPA-2007-8, CPA-2007-9, and CPA-2007-10. Motion carried unanimously. (19)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve Text Amendment (TA-07-14-07) and place on first reading Ordinance No. 8244, amending Section 20-601 of the Development Code to revise setbacks for the IG District when abutting residential zoning districts. Motion carried unanimously. (20)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to sign a Release of Mortgage for Odessa Collins, 400 Illinois; Phyllis Stone, 1308 West 21st Street; Chad Higbie, 1006 Home Circle; and Judy Nolly, 427 Country Club Court. Motion carried unanimously. (21)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to authorize the Mayor to sign a Subordination Agreement for Arthur Turner, 2535 Belle Haven. Motion carried unanimously.

Second reading of Ordinance No. 8241, authorizing the City Manager to enter into an agreement with Aquila, Inc. to assign its franchise to Black Hills/Kansas Gas Company, LLC, was pulled from the consent agenda and deferred for one week.

Diane Stoddard, Assistant City Manager, said she understood that Aquila had discussions with members of the East Lawrence Neighborhood Association and Aquila was going to provide information to the Neighborhood Association. Therefore, Aquila requested that second reading of this ordinance be deferred for one week. (22)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said regarding the enforcement of the City's Stormwater Pollution Prevention Ordinance, enforcement had focused on education of contractors and issuance of stop work notices. He said staff intended to begin enforcement of the ordinance.

Also, as the City began development of the 2009 budget, outside agencies would be notified about the City's process. A letter would be sent to those outside agencies, forecasting that he would likely not recommend increases in funding. In one of the initial study sessions, he recommended discussing how the City Commission wanted to look at those outside agency funding requests and what type of review the City Commission wanted for those requests.

He said other information in the report included the 2008 building permits; gaining citizen e-mail subscribers to the City's website; National organizations recognizing Lawrence as a Walking City; and other general information.

Mayor Hack said it was nice to be recognized for the sixth time in a row by the Government Finance Officers Associations for the City's budget.

Commissioner Chestnut said when the initial discussion for outside agencies took place, for next year, he suggested crunching together total funding because some of those agencies received funding from multiple sources.

Corliss said it was a good reminder that there were a number of revenue sources for those agencies and staff would make sure they were doing a good job in looking at the entire picture of City funding.

Mayor Hack said the alcohol funding was designed for specific purpose whereas the general fund was not. It was important to keep in mind as they looked through the requests.

(23)

REGULAR AGENDA ITEMS:

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.

Joseph Rexwinkle, Planner, presented the staff report. He said the proposed amendments were subdivision regulations and were required to be approved by the City and County Commissions. The amendments related primarily to road standards in the County and applied particularly to property divisions in the urban growth area. This item came before the City Commission in early December and the City Commission deferred the item at that time for further consideration by the County Commission. The amendments primarily related to distinguishing hard surface roads from rock roads and providing standards for rock roads. This would allow property divisions on rock roads in the urban growth area that met those standards.

The actions that had been taken were initiated by the County Commission in September. The Planning Commission recommended approval 8–2 in October and the County Commission approved the proposed language 3–0 in November, and then it came before the City Commission on December 4th when it was deferred. Since that time, they have introduced this item for further discussion at the County Commission and the County Commission directed staff that the language as proposed did not alter the development controls that were already in place under the subdivision regulations and provided the City Commission a letter signed by all the County Commissioners asking that this item be scheduled tonight on the agenda for a vote.

Commissioner Highberger said when this item was passed initially, it was clear that a hard surfaced road was a paved road. He asked what could be done if the amendment was passed, that could not be done right now.

Rexwinkle said any hard surfaced road, the way interpreted, specifically excluded gravel. There was debate whether or not chip seal was included. It was agreed that anything paved with asphalt or something similar would be considered a hard surfaced road. The distinction

was that a gravel road meeting the County's rock road standards, where there was property on it, the property could not be divided.

Commissioner Highberger said if the definition of a paved road was left the way it was, for example, people in Grant Township could not subdivide property. He asked if the City Commission adopted those amendments, he asked what type of subdivisions could and could not occur.

Rexwinkle said there were two types of property divisions, and if those amendments were passed, as long as any property on a gravel road met those standards, it would be able to apply for one of those property divisions and receive approval.

Commissioner Amyx asked if this only pertained to the cluster development and the large parcel development.

