



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MICHAEL DEVER

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

April 15, 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:

With Commission approval Mayor Dever proclaimed the week of April 14 - 20, 2008 as, "Elizabeth Sherbon Week;" and proclaimed the week of April 22 – 25, 2008 as "Tree City USA Week" and Friday, April 25, 2008 as "Arbor Day."

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the City Commission meeting minutes of April 1, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive the Board of Electrical Appeals meeting minutes of March 5, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 462 vendors in the amount of \$2,536,231.42 and payroll from March 30, 2008 to April 12, 2008, in the amount of \$1,754,352.45. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Drinking Establishment License for 23<sup>rd</sup> Street Brewery, 3512 Clinton Parkway. Motion carried unanimously.



We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the recommendation of the Mayor and reappoint Kevin Chaney to the Mechanical Code Board of Appeals, to a term which will expire March 31, 2011. Motion carried unanimously.

The City Commission reviewed the bids for one (1) salt/sand spreader for the Public Works Department. The bids were:

<b>BIDDER</b>	<b>BID AMOUNT</b>
American Equipment, Bid A	\$17,914
American Equipment, Bid B	\$19,360
Truck Parks & Equipment	\$19,585
Knapheide Truck Equipment	\$21,586
Kranz of Kansas City	\$27,258

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to American Equipment Company, Bid B, in the amount of \$19,360 because American Equipment Company, Bid A, was a Hi-Way brand and Bid B was a Warren brand. Spare parts are stocked for the Warren Brand. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve purchase order to Lawrence Journal World for printing of the Parks & recreation 2008 Summer/Fall Activities Guide for \$15,806. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to set bid date of May 6, 2008, for 23<sup>rd</sup> Street, Clinton Parkway to approximately 650 feet north of 31<sup>st</sup> Street, milling, overlay, and pavement marking (KLINK). Motion carried unanimously. **(3)**

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", (TA-09-21-07) 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, Chestnut, Dever, Hack, and Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(4)**

Ordinance No. 8258, providing for the deferral of special assessments for public improvements in improvement districts established on property owned by a political subdivision, was read a second time. Aye: Amyx, Chestnut, Dever, Hack, and Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(5)**

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, was read a second time. Aye: Amyx, Chestnut, Dever, Hack, and Highberger, and Chestnut. Nay: None. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6765, authorizing the Mayor to sign Agreement 43-08 with the Kansas Secretary of Transportation for reimbursement of costs for the 2009 KLINK project, Iowa Street from 23<sup>rd</sup> Street/Clinton Parkway, to approximately 650 feet north of 31<sup>st</sup> Street. Motion carried unanimously. **(7)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6763, authorizing the issuance of general obligation bonds in the amount of \$450,000 for the milling and overlay of Iowa Street from 23<sup>rd</sup> Street/Clinton Parkway to approximately 650 feet north of 31<sup>st</sup> Street, funded in the Capital Improvement Budget. Motion carried unanimously. **(8)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve a Preliminary Development Plan (PDP-01-01-08) for Pine Ridge Plaza Addition Lot 1B, located at 3235 Ousdahl, the construction of 37,550 square feet commercial office/warehouse building on approximately 3.099 acres, subject to the following conditions:

1. Approval of the following waivers and reductions:
  - a. Yard reductions along the west side to 12 feet rear yard setback;
  - b. Yard reductions along the east side to 15 feet front/peripheral yard setback;
  - c. Yard reductions along the south side to 15' peripheral yard setback for the parking lot;
  - d. Off-street parking from 131 spaces to 90 spaces.

Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Special Use Permit, SUP-01-01-08 and place on first reading, Ordinance No. 8250, for a Day Care Center at First Step Facility, located at 3015 West 31<sup>st</sup>. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Special Use Permit, SUP-01-02-08, and place on first reading Ordinance No. 8256, for Ballard Community Services Early Learning Center, located at 345 Florida Street. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve requested rezoning Z-01-03-08, a request to rezone a tract of land approximately 9.03 acres, from RS-7 (Single Dwelling Residential) to GPI (General Public and Institutional), located at 2145 and 2201 Louisiana and place on first reading Ordinance No. 8260, rezoning approximately 9.03 acres from RS-7 to GPI. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Z-01-04-08, a request to rezone approximately 4.09 acres from RS-7 (Single-Dwelling Residential) to GPI (General public and Institutional) located at 1430 Haskell Avenue and place on first reading Ordinance No. 8261,. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Right-of-Way Encroachment License Agreement to allow a portion of the parking lot at

2907 West 6<sup>th</sup> Street to be located within the right-of-way of 6<sup>th</sup> Street. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve 2008 Federal Legislative Policy Statement as discussed by the City Commission on April 8, 2008, to support S. 294 – The Passenger Rail and Improvement act of 2007, a bill that provides for the six (6) year reauthorization of Amtrak and also provides matching funds for capital costs to start and improve state-sponsored routes. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve as signs of community interest, a request from the Lawrence Home Builders Association to place signs in various rights-of-way throughout the City from April 26 through May 4. Motion carried unanimously. (16)

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

During the City Manager's Report, David Corliss said staff was continuing to monitor building permits; the Planning Department made additional revisions to the SmartCode and that draft was available online; information on Kansas City's voters recent sales tax for transit; a future agenda item regarding downtown street maintenance project; the City supporting green yards and communities; and, obtaining a FEMA grant for emergency generators back up for essential services. (17)

#### **REGULAR AGENDA ITEMS:**

**Consider a request from Free State Development, L.C., and Ray Brown and Associates to initiate a text amendment to the Development Code to include "Extended Care Facility, General" as a use permissible by a special use permit in the Industrial Business Park (IBP) zoning district.**

Scott McCullough, Director of Planning and Development Services, said staff recently met with the development group requesting this inclusion of a use permitted in the IBP district as they had a proposal to develop a "Extended Care Facility General" which could be defined as

the care of 9 or more disabled persons that required 24 hour supervision. In this case it was an Alzheimers facility and their proposed location was near the intersection of Wakarusa Drive and Legends Drive in the developing business park area that was zoned IBP (Industrial Business Park District). He said options were discussed to facilitate development of that type of use which through discussions staff recognized it as a needed use for the City of Lawrence. One of the options was to request a development code amendment that would include, as a special use permit, this use in the IBP zoning district. It was important, in staff's view point, that it was a special use permit so it did not create a blanket policy by which this quasi residential use would be allowed in the IBP district. The IBP district did include a mix of uses including office, employment, and light industrial uses. It was important that as proposals such as this came forward that those proposals were reviewed in a very site specific manner. Staff supported having this public discussion as to whether or not this use should be included in the IBP district.

Vice Mayor Chestnut said as far as the "Extended Care Facility General", he asked what residential zonings that use existed in.

McCullough said that particular use existed in all the multi-dwelling districts as a permitted use. He said by right, it existed in the RSO, CM2 and CO district as a special use permit.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Highberger said he still had a few questions, but since they were just initiating the text amendment and because they were looking at a special use permit process, he thought it was a good idea to move forward.

Vice Mayor Chestnut said he agreed.

**Moved by Hack, seconded by Chestnut,** to initiate a text amendment to include "Extended Care Facility, General" as a use permissible by a special use permit in the Industrial Business Park (IBP) zoning district. Motion carried unanimously. **(18)**

**Consider approving an annexation request of approximately 154.9 acres, located at the NW corner of N. 1800 Road and E. 900 Road.**

- a) **Adopt Resolution No. 6764, request the Douglas County Commission find and determine that the annexation of approximately 159 acres, located at the NW corner of N. 1800 Road and E. 900 Road, will not hinder or prevent the proper growth and development of the area or that of any other incorporated City located within the County.**
- b) **Approve annexation contingent upon Douglas County approval.**
- c) **Authorize staff to draft an annexation ordinance for consideration at a future City Commission meeting, if appropriate.**

Scott McCullough, Director of Planning and Development Services, introduced the item. He said this was a request for annexation of a property at the northwest corner of North 1800 Road and East 900 Road. The property was approximately 155 acres. The quarter section of land was relative to the street network, which included I-70, K-10, an extension road what was commonly referred to as Farmer's Turnpike at that location. Staff included proposed street designations. He said T2030 put forth some modifications in this area west of K-10 and re-designated Farmer's Turnpike as a principle arterial from a minor arterial in this location.

He said the uses were mostly agricultural in the surrounding area. The site was adjacent to the road at Farmer's Turnpike Road. The analysis was done on adopted policies and comprehensive plan, goals, and policies. Staff would discuss efforts to review those plans and policies. In the adopted Urban Growth Area, comprehensive plan was used as a framework provided service areas where utility infrastructure would be readily available for redevelopment.

He said it was important to note the applicant did not anticipate the need for City utilities initially, but in staff's analysis it would be important to look at the current location of utilities. Currently, there was an active sewer project for the remainder of a portion of West Baldwin Creek. The Utilities Department anticipated completion within 9 – 12 months of that sewer main. Also, Utilities Department was given approval to proceed with updating their Utility Master Plan, which was important for the City Commission to be aware of.

He said a work program was designed to plan for that potential market driven hot spots of development in and around the City of Lawrence. The Farmland Redevelopment Plan was

developed recently, the Southeast Area Plan, and the Revised Southern Development Plan. Staff was actively working on a West of K-10 Plan and had done some planning in the area with the Place Makers efforts and a nodal plan at Iowa and 6<sup>th</sup> Street. Staff was actively working on the K-10/Farmer's Turnpike Sector Plan. Staff had plans to by the end of the year, to reach Grant Township/North Lawrence with a planning effort. In 2009, when the need arises they would locate south of Wakarusa and begin planning in that area.

