



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

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

July 1, 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.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the City Commission meeting minutes of June 17, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to receive the Hospital Board Meeting minutes of May 21, 2008; the Mental Health Board meeting minutes of May 27, 2008; and the Public Health Board meeting minutes of April 21, 2008 and a special meeting of April 29, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve claims to 294 vendors in the amount of \$720,494.52. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Drinking Establishment Licenses for Zen Zero, 811 Massachusetts, Sandbar, 17 East 8th; and Kokoro, 601 Kasold Ste: D102-103. Motion carried unanimously.

The City Commission reviewed the bids for George Williams Way from 6th Street (US-40) to Overland Drive; and George Williams Way from Overland to North City Limits, Street, Storm Sewer, Waterline and Sanitary Sewer Improvements for the Public Works Department. The bids were:



BIDDER	BID AMOUNT
Engineer's Estimate (BG Consultants)	\$3,393,683.00
King's Construction Co., Inc.	\$2,210,153.40
R.D. Johnson Excavating	\$2,298,797.60
Emery Sapp & Sons	\$2,556,874.32

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to award the bid to King's Construction Co, Inc., in the amount of \$2,210,153.40. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for Lawrence Avenue, Harvard Road to 9th Street, Traffic Calming Improvements for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$15,920.00
LRM Industries	\$15,704.00
Kansas Heavy Construction	\$16,712.00
Comet Corporation	\$18,721.60

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to award the bid to LRM Industries, in the amount of \$15,704. Motion carried unanimously. **(2)**

Ordinance No. 8277, incorporating reference TA-04-05-07, establishing a Mixed Use Zoning District in the Development Code, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. **(3)**

Ordinance No. 8290, concerning municipal court fees for the mailing of notices pursuant to K.S.A. 8-2110 and amendments thereto, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. **(5)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to authorize the City Manager to execute a revised contract with Municipal Services Bureau for

past-due fine and fee collection for the Lawrence Municipal Court as a result of changes in state law. Motion carried unanimously.

Commissioner Highberger pulled from the consent agenda for a separate vote the second reading of Ordinance No. 8285, annexing (A-02-02-08) approximately 155 acres, located at the northwest corner of north 1800 Road and east 900 Road.

Ordinance No. 8285, annexing (A-02-02-08) approximately 155 acres, located at the northwest corner of north 1800 Road and east 900 Road, was read a second time. **It was moved by Amyx, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: Highberger. Motion carried. (6)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said City employees traveled to Manhattan to help with tornado clean up and received a nice note back from Manhattan's City Manager's Office thanking Lawrence City staff for their efforts and indicating their efforts were helpful.

Other items in the City Manager's Report included the Police Department School Resource Officer Program was recognized by the National Association of School Resource Officers; the Lawrence Police Department hosted the 10th Annual Police Camp involving youth; Parks and Recreation revised the Integrated Pest Management Manual; and, the Historic Resources Commission agenda packets were now online. (7)

REGULAR AGENDA ITEMS:

Continue public hearing to consider the vacation of the east 3' of right-of-way of Indiana Street between 11th Street and 12th Street adjacent to Lot 1 of the Triple T Addition, a replat of Lots 7, 8, and part of Lot 9 in Block 2 of the Oread Addition as requested by NSPJ Architects.

David Corliss, City Manager, said the City Commission's action was to reopen the public hearing for the vacation of the east 3' of right-of-way of Indiana Street between 11th and 12th Streets adjacent to Lot 1 of the Triple T Addition. Correspondence was received from the

project architect indicating their analysis of the situation was not quite finalized and the analysis would be available within a week. He said the architect was asking for a two week continuance which was staff's recommendation as well.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Hack, seconded by Chestnut**, to continue the public hearing for the vacation of the east 3' of right-of-way of Indiana Street between 11th Street and 12th Street adjacent to Lot 1 of the Triple T Addition, a replat of Lots 7, 8, and part of Lot 9 in Block 2 of the Oread Addition as requested by NSPJ Architects to July 15, 2008. Motion carried unanimously. (8)

Consider the following Traffic Safety Commission recommendations:

- a) **Consider approval of a recommendation to add a Pedestrian Activated Traffic Signal to the mid-block pedestrian crosswalk on New Hampshire Street between 9th Street and 10th Street, connecting the parking garage to the Lawrence Arts Center. The estimated cost is approximately \$30,000-\$35,000 which is not currently budgeted.**

David Woosley, Traffic Engineer, presented the staff report. He said the first item was a request for a signalized crossing at the mid-block pedestrian crossing on New Hampshire Street in the 900 block between the Arts Center and the parking garage. The Traffic Safety Commission heard this request on May 5th. A petition was presented and a number of people from the public spoke in favor of the request.

