



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

April 8, 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 Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

RECOGNITION/PROCLAMATION/PRESENTATION:

Mayor Dever recognized the recipients of the Mayor's Excellence in Education Award.

With Commission approval Mayor Dever proclaimed April 12 – 19, 2008 as "Week of the Young Child"; and the month of April as "Parkinson's Disease Awareness Month."

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the City Commission meeting minutes of March 25, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 425 vendors in the amount of \$2,001,109.78. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Drinking Establishment Licenses for Vermont Street BBQ, 728 Massachusetts; Maceli's, 1031 New Hampshire; the Caterer Licenses for Lawrence Arts Center, 940 New Hampshire; Maceli's, 1 Riverfront Plaza; and the Cereal Malt Beverage License for Asian Star, 1520 Wakarusa, Ste: F. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the recommendation of the Mayor and appoint Roy Chaney and Steve Burd to the



Board of Plumbers and Pipe Fitters. Chaney's term will expire April 30, 2011, and Burd's term will expire April 30, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the City Manager to execute a contract agreement and purchase order with Mayer Specialty Service, LLC in the amount of \$120,000 to complete the 2008 Manhole Rehabilitation Manhole Program. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize payment in the amount of \$26,000 to Olsson & Associates for City initiated design costs related to optional bidding configurations of Pump Station PS49 in the Douglas County Sanitary Sewer Benefit Districts No's 1, 2, and 3. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to place on first reading, a Joint City Ordinance No. 8255/County Resolution No. 08-14, incorporating by reference the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to place on first reading, Ordinance No. 8258, providing for the deferral of special assessments for public improvements in improvement districts established on property owned by a political subdivision. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to place on first reading, Ordinance No. 8259, amending City Ordinance No. 6010 pertaining to the deferral period of certain special assessments previously authorized by the City on lots, pieces and parcels of East Hills Business Park. Motion carried unanimously. (5)

Ordinance No. 8249, an ordinance providing for the amendment to various sections of Chapter 20 Development Code related to the definition of family in RS Districts, was read a

second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8253, adopting the Oread Redevelopment Project Plan, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8254, creating a Transportation Development District and levying a Transportation Development District sales tax, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the extension of the 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 May 31, 2008. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve signs of community interest, a request from The Church of Jesus Christ of Latter-day-Saints, for a free Community Emergency Preparedness Fair to place signs in the city right-of-way, median at 10th and Kasold, north and southbound on Kasold Drive, beginning at 5 p.m., May 2, and ending about 2 p.m., and ending about 2 p.m. on Saturday, May 3, 2008. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the Mayor to sign a Release of Mortgage for Lance and Amy Hoover, 1511 Davis Road. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the temporary "Resident Parking Only" signs on the 900 block of Rhode Island on May 14, 2008. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve a second amendment to interlocal agreement pertaining to the deferral period of certain special assessments previously authorized by the City on lots, pieces, and parcels of East Hills Business Park. Motion carried unanimously.

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said staff provided the City Commission with photographs following Saturday night's celebration for the Jayhawk's National Basketball Championship. Staff was sending thank you letters to a number of jurisdictions that helped Lawrence with its celebrations. The reports received from the Police Department showed the celebration was relatively safe.

Also, staff was monitoring sales tax distributions and had reason to believe the City was on track in meeting projections and possibly the budget.

He said staff drafted a decision-making matrix for the development process, which was helpful and would be sharing that matrix with the development community which indicated all the different roles each party played in that process.

The other major item was Memorial Park Cemetery. Staff would inform the City Commission when the City was able to declare victory for that cemetery and had reason to believe the City would be successful in receiving the money from the trust.

Commissioner Amyx said regarding the merchandise fund, the Attorney General asked the City Commission to accept responsibility of that money and asked if the Attorney General would be contacting individuals.

Corliss said he did not know, but the Attorney General's Office had the information. He said staff spent a lot of money working with the records that were provided, and the records were not in particularly good shape. Staff sent that information to the Attorney General's Office and did not know if that office was going to respond to inquiries or make an attempt to contact the different contract holders. It was a substantial task because in many cases, for example, someone who had bought services, a vault or a marker 10 years ago, it was unlikely those contract holders were in the same location as when they signed the contract, but contacting the contract holders would be a worthwhile effort. (13)

REGULAR AGENDA ITEMS:

Receive 2007 annual report from the Convention and Visitors Bureau.

Judy Billings, Director, Convention and Visitors Bureau (CVB), said as a marketer of this community, she was proud to live in this type of City that could handle a celebration of 40,000 people in the downtown area. She said in past years of celebrations in other cities, it did not turn out as well as it turned out for the City of Lawrence and it was a tribute to City staff that the celebration was a success. The publicity gained from this event, either bad or good, was really important and the City could not buy this type of positive publicity. Also, the success from the Orange Bowl was a tribute to this City.

She said this was her first opportunity to formally report to the City Commission as President and CEO of the new organization Destination Management, Inc. For the public, she wanted to clarify this was a brand new not-for-profit organization that had a contract with the City to manage the Convention and Visitors Bureau with the bed tax that was collected through the City annually which was a five percent bed tax on hotel rooms in the community.

She said direct spending in 2007 was a little over \$49 million, which translated to almost \$1 million in sales tax and the advertising effectiveness number was a study performed for the

2006 advertising that showed for every \$1 spent in advertising, it brought \$59.00 back to the community.

Destination Management had three goals which were a marketing goal, service goal, and development goal. They focused on leisure, media, sports, convention needs, and film to a lesser extent. Advertising went into magazines like Midwest Living and AAA Publications which often times, cost approximately \$3,000 each. Therefore, they did not do a lot of that type of advertising, but that advertising was successful and they received a lot of requests for information. Other advertising was newspapers in drive markets, online advertising, and in 2007 radio advertising. Also, they partnered with other communities and the state office to do some television advertising.

She said Destination Management did a lot of electronic marketing and encouraged people to go to their website and look for more information. The average daily number of visits on their site was 1,500 which was an 11% increase. They encouraged people to visit their website to make hotel reservations which was increasing. A green box on their website allowed people to download Eye-Tours of Downtown Lawrence and Quantrill's Raid.

They printed 80,000 Visitors Guides and mailed those guides directly to KU season ticket holders which were done by partnering with the KU Athletic Department and also mailed guides to all new KU and Haskell student parents.

She said media relations were a little more difficult for people to understand. They partnered with the state office and hosted a number of qualified travel writers and when they experienced Lawrence first hand, they had good information to write about Lawrence. The way that was measured was by calculating how much it would cost to purchase advertising that equated to the amount of space that was used in that editorial. It was about half a million dollars in 2007.

She said sports events were a little more invisible. They were responsible for bringing in and coordinating five sporting events last year. There was a cycling event and more recently

the December cross country track and field event that brought thousands of people to town. During that time, 4,500 total rooms were booked and created \$3.2 million in direct spending by direct sports events which did not include KU events or anything other than what the CVB was responsible for.

There were 193 convention meetings reported to the CVB which equated to 20,000 people coming in to town. A lot of those people were driving in to town from surrounding areas and the CVB was working to increase the number of rooms that were occupied by conventions. There was \$2.2 million in economic impact for those conferences such as materials on hand and those costs which was approximately \$21,000 in paper, pads, pencils and everything else given to visitors when coming to town.