Rexwinkle said those were the only two types of property divisions in the urban growth area.

Commissioner Amyx said those properties needed to have access to a public road that met the new interpretation of the rules of construction and definitions.

Rexwinkle said yes, the definition for the County's rock road.

Mayor Hack called for public comment.

Bob Johnson, on behalf of the Douglas County Commission, said he could answer Commissioner Highberger's question by saying if the City Commission did not pass those amendments, nothing could happen in Grant Township. If the City Commission did pass those amendments, essentially what was allowed in the past could happen now, with respect to the cluster development and the large parcel. Those conditions were in the new regulations and were at least as restrictive as the regulations that existed prior to this entire process.

He said when setting about to create new rural development regulations, it was with the idea in mind to eliminate the five acre exemption, bring to the process some level of planning that would apply throughout the unincorporated area, be respectful of property rights, mindful of

the urbanization of the County, and have an eye toward avoiding major infrastructure costs upon annexation. When this process was started, everyone knew there would be some unintended consequences and knew those regulations needed to be tweaked. This was one of those unintended consequences. A standard was created that simply could not be met and they did not intend for that to happen. In going along with the County standard rock road, that essentially meant that within the urban growth areas, the level of required maintenance for a road would be what it was before. He said through the entire process, prior to the new rural development regulations, rural subdivisions were allowed outside the urban growth area. As the new scheme was being developed, the bar was raised on rural development subdivisions to an 80 acre tract and insisted those subdivision had to have direct access to hard surface road and the intent was if it was going to be a rural subdivision in an unincorporated area, it would have direct access to a County maintained hard surfaced road. Through the process of negotiations, that was one of the issues taken out of the proposed development regulations in exchange for the parent parcel being able to divide two times as opposed to one time if it was bordered on two sides by a public road. When that trade off occurred, the language of hard surfaced roads stayed in the text and got brought into the urban growth area. It was never intended because it created a standard that could not be met. Wakarusa Township was the only township of the 9 existing in Douglas County that had the ability to maintain a hard surfaced road. Grant Township did not have that capability. Other townships did not have that ability and would not get it because they could not afford it. He said if leaving those standards as written now, then they precluded anything happening in Grant Township. That was not the County Commission's intent and he did not think it was City Commission's intent. He said on behalf of the County Commission, they would appreciate the City Commission doing whatever they had to do to make it work.

Commissioner Highberger said Johnson discussed unintended consequences. He thought he had a pretty clear understanding of what a hard surfaced road meant. He did not

want to be uncooperative, but also did not want to blow a hole in the subdivisions regulations. He was not quite totally reassured and not sure it was necessary. He said this change would apply to the entire urban growth area. He said he was hearing that without this change, there was essentially no subdivision allowed in the urban growth area except next to existing paved roads, which there were not many.

Johnson said there were paved roads in Wakarusa Township, but there were none in the others. It did not have anything to do with the subdivision regulations, but had to do with the township's ability to build and maintain either black top or chip and seal hard surfaced type roads. They did not exist today and was not the County Commission's intent to create a standard that they would have to be built in order to follow through with the development regulations that were in place. By allowing access to a county standard hard surfaced road, they were not lowering the bar over what had existed forever. They were leaving the bar to where it had always been. The key to regulating that development would be the subdivision regulations, not the road.

Linda Finger said right now, Wakarusa Township was the only one of the three townships within the urban growth area that property could be divided because it was the only area most likely to have a township that was paved with hard surfaced. Chip and seal, if done to the County standard, was a hard surfaced road, but there were entrepreneurial people who would chip and seal a road that would not quite meet a standard so they could not say that chip and seal was a hard surfaced road. She said the County Commission had a meeting last month about what the townships were dealing with, with the new regulations and one concern within the urban growth area that was heard from the trustees from Grant and Kanwaka was those townships had to subcontract someone to maintain a hard surfaced road or a chip seal road. There was no cost associated long term once a subdivision went in an area. The township trustees asked the County who would pay the additional cost to maintain those subdivisions because overtime, if required to be on a hard surfaced road, the County had to pay a

subcontractor and had no way to get that money back. It was another concern that came to the County Commission; it imposes a burden upon the townships to maintain a separate standard which they did not have the equipment and had to subcontract out. In the long run, if it had to be a hard surfaced road to develop, the townships could not maintain that road and would eventually return to gravel.