He said it was important to note that planning efforts did not annex property. There had been some public comment wondering if 4,000 acres, the sector plan size, would be annexed if upon adoption of that plan. That was not true and plans in and of themselves did not annex property. He said requests for annexation were typically requested when there was a need for city services or wanted to become part of the urban fabric and were willing to implement a plan.

He said the Comprehensive Plan was a fluid document so while staff had based their determination and analysis on adopted policies and goals, this demonstrated that staff was very active in reviewing adopted goals and policies continuously. To date, staff had several documents that were being looked at in the general area of this request. T2030 would likely be reviewed in 4 to 5 years and would go through another update process with T2030. There was a lot of discussion in that area and staff reviewed and adopted T2030 which was the long range transportation plan about traffic patterns for this area. He said he mentioned the Utilities Department was looking at updating their master plan. Staff had a draft Chapter 7, which was the Industrial and Employment Center chapter in Horizon 2020 that designated this general area for industrial and employment center uses. It received a great deal of public discussion and was at the Planning Commission level now and needed to come to the City Commission and County Commission for approval. Staff had the sector plans in the west and northwest areas of the City and County.

Commissioner Amyx asked about K.S.A. 12-520(c) and whether the County Commission had to make a determination before the City annexed that property.



McCullough said yes.

Commissioner Amyx asked about what specific findings the County Commission needed to make.

David Corliss, City Manager, said it was in Section 3 of Resolution 6764, which was before the City Commission which was that the County find and determine that the requested annexation would not hinder or prevent the proper growth and development of the area or that of any other incorporated City located within Douglas County. The resolution before the City Commission asked the County Commission to make that finding. That finding was necessary in order for the City to adopt an annexation ordinance for this property because the property was not contiguous to the main City boundaries.

Commissioner Amyx asked if the City Commission could only adopt an annexation after the determination had been made.

Corliss said that was correct. The City Commission could not adopt the ordinance until that finding was in place.

Commissioner Amyx said the only item on the agenda was to pass the resolution asking the County Commission to make that determination.

Corliss said that was the City Commission's only final action. The City Commission could authorize staff to draft the ordinance and have it ready so when that determination was received and the finding was positive from the County Commission, staff could have the ordinance ready. The ordinance was not going to be difficult to prepare, but would include the legal description and necessary recitals to show the appropriate procedures were in place in order to proceed with the annexation.

Commissioner Amyx said because they had another request that was in the Grant Township, he thought procedurally they ought to follow the procedure and follow that statute as written and allow the County Commission to make that determination. He said because the City

Commission was going to have a similar request and a similar determination on annexation, the City Commission must follow the entire process.

Mayor Dever asked Corliss whether there were other annexations in the past 10 years that were not contiguous to the city boundary.

Corliss said those annexations were sometimes referred to island annexations because the area was not contiguous to the mainland of City boundaries. The City had used K.S.A. 12-520(c) annexation in the past. Obviously, the airport was an example of property that was not contiguous to City boundaries and that area was annexed. Also addition to that property had been annexed. East Hills Business Park was probably one of the more prominent examples. It had been an island annexation for most of its history. Up until Fairfield Farms East property was annexed, east of O'Connell Road that was not directly connected to the City. The Farmland property was not in the City so there was not a direct contiguous tie to City boundaries. Last year, staff asked the County for permission to do the annexation of the property where they were going to have the new wastewater facility along the Wakarusa. Those were the most prominent island annexations and there were probably other examples. Sometimes those annexations were public facilities and sometimes industrial parks.

Mayor Dever asked how far north did they move from the original boundary to the current location at that time.

Commissioner Hack said she did not think it was done with any scientific study.

Commissioner Highberger said it was not done with a scientific process, but done with a long deliberation.

Mayor Dever asked that members of the public limit their comments to 5 minutes each for a total of 90 minutes of public comment.

Will Shockley, Assistant Fire Chief and Medical First Responder for Lecompton Fire/Rescue District No. 1, said the water district in that area could not support safe fire suppression and/or elimination. Presently, the waterline in that area was rated at less than 500

gallon a minute flow rate. The average sprinkler system within a distribution center was approximately 500 by NFPA standards and approximately a 500 gallon a minute flow. Also, pursuant to NFPA standards, the first arriving engine company or fire company on a fire scene must establish 400 gallon a minute flow rate and maintain that for up to 30 minutes. Between the two, it was obvious that could not be obtained by that existing infrastructure. The sewer was one of the other concerns. It was stated in the paper the other day that theoretically a lagoon could be in place at that location by County and City statutes, which was not true.

He said under Health and Sanitation, Chapter 9 of Section 107, clearly stated:

“No person shall use, construct, or maintain any cesspool or septic tank for the reception of sewage waste or ofall, upon any premise owned or controlled by such person within the City.”

Obviously, the City would need to agree to extend sewer and storm systems to the area which required, at some point, crossing I-70 and putting in lift stations.

Pursuant to some of the other statutes associated with this issue, as a part of the township fire department for the district, they retained the right, if the City Commission chose to annex that land, to challenge the annexation and have the property reverted back to their fire district for the purpose of continuing the collection of taxes off that property. If the City Commission prevailed on this annexation, he was instructed by the fire district board to inform the City Commission they would challenge the City and it would be a cost that would be incurred by the City for those actions. He said as he briefly spoke with his attorney, he could petition the property owner to make up the difference in the tax structure until a new mill levy could be voted on by the majority of the Lecompton Township and the property owner and the City could be liable to continue to reimburse Lecompton Township for the taxes until the new, adjusted mill levy could take place.

He said the Douglas County and City Planning Commission staff considered that this should be deferred until a sector plan could be approved. The Planning Commission decided not to go with that recommendation.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said they were requesting that annexation of the Farmer's Turnpike and I-70 be deferred based on the City's Comprehensive Plan and statute (K.S.A. 12-520c). She said they requested as the Planning Department did, to have a sector plan in place before annexation which as in the Northwest Plan showed streets, parks, sewers, water, drainage plans, flood plans, land use and transitions.

The City Code, under the Subdivision Regulations, 20-801(a)(2)(i) Purpose and Intent read:

*"Ensure that Development in the City and in the Unincorporated Area of Douglas County is in accordance with the Comprehensive Plan; any adopted watershed/sub-basin plans, sector or neighborhood plans covering the subject Subdivision; the applicable Zoning Regulations enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan"*

Subdivision Regulations: Purpose and Intent 20-801(2)(vi) read:

*"Ensure that the cost of Improvements, which benefit primarily the tract of land being developed, be borne primarily by the Owners or Developers of the subject tract, and that the cost of Improvements that provide benefits to the subject tract and the Community as a whole be shared by the Developer and the Community"*

However, there was a large tract of land where there would be City services put through which the City had not sent out notification. However, she said she talked to City Planners and some of the members had been notified.

Under 20-804, Developable Acreage, a sector plan had been approved by the Planning Commission and the following were required for most sector plans upon annexation, not after annexation.

Subdivision Regulations: 20-804(i)(2) read:

"Upon Annexation, development of the Future Development Area shall occur in accordance with the Build Out Plan."

Subdivision Regulations: 20-804(d)(4) Criteria for Review read:

*"The proposed Lots and all other aspects of the proposed Major Subdivision conforms with the current Comprehensive Plan of Lawrence and Douglas County; and watershed/sub-basin plans, sector or neighborhood plans."*

Subdivision Regulations 20-804(d)(7) read:

*"The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan."*

She said in looking at the utility maps for water and wastewater it stopped at the City limits and there was a large tract that had not been placed on the Master Plan.

Horizon 2020, Chapter 4, Growth Management read:

*"Urban Development should not be allowed in the Northwest Lawrence area until the city adopts a policy that establishes a process to provide wastewater collection and treatment for the entire Baldwin Creek drainage basin "*

*"Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted."*

Horizon 2020 – Annexation Policies read:

*"Non-contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex the time the parcel of land becomes contiguous to the city."*

Horizon 2020 Policy 1.4 (b) read:

*"Ensure new industrial development is located in an UGA where adequate services and facilities can be provided."*

All of Goal 2, in Horizon 2020, was to ensure property development of the property and respect the surrounding areas which required a sector plan and Goal 3 stipulated that this area needed to be on an approved industrial site map.

Horizon 2020 Policy 1.3.2(b) Nonresidential Land Uses read:

*"Non-residential developments should be developed in a planned manner with respect to adjacent uses, common access and integration of uses with the surrounding neighborhood."*

Horizon 2020 Policy 1.4 (a) Establish Utility Extension Policy for Newly Annexed Areas read:

*“Develop a utility extension policy for Lawrence which ensures phasing for connection of all development in its UGA to water and wastewater services as property is annexed into the city.”*

Horizon 2020 Policy 1.5(c) Encourage Annexation read:

*“Require developers of property not contiguous to the city limits, but within the UGA, to execute agreements to annex (upon availability of city water and sewer serves) to ensure the unencumbered extension of municipal services to properties within the UGA”*

She asked how the City could require a developer within the City's approved Urban Growth area to follow these policies and not require this of developers outside the City's Urban Growth area.

She suggested the following:

1. An approved sector plan for collectors and arterial streets, city services mapped out, potential land uses and so forth;
2. Cost, such as who paid and who would pay for the extension of the services under I-70;
3. List it on the water and sewer master plan;
4. A plan for water and sewer services for all of Baldwin Creek area;
5. An approval from the County Commission;
6. An agreement with Lecompton since this area was within their UGA; and
7. List it as a potential immediate site in the City's industrial chapters.