They hosted about 10,000 people in the Visitor's Information Center which were those people who signed the register and not local people that attended events. The Visitors Center was open 7 days a week for the community. They also staffed approximately 450 uses of the building that were not related to visitors coming and going. Those were events scheduled by Parks and Recreation. They supported local events especially those they thought would bring folks from out of town, but not always.

She said she would report, at another time, more detailed information about Freedoms Frontier. The City had been supportive financially and also in terms of supporting her work with The Heritage Area which was a 501(c)(3) and managed the Heritage Area out of their office. They were taking the lead for the 41 county area.

There were a number of events in the works such as the Iron Man Race in which they were not hosting or coordinating the event, but coordinating the ancillary activities that were happening downtown as a result of that event, the nightly events in South Park which was being coordinated and promoted by their office, a softball tournament, conventions, American College of Theatre Festival, just to name a few.

Again, direct spending by visitors was \$49 million compared to \$46 million in 2006. In 2007, \$808,933 was actually collected. The percentage of day trips was based on the advertising effectiveness study which was done about every third year which told them how many people were coming to Lawrence for the day and not spending the night. She said the CVB made a great effort in keeping track of their efforts and wanted to be accountable for the money the City entrusted to the CVB.

Mayor Dever said they were excited to get the National Heritage Area up and running and was hoping Destination Management could drive up the revenues from bed tax by having more hotel space in the community. He looked forward to more events.

Billings said they were proud to market the community.

The City Commission received the annual report.

(14)

Receive request from David McLaughlin, to include roofing contractors under the Lawrence licensing requirements.

Scott McCullough, Director of Planning and Development, introduced the item. He said there had been a request by a group of contractors to be included within the City's licensing program for contractors. It was a trade group that was not currently included with the contractor licensing program. The group cited respect for the trade, quality to residents, and those kinds of issues being included within the umbrella.

The licensing program would provide the following:

1. A consumer protection mechanism for people who received the service from contractors;
2. A quality issue for building in the City as continuing education was an element of licensing in the City; and,
3. A level playing field as a business tool for contractors in terms of meeting insurance requirements, and education requirements.

He said staff provided an honest assessment of development services resources in terms of providing the ability to be included under the contractor licensing provisions and supported the concept and expansion of the program. Staff noted the inadequacies of resources to provide the services and reviewed it in the framework as program improvement and would like to discuss with the City Commission in upcoming budget sessions.

Commissioner Amyx said in reviewing the staff memo it talked about how it was not feasible at this point. He said just because the number of inspections that were done with new construction, there was not much new construction at this time. He asked if it could be incorporated as the need arises.

McCullough said staff anticipated an additional 1,000 permits annually for roofing and re-roofing. There were decisions that needed to be made in the type of permits. Typically, with licensed contractors, that licensing was included in the permitting and inspection processes. He said at the permit level, staff was able to handle those increased inspections at this time, but expanding the permitting program needed consideration since staff viewed staffing levels just adequate at this time.

Vice Mayor Chestnut said the memo mentioned that a license for roofing was not needed for owner/occupied residents. He said consumer protection was mentioned. He asked if staff had experienced any type of complaints on contractors and would licensing apply to new home construction.

Tim Pinnick, Development Services, said staff received complaints on new construction and infrequent complaints on roofing. New construction permits covered roof installation at this time, so staff was looking at re-roofs. He said presently, staff had no control over a company or individual for re-roofing. Staff would look at an entire package that would require licensing, permits, and inspections. Again, licensing would level the playing field for the contractors.

Mayor Dever asked where staff received the numbers for calculating re-roofs projects within the City.

Pinnick said a survey of other communities was conducted and the number was an average based on the community of this size.

Mayor Dever called for public comment.

David McLaughlin, McLaughlin Roofing, said he was the elected representative of seven roofing companies in Lawrence including his business. He said when speaking to other roofing contractors, they felt there was a minimum of 1,000 re-roofs on existing structures that were constructed in Lawrence each year. He said they were primarily interested in those re-roofs because the building trade was somewhat self regulated. He said contractors would hire subcontractors and hopefully those subcontractors were being watched. Routinely, they ran into complaints as they were bidding roofs regarding roofers receiving money up front and not returning to do the work or doing work at a substandard level. Those were some of the major concerns they were trying to address.

He said Lawrence was their work place and received respect as roofers as a whole. Individuals that were not licensed did not have the experience level to complete work in a timely and correct fashion, had no insurance or were underinsured and the consumer took the brunt. He said they wanted to make the community a better place as far as construction on homes.

Commissioner Amyx said the letter sent to the Commission indicated the vast majority of roofing contractors wanted these licensing requirements. There were approximately 30 roofing contractors right now in Lawrence. He asked if McLaughlin heard most of the complaints after a hail storm.

McLaughlin said customers would call a roofer to repair their roof after a storm, the roof would be repaired, but there would be no follow up as far as leaks and other things. It also would help new companies in giving them a guideline to follow to be a respectable and responsible company. It held everyone accountable for having a business in the community.

Commissioner Highberger asked if McLaughlin worked in other jurisdictions that had licensing requirements.

McLaughlin said yes, in Johnson County which had licensing requirements.

Commissioner Highberger asked if it would be a burden to meet both licensing requirements for both jurisdictions.

McLaughlin said no.

Mayor Dever asked about the number of roofing contractors for Johnson County. He said if there was a catastrophic event, how many people did inspections, and if it was a burden to wait for approval of their work or certification and sign off on the project.

Darin Lutz, Alpha Roofing, said pertaining to the individual jurisdictions, Johnson County's General Contractor License covered a number of other cities, and most of those cities only required a Johnson County license to do business in those locations and individual cities required other types of licensing. Some cities require a general inspection at the time of completion which was after pulling a permit. He said Johnson County required a midpoint inspection in which they would look at the types of materials to make sure the criteria was met on their approved list of materials, and also required a final inspection. The City of Leawood was strict about that process.

He said the best scenario in Lawrence would be an initial license to pull a permit and a final inspection on completion based on meeting the certain criteria for Lawrence.

Mayor Dever said if there was a delay because 100 roofs needed inspections and there were only two inspectors, he asked how that impacted the homeowner, the completion of the job, and the cost of the project to the homeowner.

Lutz said he had never run into a delay in that County. He said, for instance, the City of Leawood had a hotline to call for an afternoon inspection. Their inspectors would inspect and leave the results of the inspection and sometimes the contractor did not need to be present and the inspector would leave the results in a designated spot. He said he did not know the number of inspectors Leawood had, but there had not been any problems so far.

Commissioner Hack said she would like to receive information on the costs. She said the benefits to the consumers would be large as well as to the City's local companies.

Mayor Dever said he would like to identify the true costs to see if the City could afford that type of licensing, and if so, identify a budget. He said he would also like to identify the amount to be paid both for licensing and permits. The worst case scenario would be unintended consequences of the regulation because Lawrence was not Johnson County and might not have ten extra inspectors when there was a greater demand for inspections and the quality of service to the community would diminish under times of high need.

