



# City of Lawrence

CITY COMMISSION  
**MAYOR**  
MICHAEL H. DEVER  
**COMMISSIONERS**  
SUE HACK  
ROBERT CHESTNUT  
DENNIS "BOOG" HIGHBERGER  
MIKE AMYX

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February 3, 2009

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 Chestnut, seconded by Hack**, to approve the City Commission meeting minutes of January 20, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve the Planning Commission meeting minutes of December 15, 2008; the Lawrence Alliance meeting minutes of January 9, 2008, March 12, 2008, May 14, 2008, July 9, 2008, September 10, 2008, and November 12, 2008; the Lawrence Citizens' Advisory Board meeting minutes of September 8, 2008; and the Board of Plumbers and Pipe Fitters meeting minutes of October 15, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve claims to 329 vendors in the amount of \$3,424,936.58 and payroll from January 18, 2009 to January 31, 2009, in the amount of \$1,807,840.00. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve the Drinking Establishment License for Marisco's, 4821 West 6<sup>th</sup>, No. A; Old Chicago, 2329 Iowa; Pachamama's, 800 New Hampshire; and the Cereal Malt Beverage License to Alvamar Orchards, 3000 Bob Billings Parkway. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to concur with the recommendation of the Mayor and appoint Susan Cooper and Asra Haq to the Lawrence Alliance, to terms which will expire November 30, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to 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. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to adopt on first reading Ordinance No. 8368, an ordinance providing for the amendments to the 2006 International Building Code (IBC), International Residential Code (IRC) and International Plumbing Code (IPC) specifically recommending that drinking fountains not be required in occupancies with an occupant load less than 30 and initiating a recommendation to reduce the amount of insulation for basement walls in on- and two-family dwellings. Motion carried unanimously. (2)

Ordinance No. 8213, rescinding All-Way Stop Signs at the Kasold Drive and Peterson Road intersection and prohibiting parking on the south side of Hillcrest Road and on the west side of Spencer Drive 7 AM – 5 PM MON-FRI; and prohibiting parking on the west side of Stone Meadows Drive between Bob Billings Parkway and the south leg of Brighton Circle and on the west side of Louisiana Street between 18<sup>th</sup> Street and 19<sup>th</sup> Street., was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Chestnut, Dever, Hack, and Highberger. Nay: None. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to authorize the City to use eminent domain for acquisition of a sanitary sewer easement on

property located at 2509 Allison Drive for the Prairie Wind Addition sanitary sewer public improvements. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve as sign of community interest, a request from Pilot Club of Lawrence to place a directional sign at the northwest corner of 23<sup>rd</sup> and Harper Streets on the US Bank property, advertising the Antique Show and Sale. The sign would be placed on February 27 and removed on March 1. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to set bid date of February 24, 2009 for the Comprehensive Rehabilitation Program at 2730 Bonanza, 2721 Maverick Lane, 829 Ohio Street, and 936 Pennsylvania. Motion carried unanimously. (6)

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

During the City Manager's Report, David Corliss said Frank Reeb, Administrative Services Direct/City Clerk, drafted a memo that provided information regarding the wage floor that was part of the City's current tax abatement policy. The new wage increase would apply to companies that had entered into tax abatements under the new City Tax Abatement Policy.

Also, he said he provided information regarding executed copies of the settlement agreement with the Centennial Neighborhood Association lawsuit against the City and School District. The City was not a party to the settlement agreement, but a party to the Order of Dismissal. There were various compromises the School District and Neighborhood plaintiffs agreed to. It did have an impact on the City in that Parks and Recreation Department was identified as the only user group that could not use the new school district facilities other than the tennis center.