Vice Mayor Dever asked Finger why the standard was created that specifically included this flaw. He said he wanted to make sure they were not purposely changing something that was set up on purpose and switching it after the fact or some compromise occurred. He wanted to make sure there were not any parties involved that participated in this planning on it only allowing growth on a paved road.

Finger said she thought there was some understanding, by some people, that only growth could occur on hard surfaced roads, but the County Commission, at the time, was thinking a 40 acre subdivisions could be done within the urban growth area and the 80 acre outside. She said it was not as an essential an element as some were to regulate growth. She said when a person could only develop 60% of their property with a build out plan that worked with cluster development that was 20 acres but less than 40 acres or more than 40 acres in a large parcel property division, the land needed to be set aside land that was environmentally sensitive and go through a build out plan. There were also annexation agreements and quite a number of additional regulatory requirements that related directly to coordinating and merging of unplatted or undeveloped property into a City. She thought it fit in with the urban framework. If talking about bringing a hard surfaced road into the City rather than a gravel road, she could assure the City Commission that the County's hard surfaced road was not going to meet the City standard. The County's road, width, and right-of-way requirements were all different than the City's requirements. Even if everyone was required to do an asphalt road with the proper sub-grade, it would still most likely be torn up to meet a City standard.

Johnson said Grant Township was frequently being discussed because it was next door to the City of Lawrence, but everyone should keep in mind that this would apply within an urban growth area to any city in the county. Baldwin City and Eudora were both in the process of creating planning districts within an urban growth area. He said if this was not eliminated, it was unlikely that either Baldwin or Eudora would follow through with their urban growth area, which was not a good thing for any of them. It was important in Grant Township because it was next to Lawrence, but it was important to the county because it applied to two other cities within with County.

Commissioner Amyx said at the time the rural subdivisions regulations were discussed between the City and County Commissions and the concern about whether compromising for a specific reason, he did not think that was the case. He said it came down to the definition of a hard surfaced road. Even though they hoped eventually that property would be annexed into the City with the standards for development, it seemed to make sense because it was a rural issue. The standard for the roadway brought into Lawrence would not meet City standards. He did not think those standards would create any major problems for the City of Lawrence in the future because of the construction that needed to happen. If a hard surfaced road was defined, it should be allowed to happen in a rural area.

Commissioner Highberger said the new subdivisions were a dramatic improvement, but in considering what might occur after those amendments were adopted, he did not know how widespread paved roads were in the county. He said his concern was this opened the door for dramatically more urban subdivision under the regulations he voted for when they made that compromise.

Moved by Chestnut, seconded by Amyx, to approve the 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. Aye: Amyx, Chestnut, Dever, and Hack. Nay: Highberger. Motion carried.

(24)

Consider approval of a Special Event Permit (SE-03-06-08), use of right-of-way permit, and use of public property to allow an outdoor concert (paid admission) on New Hampshire Street, between 9th Street and 10th Street on Wednesday, May 14, 2008.

Joe Rexwinkle, Planner, presented the staff report. He said there were three separate requests regarding this item. One was a special event permit, which was a permit that pertained to private property, a type 5 permit; the second request was for use of public right-of-way; and third, a use of public property. The area being requested was located on the 900 block of New Hampshire Street. A portion of right-of-way and public property was within the restricted access area.

The event would be a concert on Wednesday, May 14th, 2008, with a performance by the band WILCO. The concert was scheduled to begin around 6:30 p.m. and conclude by 10:30 p.m. Preparation of the site would require the closure of the 900 block of New Hampshire Street to through traffic, but allow continued public access to the parking garage from the southern most entrance along New Hampshire Street and northern entrance which came from 9th Street. It would also allow public access to the businesses near the intersection of 10th and New Hampshire Streets. Pedestrian access to the main entrance to the Lawrence Arts Center would remain open until 5:00 p.m.

The property was located in the historic environs and the Historic Resources Administrator had reviewed the report and approved the request, subject to adding one condition that was not listed in the report, which was all public property be returned in the condition it was prior to the event.

The applicant proposed alcohol sales and a distance restriction waiver was required and needed City Commission approval because the property was located within 400 feet of a church. The City Clerk's Office would need to issue a permit for temporary alcohol sales. A distance restriction waiver request public hearing was tentatively scheduled for the April 29th City Commission meeting as it required 30 days public notice.