Commissioner Hack asked if staff would include this in their department's program improvement.

McCullough said staff would be providing some budget information and it was an issue identified to include under their program improvement narrative. He said staff could keep working on some of the details of this type of licensing and look for ways to get their arms around this issue in terms of impacts to staffing and resources. He said staff was proposing to do the inspections at the end of the project and even if the inspections took place a day later, it was not something that would impact the contractors.

Mayor Dever asked if the primary issue was quality control as opposed to the contractor leaving the site and moving on to the next project.

McCullough said for roofing contracting, it was more for consumer protection, quality, and education.

The City Commission received the report regarding roofing contractor licensing and directed staff to provide further information on the costs and benefits of roofing contractor licensing.

(15)

Consider authorizing the Mayor to sign the "Authority to Award Contract and Commitment of City Funds" and the Construction Engineering Agreement with KDOT for construction of Project No. 61-GI2-1104(C) for the improvements of 19th Street from Ohio Street to Alabama Street and adopt Resolution No. 6762, authorizing the issuance of General Obligation Bonds for a principal maximum amount of \$250,000.

Chuck Soules, Director of Public Works, presented the staff report. He said this project included widening the street to the south to extend the center turn lane from Louisiana, west toward Alabama and replacement and relocation of an old 1930's water main and sanitary sewer.

Staff met with the School District and discussed a bus turn off lane and as a result, the School District was financially supportive and asked the City to proceed. A grant in the amount of \$294,000 was also received from KDOT.

He said bids were received for this project and LRM Industries was low bidder.

He said staff was asking the City to approve three actions which were:

1. Authorize the Mayor to sign the Construction Engineering Agreement with KDOT for construction for the improvement of 19th Street from Ohio Street to Alabama Street;
2. Approve Resolution 6762 authorizing the issuance of General Obligations Bonds for a principal maximum amount of \$250,000.00; and
3. Authorize the Mayor to sign the "Authority to Award Contract and Commitment Of City Funds".

He said there would be detours for this project.

Mayor Dever asked about the bicycle lane issue raised in Michael Almon's letter.

Soules said when staff looked at the project there was a certain amount of right-of-way. Staff was able to place a sidewalk on the north side where there was no sidewalk. Because of the width of the sidewalk, easements had to be bought due to being outside the right-of-way. On the south side of the road, a sidewalk was being replaced. There was some separation between the back of the curb and the sidewalk. He said behind that sidewalk were Westar utility poles, which needed to be moved back. There was no room to place a bicycle lane within the right-of-way. Additional property could have been acquired, but the property was expensive in that area. The houses to the north were already crowded and staff was concerned about how close they were getting to the houses and the trees in the yards that might be impacted. To the south side was the school with the large electric lines and just south of the electric line was a

sanitary sewer main and easement. The electric lines could not go into that sewer easement because of the sewer line. He said staff could not find a good way to come up with another 6 foot out of the road without taking or buying more property. Staff looked at doing other improvements when that road was closed. He said 19th Street from Alabama to Naismith and Tennessee to Massachusetts would be milled and overlaid.

He said cyclists would use a lane from Mass to 19th, and when they arrived at Alabama, a bike lane would be available. If they were going back to the east, the cyclist would take that lane and continue on.

Commissioner Highberger asked if Soules was suggesting pavement markers similar to Naismith. On Naismith rather than a specifically marked lane, he suggested bike signs be placed to mark the area.

Soules said on 19th from Alabama to Naismith staff would mark a bike lane in the pavement. There would be a 3.5 to 4 foot area that would be sectioned off.

Vice Mayor Chestnut said Soules mentioned specifically the south side of 19th where the sidewalks were currently 2 feet wide that went right up to the curbing and asked if there would be separation at that location as those sidewalks were being redone.

Jason Hoskinson, BG Consultants, said the sidewalk Vice Mayor Chestnut was talking about in particular was east of Louisiana on the south side. There was a section where work was not needed for the curb or sidewalk. They were planning on keeping the existing sidewalk to minimize costs. There were some widening improvements on the Ohio Street on the intersection on the south side. They would be widening the sidewalks and would continue with ADA sidewalk ramps at the intersections.

Vice Mayor Chestnut asked if the narrow path up to the road was going to continue.

Hoskinson said yes.

Soules said the new sidewalk on the north had to be on the back of the curb and the city was receiving easements for sidewalks. He said they were trying to make those sidewalks

wider in order for people to walk further away from the curb. There were always challenges to fitting sidewalks into existing areas.

Mayor Dever asked what the standard width required for new installations of sidewalks.

Soules said new installations were 6 foot and on a residential street it was 5 feet.

Commissioner Amyx asked if there was a 6 foot space from the length of the curb. He asked if that would not be enough room or if that was a policy issue.

Soules said they tried to get 6 foot separation.

Commissioner Amyx said to accommodate a bicycle lane 3 feet was needed.

Soules said three feet from the curb line.

Mayor Dever called for public comment.

Michael Almon, Lawrence, said in typical fashion, Public Works had done an excellent job in attending to so many details in a very complicated engineering fashion. Also, in typical fashion, they pretty much had bicycles on the forefront of their agenda. It was not until three or four years ago that bicycles were addressed in the City with the Parks and Recreation Department, which most were bike paths through parks and things like that. He said for some 20–25 years he among others has said bicycles should not be thought of as toys but as transportation. He was glad that now Public Works was handling this whole process in the area of transportation. It was gratifying to know that bicycles were being addressed but when the whole process evolved from the Pedal Plan, the compatibility with the Public Works program to the bicycle plan they had now, it became apparent for practical reasons, budgetary reasons, logistics reasons or what have you, they would not be able to build all the bicycle facilities they were short on to fill all the gaps and make all the connectivity at one time. It was a protocol adopted by the City Commission or by staff what they would do was address these issues piece by piece, project by project, so that any given time when a certain street was designated by the bicycle plan to have bicycle lanes or a use path that when that road was being rebuilt, reconfigured or mill and overlaid, that segment would be upgraded to accommodate the bicycle.

It would be done a segment at a time. 19th Street was one of those first 11 streets that was identified by the Bicycle Compatibility Study as being high priority and the Bicycle Plan adopted in 2004 also showed bicycle lanes on 19th Street from the east City Limits all the way to Naismith.