He said the Manual on Uniform Traffic Control Devices required 100 pedestrians per hour to warrant the signalized pedestrian crossing at a midblock location. Staff conducted a pedestrian count on April 24th, during the noon hour, and found 112 pedestrians crossing the street.

New Hampshire carried about 8,000 – 10,000 cars per day in this area and there were similar locations around town where there were mid-block pedestrian crossings such as South Park, Kentucky Street at the Aquatic Center and 11th Street between New York and New Jersey Streets.

Vice Mayor Chestnut said he observed pedestrian traffic between the Arts Center and the parking garage around noon and it was a busy place. He asked about the width in that area versus the width on Mass.

Woosley said the width was approximately 11 – 12 feet because there were three lanes at the Arts Center location as opposed to two lanes on Massachusetts.

Commissioner Amyx said visually, vehicles coming from the north at the parking garage location, with people walking on that crosswalk, he asked if consideration was given to vehicles parked on the west side of that crosswalk.

Woosley said that idea was not discussed or brought up by anyone from the public or the Traffic Safety Commission.

Commissioner Amyx said it was hard to see a person on the west side of the street by the parking garage. He said he would hate for someone to get hit because a driver could not see a pedestrian.

Mayor Dever asked Chuck Soules, Public Works Director, if an e-mail was received concerning light activated crosswalks.

Chuck Soules, Public Works Director, said yes. He said he contacted the manufacturer who sent information regarding light activated crosswalks as well as research from staff. Just the equipment alone was approximately \$20,000 which did not include installation. He said staff had concerns about snow removal with the snow plows and other potential issues.

Woosley said those lights were also a warning sign to bring attention to the crosswalk and did not require people to stop as opposed to a traffic signal that required people to stop. Information was found from the Metropolitan Transportation Commission in the Oakland, California area which showed cost, maintenance and false detection as negatives. With false detection, the warning lights flashed when people were not at that location and therefore people did not pay attention to those flashing lights, but he was not sure that was true everywhere. He said he was not aware of places in the northern region where flashing warning lights were used

which was probably because of the snow plow concerns. He said those lights were used in Florida and other southern states.

Mayor Dever called for public comment.

Linda Reimond, Lawrence Arts Center Preschool, said her primary concern was safety because she had a number of small children crossing that crosswalk with their families. However, the Lawrence Arts Center served a wide variety of age groups from infants through seniors and seniors did not walk as fast. She said there had been an accident at that crosswalk.

New Hampshire had become more of a thoroughfare with the perception that street was faster than Massachusetts Street. It was estimated that over 100,000 people came into the Arts Center every year and believed that was low estimate.

On April 24th when the count was conducted at noon time there were 112 pedestrians and predicted that at least 50% of those were people 5 years of age or under and sometime that age group did not use the best judgment. The Traffic Safety Commission voted unanimously to approve this request and asked the City Commission to vote to approve this request.

Karen Smoot, Lawrence, said she had former preschoolers at the Arts Center, was a citizen of Lawrence, and a former Board Member of the Arts Center. She said when the Arts Center was first built, steps were taken to address visibility issues by the Arts Center in which a sign was removed that obstructed views. From the Arts Center standpoint, they had taken as many steps as they could to provide safety for their patrons.

She said on December 9th, 2003, a Lawrence Chamber of Commerce function took place at the Arts Center and a number of people attended. That day, she sent her 20 year old babysitter, to pick up her daughter because she had just brought her husband home from Kansas City who had a hip replacement. She said when she arrived home, she had that dreaded phone call waiting that there had been an accident. Her 5' 10" babysitter wearing a white jacket, at 5:30 in the evening, was crossing the crosswalk and was hit by a Ford Explorer.

The driver was a 58 year old woman who never saw her babysitter. Fortunately, it was not a disaster and her babysitter only broke her wrist and had lots of bumps and bruises. She said if a person of that size who was almost all the way across the street could get hit by a car, she asked what would happen to a smaller person.

She said at a holiday workshop, she had asked a City staff person to put something similar to a pedestrian activated traffic signal at that crosswalk, but instead a bright yellow pedestrian crossing sign was placed in the middle of New Hampshire Street. With the continued growth in Lawrence and the vacant property on the east side near the Arts Center, she believed there would be more traffic and it was important to look forward in keeping pedestrians safe.