She said the City Commission at the very least, should defer all of those issues until resolved.

David Faurot, a resident in the area, said he was an Economics Professor for Kansas University and taught and specialized in labor and sports economics. He said he had a few ideas about economic development.

Sports economics were cities and regions subsidizing new stadiums and the typical justification for those projects were that the projects would generate jobs, tax revenue and

perhaps lead to revitalization of some declining area. Overall, sports economics generate a large amount of benefits that exceed the costs for the community. From the economist perspective, there were many times the benefits were exaggerated and the costs were understated and the result was expensive decisions that were really poor decisions by the political representatives. He said he would like to explain some ideas about the benefits and costs associated with this particular property.

He said one idea was that the benefits generated were really not the same thing as the value of the economic activity that occurred within the project. He said their idea was that the benefits were the net gains to the community and in this case it meant gains over and above costs to the community, Lawrence and Douglas County. He said there were a lot of benefits that were often suggested which were really not net gains to the relevant community. He said he wanted to give a couple of examples of false benefits.

One false benefit was that jobs were generated, but if the jobs were going to the residents of Topeka, those jobs should not be counted as benefits to the City of Lawrence or Douglas County. If generating new jobs that were low skilled jobs, similar to the jobs at K-Mart Distribution Center, in which he was told K-Mart was forced to recruit outside of the local area, they were generating jobs that were really not well designed for the labor force in this community and really not much in a way of a benefit. He said what Lawrence had was an abundance of high skilled, well educated workers and the benefits that they would like to generate, were jobs for those people.

Many people talked about the tax revenue that was going to be generated by this project. One thing to recognize was that tax revenue was not really a benefit if it was just generating increased demand for infrastructure that went along with the project. In this case, there was going to be some tax revenue generated, but many people think there would be a corresponding need or a bigger need for associated infrastructure.

In the newspaper over the weekend, City Manager, David Corliss, was quoted as liking this project because the "developer is not requesting financial assistance from the City." He said the Planning Staff report stated the development of the property would require the extension of municipal city services. He said in his view that statement by the City Manager represented short term thinking and poor long run planning for this City.

He said one more benefit that was often suggested, but was not accurately a benefit, was the idea with a project like this project, to a certain extent, was rearranged economic activity. Activity could be moved from one area to another within the community, but what one would be doing was moving activity around which was not really a benefit to the community.

He said he tried to summarize what he considered to be "false benefits" and that was jobs that go to residents of other areas, not this community, jobs that did not satisfy the employment needs of this community, that the tax revenue really came at a cost, and making sure they distinguished rearranged activity from new activity.

He said regarding cost, the value of creating some warehousing at this Farmer's Turnpike site could even be negative if what it did was make it more difficult for the City to develop the Farmland site. He said he understood the City was trying to develop that site as an industrial site which was 3 times as big as this property. He said they would be moving some activity that could be at the Farmland site out to this site and it might be making it more difficult for the City to develop the Farmland site. He said this might make what might look like a benefit, actually a cost because opportunity at the Farmland site would be lost.

A lot had been made of the objectives of the owner and ultimately this property was going to be sold and it actually had been sold since this project had been proposed some time ago. He asked the City Commission to think about what the new owners would do to this site. He said the new owner was going to be somebody who was a high bidder for this property and they would want to make the best use they could out of this property. He said whatever assurances received from the current developer about what his intentions were, seemed to be



irrelevant in the long run if the property changed hands, a new developer came in and had some new ideas about what he would do with the property.

He said finally, the fact there were a large number of residents of this community that had taken the time to attend the City Commission meeting which indicated that, in fact, they perceived that there were large costs to the residents of this proposed annexation.

Overall, he said his point was that true net benefits of this project were smaller than they appeared and there were some costs which were not so obvious and were larger than they appear. He said it was obvious to him the costs out weigh the benefits in this particular case.

Lynn Ward, a resident in the area, said she was concerned about ground water protection. She said they had a farm with livestock and the area for annexation was uphill from their farm. The water uphill drained into a pond and that pond drained into their pond which in turn drains to another pond across the road which served to water cattle.

She said she wanted to discuss sewage lagoons. She said she would be quoting the USDA Soil Survey for Douglas County. According to the United States Department of Agriculture Soil Survey, using 2007 data, "The entire site was rated very limited for the use of sewage lagoons and very limited in the case that soil had one or more features that were undesirable for this specified use. The limitations generally could not be overcome without major soil, reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. The factors that rated 1.00 out of 1.00 and 1.00 being the most limiting and 0.00 means no limitation were adept to saturated soil, adept to hard bedrock and slope."

She said all of the soils on this property had soil limitation factors of 1.00 and in the above mentioned areas. She said the USDA rated all the soil on this property as being unsuitable for sewage lagoons and it was not just her personal feeling caring about her family and farm, but it was a finding based upon scientific data provided by the USDA.

Rick Stein, a resident in the area, said when he came before the City Commission a few months ago, he argued that the annexation request carried with it an implicit commitment to provide a range of services, utilities, access, police department, fire protection, typical services people in the community expected. He continued to believe those essential services ultimately needed to be provided to any development that was part of this community. Today our city and county were strapped for cash because a few months ago he read the City Manager said "no thanks" to a raise because of cash limitations. The "T" was facing cut backs because of cash limitations. The community already had an enormous tax burden and was facing decreasing budgets everywhere. He said he was present to argue that not that this was not necessarily a good industrial site, because it might be a good site and probably would be a good site someday, but now was not the time. The developers would tell the City the land needed to be annexed and zoned to expand the City's tax base. He agreed that the City needed to expand its tax base, but not now because what government and political people in charge of those government processes did to try and shepherd the growth of its community in an efficient fashion, utilizing the resources available as was possible, was one of the obligations of government and elected political people who represent the citizens in that process.

He said when there was an island annexation requested they would be opening Pandora's Box of unknown costs. He asked what would be required from the point of annexation to the point of development when it was a productive piece of property in this community that not just carried its own weight in infrastructure. He said the sector plan was not completed, infrastructure costs were unknown, and the nature of the industry whether it included low pay or high pay. Again, he did not think this was the time for annexing this property. He said it might be an appropriate time at some point, but his argument today, which he hoped carried some weight, was today was not the day.

David Smith, Grassroots Action, said he has been paying close attention to this issue and everything he heard screamed "bad idea." He said many compelling statements were

heard about the degree in which the planning was incomplete, not knowing the costs, infrastructure needs, and roadways were not clearly mapped out. He said the whole intent of this annexation remained hazy. There was talk about the possibility of industrial development and some talk about having a truck stop with diesel fuel. There was a fairly good chance this annexation would result in a warehousing development which might have a net increase in jobs generated, but a relatively small number of quite low paying jobs that were held by people who could not even afford to live in Lawrence. He said this annexation was a poor plan and at best, premature.

He said regarding the argument that Gwen Klingenberg put forward on behalf of the Lawrence Association of Neighborhoods, because it raised another type of issue which was the attitude taken and the policy taken with respect to former planning processes that had defined Horizon 2020 and the entire assortment of rules and regulations that were identified, it was quite plain that Klingenberg had the facts and shared those facts with the community. He said by the evidence of what was being proposed, clashed with rule after rule, plan after plan, and criterion after criterion. He said that did not mean the City Commission was bound to honor those past decisions and stick with those rules, but many former proposals to the governing body and previous governing bodies, had been heard in light of those criteria and had been decided in accordance with those rules and regulations. He said they were not only facing a specific plan, but also a quite clear decision about the stance the Commission took with respect to the decades of planning that led to the formulation of very specific statements about what should be done to drainage in northwest Lawrence and many other issues. He asked the City Commission to take that issue into consideration as well.

Ronald Schneider, attorney on behalf of the Scenic Riverway Community Association, said the applicant previously asked for a change of zoning through the County Commission. The County Commission received a recommendation from staff which was not to approve zoning. The Planning Commission essentially ignored or disregarded staff's recommendation and

recommended a change of zoning. Thereafter, the neighborhood appropriately circulated a petition which required a 75% or more approval, in the case of the County Commission, a 3-0 vote. Once that was done, the applicant took the practical end around and came to the City Commission because the applicant did not anticipate they were going to get the result of the City's competing government, the County Commission. The applicant was hoping to convince the County Commission that annexation would be appropriate and if the City Commission approved annexation, no doubt the applicant would seek, he assumed, a similar change of zoning application.

Interestingly they had been told repeatedly through public comments and otherwise that the applicant did not know exactly what they intended to do with that property despite the fact they had a change of zoning application for light industrial. He said light industrial permitted anything from heavy industrial sites, manufacturing, animal processing plants, and many more.

The previous speaker questioned the planning process recently and he attended some recent Planning Commission hearings and he was distressed by the disregard for the traditional planning in this community and the document Horizon 2020. He assumed everyone was around in the development of Horizon 2020 and understood the importance of that document and the public energy that was put into that document. He made reference to Horizon 2020 for City Commission to consider for this annexation proposal.

In Chapter One, it read:

"Specifically, the city and county use the Comprehensive Plan to evaluate development proposals; to coordinate development at the fringes of the county's cities; to form the foundation for specific area plans; to project future service and facilities needs; and to meet the requirements for federal and state grant programs. The Comprehensive Plan was used most often as a tool to assist the community's decision makers in evaluating the appropriateness of land development proposals. The Comprehensive Plan allows the decision makers to look at the entire community and the effects of land use decisions on the community as a whole to determine whether individual proposals are consistent with the overall goals of the community."

