



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MICHAEL H. DEVER

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

December 30, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 9:00 a.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

## **RECOGNITION/PROCLAMATION/PRESENTATION**

Mayor Mark Hatesohl, City manager Ron Fehr, and Public Works Director Dale Houdeshell, from the City of Manhattan, presented a Federal Emergency Management Association reimbursement payment to the City of Lawrence for its help during the tornado event in June, 2008.

## **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive the Planning Commission meeting minutes of November 17 – 19, 2008; the Mental Health Board meeting minutes of November 25, 2008; the Sustainability Advisory Board meeting minutes of November 12, 2008; the Aviation Advisory Board meeting minutes of October 22, 2008 and December 11, 2008; the Neighborhood Resources Advisory Committee meeting minutes of September 11, 2008; the Community Commission on Homelessness meeting minutes of October 14, 2008 and November 11, 2008; and the Hospital Board meeting minutes of November 19, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, approve claims to 469 vendors in the amount of \$2,467,048.84 and payroll from December 7, 2008 to December 20, 2008, in the amount of \$1,864,935.71. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Drinking Establishment License for Abe & Jakes Landing, 8 East 6<sup>th</sup>; Montana Mike's, 1015 Iowa; Replay Lounge, 946 Massachusetts; Jackpot Music Hall, 943 Massachusetts, West Coast Saloon, 2222 Iowa; Local Burger, 714 Vermont; Louise's West, 1307 West 7<sup>th</sup>; the Retail Liquor License for Jayhawk Wine & Spirit, 1805 West 2<sup>nd</sup>; the Cereal Malt Beverage Licenses for 6<sup>th</sup> Street Market, 3300 West 6<sup>th</sup>; Biemer's BBQ, 2120 West 9<sup>th</sup>; Border Bandito, 1528 West 23<sup>rd</sup>; Checker's, 2300 Louisiana; Dillon Store No. 43, 1740 Massachusetts; Dillon Store No. 68, 3000 West 6<sup>th</sup>; Dillon Store No. 70, 1015 West 23<sup>rd</sup>; Dillon Store No. 19, 4701 West 6<sup>th</sup>; Eagle Bend Golf Course, 1250 East 902 Road; El Matador, 446 Locust; Fastrack-Texaco, 1733 Massachusetts; Fastrip, 1414 West 6<sup>th</sup>; Global Café, 820 Massachusetts; God Father's Pizza, 721 Wakarusa; Hy-Vee, 4020 West 6<sup>th</sup>; Hy-Vee Food Store, 3504 Clinton Parkway; Hy-Vee No. 2, 4000 West 6<sup>th</sup>; Jayhawk Food Mart, 701 West 9<sup>th</sup>; KOA Campground, 1473 Highway 40; KWIK Shop No. 702, 1846 Massachusetts; KWIK Shop No. 718, 3440 West 6<sup>th</sup>; KWIK Shop No. 731, 845 Mississippi; KWIK Shop No. 773, 1714 West 23<sup>rd</sup>; KWIK Shop No. 784, 1420 Kasold; KWIK Shop 785, 1611 East 23<sup>rd</sup>; KWIK Shop No. 786, 4841 West 6<sup>th</sup>; Pepperjax Gill, 947 New Hampshire; Pizza Hut, 4651 West 6<sup>th</sup>; Pizza Hut, 600 West 23<sup>rd</sup>; Pizza Hut, 934 Massachusetts; Presto Convenience No. 39, 1030 North 3<sup>rd</sup>; Presto Convenience No. 31, 1802 West 23<sup>rd</sup>; Presto Convenience, 2330 Iowa; Quicktrip No. 167, 1020 East 23<sup>rd</sup>; Sam's Food Mart, 1910 Haskell Ave; St. John's Church, 1229 Vermont; Star Food Mart, 501 West 9<sup>th</sup>; Stop 2 Shop, 2447 West 6<sup>th</sup>; Super Target, 3201 Iowa; Swansea, 1801 West 2<sup>nd</sup>; The Bull, 1344 Tennessee; Wal-Mart, 3300 Iowa; Wood Oil, 920 North 2<sup>nd</sup>; Yello Sub, 1814 West 23<sup>rd</sup>; Zarco 66 No. 3, 900 Iowa; Zarco 66 No. 4, 1500 East 23<sup>rd</sup>; Zarco 66 No., 1415 West 6<sup>th</sup>; and the Taxi Cab License for GTI, 301 Maple No. 3.