June Jones, Interim Director Lawrence Arts Center, said there was probably nothing more focused in terms of the reason to have a stop sign and traffic signal at that location than the examples given. As both the Interim Executive Director and a member of the Board of Directors of the Lawrence Arts Center, the board and employees of the center were concerned just beyond the preschool because it affected every one of their programs. The parents were also concerned as seen from the petition that was submitted. She said there was not anything more horrifying than the thought of a young person or people coming to the Arts Center hoping to cross the street to get to their activities and something happened to them. They encouraged the Commission to consider and approve the placement of a stop light at this location.

She said her personal testimony was just last Wednesday, she was crossing the street and was almost through the median when a vehicle sped up and ran right past her. Some people think that it would take too long to wait a minute and if they did that with her others would have the same experience.

Commissioner Amyx asked how long traffic was stopped at a pedestrian activated light.

Woosley said a lot depended on the width of the street and how long it took pedestrians to cross the street. There were a few seconds for the light to change from yellow to red.

Normally, 4 – 7 seconds for a walk signal for the pedestrian and then a flashing “don’t walk” until that person crossed that street which was based upon an average walking speed of 3.5 feet per second. It depended on the width of the street.

Commissioner Hack said everyone probably had the experience of playing “dodge the car” when crossing a street. She said she worried about young children crossing the street to the Carnegie Building at 9th and Vermont, and the crossing at New Hampshire was probably worse because the traffic was heavier and much faster. She said she would support the pedestrian activated signal. The City did not have the money budgeted for that signal, but was the topic for further discussion. She would support placing the pedestrian activated stop light at the New Hampshire location.

Commissioner Amyx said he thought the idea of a light was needed at that location, but still wanted staff to take a look at the line of vision on the west side. He said if a car was coming from the north, there was a chance of someone darting out of that parking garage.

He suggested placing the purchase of the pedestrian activated stop light on the City’s Capital Improvement Plan or figure out how to pay for that light in the future, but the purchase would not happen soon. He said there were ideas that could help during that interim period.

Mayor Dever said he thought removing the parking from that one area on the west side of New Hampshire could improve the line of sight.

Corliss said regarding funding, the City Commission needed to help staff understand the priority for that light. He could not recommend putting this pedestrian activated light in the operating budget without looking at a lot of other priorities. Money could be spent out of the Capital Improvement Reserve and Equipment Reserve Fund to allow this pedestrian light to proceed which would challenge the City somewhat, but not significantly. If the cost estimates were good estimates in the \$30,000 range, he thought that project could proceed. He said if this pedestrian light was a high safety issue, staff could proceed. There were a number of other requests regarding items before the Traffic Safety Commission that had to do with traffic

calming and historically placed those requests on a priority list and tried to fund those request as staff had been able to budget resources. If this was a safety issue, he thought it was probably worthy of that level of attention and staff would watch the Capital Improvement and Reserve Fund spending. He said there was another item of discussion, at the end of the agenda, regarding another phase of overlay project which staff might need to trim back a bit to get it all within the City's allocation of those funds. If the City Commission approved the pedestrian light and thought it was worthy of funding, staff would place it on a future agenda authorizing staff to solicit bids and proceed with the purchase and staff would find a way to keep it at that dollar amount. One concern was staff needed to work with the Police Department to enforce the pedestrian light. Clearly, the drivers who were not paying attention to that light were as likely to run a red light as they were a yield sign.

Commissioner Amyx said with the information the City Manager provided, the City Commission needed to look at what other priorities needed to be moved down to place this item ahead. If the Commission was going to make changes to priorities that had already been set out, those priorities needed to be looked at too. He said he believed the area by the Arts Center was a safety issue and had to look at the 112 people that were crossing at that location.

Corliss said another point was that area was essentially between two city-owned facilities which was the City's responsibility as well.

Commissioner Hack said the safety of the children bumped that priority up as a legitimate concern and the immediacy of the need.

Commissioner Highberger said the Commission should compare this issue with the existing list of traffic calming because those traffic calming issues were all safety issues. He said this issue might be very well at the top. He said he did not see anyway of doing this project this budget year. What made sense was to hope that an infrastructure sales tax passes and it would free up some funding for those types of projects for 2009 and compare it to what was on their list and hopefully find a way to fund the pedestrian light in 2009.