Other items in the City Manager's Report was an update on Community Development Division activities; technology improvements that enhanced City services; the City received the GFOA Distinguished Budget Presentation Award; staff presented an overview of transportation

planning at the Metropolitan Planning Organization's Policy Board Meeting; staff's response to the League of Kansas Municipalities associated with the cost of publishing 2008 legal notices; the City applied for Great Places in America designation for downtown; and the Lawrence Alliance and Centro Hispano was hosting Lawrence Festival of Cultures. (7)

**REGULAR AGENDA ITEMS:**

**Consider adopting on second and final reading, revised Joint City Ordinance No. 8283/County Resolution No. , for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7.**

Mayor Dever said the item has been deferred until March 4, 2009. He asked Vice Mayor Chestnut to speak to this item since he requested the deferral.

Vice Mayor Chestnut said in speaking with the County Commission, when the City Commission last considered this amendment, the City Commission was still wondering if there was going to be any action, but now knew definitively that language was going to change. He said given the fact that this amendment had to go through the process again, he did not think it was a statement since it was on second reading and passed with a majority that there was lack of support from the City Commission about that language, but second reading adoption became moot because the County Commission was changing the language. Although the language change was small, from a process standpoint, it circled back to the City Commission again so he thought it was appropriate for it to come back with the amended language. He asked if the amendment had been slated for a County Commission agenda.

Scott McCullough, Director of Planning and Development Services, said March 4<sup>th</sup> was the scheduled date for the County Commission.

Vice Mayor Chestnut said, at that time, the amendment should come back to the City Commission with the amended language. He asked if it this item needed to be passed with a supermajority vote at the County Commission level.

McCullough said staff did not know what the final language would look like. A supermajority for the County Commission with this Comprehensive Plan Amendment was two

out of three. The supermajority language of the statutory requirement affected the City Commission, which required four out of five if it overrides the Planning Commission's recommendations. The City Commission needed to make a determination after seeing the final County Commission language and whether or not the City Commission believed it overrides the intent of the Planning Commission.

Vice Mayor Chestnut said he felt like that process gave the City Commission the opportunity to review that language and would have a determination from McCullough of whether or not that would require three or four votes of the City Commission. He thought it would be appropriate to wait until this item came back from the County Commission. He said it was not a change in the City Commission's support of the amendment, but recognition that process wise, the City Commission was going to have to see this item again.

Mayor Dever asked if a supermajority vote would be required if the changes were deemed to be substantial.

McCullough said yes.

Mayor Dever asked who would determine whether or not that language change would be substantial.

McCullough said the way staff had determined whether the language change was substantial was in conversations with the Legal and Planning Departments and looking at the statute. The statute did not provide strong language for guidelines on what substantial meant, but staff reviewed minutes about the language and tried to determine intent of the language in making a recommendation. He said he believed staff made that call conservatively so far and would probably continue to do so.

Commissioner Amyx asked if the County Commission had the opportunity, if believed substantial, to refer the amendment back to the Planning Commission for further consideration.

McCullough said the County Commission had that opportunity since rescinding their formal approval.

He said staff reviewed the statute since the City Commission addressed this issue and did not require a three out of three vote at the County Commission. He said for comprehensive plan amendments it was a little different than rezoning requests and was a 2/3 vote to override the Planning Commission and mathematically 4/5 for the City Commission level and 2/3 at the County Commission level. The County Commission could remand it to the Planning Commission in any event and if the City Commission voted on it tonight, the County still had the opportunity since the County Commission took the formal action to rescind their past approval. He said what Vice Mayor Chestnut was referring to, for practical purposes, whether the City Commission voted to take action tonight or not, they knew where the County Commission stood and the City had to do their work with the County Commission in March in any event.

Commissioner Amyx asked what happened if the City and County Commission could not agree on language in Chapter 7.

McCullough said the City stood with the current chapter.

Vice Mayor Chestnut said there would be no way for the City Commission to take action at this time even if the County Commission changed two words, the amendment still needed to circle back to the City Commission.

McCullough said correct.

Mayor Dever called for public comment.

Jane Eldredge, Barber Emerson, requested the City Commission reconsider the deferral because there had been no published agenda for March 4<sup>th</sup>, 2009, and in talking with the AA for the County Commission, the reason the agenda was not published was because the agenda was tentative at this point. The County Commission quorum was two and knew that it would take two in order to make any changes and also knew the County Commissioners could not talk to each other. The conversation Vice Mayor Chestnut had with the County must have been with one County Commissioner, so that meant there was no idea what the County Commission might do.