He said based upon what has happened recently from the Planning Commission's reports and recommendations, they had the proverbial "tail wagging the dog." They were

seeing situations where a particular project was being presented and the response would be, "change the plan to meet the project." He said there was a proposed annexation, but did not have a change of zoning proposal, but if reading Horizon 2020, the City Commission would be changing the plan to meet the annexation proposal. First and foremost, this was beyond the urban growth area. He said if he had more than five minutes for his presentation, he could list item after item why this annexation specifically violated Horizon 2020, intentions, goals, and purposes. It was not only contradictory in spirit, but contradictory in fact and substance.

If looking at Chapter 4, under Growth Management, page 47, page 49 annexation policy, page 51 goals and policies, page 54 rural commercial development, page 113, 117, 119, industrial use in Chapter 7, traffic inspections, a person would see policy statements and goals that when compared to this proposed annexation told the City Commission that was not what Horizon 2020 called for, expected, or demanded. It was the City's responsibility, as City Commissioners, to recognize Horizon 2020. It was a Master Comprehensive Plan, statement by this community that was developed with extraordinary effort, extraordinary resources, and a huge amount of time. He asked if the City Commission was going to recognize the wish of the community as set forth in Horizon 2020 or was it merely "window dressing." He suggested and argued to the City Commission that if they approved the annexation, it would be a statement that it was "window dressing" and Horizon 2020 could be looked at and considered, but not having much influence on the City Commission.

There had been arguments this island annexation had precedence. City Manager Corliss had pointed out the island annexation that could be referred to, but a comparison to island annexation was a misstatement. He said they were talking about property that was miles away from the closest sewage and water lines. He suggested that this was not an island annexation, but in fact a continent annexation. He said to describe that property as primarily agricultural was a misstatement. It was a subdivision where there were a huge number of properties all within a half mile or less for a total of between 20 and 30 properties. The impact

on those properties with this annexation, no matter what was placed at that location, would be significant.

He said the proposed use of the property had not been disclosed. It was clear under the law, under an island annexation, the obligation and the requirement to know what the intended use would be. Either at this hearing or the County Commission's meeting there was the obligation to explore that use. He said they would not know about the impact upon that residential area until finding out what that use would be. If the use was light industrial, the options were dramatic. If the use was residential, it would be significant. He said staff indicated there had not been any study of that location. The rural water district had stated their inability to provide water and other services. He asked what would be the cost of water and sewage miles away. He said at present demand, they were told, there was very little for water which was inconsistent with the argument this annexation would create a lot jobs and was good economic development. They were told very little water was needed because, they were told, there would be very few employees. The City Commission at some time would have to pay for costs for annexation. He said they had not even talked about the costs of roads or the cost of intersection that ended from K-10 because right now there was a stop sign. An intersection would need to be developed at that location as well as a traffic signal which would run from 1 to 2 million dollars.

The basic needs for fire and police protection were going to be needed and he suggested to the City Commission, there was serious potential liability. If the City Commission approved annexation with a development and there was inadequate water to put out fires, he as a lawyer cringed at this idea of liability if the City Commission approved this annexation and there was a disaster. He asked what the City needed to provide to the owners, to the annexed land, to make this development work. He asked what about the expectation of the applicant for future development. Planning right now was being determined by the development which was

backwards. The cost benefit analysis showed the development was not good for the City or the neighborhood.

He asked the City Commission to look at a letter directed to the Planning Commission, dated March 23, 2008 and he was requesting, on behalf of his clients, that the City Commission not take the step of referring this annexation to the County Commission for consideration as to how they perceived it would effect the County and development and that the City Commission make the appropriate, reasonable, and bold decision to follow what the City's professional staff recommended. He asked the City Commission not to do anything, at this time, until further analysis and an assessment was made.

Commissioner Highberger said Schneider made a reference to a statutory citation where the City Commission had an obligation to know the use of the property before proceeding with and island annexation and asked if that was a specific statutory requirement.

Schneider said there was case law in Kansas which followed a statute that had been cited stating that before the County Commission was in the process of considering island annexation, they had the right to know that use. He said specifically, whether or not the City Commission had the right to know, probably not, but suggested the City Commission might want to know that use also clearly before the annexation was approved at this level, the use had to be disclosed.

Stan Unruh, a resident in the area, said someone referred to the area as being vacant and agricultural. He said it was a lot of 10 or 20 acre strips of land with nice homes. The average home was \$200,000 to \$400,000 and there was a lot of financial and life style investment in the area. People lived in that area because they preferred to be out of the City away from the lights and noise. He said he did not think anyone could blame him for being concerned when a developer wanted to take all of that property across the road and insist the area to be heavy industrial or so called light industrial and also insist that all of the other advantages were easy access along I-70 for trucks.

He said the argument for using this property and not the Farmland property was the Farmland property had some problems and would take millions of dollars to clean that property up; however, the infrastructure was already there. If they were going to develop an industrial site that had the same infrastructure as Farmland, he would argue it would take millions of dollars to bring infrastructure out to that proposed site.

Don Fuston, Chairman of Rural Water District No. 6, said a rural a water district was not designed for fire protection, nor was a rural water district designed to provide water for an industrial park or a corporate retreat. He said the allocation of water out of the Clinton Reservoir expired in 2019 and all of the water was currently allocated out of Clinton Reservoir and that meant his water district would not get an increase in a water contract in the year 2019. Using the past history of their growth, if Water District No. 6 approved the permit for water for the corporate retreat and industrial park, their district would need to ration water to 300 families plus those two corporate entities within the next five years. He said they did not approve water usage for either one of those two entities and a six inch main would not provide all that water that would be needed.

Beth Johnson, Lawrence Chamber of Commerce, said she was not present to discuss rezoning requests, site plans, utility, infrastructure, or business incentives, but those discussions would come in time. She said one of the key issues discussed regarding economic development with the City, County, and Planning Commissions was what the City wanted to be 20 years from now. She said no one wanted to revert back and everyone liked the parks, schools and amenities available today. In order to keep those amenities, the City's tax base needed to grow. She said there were options for growing the tax base which was K-10, a terrific highway that connected Lawrence to Johnson County and was a terrific commuter highway, but it was not for trucks or distribution centers and was not even good for light manufacturing, but it was done because there was the East Hills Business Park. Over 20 years ago, there was forethought and vision in this community to bring that park on board to do the island annexation



and extend the services that were needed so the community could grow a small city. There were almost 2,700 jobs, \$2,000,000 in taxes being paid out at East Hills. She asked what the community would be like if they did not have that infusion into the community's economy. It did not take into account sales or property tax paid by the employees that work at East Hills. She said she would not deny that some of the workers in East Hills did not live in this community, but everyone at East Hills was probably glad they had a job and that the job supported them and their family. She said those people self selected those jobs because they needed a job to get by. She said they did not tell them their jobs were not good enough or they needed a PhD. Although they made a good point they wanted bioscience development in this community and were working with a bioscience company right now for the former Serologicals facility and those workers were not all going to have PhD's. She said there would be 80 employees and 50 of those employees were in production jobs. She said they could recruit a business to the community that would help bring jobs and those jobs would be good for all sectors, from the PhD level to the person that needed a minimum wage job to get by. She asked that everyone help to have the forethought and vision to not only have that opportunity on K-10, but also I-70. She urged the City Commission to start the process and continue the process and send the annexation to the County Commission for their finding so the community could start investing in its future and the community continued to be the great community that was present today.

Marguerite Ermeling, a resident in the area, said the problem she was hearing from the Chamber of Commerce wasn't because their intentions were not great and purposeful for this community, but she had a problem with the lack of data from the Chamber over the years. She said she spoke to Johnson and asked for the data over all those years that there had been public funding available and to give the logs, emails, response letters, or any kind of a list of people calling, but she was told there was none of that information.

She said she questioned what was on the website that described what was available for industrial land. ▽ She said there might be more information available, but she did not know.

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~~She understood that ECO<sup>2</sup>, when they had the committee that established the criteria~~

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and established a rating system, that they did not have any other resources other than people that were on that committee. There were people on that committee that felt they were not heard and the criteria qualifying the numbering process was directed by Phil Struble, but he was also a person that had an ability to receive great outcome from its rating system. While she had great respect for Struble, she did not know if that was a completely fair assessment in terms in thinking that I-70 was the absolute type of place for industrial. She said that area needed to be planned out. There were no industrial design elements, landscaping, mitigating concepts or how this would all fit in the sector plan, and any evolution of sub plans thereafter were unknown. She said to have an interim use or any other use dictated certain things to occur in that area and there was yet to be, the preparation to incorporate that into a design process to make it work for however the sector plan turned out. She said it was not that it was not a correct place and not that this background information did not have value and it might be absolutely correct, but she questioned whether they had all the information needed and that the information was absolutely accurate. She asked the City Commission to defer or deny the request for the completion of the sector planning ~~and take as much time needed to get the sector plan done~~ correctly.