Corliss said staff needed to provide the City Commission more information on funding to get at all the different views. Staff would get the list of traffic calming projects and show where the pedestrian light at New Hampshire would rank. Staff would provide options on financing whether it was now or after the results of the sales tax. He said the Commission needed to decide priorities.

Vice Mayor Chestnut said he agreed with Commissioner Highberger as far as looking at the other projects, but he thought in this particular case given item 4, looking at the allocation of the reserve, it seemed the City Commission might be able to look at this issue prior to the next fiscal year. He agreed that it had to be taken in priority with other projects, but hopefully that issue could be brought back up in a couple week's time and talk about the options for funding and maybe be able to make this pedestrian light happen sooner than later.

Moved by Hack, seconded by Chestnut, to concur with the Traffic Safety Commission's recommendation to add a Pedestrian Activated Traffic Signal to the mid-block pedestrian crosswalk on New Hampshire Street between 9th Street and 10th Street, connecting the parking garage to the Lawrence Arts Center and request additional information regarding the sight lines. Motion carried unanimously.

Commissioner Highberger said he would like to receive staff feedback before making parking changes. (9)

b) Consider approval of a request to establish a mid-block marked pedestrian crossing on New Hampshire Street between 7th Street and 8th Street. The estimated construction cost is \$10,000-\$15,000 which is not currently budgeted.

David Woosley presented the staff report. He said this item was heard by the Traffic Safety Commission on May 5th. There was currently a mid-block marked pedestrian crossing on the 600 block, 800 block, and 900 block which was just discussed.

The main traffic control devices did not prevent Lawrence from mid block crosswalks and in this particular case, no one from the public, including the person who requested this item, spoke either in favor or against the request.

The businesses along the street were not notified individually about this request, which might have had an effect. There was City parking facilities on both sides of New Hampshire Street. There was substantial pedestrian traffic in this area; a lot of that traffic was in the evenings. Traffic around New Hampshire was around 8,000 – 10,000 vehicles per day.

A limited survey in the area found that a mid block crossing could be constructed, but in order to meet ADA criteria and get pedestrians out where they could be seen, nine on-street parking spaces needed to be removed.

The Traffic Safety Commission voted 4 -4 on this request and the estimated cost was in the \$10,000 - \$15,000 range.

Mayor Dever called for public comment.

There was no public comment.

David Corliss, City Manager, said he did not think staff did a sufficient job in notifying the property owners of this potential loss of parking spaces along New Hampshire and thought it needed to be sent back to the Traffic Safety Commission to see if they could notify the property owners, particularly the owner of Border's Bookstore. The request needed additional public input. He said this was not in an item that needed to be looked at immediately because it was not budgeted. There might be arguments about pedestrian safety as well, but he did not think this request was as critical as the previous item.

Commissioner Amyx asked if the individual who requested this item attended the Traffic Safety Commission meeting.

Woosley said that individual was notified, but did not attend that meeting.

Commissioner Highberger said he was in general support of traffic calming, but did not see a pressing need for this item at this time. He said he was in favor of sending the request back to the Traffic Safety Commission for more process and was willing to deny the request at this point and consider that request some time in the future.

Moved by Amyx, seconded by Chestnut, to deny the Traffic Safety Commission's recommendation to approve the request to establish a mid-block marked pedestrian crossing on New Hampshire Street between 7th Street and 8th Street. Motion carried unanimously. **(10)**

c) **Consider approval of the recommendation to establish a 20 mph speed limit on Crescent Road between Engel Road and Naismith Drive.**

David Woosley presented the staff report. He said this item was heard at the Traffic Safety Commission's May 5th meeting.

State law established a 30 mph speed limit on residential streets throughout the state. There was a caveat that local jurisdictions could reduce that speed limit, but it must be based on a traffic engineering study. That study showed the 85th percentile speed was 30 mph between Engel and Spencer and 35 mph between Spencer and Naismith.

There were a number of people from the neighborhood who spoke at the Traffic Safety Commission in support of the request.

The City had reduced the speed limit on a number of other residential streets throughout the City, not with a whole lot of success and most cases before and after study showed the speed of the traffic was virtually unchanged when the speed was reduced from 30 to 20 mph.

The Traffic Safety Commission voted 5 – 3 for approval of the request.

Commissioner Amyx asked about the traffic count on Crescent Road.