The City Commission reviewed the bids for collection, disposal and technical assistance for household hazardous waste for the Waste Reduction and Recycling Division. The bids were:

<b>VENDOR</b>	<b>TOTAL BID</b>
<b>Restroom &amp; Shelter Cleaning</b>	
Jani-King of Kansas City	\$ 10,250.00
Smart Building Service	12,500.00
Bob's Janitorial	20,141.00
<b>Downtown Cleaning</b>	
Smart Building Service	\$ 8,775.00
Bob's Janitorial	18,749.00
Jani-King of Kansas City	24,416.00
<b>Park Security</b>	
Bob's Janitorial	\$ 9,198.00
Smart Building Service	10,740.00
Jani-King of Kansas City	10,945.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the restroom and shelter cleaning bid to Jani-King of Kansas City for \$10,250; the downtown cleaning bid to Smart Building Services for \$8,775, and for park security to Bob's Janitorial for \$9,198 (the total for all three services is \$28,223). Motion carried unanimously.**(1)**

The City Commission reviewed the bids for five (5) chemical metering pumps for the Utilities Department. The bid was:

<b>BIDDER</b>	<b>BID AMOUNT</b>
Fluid Equipment	\$27,855

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the sole bid to Fluid Equipment for \$27,855. Motion carried unanimously. **(2)**

The City Commission reviewed the bids for five (3) chemical storage tanks for the Utilities Department. The bid was:

<b>BIDDER</b>	<b>BID AMOUNT</b>
JCI	\$61,521

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the sole bid to JCI for \$61,521. Motion carried unanimously. **(3)**

The City Commission reviewed the bids for 2009 bus shelter maintenance service for the Lawrence Transit System. The bids were:

<b>ROUTINE SERVICES</b>	<b>Bob's Janitorial</b>	<b>Independent Construction</b>	<b>Michael Lohmann</b>	<b>Vintage Green Mark Inc.</b>	<b>Affordable Tree Service</b>
Routine bi-weekly service by unit price	\$8.02	\$14.18	\$12.25	\$15.95	\$15.00
Total service (cost*40 shelters *26 weeks)	\$8,340.80	\$14,747.20	\$12,740.00	\$16,588.00	\$15,600.00
Trash removal every 14 days by unit price	\$1.37	\$2.36	\$5.50	\$8.95	\$12.00
Total trash removal	\$1,424.80	\$2,454.40	\$5,720.00	\$9,308.00	\$12,480.00
<b>Total Routine</b>	<b>\$9,765.60</b>	<b>\$17,201.60</b>	<b>\$18,460.00</b>	<b>\$25,896.00</b>	<b>\$28,080.00</b>

<b>SUPPLEMENTAL SERVICES</b>	<b>Bob's Janitorial</b>	<b>Independent Construction</b>	<b>Michael Lohmann</b>	<b>Vintage Green Mark Inc.</b>	<b>Affordable Tree Service</b>
Deep cleaning of pad	\$25.00	\$25.00	\$10.00	\$80.00	\$7.00
Removal of graffiti	\$10.00	\$2.50	\$10.00	\$80.00	\$7.00
Touch up paint	\$10.00	\$5.00	\$10.00	\$50.00	\$12.00
Secure loose retaining wall stones	\$25.00	\$1.75	\$10.00	\$50.00	\$15.00
Trash can installation/replacement	\$10.00	\$10.00	\$12.50	\$12.50	\$5.00
Install/remove decal maps	\$2.00	\$10.00	\$10.00	\$7.50	\$5.00
<b>Total Supplemental</b>	<b>\$82.00</b>	<b>\$54.25</b>	<b>\$62.50</b>	<b>\$280.00</b>	<b>\$51.00</b>
<b>Average Supplemental</b>	<b>\$13.67</b>	<b>\$9.04</b>	<b>\$10.42</b>	<b>\$46.67</b>	<b>\$8.50</b>

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Bob's Janitorial for \$9,765.60. Motion carried unanimously. **(4)**

The City Commission reviewed the bids for concrete reconstruction on Timberedge Road, North of Lakeveiw Road for the Public Works Department. The bid was:

Vendor	Total Bid
Engineer's estimate	\$230,695.00
Emery Sapp & Son	\$199,548.50
Freeman Concrete	\$259,260.80
Kansas Heavy Construction	\$220,856.80
LRM Industries	\$180,711.60
RD Johnson	\$164,297.30
Amino Brothers	\$199,300.00
Meadows Construction	\$236,182.00
Graybeal Construction	\$175,974.65

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to RD Johnson Excavating Co., for \$164,297.30 plus 10% contingency for a total sum of \$180,727.03. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Change Order No. 1 and final to R.D. Johnson Excavating Co., Inc. for \$24,448.56 due to the increase in curb and gutter removal and replacement for the 2008 Overlay Program, Phase 3 project. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Change Order No.3 to Ballou Construction Co., Inc., for \$22,000 due to the increase in patching performed for the 2008 Microsurfacing Program project. Motion carried unanimously. (7)