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Dave Ross, President of the Scenic Riverway Community Association, said the ~~Journal World reported that Lawrence and Douglas County had one of the highest levels of education in the workforce in the United States. National averages showed the type of business that this community was looking for would not be the type of business that was suggested by the developer. The last he heard was a 100,000 acre warehouse or distribution center.~~

~~There had also been numbers thrown out by the Chamber or Commerce that the community needed those 100 acre sites. In looking on-line, the average 100 acre site developed in the United States was approximately 6 sites per year. The average warehouse wage was \$12 to \$15 hour. The type of businesses for college graduates in this area would~~

need industrial parks in the range of 10 to 12 acres in size and not 100 acres. If taking a 100,000 acre warehouse, 43,000 square feet per acre, it would take 2.5 acres just to cover the footprint of the building and a distribution center would add an additional 30 acres for parking for trucks to move in and out of the distribution center. He said they calculated the taxes on that building of 100,000 acres because there was no manufacturing, but simply warehousing, would be approximately \$92,000. He said when contrasting that amount to Fall Creek where there was 30 acres, 52 houses paying approximately \$13,000 year in taxes, Fall Creek's 30 acres generated to the City \$676,000 in taxes. If extending those taxes over 155 acres, the amount was \$3,492,000 in taxes. He said when the Chamber indicated the community needed taxes in order to increase its base and he questioned whether a warehouse was the way to increase that base.

In the newspaper he was recently quoted as saying that his big concern was no industrial design guidelines for either industry or commercial in City or County. The comment was made that the developer was not asking for commercial, yet the developer was quoted in the paper as leaving open the possibility of a convenience store and that store might sell diesel fuel.

He said the biggest problem, in their case, was the fear of the unknown. He said they had no idea what the developer had in mind, but he was sure the developer did. The fear was once this annexation was granted the developer would be back for a rezoning. He voiced a comment with Eldredge and the developer, Steve Schwada, with Johnson present, to ask for Industrial 1. He asked Johnson if the East Hills Industrial Park, if it had been in the County, could not have been built with industrial money. He said Johnson replied "yes" and there was nothing in East Hills that needed to be Industrial 2. He said he asked the developer why the developer was asking for Industrial 2 and Schwada indicated they wanted to keep their options open.

He said there were no design guidelines in place, no clearly defined goal of what they intended to do, only what the developer appeared he wanted to do, no cost benefit analysis to the County or the City and he asked the City Commission to deny this request until a plan was put into place.

In addition, he said there was no water available. If water was brought out from the City, the cost was \$20 a running foot and the estimate to get water to the development would be \$35 million dollars. He said there had been no offer from Schwada to pay for that water and right now had everyone convinced the development would not cost the City, but they believed it would.

Jana Dobbs, said right now was precisely the time to look at a project like this project.

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Deferring action on an item that requested study of a project feasibility, made no sense. She said why not move forward on learning more about the property based on the County's evaluation of that property. She said she did not think there would ever be a piece of property that everyone considered to be ideal, but the first step needed to be taken and consider this option. The community needed job center properties and all economic data pointed to that fact. This resolution allowed an opportunity to find out if this site did make sense. She moved to this community from a community that had all its job parks outside the city limits because that City did not have the foresight to look at the potential growth areas ahead of time. Consequently, the residents within the city limits bear an exorbitant amount of that tax burden to maintain their existing infrastructure and they did not have the funds to include new amenities needed. She said now was the time for this community to show that foresight and take a look at this resolution to request a study from the County Commission for annexation of the property.

Melinda Henderson, Lawrence, said she did not live in that area, but inside the City limits. She said she acknowledged Commissioner Hack's desire for civil discourse when discussing items before a City Commission and she always had strived to meet that standard and would do so at this time. She said while some might disagree with her comments, she

wanted everyone to not be disparaged about her comments. She said she needed to speak honestly and bluntly and perhaps in a somewhat stark manner and did not feel she could sugar coat her comments for fear that her message might not be heard. She asked the City Commission to be advised that while speaking as a Lawrence resident, she was not alone by a long shot on what she needed to say to the City Commission.

She said she would review a few comments from the March 26<sup>th</sup>, Planning Commission meeting minutes. She said Scott McCullough indicated that staff was willing and actively pursuing looking at some changes to policy documents. McCullough noted that staff was on a “fast track” of completing a sector plan. Staff recognized there was a willing landowner and a need for industrial development. She said Beth Johnson favored aggressive annexation. She said 20 years ago leaders faced the same dilemma and had the forethought to plan for the future with East Hills Business Park and the action was to start the process. She said Jane Eldredge indicated there was some difficulty receiving a revised Chapter 7 of Horizon 2020. Past experience had shown it would take a lot of time to move through the process. She said Planning Commissioner Herd said that with deference to staff, he noted that Lawrence had a history of activism which could easily affect the timeline for the plan. She said Planning Commissioner Lawson noted that his only concern with the sector plan was that it was one more opportunity for delay and it was important that they moved ahead with creating an additional industrial base for the community. She said the 6-2 vote of the Planning Commission recommended annexation of this property. A lot of the comments referenced indicated several things, but with time limitations she would only highlight 3 issues.

First, it seemed the planning process did not matter at this particular point in time and if things needed to be sped up to accommodate a developer, then process could be overlooked or at the very least, modified or streamlined to suit the developer's plans. Simply look at all the hoops the planning process had already jumped through just to accommodate this particular

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proposal. In essence this was just another type of political campaign and everyone knows that "he, with the most money wins" and so far the developer seemed to be winning this campaign.

Second, there were a lot of ordinary citizens in this town that were just trying to make ends meet and simply and honestly did not have the time, energy, money, or effort to respond to everything that this Commission had done so far in this issue in particular, but she said they did exist. She said just like those voters in Pennsylvania, that Barack Obama referenced recently, they felt just as disenfranchised and "yes" some felt bitter about the actions they had seen regarding this proposal. They did not like being called activist who caused delay when their simple request was that process be followed and everyone heard a lot about process at this meeting. Hopefully the City Commission knew that if she was about anything, she was about process.

She said the City's economic development process was desperately broken and they needed to seriously examine how economic development was done in Lawrence because, "it should not be up to developers to tell our community, when, where, and how, we needed to grow our economic base." She said she did not recall hearing anything that the Chamber actively pursuing this site or the site near the airport, but the Chamber wasted no time on jumping on the bandwagon once those projects entered the development process. To cite an old adage, "to shoot anything that fly's and claim anything that falls" is not the way the City should be planning its economic future and that was exactly what this looked like.

She said with everything that had gone on this year, the City Commission had a serious credibility problem and she was not saying that to be spiteful, but simply to let the Commission know that process did matter. The City Commission's track record with process over the past year had left a lot to be desired. Virtually, every citizen that had spoken at this meeting was at the City's Commission's mercy. Those citizens did not have a voice in the City Commission's election, yet the City Commission's actions would affect those citizens in ways that the City Commission could not imagine. She said she was asking the City Commission to be honest. If

the City Commission chose to proceed with the annexation, she asked if the City Commission would not white wash it. She said none of them fell off the truck yesterday and again she asked the City Commission to be honest and tell it like it was and at least the, City Commission could be respected for acknowledging what was going on. She said she was encouraging the City Commission to deny the annexation request.

Ed Sloan, a resident in the County, and an affected property owner depending on the City Commission's decisions said one of his concerns was that he did not get to vote for the City Commission, but the Commission was going to make decisions that would affect his property. He said his message was very simple and was to stay out of the County's business. There was a pending petition, a protest petition had been filed, and that action had not been dismissed. He said he suggested that the County hear this item and let the County decide and it would take a 3-0 vote by the County, but he doubted the County Commission would receive a unanimous vote. He asked the City Commission to delay this decision until the County was finished with its own work. The homeowners filed a protest petition and had spoken and the City Commission should listen to those homeowners. Again, he asked the City Commission to stay out of the County's business.

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Commissioner Highberger asked if Sloan was in the area covered by the sector plan.

Sloan said yes, he would be in that area.

Jane Eldredge, representing the applicant, said the City Commission sent the annexation request to the Planning Commission for their recommendation and the Planning Commission recommended on a 6-2 vote that it was in the best interest of the community and consistent with Horizon 2020 to adopt an annexation ordinance.

The motion was made by Planning Commissioner Finkeldei and his motion included the annexation should be approved based on several industrial development strategies outlined in Horizon 2020, Chapter 7 which encouraged job growth and because Chapter 4 contemplated

growth outside of the UGA when it stated the plan did not seek to limit land for industrial development. Finkeldei also stated the property presented a unique opportunity.

In summarizing the findings of the majority of the Planning Commission it was also important to remember that industrial development was quite different because there was not much industrial development and this area was unique in terms of I-70 and the access to K-10 to 59 highway. There was no access for this property that would require the use of anything other than an arterial or collector road. The preliminary concept plans for this property would be two entrances onto Farmer's Turnpike and access to those roads. Farmer's Turnpike had been designated as a primary arterial which was the major type of street for an industrial area. There would be no access from the surrounding properties to the County roads faced on to any of the local residential areas which was important when looking at industrial. She said it was not often there would be a site that was dictated by the transportation corridors that were available.

She said Commissioner Amyx asked about the responsibilities of the City and County Commissions and Corliss answered his question, but she was not sure Corliss made it entirely clear that in order to move this request to the County Commission, the statute in question required the City Commission to deem it advisable to annex the land and if deemed advisable to annex the land, then the City Commission shall by resolution request the County Commission make the determination the annexation would not hinder or prevent the property growth and development of the area. She said it was not the City Commission's final action as far as annexation because it was not an ordinance, but it was essentially saying annexation was a good idea, but needed to know the County Commissions recommendation and then the City Commission could take final action.