Woosley said he did not have that information. Obviously, during the school year with KU in session, there was a lot more traffic because a lot more students drive through that area

to park and people drive through that area in the after work areas to bypass a lot of the congestion around the 15th and Naismith intersections and that area on the campus.

Commissioner Amyx said the reason to change the speed limit was because traffic concentration would be high during the school year.

Woosley said there was definitely more traffic on Crescent Road than a typical residential street plus there were non contiguous sidewalks along both sides of the street. There were some sidewalks on the south and north sides, but it was not contiguous along either side. A lot of students that parked or lived in the area did walk in the street part of the time to and from class.

Commissioner Amyx said one of the issues of concern was the 85th percentile speed on other streets that were posted 20 mph and were still 30 mph which got back to the enforcement issue that needed to happen with this request.

Woosley said for the speeds to come down enforcement was certainly a part of the solution.

Vice Mayor Chestnut asked what the parking configuration in between Naismith and Engel on Crescent. He asked if parking was on one side of the street.

Woosley said part of the parking was off during the day, but could park during the evening.

Vice Mayor Chestnut said there were a lot of pedestrians on that road during the evening walking around those parked cars.

Mayor Dever called for public comment.

Allan Miller, President University Heights Neighborhood Association, said their neighborhood association brought this item forward to the TSC. Their main concern was pedestrian safety as well as college kids who were driving the route from Jayhawk Bookstore to the Catholic Campus Center. He said a lot of cars roll through the stop signs. They were concerned, during the school year, the pedestrian traffic from the Daisy Hill dorms to classes on

Jayhawk Boulevard was so intensive and a careful driver had to swerve to miss the pedestrians or wait to pass by. He said a reduction from 30 mph to 20 mph would be in order and signage for the speed limit was another concern. Also, red flags on the stops signs at Crescent might be a good idea.

Nancy Hamilton, property owner on Crescent Road, said on a typical morning in their neighborhood, 20 – 30 children could be seen walking down the middle of the road. Some of the time the traffic went the speed limit and some time people had to get somewhere quickly. It was a dangerous situation. She said the average age of residents in their neighborhood was over 40. There were a lot of senior citizens in their neighborhood who did not always walk as quickly. She also had a five year old and she would like a safer place for her daughter to cross the street, as sometimes required to do. Their neighborhood was concerned that it was an accident waiting to happen and did not want one of the kids in the neighborhood to be hit or one of the older residents was hit. Finally, it would be a great improvement if there was a speed limit posted anywhere on the street.

Jim Sherman, property owner on Crescent Road, said he lived on Crescent Road, and he agreed with everything the previous speaker stated. He said along Crescent Road, right after Spencer Drive going east had a sharp curve at that location and his observation was that even cars that stop at the stop sign usually slowed down, but there were some cars did not come to a full stop and even the cars that came to a full stop seemed to develop a very rapid speed in a very short period of time coming around that curve. He said he was amazed and thankful no one has been hit by a car. He said reducing the speed limit to 20 mph and increasing police presence might reduce the problem, but there might be other solutions such as speed bumps and other kinds of things. He said something needed to be done to avoid some serious accidents.

Jan Sheldon, property owner on Crescent Road, said there were problems coming this way in terms of speed but when people were coming and going west, often times they might get

stopped or blocked at Naismith because of different issues of busses, athletic events and traffic. When people were able to proceed west off Crescent Road, often times those people were irritated with having to stay at that location for a long period of time, so those people speed up and start coming very quickly from the east to the west and that created a serious problem.

She said Betty Alderson was at the May 5th Traffic Safety Commission meeting and spoke on behalf of the neighborhood. She said a child had been killed at that location many years ago on Crescent Road. She said Alderson was amazed there had not been another serious accident on that street. She said they wanted to encourage people to live at the dorms, and walk rather than drive a vehicle and thought it was a wise idea on the part of the City to lower the speed limit to 20 mph.

Steve Lerner, property owner on Crescent Road, said he walked to work since he worked at 9th and Massachusetts and typically left the house at 10:00 am. A young student driving a compact car was going from the campus to the Catholic Center and that student had to be doing a minimum of 50 mph. He said he was crossing the street to get to the other side of the street and it was dangerous situation.

The other thing to remember was to picture the street at an evening when the Fieldhouse was full because of a home game. He said he hoped the City Commission would take care of this matter.

Commissioner Highberger asked about the traffic calming matrix.