He said staff recommended approval of the Special Event Permit request as well as the use of public right of way and public property.

Commissioner Highberger said in reading the letter from the Arts Center, they were contemplating the public might have access to the building after 5:00 p.m.

Jonathan Douglass, Assistant to the City Manager, said the Arts Center had classes in the evening and needed to get a number of students and their parents in and out of the Arts Center after 5:00 p.m. The promoters were already addressing the issue of keeping people from congregating in the parking garage, but still allowing people with vehicles to get in and out of that garage.

Mayor Hack called for public comment.

Brett Mosiman, Pipeline Productions, said they spent a fair amount of time researching the best place to hold the event and the proximity to the parking garage was a big deal. He said it was a restricted access event and there were no other businesses besides the Arts Center on that block, it impacted very few people, and they would work with the Arts Center in getting people in and out of classes.

Commissioner Amyx said the promoter of the event would be using public right-of-way and public property in this case. He said Mosiman had an opportunity to make money and knew that Mosiman was taking a lot of risk, but the event should allow for a contribution back to the City to help the City with its landscaping.

Mosiman said if the alcohol provision was granted, the Arts Center would be a beneficiary of the event. The Arts Center hosting a VIP area was also discussed because of its proximity to the event. If this event was successful, it would be very common in their industry to levy a facility fee and they would be happy to charge \$1.00, a person, facility fee, which Liberty Hall and other places that hosted events routinely charged. It would be a good way for the City to enjoy the success in this type of event.

Jason Edmonds, Lawrence, said it was a nice opportunity to work with all the existing businesses at that location. He said he also had a good conversation with the Salvation Army in making sure they had full access and they seemed to be supportive of the event. He was impressed with the positive spirit and speaking briefly with an economic development hat on, he thought it was a fantastic opportunity. The City of Lawrence was known regionally for their cultural amenities and reputation and this was a nice opportunity with the respected musical name like WILCO. WILCO had gotten a lot of play within the last few months with all the ads which reached to a whole new group of people and was in line in putting forth that positive image of Lawrence to the rest of the world.

Mayor Hack said this was going to be a great opportunity for downtown and the event had the possibility of increasing the number of people who came down for those types of events.

Moved by Highberger, seconded by Chestnut, to approve the special event permit, subject to conditions, (SE-03-06-08), the use of right-of-way permit, and use of public property to allow an outdoor concert (paid admission) on New Hampshire Street, between 9th Street and 10th Street on Wednesday, May 14, 2008. Motion carried unanimously. **(25)**

Consider recommended improvements to George Williams Way from 6th Street north to Overland Drive, and approve Resolution No. 6759 setting out the findings and determinations of the Governing Body and directing the improvements to be completed.

Chuck Soules, Public Works Director, presented the staff report. He said the benefit districts had originally been presented to the City Commission, in May 2007 for George Williams Way from the intersection of Overland north, to north city limits; George Williams Way from the intersection of West 6th Street, south to Ken Ridge Drive; and George Williams Way from the intersection of West 6th Street, north to Overland Drive. Those benefit districts included improvements to the intersection, half to the north and half to the south. After the establishment of the benefit district, a protest was received for the south side of the benefit district, but there

was still a valid benefit district to the north and within that benefit district was the signalization of half the intersection.

In the fall staff came back to the City Commission and presented another benefit district which would take care of George Williams Way north from 6th Street north to Overland and the intersection was separated out. After the establishment of those benefit districts, they received a summons.

David Corliss, City Manager, said for the established benefit district for the signalization there was a lawsuit that was started by the property owner at the southwest corner of 6th and George Williams Way. There would be hearing and they were not proceeding with the design or construction at this time, or the signalization of 6th and George Williams Way.

Soules said within that intersection resolution was the right turn lane from westbound 6th Street onto northbound George Williams Way. The current benefit district took care of all the improvements to the north side from 6th Street to Overland Drive, with the same improvements discussed in the past which included a right turn lane. The signals would be done at a later date. He said north of Overland Drive, the maximum assessment hearing had taken place and was completed. Plans continued to be prepared and staff had talked to KDOT about the length of the right turn lane. Staff would have final plans ready to bid within a few weeks.

The method of assessment was the same and the cost would not change, but a right turn lane would be constructed into George Williams Way from 6th Street, north to Overland. The estimated cost of the project was \$3,200,000 and the improvement district would pay 10% of the cost except the City-at-large would pay \$200,000.