About two years ago east 19th Street was mill and overlaid and at that time Public Works put bicycle lanes there because they fit and rolled it all in the project for efficiency and cost effectiveness. When this project came up, it evolved out of the effort to resolve the intersection problem with the roundabout and traffic circle which for various reasons did not go anywhere. This was the second next best option and thought it was a good option because Public Works did a great job resolving that intersection problem. They improved the safety for the driving public. It would make an intersection much more functional. However, in that process, this important protocol of looking at bicycles and rolling it into the project and using that opportunity to fill in that segment was overlooked. He said staff met with him and realized that was the situation, but given all the balls they had in the air and the elements they were trying to balance, the limits of the right-of-way, the intersection was a high priority and the bicycle element was on the backburner and could not include it. Some of the rationale he could not agree with because a lot of driveways and alleys on 19th Street conflict with bicycles and was not recommended putting in bike lanes. It was 180 degrees opposite of why provide bike lanes on pavement. Bicyclists on sidewalks were the conflict of driveways, alleys and streets. They were removed from the line of vision of drivers of automobiles, turning automobiles coming out, particularly backing out of driveways, did not see bicyclists as well as if they were on the street where the driving motorist was looking. He said it was a poor rationale. To improve the safety of the driving public was minimal, but one of the main problems with not having bicycle lanes clearly define space for bicyclists that both the motorist and bicyclist identify and recognize readily was confusing; confusing to the motorist and confusing to the bicyclist. When there were snap decisions made by bicyclists, it could turn very quickly not knowing where they were going to go

to avoid something. That confusion was what caused accidents. The design they had now did not provide for bicycle safety. In a sense, it also caused confusion for the motorist, too. It was not accomplishing anything what the memo said anything for the sake of bicyclists. He found it very unfortunate that a \$1.25 million project had gotten to this stage of near completion of approval with a timeline already penciled in with construction being done in the summer and done before school opened, that if they were to re-look at this and redo it, this would delay it for a year. He did not know if it was true or not, but the City Commission needed to be aware of that. He found it unfortunate that they were already this far along and that the issue he thought would be dealt with equally in these kinds of segments as an ongoing projects was precluded from happening and he found quite late in the process that it was the case. He tried to follow a lot of the agenda items and did not follow them all. He did not know this process was taking place. As far as the geometrics of that particular stretch, they were not really thinking in terms of the implications east of Louisiana Street moving curbs, what happens west of Alabama Street alignment or anything like that. Those were segments that at a later time when those parts of the roadway were being dealt with, would be dealt with. They were hoping to do in protocol was do this segment, and get to the other segments later. If they were locked in with this configuration in this segment, the rest of the segments were going to be questionable. At this point, it was kind of like a keystone, and the whole section of 19th Street did a lot of meandering as lanes move and there were more lanes, fewer lanes, and turn lanes, and he did not think moving the cross section of 19th Street 6 feet to the south was going to make much difference. Many of the streets, because of intersection upgrades or where things were added, there was a lot of meandering back and forth, but drivers had no problem with it. When he talked with City staff that afternoon, one of the things they tried to avoid in any of the projects was conflicts with existing structures. They did not want to try to take anymore easement from the road or expand sidewalks on the north side, however, this particular segment was almost ideal in that the south side was wide open and was USD 497 property. There was no structure there or anywhere

there and definitely had room if they wanted to move the road to the south. The only obstacle there on the south side was a chain link fence. A chain link fence was on the right-of-way line and beyond that right-of-way line was a 6 foot utility easement that was part of USD 497 property that the City had an easement. Utilities like to keep their easements for only their own use, but the easement was there and used by the City. Rather than the options that they considered, he thought one of the best options would be to negotiate with the school district to move their chain link fence to the easement line and get the 6 feet plus the 6 feet of separation between curb and sidewalk. Then they could move the cross section of the street. One of the obstacles on the south side they were already working around were the Westar High Tension Transmission poles. Those poles in either scenario would still be left alone and could move the sidewalk to the south of those poles on the USD 497 easement. They could move the cross section of the street, widened, to where the 4 foot sidewalk was now and put a bicycle lane there. They would have additional space on the north side for a bicycle lane. To him, that seemed like a plausible scenario. On the west end of Alabama there was a little bit more of an offset, that they would have to turn back north a bit, but would seriously like them to consider that as an option. There were probably more numbers he did not know of, but was told by staff that afternoon if they were to have bicycle lanes, it would add \$30,000 to the project cost. Moving curbs and gutters was already part of the project and re-engineering the drawings would be about \$80,000 more. He did not think that was a lot more money to add to \$1.25 million project. Delaying it for a year was a serious concern, but if the Commission was weighing their options, he would like them to consider that option.

Commissioner Hack said she did not have a clear picture of what it would look like and how much space was at that location.

Shoeb Uddin, City Engineer, said the issue that had to be addressed was if it was feasible to put in a bike path as Almon suggested, redesigning the road, the biggest issue would be the timeline and cost. If the road had to be redesigned, the project could not move ahead

this year. The project cost was just under budget and had about \$25,000 pushing it into budget. If they had any contingency come up during construction then staff would need to ask for additional money. The original project schedule was for 2009 construction, but staff wanted to get the project completed a year ahead, between May 23rd and August 12th was the timeline to complete the project.

Commissioner Highberger thanked Almon for bringing this to the Commission's attention. He said he was not sure there was a feasible alternative in this case. He was not sure the solution that would put the sidewalk meets the curb except for the bike lane was a better option. He was concerned about the expense and the delay and trying to move the sidewalk to the other side of the utility poles. That option would put the utility poles right on the street and some studies showed that trees along the street reduced accidents, but wide spaced utility poles might not have the same affect and there could be some danger. He appreciated Almon bringing this forward but could not support Almon's request because of financial reasons.

Almon said he thought it could be located south of Westar's poles, not immediately adjacent to the curb. The short option was to have the sidewalks south of the poles and move the cross section to have bicycle lanes on the pavement, and then those poles would not be next to traffic lanes, but next to a bicycle lane. He said the multiuse path would be a workable option as opposed to the bicycle lanes, which would be the ideal option. The only problem he had with the multiuse path was wherever it might be located south of the street, when it reached the area at Alabama where it would narrow down, to the west, Soules said in the future there would be plenty of room for the bicycle lanes and bicycle lanes would probably be placed in that area, but he asked how would bicyclists moving both east and west on the south side of the street, get over to the north side and similarly on the east end at Louisiana, the issue of how bicyclists on the lane or side path could get to the intersection was not really relevant because federal guidelines generally have the bicycle lanes and that was how that was done in this instance some 100 feet before the intersection. Whatever was done on the segments between

intersections west of Louisiana near Alabama, was its own configuration judged on its own merits. If the City Commission wanted to go ahead and build that configuration and cross section and put in a multiuse path, he thought that would be workable if it was south of the poles. They could put it on the curb, but south of the poles would be best. Also, they were already one year ahead of schedule.

Vice Mayor Chestnut said regarding the option of the multi use path, not only what Almon brought up as far as someone going westbound and needing to cross over when getting to the west side of where the work was being done, but again getting back to the four foot sidewalk, it had some visibility obstruction when getting to residential on the west side. He did not think that could be converted to any multiuse because there was no way to widen that sidewalk. He was not sure that would work for the stretch south of 19th Street through the property around Lawrence High, but once getting to the west end, it narrowed. He agreed with Commissioner Highberger that there was a lot to balance and one thing they had not talked about was they were talking about bicyclists and people operating vehicles, but they also had a lot of pedestrians, so the sidewalk considerations it was hard to accommodate it. He wanted to note that because he thought there was a lot of pedestrian traffic on 19th Street and anything they could do they had to keep the design elements in mind, and especially adding something on the north side would be beneficial. It was so narrow he saw a lot of people on the north side and the south side on that stretch.