Woosley said he did not know and it had been awhile since adding anything to that list. He said there was no crash history in the last three years which was something taken into consideration as well as pedestrian activity and sidewalks.

Commissioner Highberger asked if a speed study was performed on that street.

Woosley said the speed study did show it was 30 mph on the west half and 35 mph on the east half.

Commissioner Amyx said several neighbors discussed the amount of foot traffic coming from the dormitories. He said from the dormitories to the main campus on that boulevard was the most level surface to walk through that neighborhood. Because of the amount of traffic on that street throughout the school year, it was something the City Commission needed to take into consideration. It was reasonable to look at a 20 mph speed limit between Engel and Naismith.

Commissioner Hack said she supported this item for the same reasons. She said the sidewalk issue was difficult and would not be remedied. She said there would always be a disconnected sidewalk which forced people into the street and was dangerous. She thought the 20 mph speed limit signs might not have an effect on everybody, but hoped they would have an effect on some people. She said the idea of the red flags on the stop sign would be helpful.

Commissioner Highberger said he was supportive of the proposal, but by itself, it might not make a lot of difference, although it was good for the City Commission to post their intent. If it did not improve the problem, the City Commission needed to consider other traffic calming devices.

Mayor Dever said the information staff gave the City Commission indicated people would drive the speed they were going to drive and it was hard to shape their behavior. He had to trust the expert in that area. He said he did not think there was anything wrong in trying to post the speed limit, lower the speed and try to affect some change through enforcement. He said lower the speed limit in that area might be the exception with all the different things that came together with pedestrians and site lines. The stop sign as well needed to be marked clearly because of the trees. He was in favor of lowering the speed limit if it made an impact on the safety of that street.

Moved by Chestnut, seconded by Hack, to concur with the Traffic Safety Commission's recommendation to establish a "20 mph" speed limit on Crescent Road between Engle Road and Naismith Drive. Motion carried unanimously. **(11)**

Consider adopting on first reading Ordinance No. 8287, amending Chapter V, Articles 3 and 6 of the Code of the City of Lawrence, Kansas, 2008 Edition, and amendments thereto, concerning domestic clothes dryer venting.

Barry Walthall, Building Safety Manager, presented the staff report. He said there were two parts to this request. The first was to amend the 2006 International Mechanical Code to reinstate an exception that allowed manufacturers installation instructions to be used for the design and construction of dryer vents in commercial occupancy and multi family dwellings.

He said there were two key components to this request. The first component was the exception would be altered that a placard be placed in the laundry area that informed the occupant of the manufacturer recommendations or installation instructions as far as the maximum length of the dryer vent and the maximum number of bends in the dryer vent. Basically, that component was instructing the homeowner or occupant to, at some point, replace that appliance with another appliance that met those requirements.

The second component was that this exception would apply only to multi-family housing units and owner occupancy such as hotels, fitness centers would not be able to utilize the exception to use the manufacturer's installation instructions for that design and construction.

The International Mechanical Code did not include one or two family dwellings, which led him to the second part of the request. Staff recommended the deletion of the exception from the International Residential Code that was recommended by the Mechanical Board of Appeals.

The reason the exception was necessary was the request of the public, in particular multi-family housing development that was proposed at 31st and Ousdahl. The configuration of the dwelling units was such the laundry facilities were in the interior of the dwelling space, which created vent runs. It was not feasible on their part to place those units on the exterior because the bedroom egress windows on the exterior walls for escape and rescue. The configuration of the buildings had breezeways and was not able to terminate those vents in the breezeways for fire separation purposes. The only feasible way to accomplish what they needed to do was use the manufacturer's installation instructions.

Mayor Dever asked if it was common for members of the public to come forward and ask for amendments to the code.

Walthall said historically, it had not been common, but recently it was becoming more common. Some of the things going on in the construction industry that caused the public to come forward were rises in the cost of materials and the price of copper had increased. He said as staff gained experience with the new codes staff would work those kinks out and those types of changes would not be necessary in the future.

Commissioner Highberger asked if in the un-amended version of the International Code this was allowed.

Walthall said yes.

Commissioner Highberger asked if he remembered the basis for the board to make that change and if it was a significant item of discussion at that time.

Walthall said yes. The reason for the deletion was there was concern as dryer vent leaks increased it increased the likelihood of a fire. He said it was also the reason for the limited scope of the alteration of the exception.

Commissioner Highberger asked if the manufacturers' recommended lengths were longer than what would be allowed otherwise.