Furthermore, when the County Commission rescinded their earlier approval, their ordinance stated the rescinding was for further study and “perhaps” modify stated amendments. There was no guarantee there would be a modification, but only a guarantee that if there was a change and if the Planning Commission continued with its recommendation, it would take a supermajority of the City Commission to do what this body could now do with a simple majority. She said she hoped this was not being requested either as a delay until the next City Commission agenda or delay to force a supermajority on this body for approval of the Planning Commission’s work. One way to ensure that was not the case was to act with a simple majority on this that was already acted on, on first reading. If they County Commission saw what the City Commission’s action was and decided it was a better plan and did not need modification, then there was no further action needed by either body. If the County Commission later decided on March 4<sup>th</sup> or some later date, should it be continued after the April election and that the County Commission wanted to make substantial changes, it would be up to the new City Commission to deal with those changes. She said the City Commission’s work could be clean and simple by acting at this time and requested the City Commission reconsider a deferral and vote on this item.

Mayor Dever asked if the City Commission wanted to defer this item based on speculation.

Vice Mayor Chestnut said no, but one point to be made was regardless if the City Commission put it on the agenda and understood it would be another month, if the item was on the agenda for March 4<sup>th</sup>, regardless of the action of the County Commission, the City Commission could take action on whatever was for them. He was taking word on good faith that it was going to be put on the agenda and the County Commission was going to change the language. He said Eldredge had a point and was not sure there was a majority, but knew action would be taken on the language.

Commissioner Highberger said if the City Commission was going to take any action at this time, the item needed to be opened up for full public comment and second the fact that it was published on the City's website as being deferred, it would be highly inappropriate to take any action tonight. If the City Commission was going to change their minds on the deferral, the soonest the City Commission could act on it was next week.

Mayor Dever said he agreed although the deferral was not posted until 4:00 p.m. He said he would ask that since the City Commission altered the agenda, and people wanted to speak on this item were not present, he preferred to place the item on the agenda next week. He had all intention of voting on this tonight and then read that it had been deferred. He said if the City Commission was going to speculate how people would vote, he felt uncomfortable speculating, especially since one of the County Commissioners, who was a carryover, voted in favor of this language last time and had not said he was going to change his vote. That was why he was interested in moving forward because he thought it would only require two Commissioners to approve at the County level.

Commissioner Hack suggested placing the item on the agenda for next week because this item had been discussed several times and each City Commissioner had an opportunity to voice their opinion. She said quite honestly, if it had not been published to defer this item on the City's website, she would have voted against deferral simply because the City Commission had been down that road and it was important to make a statement from the City Commission's perspective that this was the language the majority of this Commission approved.

Commissioner Amyx said the Vice Mayor made a good point regarding the potential language change, but the question was if the City Commission wanted to hear this item once or two or three more times. He said if there was going to be a change obviously, the City Commission would go through this item twice, if dealing with this item next week.

Mayor Dever said that was "if" there was a language change. He said he preferred to act on what the City Commission knew. Last time there was a 3-0 vote and one of the County

Commissioners was a carry over and one Commissioner voted in favor last time so that was two that voted in favor, if the City Commission was going to be guessing. If the language was changed, then the City Commission needed to talk about that language as well and whether the City Commission agreed with that language change. He said he wanted to move this item down the road and the City Commission would be wise to consider this item sooner than later and preferred placing the item on next week's agenda.

Commissioner Highberger said he agreed with Commissioner Amyx. The majority of the City Commission made their position clear on their last vote. It was extremely likely the City Commission's action next week was revisiting this item again as Commissioner Amyx suggested. He said it would be more efficient to wait until the County Commission acted on this item again.

Vice Mayor Chestnut said one thing the City Commission did not know was that there was no published agenda.

Commissioner Highberger said that statement was true, but if there was no agenda then not acting on this item would delay this item a few days. If the County Commission acted or did not act, it would take a short time to get this item placed back on the City Commission's agenda if the item did not need to go to the Planning Commission.