Mayor Dever said there were a lot of things to consider with this project because it was near a high school. It was a tough situation because of the right-of-way. He appreciated Almon's thinking and trying to utilize some of the space on the south side and made perfect sense except that the road would meander slightly more than the engineers would like. He wondered if they had done that they might have alleviated having to purchase some of the right-of-way on the north side of the street and wondered if they could have done this better. They needed to balance the high volume of traffic, new drivers, and lots of people moving out of a

very small area. The work they had done did a good job of doing that. It was unfortunate they left out the bicycle lanes and it was a perfect opportunity and it was a matter of not enough space, time and money.

If they had planned for this initially, maybe they could have reduced the cost, the 10% increase to maybe 5% because they would not have had to redesign the intersection. He was in favor of trying to encourage implementing these types of lanes, especially when they had a lot of kids, bikes and pedestrians. He felt like having that center turn line might help a little bit because there would be a little bit more room and hopefully there would not be so many sudden stops. The geometric improvements at the intersection would help traffic flow in general. He would be hesitant to delay this any further because it was a hot spot for the community and thought it had been planned and did a good job to get that resolved in the shortest time period and delay. He liked Almon's ideas and wished they had come up with those ideas before the 11th hour.

Commissioner Hack said it was interesting to think about the time the bonds were issued for the high school and the thought that this school was so far out of town people were so worried that it was an invaluable asset to be that far away. It was never envisioned as a facility that would house as many students and cars that come with them. That was what made this so hard. Time was of the essence and knew they were a year ahead of schedule, but for the people who lived in that area, they were about 7 years behind schedule. The very first neighborhood meeting she attended would have been in the fall of 2000 and was at the high school talking about what to do about 19th and Louisiana. For a lot of folks this was a long time coming and was a combination of the automobile, the pedestrians and bicyclists and trying to find something that fit for everyone. She agreed with her fellow Commissioners for Almon bringing this to them and wished there was some magic way they could get additional right-of-way or additional ways to pay for it if they decided it was the way to go. The design was as

good as it could get given the constraints of the intersections and what they had to work with space wise. She said she would support moving forward at this time.

Commissioner Amyx asked if there was a way to either do signage or designation for the ways to accommodate bicycles were going to be used on the street.

Soules said that would be the intent to sign that share of the road from Massachusetts to Alabama and the bike lane would open up.

Mayor Dever said he was not sure they wanted to talk about widening that sidewalk or not. He thought it would be confusing if they were directing people to this multi-use path and direct people across the street. Adding width to the lane was good, but that was where a lot of accidents happened because there was such a narrow line of site. Sometimes he thought bikes were better off in the street from a line of site as long as it was marked properly. He thought that was the best solution.

Soules said he thought the cyclists would prefer to be with the traffic on the same side if they had a direct path or multiuse path on one side. Typically when they did the multiuse paths, they had a network that they would tie into so they would not have to keep crossing streets to get back to a multiuse path.

Moved by Hack, seconded by Chestnut, to authorize the Mayor to sign the “Authority to Award Contract and Commitment of City Funds” and the Construction Engineering Agreement with KDOT for construction of Project No. 61-GI2-1104(C) for the improvements of 19th Street from Ohio Street to Alabama Street. Motion carried unanimously.

Moved by Chestnut, seconded by Hack, to adopt Resolution No. 6762, authorizing the issuance of General Obligation Bonds for a principal maximum amount of \$250,000. Motion carried unanimously.

(16)

Receive draft Federal Legislative Statement.

David Corliss, City Manager, presented the draft statement. He said the document highlighted a number of issues and requests to the federal legislators and their staffs. A number

of the items dealt with funding requests, surface transportation, aviation, transit, and highlighted the importance of the National Heritage Area. Judy Billings had been blogging the federal legislative delegation for appropriations to support the National Heritage Area programs. CDBG and HOME programs have not been receiving increases in fact there had been reductions in some of the City's allocations and that would be highlighted with the delegation. He also wanted to indicate the importance of KU and Haskell Indian Nations University to the community. Also, have some discussions about Economic Development including biosciences. A couple of new items which included the Northern Flyer Alliance. They were also following federal responsibility regarding the management of the federal reservoirs and sanitation issues. That would be an issue they would need in the coming years from the federal legislation delegation.

He thought the document was in good shape as far as what the City's requests would be. There was an additional item related to this. They would talk about Lawrence Community Shelter's request for a letter of support. They could take that letter of support as well. These items were related to what they wanted to communicate with the federal delegation.

Commissioner Hack said she had a question about the possibility of discussing the improvements to the Carnegie and what they talked about the possibility of using some grant money for that. She asked if there was a possibility for asking for more money for that historic building. It could be incorporated to the National Heritage Area.

Corliss said he thought it was likely that the National Heritage Area would want to coordinate with Judy Billings as far as their funding. One of the funding items right now was to get their management plan in place, which was like a comprehensive plan for a national park. It was the guiding document for the National Heritage Area and Billings was anticipating needing funding for that and the items that come off of that. If they were successful in bidding that project and proceeding with it, they would probably not be in line with additional federal appropriations for that project and there might be opportunities to pay for things on the interior

and would want to change that sometime in the future. As he understood, Billings' request in that area have been management plan funding and getting the appropriations in place so that the management plan said it would be an appropriated item in the Lawrence/Douglas County area and would have funding for that.

Commissioner Highberger said he appreciated the addition of the Northern Alliance item and thought there was a specific bill pending right now and he meant to do the research to find that bill number. He asked if there was any way to verify that bill number, he would appreciate it.

The City Commission direct staff to place the statement on next week's consent agenda for adoption. (17)

Receive request from Lawrence Community Shelter for a letter of support for a federal earmark request of \$600,000 for shelter relocation.

Loring Henderson, Director, Lawrence Community Shelter, said the Lawrence Community Shelter had submitted an earmark request for HUD appropriation through Senator Brownback's office for \$600,000 to help with relocation and construction renovation of a new shelter. He understood that for an earmark to be considered, it needed to show a connection to federal interest and local support. The connection to the federal interest was that HUD had a clearly stated mandate to reduce homelessness in the United States and the Lawrence Community Shelter was striving to do that at the local level. He said for community support he had asked various individuals and was asking the City Commission for a letter of support for this appropriations request. Also, he said this endeavor fit within the housing vision. The Community Commission on Homelessness had designated the Lawrence Community Shelter as the emergency shelter and was seen and approved as the emergency segment of that vision. He understood that this request was a two step process so the initial application submitted was the first step. There would be another consideration and if going further,

additional information needed to be submitted. To get to that further step, community support and federal interest needed to be shown.

In the application submitted to Senator Brownback's staff, he said he mentioned a specific building and talked about the cost of that building. It was an example and was appropriate, but they were not restricted to that building. He spoke to congressional staff and there were certain considerations that needed to be met, but those considerations were very general because they were a not-for-profit entity and they were not asking for water or sewage projects, reimbursement for operations, or program expenses.

He said he had met with neighborhood associations, which was not related to the earmark process, over the last couple of months and was on-going. He met twice with the officers of the East Lawrence Neighborhood Association; twice with the general membership, once directly and once indirectly; once with the membership of Brookcreek Neighborhood Association; and once with the Lawrence Association of Neighborhoods. In listening to the neighborhoods, their board needed to continue to be aggressive to find a site.