Walthall said yes. He said for this project they were specifying general electric appliances and if he remembered the vent charts correctly, the maximum length for the number of bins was 38 feet and the code would allow 20 feet with a deduction for every bin.

Commissioner Amyx said the Mechanical Board said they did not have the authority to waive the code in this particular case, but the reason the City Commission was going through this process was the applicant requested the change and did not have the authority to make the waiver. He asked if it would be smarter to keep the code as written without having to go through those amendments just to meet certain requests and suggested the City Commission give the board the authority to make those necessary waivers.

Walthall said he would agree with the statement in general. The codes were pretty well thought out and amendments should be kept to a minimum. There were things staff might want to do to amend codes that might be better for the City of Lawrence. The code also allowed alternate materials and designs that met the intent of the code to be approved by the building official or if the building official was not willing to make that approval that decision could be appealed to the board and the board could approve an alternate material or design. In this case, because the request specifically contradicted the code, the board needed to recommend a change.

Commissioner Amyx said he understood why the language change in the ordinance had to happen, but it seemed there was a lot of paperwork and this issue being bounced back between the City Commission, the Mechanical Board, and Walthall's office to accommodate this one project or other projects that might be out there.

Walthall said he agreed with the majority of Commissioner Amyx's comments.

Commissioner Amyx said this was one of those times where the City Commission had to rely on the Mechanical Board's expertise. He said he did not have a complete understanding on the length of dryer vents, but the Mechanical Board dealt with those types of issues all of the time.

Walthall said a lot of consideration of this issue was by Mechanical Board.

Commissioner Amyx asked Walthall if he had a problem with the amendment.

Walthall said he did not. He thought it was a reasonable change.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Hack, seconded by Amyx**, to place on first reading Ordinance No. 8287, amending Chapter V, Articles 3 and 6 of the Code of the City of Lawrence, Kansas, 2008 Edition, and amendments thereto, concerning domestic clothes dryer venting. Motion carried unanimously. **(12)**

Consider directing staff to prepare and bid Phase 3 Mill, Overlay and Curb Repair Project with funding from the Capital Improvement Reserve Fund (pending bids).

Dave Corliss, City Manager, presented the staff report. He said staff recommended the City Commission set a bid date to proceed with the projects. Between the funds available and the bids, he thought there was small margin and staff would look at the City's Capital Improvement Reserve Fund and make a recommendation. Staff was concerned about their ability to do a lot of that work next year, given what the prices might be and might want to proceed now. He said there were some alternates that might need to be look at, based on what the City could afford with the bids received.

He said it might be a good time to work on Rockledge because of the turnpike interchange work and would be mill and overlay work not reconstruction. He said there had been a number of complaints and comments about that road. There were also other issues at that location which City crews might work on. He said if those projects could not be funded this year, those projects could be funded next year.

Commissioner Amyx said this Commission and other Commissions in the past had looked at infrastructure as a high priority. He said if waiting to fix those streets next year, those costs would increase approximately 1/3 based on increases seen since January.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Hack said there was no choice and acting now would hopefully save the City some money. She said it seemed the Commission would be making a fiscal mistake by holding off when the prices of material were going up at a rapid pace.

Moved by Hack, seconded by Amyx, to direct staff to prepare and bid Phase 3, Mill, Overlay and Curb Repair Project. Motion carried unanimously. (13)

PUBLIC COMMENT:

Joshua Moshel, Lawrence, apologized for not showing up for the traffic safety item regarding the crosswalk on Massachusetts Street. He said he hoped it was something the City Commission could look at in the future and hopefully would benefit the City by extending a Mass Street breezeway over to New Hampshire and opening more retail space.

FUTURE AGENDA ITEMS:

- 07/08/08
 - Public hearing on proposed budget amendment providing authority to spend reserve money for Transit expenditures.
 - Consider request from Lawrence-Douglas County Biosciences Authority for support of the Lawrence Life Sciences incubator in the amount of \$75,000 annually for ten years.
- 08/05/08
 - Public hearing on 2009 Budget.
- 08/12/08
 - Receive presentation on Peak Oil from the Sustainability Advisory Board.
- TBD
 - Receive staff memo regarding green burials.
 - Consider a request for a marked crosswalk together with pedestrian refuge islands on Louisiana Street adjacent to Dakota Street (Considered by the City Commission and referred back to the Traffic Safety Commission on 05/06/08).
 - Receive request for changes to the definition of “street vendor” in city code to allow art services and provide for the granting of a street vendor license for said services.
 - Consider city laws regarding the keeping of live fowl and domesticated hedgehogs in the city limits.
 - Consideration of airport industrial park annexation and rezoning items.
 - ***This item was deferred from June 3, 2008.*** Consider approval of Z-02-07D-08, a request to rezone a tract of land approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial). The property is located north of 6th Street between Stoneridge Drive and Queens Road. (PC Item 6D; approved 7-0 on 4/21/08)

ACTION: Approve Z-02-07D-08, a request to rezone approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial), and authorize staff to draft ordinance for placement on a future agenda, if appropriate.