She said with respect to the fire district, she appreciated Shockley's comments and in his letter raised a number of concerns. She said under K.S.A. 19-3601, the County Commission creates a board for the Fire Board and gives the Fire Board the authority to act. This particular board was the Fire and Rescue Board No. 1 for Douglas County, but the County Commission



remained the governing body for that fire district board which was important to remember because the fire district concerns were properly dealt with at the County Commission level. The reason an island annexation was sent to the County Commission, was that an island annexation had an impact greater than the City Commission's jurisdiction. There were fire districts, water districts, county residents that did not receive a chance to vote for the City Commission and their comments properly belong with the County Commission who were their elected officials and did balance the interests of all of the cities and all of the residents within the County. The City Commission's job was to determine this was a good idea for the City Of Lawrence. The Planning Commission determined that annexing that property was a good idea for Lawrence.

She said regarding the fire district, Zac Parrington, Jayhawk Fire and Sprinkler out of Topeka, Kansas, designed a number of fire suppression systems that were self-contained in industrial areas. The property owners, in this case, had been working with Parrington in terms of what type of designs could be held. She said there was a tower on site that held enough water to meet all the applicable codes in terms of how much water needed to be provided in the event of a fire. This also covered the sprinkler system.

In other cases where the City had annexed into various townships, arrangements had been made between fire districts and governing boards with regard to who was the fireman at the end of the hose, a City of Lawrence fireman or a Rural Water District fireman. That was something that needed to be resolved. No tenant would come to an industrial area without adequate fire protection because their insurance would be out of reach if they had no fire protection. It was a dual set of responsibilities and a dual set of interests for ultimate users and the public bodies that wanted to protect the citizens and workers in its communities as well as the people paying the bills.

She said a septic system or lagoon was thought about, but there were many communities that were now using septic storage areas and a truck came around 3 times a year

and cleaned those storage areas out, there was no lagoon to be concerned about. Those types of systems were being used in other Kansas communities.

She said with the concern about the rural water district, they did not anticipate this industrial park would be built out by next year. They did anticipate the highest demand had to do with warehousing and distribution and possible light manufacturing and that was driven by the access to the site. The initial uses could be handled with the existing water meter on site. That was not going to last forever. The idea was to have one large user and hopefully smaller users, light manufacturing, small businesses would be around that location. There would need to be municipal services at some future time. The West Baldwin Creek sewer district was almost under contract and that would go to K-10 and an ability to drag it through when K-10 was being included in those design plans. The City staff with a lot of foresight had been looking at extensions of water and sewer and they did not believe it was necessary now or would be necessary until the City was ready to bring it forward. She said she would anticipate that much like the West Baldwin Creek sewer, there would be a sharing of cost that included the people who were hooking on and paying for the extension to hook on.

She said right now the fire district received \$24 a year in taxes. This property paid \$500 in property taxes. A similar property would be the K-Mart Distribution Center with an appraised valuation of a little over 4 million dollars. Although she was not sure what K-Mart paid in taxes, she assumed it would be 1 million dollars a year in assessed value. She said what district that money went to would happen and be sorted out in the future, but it was reasonable, that if this property was annexed into the City of Lawrence, to expect several hundreds of thousands of dollars at the very least.

She said they talked to people from Kansas City Development Council and other site selection people. She said when a site selector was looking at a community he or she needed to find a site that could be ready in 12 months or less. This property owner and their representative did not have an attended use in mind or tenant in mind. The goal was to move

this process along so when there was a user who was interested in that property there would be a site plan left to do and there would be a 12 month or shorter period to get that use in place. The best they could do at this point was to leave as many options open as possible. There had been discussion about the variances between the county zoning districts within the City's own new land development code. City staff was helping sort out who might be available and what type of uses.

Commissioner Amyx asked if the island annexation statute indicated the City Commission had to make a determination that it finds it advisable for annexation before referring the annexation to the County Commission.

Eldredge said yes.

Corliss said whenever the governing body of any City deemed it advisable to annex land in the provisions of this section, such governing body by resolution request the Board of County Commissioners of the County to make a finding. He said then it referred back to the subsection that had that language. He said deeming it advisable was not adopting or approving the annexation. Clearly, if the City Commission did not want to annex this property, the City Commission would not take any further action. If the City Commission wanted the County Commission's findings, that could be asked by resolution and the City Commission did not need to make any other further findings or action other than the resolution before the City Commission in order to get the County's findings approved.

Commissioner Amyx said when he was serving on the Board of County Commission and when they made the determination regarding East Hills Business Park, they were asked to make that determination which was required by law.

Corliss said yes. He said that determination was laid out in the action on the City Commission's agenda.

Commissioner Amyx said this application for annexation was not conditioned upon any future zoning request. He said once the annexation took place it was completed.

Eldredge said the applicant was asking that the annexation not be effective until the zoning took place because the City's requirements were that there be a zoning when there was an annexation. The reason was that it would be possible to have an annexation effective in one year, but a zoning not effective for two or three years. She said the property owners would prefer not to be paying city taxes until there was a zoning and a use for that property.

Corliss asked Eldredge whether she was asking to hold the annexation ordinance until the consideration of any rezoning ordinance.

Eldredge said yes. She said that was the way the City wanted those annexations and rezonings to happen, for instance, the Inverness, Crossgate, Clinton Parkway annexation and zoning. The annexation at the request of the City would not become effective until the zoning was completed. She said that process would give final control to the City Commission.

Commissioner Amyx said in reading the Planning Commission minutes he did not get that idea from the motion and the vote that was taken from the Planning Commission. He said it was a simple case of initiating the process and forwarding it to the County Commission for a determination or was it just about annexation.

Eldredge said it was about annexation. There was a lot of discussion on a number of issues.

Commissioner Amyx asked if the Planning Commission understood the applicant was asking that the annexation approval would be subject to the rezoning.

Eldredge said that discussion was at the beginning of the Planning Commission minutes.

Commissioner Amyx said if the City Commission made a determination to begin the process, the annexation request would be sent to the County Commission for their findings and during that time the City Commission would have the opportunity to ask for additional information needed to consider the annexation before rezoning.

Corliss said there was a pre-application meeting with the property owner on the rezoning. He asked if staff knew when the Planning Commission would hear any rezoning request.

McCullough said staff had not received any application for rezoning. There was a pre-application meeting and staff was working on zoning category information.

Corliss asked what would be the earliest date a rezoning could be heard by the Planning Commission.

McCullough said staff had a complicated schedule, but probably June if certain deadlines were met.

Corliss said that meant the earliest the City Commission would receive a recommendation from the Planning Commission on zoning would be July. He said based on what Eldredge stated earlier, there would be no annexation ordinance on the City Commission's agenda for adoption until that time.

Eldredge said if the City Commission preferred, the annexation could be on their agenda, but not effective until a zoning took place.

Commissioner Chestnut said in referring to the self contained fire suppression, he asked for examples of where that was happening.

Zac Parrington, Jayhawk Fire & Sprinkler, said the owners of that property indicated the Rural Water Department did not have enough to supply water which was common. He said they had worked on the Payless Distribution Center in Topeka, Target Distribution Center, and Forbes Industrial Park which stored, based on the design of the sprinkler system, per FPA, and the water duration that needed to be supplied, enough water to supply the demand of that system. Water would be required from somewhere to fill that tank initially or maintain it to some degree, but basically the demand of the systems were designed to what was placed on site.

Commissioner Highberger asked Eldredge about her estimates of taxes a building on that site might pay, such as the K-Mart building. He asked if that formula was based on the appraised or assessed value.

Eldredge said the appraised value was the 4 million which would make the assessed value approximately 1 million. Then that would generate 25% of taxes which was several hundred thousand dollars.

Commissioner Highberger said the way he calculated the 1 million dollar assessed value was the total City, County, School Board levy was 100 mils so it would be approximately 10% of the assessed value for the total tax bill which would be \$100,000 and the City's portions was 25% or \$25,000.

Vice Mayor Chestnut asked what was initially discussed about square footage.

Eldredge said the discussion about square footage had been between 250,000 to 600,000.

Vice Mayor Chestnut said at 300,000 square feet, construction per foot for a warehouse would be a total valuation of approximately \$15 million dollars and 25% of that amount was in the \$3 to \$4 million dollar range. He said total taxes would be in the range of \$200,000 to \$400,000, but it was all speculative.

Jim Haines, a resident of the area, said he and his wife were opposed to the annexation because it would change the character of the area. He said he was concerned that once that change was made it would be a slippery slope and it would become much easier to approve this type of annexation request again. He said they lived in a house that was built in the 1870's and was of historic importance to Douglas County. There were other properties of similar importance. If stepping on to this slippery slope, he was afraid the City Commission would not be able to get off until the significance of that area was changed for the worse.

Commissioner Highberger asked Haines if his property was in the area covered by the sector plan.

Haines said yes and a letter and comment was sent to the City as well.

Joan Holmes, resident in the area, said she concurred with Haines in that she opposed the annexation request. This was a rural neighborhood and a true community and thought Lawrence and Douglas County was about quality of life and preserving a way of life, but this industrial development would destroy what people had built their lives around. She said she had lived in the area for 28 years and paid approximately \$3,000 a year in taxes and realized it was not the millions, but their lives were important too. She said they would be changing their entire community to accommodate very few people. She agreed jobs and taxes were important, but asked if this would be the way to create more jobs and taxes.

Mayor Dever asked for City Commission comment on the annexation that was contingent upon Douglas County approval and the authorization of staff to draft the annexation ordinance because it was implicit that if the County Commission's determination was the annexation would not hinder or prevent the proper growth and development of that area, then the City was approving annexation contingent upon County Commission approval.

Corliss said if the City Commission only wanted to proceed with approving Resolution No. 6764, the City Commission had the legal authority to do so.