He said they were present to ask for City Commission support. He said a creative effort towards fundraising was being taken, but he did not know what to do to raise \$3 million that was arbitrarily set. At the same time, during the time of the Mayor's Task Force on Homeless Services, there was a number used based on industry standards from Sabatini Architects that projected a cost of \$2.75 million for a shelter, whether renovating or constructing because the cost ended up the same, once buying the land. He said their board was striving to be as creative as possible with their fundraising efforts.

Mayor Dever said everyone understood this effort was to seek federal funding assistance for potential acquisition of a shelter building and not a specific shelter building.

Henderson said correct.

Mayor Dever called for public comment.

Katherine Dinsdale, Co-Chair of the Homelessness Commission, said the Homelessness Commission voted unanimously that morning to support that request and strongly hoped the City Commission would write a letter supporting the request as well. The Shelter put together a presentation asking that they be designated as the emergency shelter in Lawrence. The shelter did a wonderful job and the Homeless Commission wanted to support the shelter fully and put their weight behind helping them do a better job in meeting that need. If the shelter could obtain that money, it would provide some momentum to their fundraising efforts. It was a necessary step and everyone made it clear that local money was not available, so the shelter was trying to be creative in finding other sources. The Homelessness Commission wanted to voice their approval and support and hoped the City Commission would as well.

Eileen Shards, Lawrence Community Shelter board member and chair of the fundraising committee, said fundraising for this endeavor was a challenge. The City Commission asked the shelter to start looking for a new site and they had been looking very hard. This endeavor was similar to the "chicken before the egg" because if finding a place, they would not have the funding or permission to operate the center at that location and the place would sell and they would need to start over again. She said it was hard to get a loan from a bank for a location that did not exist, at this time, or for a shelter that could not operate for more than a year. She said they were trying to be creative and were looking to individuals who indicated an interest in helping the shelter. Also, they were looking at private and government foundations and federal funding. This was the first request for federal funding and they were excited about the outcome. She said she was asking for City Commission support as they worked together to fund this necessary shelter for the community.

Henderson said in addition to communication with Senator Brownback's office, Representative Moore's office had received the necessary papers and were also helping with

this matter. Representative Boyda's office felt that it was not appropriate for their office to help because physically the shelter was in Moore's district.

KT Walsh, East Lawrence Neighborhood Association officer, but speaking as a private citizen, said she would go on record for supporting the federal earmark request because the shelter had been mandated and were in a very difficult position. She said the shelter was looking for a site in an industrial area in Lawrence and had looked at a building in their neighborhood, but were looking at buildings all over town. She said she had a few points to make because the discussion was aimed at their neighborhood right now.

She said because of the mortgage crisis and the ripple effect, they were already seeing foreclosures in her neighborhood. Everyone was moving closer to the financial edge in Lawrence and unfortunately there would be a lot more people in housing crisis. It was going to be a growing need. Those that lived near the river and near downtown in Pinckney, North Lawrence, East Lawrence, and Brookcreek all knew the history of people living by the river and tracks and it was not new to the core district neighborhoods of Lawrence. There were many people that came to get food, water and take a shower. She said there were many families living in their cars all over Lawrence now, people living with relatives or friends because they were experiencing temporary lack of housing and many families were housed in the City's cheaper motels and therefore, the community needed to deal with this issue.

She said when discussing this issue in east Lawrence, there was a perception that when things were a nuisance they dealt it in the lower income neighborhoods. East Lawrence had the City yard and maintenance garage because the Pinckney Neighborhood Association fought not to have that in their neighborhood. The Wastewater Treatment Plant and all its fragrant glory and the majority of Lawrence's HUD and Section 8 lower income housing was always placed in East Lawrence and North Lawrence, but that changed 10 years ago and lower income housing was all over town now. Again, there was a perception that when things were not as nice, they go to East Lawrence.

Some cities offered incentives to neighborhoods who welcomed the shelter, which included sidewalk and street improvements, alley improvements, purchase of park land, and was being done in other cities as a tradeoff.

She said the building that was being looked at on the east side of East Lawrence, was new to people in that area. It was a very quiet area with a lot of little kids and people were very concerned about their children, which was something else they needed to address when educating people living near a shelter. The people who lived on the west side of East Lawrence and in Oread neighborhood had long had drug use, people urinating in their yards, people wandering the alleys late at night and KU students and those neighbors were used to it. Again, it would be new to this small plot of land.

Michael Almon, speaking as a representative from the Brook Creek Neighborhood Association, said Loring Henderson of Lawrence Community Shelter came to their general membership meeting a month ago. It was a very frank and cordial discussion with an exchange of ideas.

As Walsh pointed out, these were desperate times and desperation was spreading into a lot of different areas. The recession was official now because it had lasted 6 months and part of that recession meant food prices had increased by 12% in the last 12 months. Food stamps were at a record high. Even \$900,000 homes in Virginia were being foreclosed on. The unemployment rate at 5.1% was the highest it had been in many years. Homelessness was growing along with the rest of these issues. Everyone recognized that it was a real issue that needed to be dealt with.

He said Rich Minder stated in a letter when this issue first came forward which Minder regretted that this society had failed to muster the political will to address the underlying problems that led to a need of homeless shelters.

In this community, part of the problem he found was that everyone wanted to address those underlying issues and provide rehabilitation and job training programs, opportunities and

means for homeless people to not be homeless anymore, yet on the other side of that coin everybody stated, "not in my backyard."

One of the residents in his neighborhood coined a slightly different version, which was "not in my downtown." That was one of the main driving forces for this move, and why LCS had been mandated to move out of downtown. This was a result of Downtown Lawrence Inc., officially opposing downtown shelters, and many Downtown Lawrence merchants speaking many times publicly opposing the Lawrence Salvation Army and the Lawrence Community Shelter being downtown.

Every time this issue was addressed by their neighborhood association, they elected to point out that homeless shelters were not what pulled homeless people to downtown. Downtown was what pulled homeless people to downtown. Wherever the shelters were moved, the homeless would still go downtown. The effort for all the downtown merchants to get the homeless out of downtown was futile. Moving the problem was just moving the problem, and would spread it around more, and he did not think it was the proper solution. We need to get to the point of this particular request tonight.

He said Henderson stated this request for the \$600,000 endorsement of the City Commission was not for a particular building, but for help with a building. He said that was not exactly true because in the letter to Senator Brownback, the letter had elements pulled from another document and did not have all the elements in the letter. He asked, where the rest of the items were that were not seen. The public did not know what else they would be endorsing.

In the shelter's response, an 18,000 square foot building constructed in 2001 had been identified and similarly a March 11th letter to his neighborhood stated the shelter had located a building that met the physical and program requirements and was working to resolve zoning issues. He was also told in their neighborhood the location of that building. They did not see this particular \$600,000 request was severed from that particular building. The letter to Senator

Brownback actually identified it not by address, but by other elements that identified that building.

He said they needed to tread carefully on how this letter of support was worded or whether this building was locked in, because once the endorsement was given, that money being earmarked had to be spent on that particular use. If that use was that building, the rest of the public planning process, particularly public input for the public hearing was moot. He did not think they needed to proceed under this particular format and it needed to be seriously looked at and all references to that particular building deleted, explicitly and implicitly.