Commissioner Highberger asked if design work had been completed on this project

Soules said yes.

Commissioner Highberger asked if the design work included the seven lanes on George Williams Way at 6th Street.

Soules said yes. He said there would be 11 foot lanes and a median.

Commissioner Highberger said his concern was with the intersection. He asked Soules if he had a 10 year old, would he allow the 10 year old to walk across the intersection the way it was designed right now.

Soules said he understood Commissioner Highberger's comment, but the timings on the signals would be set to allow someone to walk across the intersection which was a standard 3 feet per second along with the median.

Commissioner Chestnut asked if staff was fairly confident in moving forward with the other benefit district in the near future.

Soules said staff heard from the Diamondhead group's interests in re-establishing a benefit district.

Corliss said staff's preference was if the Diamondhead lawsuit and the other benefit district Commissioner Chestnut just mentioned were material to this issue, he suggested that the City Attorney be present to advise the City Commission on that litigation. He did not think they should talk about the likelihood of preventing that lawsuit.

Commissioner Chestnut asked if the City Commission approved this benefit district alone, the last time they considered a benefit district was in its totality which really set forth all the improvements to the intersection, given the probabilities of whatever happened. He said his concern was if they could possibly move forward with the development where they had the improvements north of George Williams Way and did not have a signal or anything south of 6th Street going down toward Ken Ridge.

Corliss said it was a possibility.

Commissioner Chestnut said that was a scary possibility for some of those neighbors, which was the concern he had. If the Commission approved this benefit district, which meant the developer would pay the costs and the City would put in \$200,000 for widening and turn lanes, and there was nothing precluding them from moving forward with that project with a completely unprotected intersection at George Williams Way and 6th Street. In all likelihood,

they were looking at getting a signal at that location, but as it stood right now, the developer could move forward without the signal.

Corliss said staff needed to look at some of the land use approvals, but it was a possibility. The City did not have funds to build the traffic signalization or the improvements. There was no valid benefit district to finance or construct it. There were land use approvals for development on the north side and that development would occur. Most of the requirements for the property to the north were agreements not-to-protest benefit districts. He would have to check and see if there were conditions in which the improvements had to be constructed prior to building or occupancy permits.

Mayor Hack called for public comment.

Mark Anderson, Attorney with the firm Barber Emerson, said the benefit district that was being proposed affected three property owners. He was present on behalf of all three property owners to ask for the City Commission's support in approving this benefit district. The request came from a signed petition from all three property owners. The property owners would like to see the benefit district approved and be put in place so those improvements could move forward.

In terms of timing, City staff still had to approve final plans for that road before anything could be put out to bid or constructed. If they started next month, he imagined it would take a better part of the year, if starting right away. They could not have development without a road.

In response to the concerns, he understood the concerns and there were agreements not-to-protest in place. They wanted the north side to be signalized, and the City Commission controlled that decision process through the agreements not-to-protest. He asked the City Commission to approve this benefit district or at least have the procedure in place so they could put the road in some time in the next year or two.

Commissioner Amyx said the City Commission was in control as to when the improvement would happen.

Corliss said the next steps after the adoption of this resolution was the maximum assessment ordinances that would establish the top dollar amount of assessments on the property. After that ordinance was enacted, they could proceed with setting a bid date. All of those actions were at the City Commission's discretion and could be encouraged to proceed with that construction, but the City Commission had the ability to say the City was not ready to proceed with this road. They also had the ability to respond to the City Commission's direction on design. He thought it would be good to get briefed on the litigation, its length and likelihoods.

Mayor Hack said it might not be a bad idea to schedule an executive session sometime in April.

Commissioner Chestnut said in the process he wanted to make sure when going forward in a year or two that they discuss not only the signalization but also the improvements south because George Williams Way shot straight to the roundabout where Langston Hughes was located. He knew Soules was working on design elements to try and make that run south on George Williams a little bit less appealing for people to cut through. He wanted to make sure the City Commission had some ability to defer, for example, the preliminary development plan, until they received some resolution of signalization and street design south of 6th Street to the City Commission's satisfaction.

Commissioner Amyx asked if Commissioner Chestnut wanted to have the update with the City Attorney prior to approving the benefit district.