Commissioner Amyx said the City Commission's responsibility, based on the information provided by the applicant, was the adoption of Resolution 6764, which began the process of initiating and asking the County Commission for their findings prior to the City Commission's determination of annexation.

Commissioner Hack said the scope of what needed to be done was to present the resolution to the County and depending on their determination, the City Commission could move on to the other actions as necessary.

Commissioner Highberger said the way he read the resolution was to ask the County to resolve this issue in a particular way. He said the City Commission was asking the County Commission to determine specifically that the annexation would not hinder or prevent the proper

growth or development of that area. He said by adopting the resolution, the City Commission was asking the County Commission to make a determination approving the annexation.

Corliss said the City Commission would be asking the County Commission to make those findings.

Commissioner Amyx said he asked staff to make sure the City Commission was handling this issue by the legal process. He said he believed the annexation request should be taken to the County Commission because the process was important.

Vice Mayor Chestnut said he agreed and it was not appropriate to move ahead on the other two items on the agenda regarding this matter. He said there were a lot of unanswered questions. He said there were a lot of details to work out regarding the concerns of the neighborhood as well as staff working on defining zoning districts. He said they were getting ahead of themselves in talking about potential uses. He said he had concerns about potential uses and those uses needed to be clearly defined. First what IL and IG meant in the City's zoning code and what uses would be at that location. He said what the City Commission was asking the County Commission to do was to make the finding that was appropriate for them to find. Some of the concerns addressed should be at that venue because when talking about fire, water, rural water districts, those were the County's business.

Commissioner Highberger said he agreed with staff's recommendation on the annexation. He said they were looking at property that was outside the City's Urban Growth Area for which there was not a sector plan completed although there was a sector plan in process.

He said this site, as far as industrial development, had a lot of better features than the site looked at in North Lawrence recently. He said it was probably a better use of that property in the long term, but he did not know that because he did not have the information he needed to make that kind of decision. He said they were looking at making a decision that could potentially cost this City millions of dollars because if the City Commission annexed this



property, services would need to be provided. Providing those services might not be immediately, but within a relatively short time.

He said the reason why he asked questions about taxation was because they needed to be realistic about what type of revenues that area would generate. He said they had no idea of the cost to the City for this area. He said he appreciated the efforts of the people who were trying to improve the City's tax base by generating industrial prospects and the City needed to provide facilities that would provide jobs for people with high school educations, not just people with college educations. He said he thought everyone could work together to plan for the City's industrial future and it would set the cooperation back if moving forward with this annexation. He said at the very least he thought the City Commission should defer this issue until such time as the sector plan was completed by staff.

Commissioner Hack said it was appropriate to adopt the resolution because it gave the opportunity to have some conversation about annexation and zoning. The sector plan was on its way to completion and making great progress and could be done concurrently.

Commissioner Amyx said he appreciated Commissioner Highberger's comments, but the resolution before the City Commission did not dictate that the annexation would happen. The resolution was asking for a determination of findings based on Kansas law set out for annexation. The decision on annexation would come at a later date and that would be based on whether an appropriate zoning category could be placed on that property.

Commissioner Highberger said the City Commission still had the opportunity to make the decision on the annexation, but the way he read the resolution, the City Commission was not asking the County Commission whether the annexation would hinder proper growth, but asking the County Commission to determine that the annexation would not hinder proper growth. He said basically by adopting the resolution, the City Commission was saying they wanted this annexation to move forward and wanted the County Commission to make the necessary findings to make that happen.

Commissioner Amyx said the County Commission had the opportunity to make their own findings.

Commissioner Highberger said by adopting the resolution they were telling the County Commission what finding the City Commission wanted them to make.

Corliss said they were using the same tool, K.S.A. 12-520c, resolution that was used in all other circumstances where the City followed the statute and the Governing Body respectfully requested the County Commission to make findings and determinations. In all other cases there was not too much of an issue whether or not the City wanted to annex the property or not. He said this resolution was a condition precedent and it needed to be in place in order to do the annexation ordinance. The annexation ordinance made it clear and had the County Clerk's minutes in hand to go ahead with the annexation ordinance. It was the adoption of the ordinance that actually annexed the property. It was important to note there was no statutory requirement that there be a Planning Commission recommendation, but staff did that as a matter or policy to get the Planning Commission's views on annexation. Annexation with the property owners consent simply required findings by the County Commission and had to be generated by a resolution.

Vice Mayor Chestnut said he agreed with some of Commissioner Highberger's comments. He said the City Commission should take care of the comment it was circumventing the planning process when the Planning Commission was making that recommendation. He said they relied on the Planning Commission for advisement.

He said they had discussions about Horizon 2020, and appreciated one comment made by Henderson about telling it like it was and while he wanted to move forward with this resolution and allow the County its process to make a determination, either way, it was clear there was a tax base that was reaching 70% residential, they were looking at the airport, property at the northwest corner of North 1800 Road and East 900 Road, Farmland, and other areas, and all of those sites had uncertain outcomes. He said he agreed he wanted to tell it like

it was which was he wanted to follow the process and the sector plan was moving forward, but one of the comments about the sector plan needing to take the time it needed to take, quite honestly, he was not sure he agreed. He said the City Commission needed to go through the right process, but they needed to move forward with some concept of time because the City continued to have a significant eroding tax base and the City had depended on residential valuation for too long. One of the comments another resident made was that 3 acre lots were looked at and the assessed valuation and that was exactly what the taxpayers of Lawrence were concerned about as the City continued to have more and more residential dependency on taxes. He wanted to be clear that right now they pursue the process, but they had to explore all options and that was one of the reasons putting things out in the public process to talk through things with the public, allow public comment, and allow all questions to be answered versus working to a solution and then coming up with something at the final hour. He said regarding containing fire suppression there were a lot of questions still to be answered. He said from his vantage point that was why he wanted to move forward in order to see the findings by the County.

Mayor Dever said he saw this issue as a matter for process for the land owners. If any person was asked to have their land annexed they should expect this public body or any other to go through the appropriate procedures to determine whether or not that land should be annexed. It was almost as if the rules would be changed just because it was industrial which was not fair. To add to the process of what he would like to see and speculate, he believed they needed multiple options for increasing the City's tax base, specifically, industrial tax base. He said they had used up a lot of their free time and a lot of taxes were collected from residents and many residents understand the need to move quickly, but not throw out the process and procedures needed to make this happen.

He said he believed the Douglas County Commission should evaluate this annexation. Everyone who had public comment did an incredible job of relaying the reasons why the

annexation should not happen, the reasons for a plan, or the reasons why annexation should wait. He said he wished the City had the time diligently, slowly, and meticulously following a minute by minute account of what might be the best option, but right now, they were looking at multiple options and multiple sites and trying to make sure the City Commission was doing the best for the future of Douglas County. He said the City Commission understood how important it was not to assert the rights of the Douglas County land owners and he wanted to let the Douglas County Commission make that determination. He said if the County Commission did not believe it was the right thing to do, they would tell the City Commission. He said he would encourage all the people who attended the meeting tonight to speak loudly and clearly about the reasons why the annexation would have a negative affect. He said there was not going to be a perfect place, there would never be a perfect time, and certainly, there was not a perfect process. He said he wanted to make sure this annexation was done correctly. He said he wanted to do everything possible to make sure there were areas in place for this County and community to grow and he would do everything in his power to follow procedures and give the people the voices they needed. He said he would encourage the County Commission to take a look at this annexation.

Commissioner Highberger said what he was hearing from the City Commission was they wanted the County Commission to evaluate the annexation on their own to make a determination. He said that was not what the resolution indicated. The resolution the City Commission would be adopting stated the City Commission was asking the County Commission to find the annexation would not hinder or prevent growth and development. He said if the City Commission was asking for the County Commission's recommendation, the wording of the resolution needed to be changed.

Mayor Dever said he understood Commissioner Highberger's concerns and it was a fine line. It was clear this was the statutory language the City Commission must use in order to pass this annexation along.

Corliss said the County had to make those findings in order for the annexation to proceed. The resolution was written in a way that asked the County Commission to make those findings. He said he bet if staff surveyed 20 Kansas cities on how they worked with annexations, there would be 20 different resolutions that made some reference to the statute. He said the City Commission could change the resolution to say they wanted the County Commission to make the findings that were necessary under K.S.A 12-520c, but if the County Commission deemed the annexation appropriate then certain detail was not needed. He said the form of the resolution could probably be changed. The City Commission could also adopt the resolution and ask the County Commission to read the minutes of the City Commission and they could get the same understanding of the issues the City Commission was asking or the Mayor could write a specific letter that would be included. He said there were a number of ways to accomplish the goal, if the goal was the City Commission wanted the County Commission to look at this annexation, understand their statutory responsibilities, deliberate accordingly, and provide either the appropriate findings back or some other communication back to the City Commission.

Mayor Dever said that was important for the process. He said the majority of people in attendance lived outside the City limits, did not vote for the City Commission, and did not have a voice in the process of making this determination of the City Commission thinking that area would be a great place for an industrial site.

Corliss said that was why the annexation statute was written that way so even if the property owner consented to annexation, the County Commission had the opportunity to make those types of findings which was a protection. The other protection the City added was the City/County Planning Commission that had the opportunity to look at those annexations as well.

Commissioner Hack said suggesting to the County Commission to read the City Commission minutes was a great idea. She said she assumed the same folks in attendance would have contact with the County Commissioners as well as others. She said if two of the

three County Commissioners believe the annexation would hinder or prevent the proper growth and development, the County Commission would vote accordingly. She said she was comfortable with the way the resolution read and she did not think the City Commission could tell the County Commission what to do.