Brookcreek Neighborhood had publicly taken a vote that they were opposed to that building and that industrial use. They were also opposed to the request to allow homeless shelters by use right in any industrial zone as in the request that first came up to the City Commission on February 21st.

He said more appropriate was a letter on the agenda tonight as a future agenda item for Free State Development and Ray Brown and Associates. It was much more appropriate the way they were requesting their text amendment, which was for a specific industrial zone, IPB, which was a research park basically, and their request that it be subject to a special use permit. That would be far more appropriate and the reason they said was to prevent a blanket policy that might allow such uses by right in the IPB district.

The way the Lawrence Community Shelter had requested a text amendment was way too broad, had major implications for all industrial zones in all neighborhoods all over Lawrence. Although Lawrence Association of Neighborhoods had not taken a stand one way or another for the shelter in this particular building, they were concerned about a blanket text amendment. There were a lot of elements here that had an influence on how this outcome would be. At this point, Brookcreek was opposed to the current draft of this request for the City to endorse this letter to Senator Brownback. He said the letter would preclude a lot of public options that legally

the public was entitled to, but it was not to say they did not support the homeless having an adequate shelter.

Mayor Dever asked what action would preclude the public options.

Almon said if the letter to Senator Brownback and the letter that was endorsing that letter to Senator Brownback at least implicitly identified that particular building, then that money had to be spent on whatever was endorsed and what earmarked money was for, which was that building. Whether or not the Delaware Street Commons who were the immediate adjoining property owner was opposed to it or if Brookcreek was opposed to it, it would be irrelevant and their neighborhoods would not be able to oppose the spending of that money on that building because that money would be legally required to be spent on that building. This was the enabler of their whole financing.

Henderson said when he submitted the initial application, they were looking at one building and he thought it would strengthen the application if he could describe it as clearly as possible so they knew what he was talking about. As things have moved, they have looked at other buildings and there were other sites and buildings. They have found some interesting possibilities, so he called the Congressional staff to make sure if he was in a corner or not, and they said no as long as he did not violate the other restrictions and it was still being spent for the purpose of the shelter. Also, they had the second opportunity, if they were invited to submit a proposal and he felt comfortable the shelter was not restricted to just that one building as long as they spend that money for a shelter.

Commissioner Amyx asked if city staff had the opportunity to review the application.

David Corliss, City Manager, said staff reviewed everything that was posted on the agenda. He said like any earmark, if it successfully became law, then an application was needed. None of this funding issue took away land use authority. He said he did not know if this was competing with the City's earmarks because it was a totally separate appropriations bill.

He said the other issue was that Price Banks, representing the Lawrence Community Shelter, was interested in coming back with a land use request with a possible text amendment which he wanted to make clear.

Commissioner Amyx said because of the City Commission's responsibility of dealing with the land use separately he wanted to make sure this was not site specific. He did not want to sign a letter in support if it was site specific and it could be looked at as a financial decision.

Corliss said in the letter the Mayor signed it could be made clear, it was not site specific.

Mayor Dever said the City Commission asked for a better, more appropriate building for the shelter because they needed to take action. Commissioner Chestnut had kept the costs on task and focused. He thought by virtue of being involved, he thought the shelter had stayed focused on moving and finding a more appropriate option. If they were going to make an investment, they should go through this process instead of private sector. He said the City Commission needed to get the ball rolling and he was in favor of signing the letter in that it would not be tied to a specific location or building. They needed to try to get federal funds available if they were available for solving this homeless crisis.

Vice Mayor Chestnut said when reviewing the one year Special Use Permit a year ago, there was a lot of discussion at that point. It was important to clarify the milestones became part of what they created with the application and that was he believed they all agreed the location at 944 Kentucky was not desirable for the long term and every one agreed. It was not a mandate from the City Commission to the Community Shelter. He thought there was a mutual understanding the facility was never designed to do what it was trying to do now which was to provide overnight shelter and a place for outcome space types of work. In coordination with the vision of the task force, there was something that was needed that was much more significant. The locality of downtown had provided some challenges and there have been comments, but did not think that was the driving force of looking at another site wherever it was in the City of Lawrence because it had much more to do with the physical attributes of that building and the

fact that it simply could not deliver on the services it was trying to deliver. Henderson should be complimented for doing what was being done now based on the limited facility he had. He thought that was important to recognize because he heard it mentioned that it was mandated and he did not think that was the case. He thought they had come to a collective decision that it was not a good location mostly because the physical structure did not accommodate it. He agreed with Mayor Dever that as long as it was clarified in the letter that it was not an endorsement of a particular location or endorsement of any zoning or text amendments, but was support in trying to seek funding to get the ball rolling.

Commissioner Highberger said he encouraged Henderson to bring this letter to the entire Commission for approval. He would not be in support of it if it was endorsing a specific location. They had land use approval processes for making a decision. He supported the City Commission supporting the request for the shelter so they could move toward addressing the problem.

Commissioner Hack said the City Commission had continued to ask Henderson to address this issue and the City Commission needed to support Henderson's endeavors to receive federal dollars to help with this community problem. She supported signing the letter.

Moved by Chestnut, seconded by Highberger, to authorize the Mayor to sign a letter of support for the Lawrence Community Shelter federal earmark request. Motion carried unanimously. (18)

Receive draft Tax Increment Financing and Transportation Development District Policies.

Diane Stoddard, Assistant City Manager, said tax increment financing and transportation development districts were being addressed. The TIF districts were a redevelopment tool that enable incremental revenues that came from a new development to go back to pay for public improvements associated with that development. Transportation development districts, TDDs, were a tool that enabled the use of either special assessments or special sales tax to be placed

on an area with the owner's consent and then those monies also went back to pay for certain transportation related improvements.

There was a variety of information related to other communities and in developing those drafts they utilized the policies of other cities as a guide. Both the TIF and TDD were creatures of statute and there were very specific statutory processes associated with establishing either types of district. Rather than reiterating those statutory requirements, they knew those were given, but the idea with these drafts were to focus on other policy issues or refinements of some of those steps in the state statutory process that might be important to the community.

In the TIF district policy draft, on the process requirements there would be a proposal received for the applicant, following the statutory process, and it would require a redevelopment agreement at the conclusion of the establishment of the district that would lay out all the responsibilities by the City and by the developer's part of that. The criterion was probably the most important part which was the policy matters on how a TIF might be established and under what condition. In the draft they had indicated the City would judiciously utilize TIF as a tool for projects that demonstrated a significant and substantial public benefit to the community. The project would achieve various economic development goals of the community which were set forth in the variety of means like creating jobs or retaining jobs. It would be a project of community wide importance and also have a comprehensive plan.

The draft also included a but/for principle which was basically that without the use of TIF, the project would not happen. The City Commission had discussed that as part of the analysis for the Oread project recently.

Additionally, indicating the projects that would involve debt issuance must provide a cover for that, about 1.5 times of the projected debt service and those were the cases that the City might be involved initially in debt for the project. The amount of the TIF assistance would be based on economic significance to the community and would be one of the things seen in the required feasibility study as part of the TIF analysis. The TIF proposals would provide for

redevelopment and stabilization of residential, commercial or industrial areas would be favored. They were trying to encourage redevelopment opportunities in the community.