Commissioner Chestnut said no. He said he was trying to get comfortable with moving forward. He said it was improbable that a preliminary development plan could be approved without having a signal and some type of plan for what was south of that intersection on George Williams. He was concerned that was a wide open stretch of road and shot straight to the roundabout where all those families cued up for school pickup. That had been a concern that West Lawrence had talked about in that entire stretch of development. He wanted to make sure the City Commission felt comfortable to make sure nothing proceeded north. He did not want to

slow down the process of getting the design work completed on the north, but he wanted to be assured the Commission could hold their cards to stop anything from happening if nothing happened to the south.

Commissioner Amyx said if the City Commission adopted the resolution creating this benefit district, he asked about the safe guards for the Commission to take care of Commissioner Chestnut's concern, assuming the benefit district could not be established for the improvements south to 6th and the signalization.

Corliss said staff needed to be briefed on the litigation and then place a bid date on the regular agenda to further confirm the process. He wanted to make sure the City Commission knew what was approved on the north side so far. The Oregon Trail subdivision was approved. It was his understanding stormwater work was being done on that project, but did not know if that included internal streets. The City Commission approved the platting of that subdivision and once the public improvements were installed, that subdivision would be ready for building permits. The property, Mercato Subdivision, was approved for the preliminary development plan for the retail area and believed the property was platted.

Anderson said the property was platted and there was consideration of a replat on a portion, but there was also no sewer in that area.

Corliss said the western portion had no sewer nor adequate capacity for the full build out, which was the West Baldwin Creek Sewer Project. The other portion of property had no development plans. The Links to the north was approved that connected with George Williams Way. The Diamondhead property on the south was zoned, but he did not think the preliminary development plan was approved. He said if all the approvals were completed and one of those approvals would have been not to protest a benefit district. He said Anderson's comment about a timeframe for this development was accurate, but it took time to build the road and put in a traffic signal.

Vice Mayor Dever said his biggest concern was whether or not there was going to be additional costs associated with having to put in the additional lanes and/or pavement and then have to come back. He asked if there would be work that would have to be redone because there was no money and/or funds allocated or appropriated putting in the signals at the time of the construction and improvements of the intersection.

Corliss said it was his understanding, everything on the north side of 6th Street was being done to support full build out and it would not require additional improvements.

Soules said the current plans identified the location for those signals along with the cross walks and conduit would be placed under the road prior to the road being built.

Corliss said George Williams Way was a recent installation and that road would need to be widened in order to accommodate the development on the south side and the traffic signalization. He said if they had a good idea of what the full build out was going to be and was going to proceed with full build out, they would want to put that infrastructure in now. He said since he has worked for the City, it seemed that every other year they had to rebuild the intersection of 33rd and Iowa and it would be nice to not need to rebuild in this area in the future and build it right the first time.

Commissioner Highberger said he appreciated all the work being done on this project, but he had concerns with design as it related to pedestrians and especially given the fact they wanted walk ability and were just recognized as a city that was very walkable.

Moved by Amyx, seconded by Dever, to approve Resolution No. 6759, setting out the findings and determinations of the Governing Body and directing improvements to George Williams Way from 6th Street north to Overland Drive to be completed. Motion carried unanimously. (26)

PUBLIC COMMENT:

There was no public comment.

FUTURE AGENDA ITEMS:

- | | |
|----------|---|
| 04/01/08 | <ul style="list-style-type: none"> · Mayoral Election · Conduct public hearing on Oread Redevelopment Plan and the Creation of Transportation Development District (TDD). Adopt on first reading, ordinance approving redevelopment plan and redevelopment agreement and ordinance creating transportation development district and levying TDD sales tax. · 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. |
| 04/08/08 | <ul style="list-style-type: none"> · Adopt on second reading, ordinance approving redevelopment plan and redevelopment agreement and ordinance creating transportation development district and levying TDD sales tax. · Receive 2007 annual report from the Convention and Visitors Bureau. |
| TBD | <ul style="list-style-type: none"> · Receive staff report regarding a request for a roofing contractor licensing ordinance. · Consider draft Tax Increment Financing and Transportation Development District policies · Fire/Medical Department Apparatus Replacement Plans · Receive follow-up staff report on sales tax options · 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. · Discussion of City/County funding relationships |

The Airport Business Park items: A study session on this item will be conducted on March 26, 2008 from 4:00 p.m. to 5:30 p.m. ***Approximately 30 minutes will be devoted to staff presentation; approximately 30 minutes will be devoted to applicant's presentation; and approximately 30 minutes will be devoted to public comments.***

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.
- Consideration of ordinances to change the composition of the Convention and Visitor's Bureau Advisory Board.
- Receive update on the Lawrence Community Shelter UPR
- Oread Neighborhood Study Session follow-up items.
- Receive staff recommendation regarding priority ranking of intersections

for submittal to KDOT for consideration for federal aid safety funding.