Ordinance No. 8214, amending the animal control ordinance to allow domesticated hedgehogs as pets within the City limits, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the Mayor to sign Releases of Mortgage for Mir-Ali Habbibi-Pasdar at 2612

Moundview and Carlene Hadl, 2504 Century Drive; and a Subordination Agreement for M. Allisa (Long) Hurst, 714 North Michigan. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive a request from Lawrence Freenet to install equipment on overhead illumination poles along Massachusetts Street. Motion carried unanimously. (10)

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

During the City Manager's Report, David Corliss thanked the City Commission and staff for all of the hard work during 2008. He said there was a lot of work accomplished in during the 2008 calendar year.

Commissioner Hack thanked the City Manager and staff for all of the hard work during the year. She said staff deserved the credit. (11)

#### **REGULAR AGENDA ITEMS: None**

#### **PUBLIC COMMENT:**

K.T. Walsh, Lawrence, distributed a section of the City of Manhattan, Kansas Housing Code regarding escrow of rentals from certain unfit (substandard) housing. She asked that it be reviewed to determine whether the City of Lawrence could adopt something similar.

#### **FUTURE AGENDA ITEMS:**

01/06/09

#### **CONSENT**

- Approve Text Amendment TA-10-17-08, amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. Initiated by the County Commission on 10/29/08. Adopt on first reading, Ordinance No. 8364, for Text Amendment TA-10-17-08, amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. (PC Item 5; approved 7-0 on 12/15/08)
- Accept dedication of easements and rights of way for PP-10-14-08, a Preliminary Plat for Free State Addition No. 3, a non-residential subdivision containing 17.641 acres, located at 4700 Overland Drive. Submitted by Landplan Engineering, for City of Lawrence Public Schools USD 497, property owner of record. (PC Item 1; approved 7-0 on 12/15/08)
- Accept dedication of easements and rights of way for PP-10-15-08, a

Preliminary Plat for Hunter's Acres, a non-residential subdivision containing 9.353 acres, located at 2145 Louisiana Street. Submitted by Landplan Engineering, for City of Lawrence Public Schools USD 497, property owner of record. (PC Item 2; approve 7-0 on 12/15/08)

- Approve use of right-of-way permits adjacent to 642 and 824 Louisiana for one month, 12/10/08 through 1/10/09, with additional one month extensions to be considered as needed, provided that any future extension requests must be applied for prior to the expiration of the then current temporary use of right-of-way permit, for the storage of construction materials.

#### **REGULAR**

- Consider adopting on second and final reading, Joint City [Ordinance No. 8358](#)/County Resolution No. \_\_\_\_\_, amending Horizon 2020, Chapter 14 Specific Plans by approving and incorporating by reference, CPA-2008-9. (Farmer's Turnpike sector plan)
- Consider the following items related to Maple Leaf Square.
  - a) Consider approving a request to rezone a tract of land, Z-10-17A-08, approximately 6.14 acres from RS-7 (Single-Family Residential) to RM-12D (Multi-Dwelling Residential Duplex), located at 4145 Seele Way. Submitted by Landplan Engineering PA, for Doolittle Farms, LLC property owner of record. Adopt on first reading, Ordinance No. 8365, rezoning approximately 6.14 acres (Z-10-17A-08) from RS-7 (Single-Family Residential) to RM-12D (Multi-Dwelling Residential Duplex), located at 4145 Seele Way. (PC Item 3A; approved 6-2 on 12/15/08)

**ACTION:** Approve the rezoning of approximately 6.14 acres (Z-10-17A-08) from RS-7 (Single-Family Residential) to RM-12D (Multi-Dwelling Residential Duplex), located at 4145 Seele Way, and adopt on first reading, Ordinance No. 8365, if appropriate.

- b) Consider approving a request to rezone a tract of land, Z-10-17B-08, approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive. Submitted by Landplan Engineering PA, for Doolittle Farms, LLC, property owner of record. Adopt on first reading, Ordinance No. 8366, rezoning approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive. (PC Item 3B; approved 7-1 on 12/15/08)

**ACTION:** Approve the rezoning of approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive, and adopt on first reading, Ordinance No. 8366, if appropriate.