She said as far as the developer requirements, the draft stated that the developer must be able to demonstrate the financial ability to complete and operate the project. The projects that had at least 50% developer cost share would be more favored than those that had less. Again, a redevelopment agreement would be required and might require the developer to front certain costs associated with the review of the proposal. Those were things like the feasibility study.

She said regarding the process of the TDD policy draft, there would be a petition that would be submitted and would follow the state statute process regarding the actual creation of the district. The criteria would be that it could be used to reimburse the City for certain public infrastructure costs that they front by issuing debt and then having revenues associated with the TDD come back to retire that debt or it could be pay as you go. The developer would front the funds to do the improvements and then the developer was paid over time as revenue came in. The policy indicated that the use of TDD should not enable a development to skirt the City's basic development policy. It was meant for things that were above and beyond what the development policy would call for. It also stated that one of the following should be met: promoting and supporting efforts to redevelop sites, looking at unique retail attraction opportunities or mixed use opportunities that would help the economic base, and also projects that would result in transportation infrastructure beyond what the City would require and what they would otherwise build.

Mirroring the TIF draft, this required evidence that the developer could do the project. It indicated that the equity or private financing contributions from the developer in excess of 15% would be viewed more favorably. The development agreement would be required and the applicant might be required to pay for analysis fees that might be necessary for the City Commission to review the proposal.

She said the action this evening would be to provide feedback the City Commission had at this point and the intention was to solicit public input regarding this item and then have the City Commission consider it at a future meeting.

Mayor Dever asked how the draft policies were created.

Stoddard said these key elements were similar in other City policies and it was looking at what a lot of other cities had done previously. Staff visited with Gary Anderson, the City's Bond Counsel, and had him look at both of them. Anderson provided comments on the drafts and the drafts reflected the comments he provided. There were a number of policy issues. A lot of cities do a lot of things differently, but generally a lot of the key elements were provided and there was a lot of flexibility regarding those elements as well.

Commissioner Amyx said it was clear they needed to have a policy in place that would meet requests in the future and thought this was a good way to start. His recommendation would be to start this process with the 30 day period in being able to get feedback.

Commissioner Highberger said he appreciated the work and did not see anything left out or anything they ought to change.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Hack said what she liked about the policy was that it was tight in the areas that it needed to be tight in, in terms of percentages and how much the developer would pay up front and how the cost benefit worked. It also allowed for some flexibility to have the opportunities to look at the created projects and would enhance what they tried to accomplish in the community. It was a great balance on both of those policies.

Vice Mayor Chestnut said when talking about demonstrating the but/for, he thought the Springsted study was a great process to go through and would encourage the Commission to have a little bit more robust language about how they saw that. He thought the way it was presented when they went through the Oread project, it was enlightening about market

expectations. He wanted to get more meat behind that because in the tax abatement policy, the statement was there but not well clarified.

He would also encourage the City Commission to make sure they had robust language in regard to the proposals and opportunities for redevelopment, particularly infill. It was clear with the Oread project that it was clear there were some costs to address because infill projects tended to be more expensive and more difficult. They needed to clarify what their intention was because they would take that over something less dense. Also, they would all appreciate the list of people this would be sent out to for public comment because his guess was they would get quite a bit of dialogue with those individuals. He knew there were certain people they wanted to specifically contact and once it was distributed it would be good for the City Commission to know.

Corliss said staff was working on a list of people that participated. He asked if the Commission wanted staff to respond to any of the amendments at this point or should staff keep track of those amendments and use the document that came back with draft language.

Mayor Dever said it would be good to add some third party declaration.

Corliss said the statutes require a feasibility study and a feasibility study for a TIF said that incremental revenue would be enough to pay for the required public projects. They took the additional step of asking whether or not the project would provide a rate of return the marketplace would normally accept, which got to the but/for question in one way of phrasing it. They could find a way to put it in a paragraph that put it at that issue because it was an additional question. They could devise a feasibility study that would show the project would conservatively bring in revenue and bring in that amount of public improvements to make the project feasible. Another public policy question would be if the project would be likely to proceed if they did or did not have the incentive. That was an additional level they thought was good and needed to find a way to write it in the policy.

Commissioner Highberger asked if PIRC would have an opportunity to review this at the April 17th meeting.

Corliss said they could ask that they look at that. They may not get much of a chance to review it between now and next week. One of the items that was important was the fiscal consequences for the school district and Douglas County. They mentioned that it was out there. It was a good way to do that as well.

Moved by Hack, seconded by Amyx, to receive draft policies and solicit public comment for a period of at least 30 days. Motion carried unanimously. (19)

PUBLIC COMMENT:

There was no public comment.

FUTURE AGENDA ITEMS:

- | | |
|----------|--|
| 04/29/08 | <ul style="list-style-type: none">• Oread Neighborhood Study Session follow-up items.• Public hearing regarding the sale and serving of alcohol within 400 feet of a school or church for a proposed outdoor concert on the 900 block of New Hampshire. |
| TBD | <ul style="list-style-type: none">• Consider request from Lawrence Arts Commission regarding modifications to Resolution No. 5966 and Resolution No. 5015.• 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 |

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
 - Receive staff recommendation regarding priority ranking of intersections for submittal to KDOT for consideration for federal aid safety funding.

COMMISSION ITEMS:

Moved by Amyx, seconded by Chestnut, to adjourn at 9:25 p.m. Motion carried unanimously.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF APRIL 8, 2008

1. Contract Agreement – 2008 Manhole Rehab Program to Mayer Specialty Svc for \$120,000.
2. Payment Authorization – Pump Station PS49 to Olsson & Assoc for \$26,000.
3. Ordinance No. 8255/County Resolution___ - 1st Read, Subdivision Regs, Unincorporated Areas of DG .
4. Ordinance No. 8258 – 1st Read, defer special assessment for political subdivision.
5. Ordinance No. 8259 – 1st Read, amend Ordinance No. 6010, defer period for certain special assessments, E Hills Business Park.
6. Ordinance No. 8249 – 2nd Read and Text Amendment – (TA-12-25-07) Definition of family in RS Districts.
7. Ordinance No. 8253 – 2nd Read, Oread Redevelopment Project Plan.
8. Ordinance No. 8254 – 2nd Read, Transportation Development District & levy sales tax.
9. Parking Agreement – Sunflower Broadband use of City Lot 16, \$10 per metered space.
10. Signs of Community Interest – The Church of Jesus Christ of Latter-Day-Saints, free Community Emergency Preparedness Fair.
11. Mortgage Release - 1511 Davis Rd, Lance & Amy Hoover.
12. Temporary Sign - “Resident Parking Only, Violators will be Towed”, 900 Blk of Rhode Island, May 14.
13. City Manager’s report
14. 2007 Annual Report from Convention & Visitors Bureau.
15. Roofing Contractors Licensing.
16. Resolution No. 6762 – GOB for \$250,000 and contract & agreement – 19th St, Ohio to Alabama.
17. Federal Legislative Statement.
18. Letter of Support – Lawrence Community Shelter, federal earmark request.
19. TIF & TDD Polices – draft polices & public comment.