Commissioner Amyx asked if Commissioner Highberger was afraid the County Commission was going to make the determination the annexation would not hinder or prevent the property development of Lawrence and any other incorporated city rather than looking at the additional information that was provided.

Commissioner Highberger said he would not vote to approve the resolution, but he just wanted to make sure the resolution stated what the City Commission was voting for, which was the City Commission wanted the County Commission to make a determination. He said making sure the County Commission was aware of the City Commission minutes would be appropriate so the County Commission knew what the City Commission was actually doing rather than asking the County Commission to do a specific thing, but obviously the County Commission would do what they wanted.

**Moved by Hack, seconded by Chestnut,** to adopt Resolution No. 6764, requesting the Douglas County Commission to find and determine that the annexation of approximately 159 acres, located at the northwest corner of North 1800 Road and East 900 Road, will not hinder or prevent the proper growth and development of the area or that of any other incorporated City located within the County. Ayes: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. (19)

The City Commission recessed for 10 minutes at 9:12 p.m.

The City Commission resumed its regular session at 9:22 p.m.

**Consider setting bid date of April 29, 2008, for the replacement of the HVAC unit for the main gym at East Lawrence Recreation Center.**

David Corliss, City Manager, said this was a major rehabilitation of the HVAC unit for the main gym at the East Lawrence Recreation Center. He said staff was ready to proceed with setting the bid date and the funds were available in the City's maintenance line item for the sales tax for those purposes.

Mark Hecker, Parks and Recreation Superintendent, presented the staff report. He said the unit was a 70 ton unit, forced air system, which would cool the main gym.

Commissioner Highberger said the report noted the original unit was not sized correctly.

Hecker said he thought the unit was sized minimally to fit the needs. He said the unit worked well until it hit 95 degrees. He said the equipment itself had been a problem from about day one and staff had used the warranty several times. He said the unit probable needed replacing 2 or 3 years ago.

Commissioner Amyx said he noticed half of the sales tax fund for Parks and Recreation would be used for this one item and asked if this was a high priority item.

Hecker said yes. He said it was a huge concern for Parks and Recreation because their department was allotted \$400,000 and would spend half for this project, but it had gotten to the point where staff could not keep that unit running. He said this item was deferred last year and was hoping to purchase the unit in the fall, but other projects were put out front and staff decided to address this project early this year.

Commissioner Amyx said since the project would be moved to the top, he asked what projects would be deferred.

Hecker said there was a laundry list of 400 to 500 projects and it was a matter of picking one. He said there were paving projects, park projects, ceilings, and exterior of buildings that needed to be taken care of, but it was mostly maintenance on infrastructure.

Mayor Dever said how many bidders were expected.

Hecker said there would be 2 or 3 local bidders, but it was not only the unit, but the electrical feed to the unit because it was undersized also.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Highberger, seconded by Chestnut**, to set a bid date of April 29, 2008 for the replacement of the HVAC unit for the main gym at the East Lawrence Recreational Center. Motion carried unanimously. **(20)**

**Receive report from City Auditor Michael Eglinski regarding the process for developing the audit plan.**

Michael Eglinski, City Auditor, presented the process for developing an audit plan. He said he was getting up to speed on the City and the organization and working towards a set of potential audit topics. He said he was required to bring an audit plan to the City Commission on an annual basis. He said he had more ideas than could feasibly be done, but those ideas were reasonably addressing obvious risks to the City. He said he was asking the City Commission for feedback on how they would like that information received. He said what most auditors seek input from the audit side, management, and individual elected officials. He said he could bring information to the City Commission in two weeks. Also, he said he had good cooperation from the City Manager and City staff.

He said he had three areas the City Commission might want to consider which were:

- How does the Commission want to provide input to the annual audit program?
- How – and when – does the Commission want to receive the annual audit program?
- How does the Commission want the interaction between the City Auditor and the elected body to work?

Commissioner Highberger said he envisioned the City Commission being more involved in the process of setting the plan. He said Eglinski heard suggestions from each individual Commissioner, but he had not heard the things the other Commissioners thought might be important to include in the plan. He said he perceived more of a study session and then coming back with a plan.

Vice Mayor Chestnut said he agreed with Commissioner Highberger to set the stage at this point. He said there was a risk assessment that Eglinski went through that moved down to



some scope of work and it was probably appropriate, at least to start with, to have that much broader dialogue about overall assessment. He said in going forward from year to year it would be more appropriate than to have the set. He said one of the issues that made it more challenging to start with was a broader picture of what was going on.

Secondly, he thought the City should have a liaison between the auditor and the City Commission because the auditor needed some direction from the City Commission that was more consistent. He said going forward from year to year, they could start talking about specific projects because this was looked at on a broader scale, more strategically to understand where the big projects were and it might be less broad going forward.

Mayor Dever said the City Commission needed to identify a liaison sooner than later.

Commissioner Amyx said he would like to delegate that task to the Vice Mayor.

Mayor Dever said he was in favor of that delegation.

Commissioner Hack said one issue the City Commission needed to discuss regarding the liaison was whether or not that was permanent that every year the Vice Mayor would be the person the auditor reports to because conceivably there could be a brand new Commissioner be the person to whom the City's auditor reported to.

Vice Mayor Chestnut said a policy could be established that within a few Commission meetings after all the Chairs changed, to make that decision. He said he agreed that someone new sitting in the Vice Mayor's chair might not be a great assignment for the next year.

Commissioner Hack agreed with Commissioner Highberger in the conversations the other Commissioner had with the auditor in terms of priorities. She was in favor of a study session.

Commissioner Amyx asked when the annual audit should take place.

Eglinski suggested a plan be approved at the beginning of the fiscal year. He said one principle he was trying to follow was to look at topics that would help do a better job at picking audit topics.

Commissioner Chestnut said it would be appropriate in this session to provide the City Commission feedback on the entire list of topics that was fed back to the auditor.

The City Commission agreed to hold a study session on April 29, 2008, at 5:30 for 45 minutes and asked Vice Mayor Chestnut to be the Commission liaison. (21)

**PUBLIC COMMENT: None**

**FUTURE AGENDA ITEMS:**

- 04/29/08 • 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 • 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.
  - Approval of summer 2008 downtown street maintenance plan.
  - Consider adoption of Tax Increment Financing and Transportation Development District policies.

**ACTION:** Adopt policies, if appropriate.

**Moved by Highberger seconded by Chestnut,** to adjourn at 9:55 p.m. Motion carried  
unanimously.

**APPROVED:**

\_\_\_\_\_  
Sue Hack, Mayor

**ATTEST:**

\_\_\_\_\_  
Frank S. Reeb, City Clerk

**CITY COMMISSION MEETING OF APRIL 15, 2008**

1. Bid – One salt/sand spreader for Public Works Dept. to American Equip. Co. for \$19,360.
2. Purchase Order – Journal World for Parks & Rec 2008 Summer/Fall Activities Guide for \$15,806.
3. Bid Date- May 6, 2008 for 23<sup>rd</sup> St, Clinton Pkwy to approx. 650 ft N of 31<sup>st</sup> St, milling, overlay & pavement marking (KLINK).
4. Ordinance No. 8255/County Resolution\_\_\_ - 2<sup>nd</sup> Read, Subdivision Regs, Unincorporated Areas of DG .
5. Ordinance No. 8258 – 2<sup>nd</sup> Read, defer special assessment for political subdivision.
6. Ordinance No. 8259 – 2<sup>nd</sup> & Final Read, amend Ordinance No. 6010, defer period for certain special assessments, E Hills Business Park.
7. Resolution No. 6765 – Agreement 43-08 with the Secretary of Transportation for reimbursement of costs for 2009 KLINK project.
8. Resolution No. 6763 – GOB for milling & overlay of Iowa St, 23<sup>rd</sup> St/Clinton Pkwy to approx. 650 ft N 31<sup>st</sup> for \$450,000.
9. Prelim Dev Plan - PDP-01-01-08 for Pine Ridge Plaza Add, Lot 1B, 3235 Ousdahl, for construction of commercial office/warehouse.
10. Ordinance No. 8250, 1<sup>st</sup> read, for Day Care Center at First Step Facility, 3015 W 31<sup>st</sup> St & Special Use Permit (SUP-01-01-08).
11. Ordinance No. 8256, 1<sup>st</sup> read, for Ballard Community Services Early Learning Center at 345 Florida & Special Use Permit (SUP-01-02-08)
12. Ordinance No. 8260, 1<sup>st</sup> read, rezone 9.03 acres from RS-7 to GPI, located at 2145 and 2201 Louisiana & rezone request (Z-01-03-08)
13. Ordinance No. 8261, 1<sup>st</sup> read, rezone 4.09 acres from RS-7 to GPI at 1430 Haskell & rezone request (Z-01-04-08)
14. Right-of-Way Encroachment License Agreement for parking lot at 2907 W 6<sup>th</sup> St.
15. 2008 Federal Legislative Policy Statement – The Passenger Rail & Improvement Act of 2007 .
16. Signs of Community Interest - Lawrence Home Builders Assn to place signs in ROW April 26 – May 4.
17. City Manager's Report.
18. Text amendment to Development Code to include "Extended Care Facility, General" use for SUP in the IBP zoning district.

19. Resolution No. 6764, DC to find & determine approx 154.9 acres, NW corner of N 1800 Rd & E 900 Rd, not hinder growth & development
20. Bid date- Apr 29, 2008, replace HVAC unit at E Lawrence Rec Ctr.
21. Report from City Auditor – develop audit plan.