- c) Consider accepting dedication of easements and rights of way for PP-10-13-08, a Preliminary Plat for Maple Leaf Square, 10.24 acre subdivision consisting of 41 lots, located at 4145 Seele Way. Submitted by Landplan

Engineering PA, for Doolittle Farms LLC, property owner of record. (PC Item 3D; approved 6-2 on 12/15/08)

**ACTION:** Accept dedication of easements and rights of way for PP-10-13-08, a Preliminary Plat for Maple Leaf Square, if appropriate.

- d) Maple Leaf Square Addition; a 10.24 acre, 41 lot subdivision which is a replat of Lots 1 through 29 in Block One, Lots 1 through 12 in Block two and Tracts A and B in Doolittle Subdivision; located north of Overland Drive between Monterey Way and Eldridge St. A waiver is being requested from the requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations that sidewalks be constructed on both sides of the street. (PC Item 3C; approved 7-1 on 12/15/08)

**ACTION:** Accept waiver from the requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations that sidewalks be constructed on both sides of the street, if appropriate.

- Consider the following items related to Lawrence SmartCode:

- a) 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.

- b) 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.

- c) 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. Consider adopting [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.

- 01/13/09
- Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, revised Joint City Ordinance No. 8283/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (Tabled from the 10/21/08 CC meeting, BoCC Approved 3-0 11/12/08, PC Approved 7-2 5/21/08)

- 01/20/09
- Receive staff report on the structure at 617 W. 4<sup>th</sup> Street.

- 02/03/09
- Discussion of panhandling issues.

- TBD
- Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)

- Consider approving Text Amendment TA-12-27-07, revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 PC; item 18; approved 7-1-1 on 7/23/08 meeting. TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code; PC item 9; approved 7-0 on 9/24/08)

**ACTION:** Approve Text Amendment TA-12-27-07, revisions to Sections 20-701, 20-702, 20-1101, 20-1109 and 20-1701 of the City Development Code to revise Protection Standards for Environmentally Sensitive Areas and provide more precise definitions, if appropriate.

- Adopt on first reading, Ordinance No. 8300, incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (Text Amendment approved by City Commission on 10/14/08).
- Rental Registration Program.
- Conduct public hearing for the dilapidated structure at 1207 E. 13<sup>th</sup> Street. Consider adopting Resolution No. 6815, declaring the structure unsafe and dangerous and ordering property owner to repair or remove the structure within a specified period of time. Should the property owner fail to comply,

the City would contract for the removal of said structure.

**ACTION:** Conduct public hearing. Adopt Resolution No. 6815, declaring the structure at 1207 E. 13<sup>th</sup> Street unsafe and dangerous and ordering the property owner to repair or remove the structure within a specified period of time, if appropriate.

- Consider changes recommended by the Eco2 Commission to be adopted into the Eco2 Plan for Douglas County.

**ACTION:** Direct staff as appropriate.

- Status update on Baldwin Woods Open Space Project.

**ACTION:** Direct staff as appropriate.

- Consider approving revisions to Downtown Design Guidelines and adopt Ordinance No. 8363 on first reading regarding revisions to Downtown Design Guidelines. (PC Item 6; approved 8-0 on 10/20/08)

**ACTION:** Approve revisions to Downtown Design Guidelines and adopt on first reading, Ordinance No. 8363, regarding revisions to Downtown Design Guidelines, if appropriate.

- **TA-10-17-08:** Amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. Initiated by the County Commission on 10/29/08.

**Moved by Hack, seconded by Amyx,** to adjourn at 9:10 p.m. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Michael H. Dever, Mayor

**ATTEST:**

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

## **CITY COMMISSION MEETING OF DECEMBER 30, 2008**

1. Bid- Collection, disposal, technical assistance for household hazardous waste to Jani-King for \$10,250.
2. Bid – Chemical Metering Pumps to Fluid Equipment for \$27,855.
3. Bid – Chemical Storage Tanks to JCI for \$61,521.
4. Bid – 2009 bus shelter maintenance to Bob's Janitorial for \$9,765.60.
5. Bid – concrete reconstruction Timberidge, N of Lakeview to RD Johnson for \$164,297.30 + 10% contingency for a total of \$180,727.03.
6. Change Order – RD Johnson for \$24,448.56 due to increase in curb & gutter removal & replacement (2008 Overlay Program)
7. Change Order – Ballou Construction due to increase in patching (2008 Microsurfacing Program)
8. Ordinance No. 8214 – 2<sup>nd</sup> Read, allowing hedgehogs in Lawrence.
9. Mortgage Releases for Mir-Ali Habbibi-Pasdar, 2612 Moundview & Carlene Hadl, 2504 Century Dr; and Subordination Agreement for M. Allisa (Long) Hurst.
10. Lawrence Freenet – Install equipment on overhead illumination poles Mass Street.
11. City Manager's Report.