- ***This item deferred from June 10, 2008.*** Consider approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, Ordinance No. 8283, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08)

ACTION: Approve CPA-2004-02, amending Horizon 2020, Chapter 7, and adopt on first reading ordinance 8283, if appropriate.

- Consider adopting revised sidewalk dining ordinance and compliance procedures. Staff will meet with interested stakeholders prior to placement of this item on a City Commission agenda.
- Consider the following items related to Lawrence SmartCode:

Consider approval of **CPA-2007-6**, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.

Consider approval of **CPA-2007-7**, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-7, an amendment to Horizon 2020, Chapter 14 Specific Plans, if appropriate.

Consider adopting Text Amendment **TA-11-24-07** regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The “Lawrence SmartCode” is an optional development code that is parallel to the City’s existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the “Lawrence SmartCode” are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The “Lawrence SmartCode” is also available at www.lawrenceplanning.org. Adopt **Ordinance No. 8286** on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

ACTION: Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.

- Farmer's Turnpike sector plan.

COMMISSION ITEMS:

Mayor Dever said they had discussed sending to the Traffic Safety Commission the designation of Haskell Avenue from 23rd to 31st Street and 31st Street from Iowa to Haskell as truck routes and his goal would be to have some conforming use of that area. He said he worked in that region for a couple of years and there were a lot of trucks, traffic and activity, especially with the use of some of the areas on Haskell for storage of tractor trailers. There were a lot of large scale semi tractor trailer trucks moving up and down the road as well as heavy equipment, road building companies and a lot of vehicles. He saw designating those truck routes as an opportunity to relieve some congestion on 23rd Street. He had requests from the public to bring this item up and more recently an e-mail discussing the enforcement of the truck route ordinance. He said he brought this issue up to see if the City Commission should ask the Traffic Safety Commission to designate those streets as truck routes

Commissioner Hack said she agreed.

Commissioner Highberger said that issue was under scrutiny a few years ago, but would not object to the TSC looking at those proposed truck routes.

Commissioner Amyx said with the price of gasoline and diesel, people were using other shortcuts rather than traveling on the main highway. He was sure the City Commission would hear some of that issue through the Traffic Safety Commission minutes.

Moved by Amyx, seconded by Hack to send to the Traffic Safety Commission for consideration, designation of 31st Street from Iowa Street to Haskell Avenue and Haskell Avenue from 23rd Street to 31st Street as truck routes. Motion carried unanimously. (14)

Moved by Hack, seconded by Amyx, to adjourn at 7:55 p.m. Motion carried unanimously.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JULY 1, 2008

1. Bid – GWW from 6th to Overland & GWW from Overland to N City Limits to Kings Construction for \$2,210,153.40.
2. Bid – Lawrence Ave, Harvard to 9th to LRM for \$15,702.
3. Ordinance No. 8277 – 2nd Read, (TA-04-05-07) Mixed Use Zoning District.
4. Ordinance No. 8290 – 2nd Read, Municipal Court Fees
5. Ordinance No. 8285 – 2nd Read, annex 155 acres, NW corner of N 1800 & E 900.
6. Revised Contract – Municipal Services Bureau, past-due fine & fee collection.
7. City Manager's Report.
8. Vacation - Public Hearing continuation, Indiana between 11th & 12th on July 15th.
9. TSC – Pedestrian Activated Traffic Signals, New Hamp between 9th & 10th.
10. TSC – Mid-block marked pedestrian crossing, New Hamp between 7th & 8th.
11. TSC – “20 mph” Crescent between Engle and Naismith.
12. Ordinance No. 8287 – 1st Read, Chapter 5, domestic clothes dryer venting.
13. Mill, Overlay & Curb Repair, Phase 3.
14. TSC – Designate truck routes, 31st from Iowa to Haskell & Haskell from 23rd to 31st.