- Consider initiating a text amendment to the City's development code classifying transient and homeless shelters as permitted uses by right in industrial zoning districts, or consider initiating a text amendment to the City's development code classifying transient and homeless shelters as special uses in industrial zoning districts, if appropriate.

ACTION: Initiate a text amendment to the City's development code classifying transient and homeless shelters as permitted uses by right in industrial zoning districts, or initiate a text amendment to the City's development code classifying transient and homeless shelters as special uses in industrial zoning districts, if appropriate.

Moved by Dever, seconded by Amyx, to adjourn at 7:45 p.m. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MARCH 25, 2008

1. Sale of surplus equipment on Gov Deals.
2. Bid date – April 15, 2008 for tire shop construction project.
3. Bid date – April 15, 2008 for Pump Station #16 Pipeline Cleaning & Closed Circuit Television Inspection Project.
4. Sole source purchase – Solar Bee, solar powered re-circulating tank mixer from Utility Service Co. for \$43,200 at 19th & Kasold.
5. Bid – one ½ ton pickup for Finance Dept. (Utility Billing) to Laird Noller Automotive for \$17,513.
6. Bid – Kaw Water Treatment Plant High Service Pump Station Replacement to Midland Contractors, Inc. for \$304,000.
7. Engineering Services Agreement – Peridian Group Inc. for Construction Phase Engineering Services related to SE Sanitary Sewer Benefit Dist. Nos. 1, 2, &3.
8. Bid – N. Iowa St. & I-70 Waterline & Sanitary Sewer Relocations to Meadows Construction Co., Inc. for \$287,087.
9. RFP Distribution - Video equip. in 36 Police Dept. vehicles.
10. Ordinance No. 8233 – 1st Read, rezone (Z-10-26-07) 15.171 acres from RSO to RM15 at 4000 W. 24th Pl.
11. Ordinance No. 8242 – 1st Read, SUP at 714 Vermont.
12. Ordinance No. 8248 – 1st Read, designating Ohio St, 6th to 9th, as main trafficway.
13. Joint City Ordinance No. 8218/County Resolution No. _____ - 2nd Read, Farmland Industries Redevelopment Plan & CPA-2007-05, amending Horizon 2020, Ch 14 Specific Plans.
14. Ordinance No. 8241 – 2nd Read, Aquila, Inc. to assign its franchise to Black hills/Kansas Gas Co., LLC.
15. Special Event Permit – (SE-03-04-08) Tent produce sale in Sears Parking lot, July 18 – Aug 15, 2008.
16. CPA-2007-8 – Update identified Neighborhood Commercial Center at SE corner of O'Connell Rd. & E. 23rd St.
17. CPA-2007-9 – Identify Neighborhood Commercial Center on NE corner of Franklin Rd ext & E. 28th St. ext.
18. CPA-2007-10 – Remove Neighborhood Commercial Center on NW corner of Franklin Rd ext & N. 1300 Rd.

19. Ordinance No. 8243/County Resolution No. _____ - 1st Read, CPA-2007-8, 2007-9, & 2007-10.
20. Ordinance No. 8244 – 1st Read, (TA-07-14-07) amend 20-601 of Develop. Code, revise setbacks for IG District when abutting residential zoning.
21. Mortgage Release – Odessa Collins, 400 Illinois; Phyllis Stone, 1308 W 21st St; Chad Higbie, 1006 Home Circle; and Judy Nolly, 427 County Club Ct.
22. Subordination Agreement – Arthur Turner, 2535 Belle Haven.
23. City Manager's Report.
24. Development Code - Amendments to Sections 20-804, 20-805, 20-808, & 20-815.
25. Special Event Permit (SE-03-06-08), Use of ROW, & use of public property for New Hamp. St. between 9th St. and 10th St. for May 14th, 2008.
26. Resolution No. 6759 – Benefit District – Order Construction GWW, 6th St N to Overland Dr.