**Moved by Amyx, seconded by Highberger**, to defer adopting second and final reading, revised Joint City Ordinance No. 8283/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7, until after March 4, 2009. Aye: Amyx and Highberger. Nay: Chestnut, Dever and Hack. Motion failed. **(8)**

**Moved by Hack, seconded by Chestnut**, to defer until February 10, 2009 consider adopting on second and final reading, revised Joint City Ordinance No. 8283/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. Aye: Chestnut, Dever and Hack. Nay: Amyx, and Highberger. Motion carried. **(9)**

**Receive briefing from the Lawrence-Douglas County health Department on the Kansas Department of Health and Environment (KDHE) 2009 proposed 8-Hour Ozone Nonattainment Boundary Designation. Consider authorizing the Mayor to sign a letter to KDHE regarding the City's position on the KDHE recommendation ozone designations.**

Dan Partridge, Lawrence-Douglas County Health Department, said in the City Commission packet was a proposed letter to Secretary Bremby with the Kansas Department of Health and Environment. He said every five years the Environmental Protection Agency (EPA) reviewed the Kansas City Air Quality Non Attainment Boundary to determine whether those boundaries needed adjustment and it was that time again. What had changed since 2003 was the standard for ozone had been reduced from 84 parts per billion to 75 parts per billion, which made the question whether Douglas County was in attainment or not in attainment a little murkier, but staff believed they were still in attainment. The letter to Secretary Bremby recommended that Bremby moved forward with his recommendation to the EPA and that Douglas County be excluded from the attainment boundary. Staff was looking for City Commission support.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Hack, seconded by Chestnut**, to authorize the Mayor to sign a letter to KDHE regarding the City's position on the KDHE recommended ozone designations. Aye: Amyx, Chestnut Dever, and Hack. Nay: None. Abstain: Highberger. Motion carried. **(10)**

**Discuss potential impact of general economic conditions and the Governor's proposed 2010 budget on 2009 and 2010 City budgets.**

David Corliss, City Manager, presented the staff report. He said he was going to spend a little bit of time talking about the proposed 2010 State budget and its impact on the City from a revenue standpoint. What staff was seeking to do was to begin the discussion of what that potential impact would be on the community. Staff was not making any final decisions until knowing what the state legislature was going to do and would not know that until the end of April or beginning of May.

He said the Governor's budget proposal was taking significant revenue sources away from cities and counties. The two major revenue sources were the alcohol tax and machinery and business equipment transfer, sometimes called "the slider".

He said regarding the alcohol tax, when liquor by the drink came to Kansas in the 1980's, the legislature enacted a 10% excise tax on liquor consumption in restaurants and bars. He said for instance, someone buying a beer at Free State, sales tax was not paid on that transaction, but paid a 10% excise tax and that tax translated to about \$27 million statewide. The City received almost \$2 million of that amount and \$1.7 was roughly the entire amount received for that excise tax because cities or unincorporated counties received 70% of the revenue from the bars and restaurants in their community. The amount that came from that alcohol tax was by state law and Charter Ordinance allocated to the City's General Fund, a Special Alcohol Fund that was controlled by the City's Charter Ordinance as far as the uses in the City's Special Recreation Fund.

In talking about potential implications of this revenue loss, one of the comments was that it looked like the City was cutting a lot of services for the youth in the community. One of the reasons was that Special Recreation Fund was used to provide a lot of those great services in the community and were talking about the loss of that revenue.

A few years back, the legislature changed the property tax laws and removed property tax on future purchases of machinery and equipment. As part of the political bargaining, the legislature promised cities and counties that received property tax and used that tax, the legislature promised the City some money from the State that would slide down over time as that machinery and equipment would normally depreciate. The City received a check last year and the proposed budget that would begin for the state on July 1, 2009 would take those slider payments away from cities and counties and the state would keep it. That money went to property tax funds, general fund, bond and interest fund, and somewhat to the recreation fund, but the recreation fund primarily received money from the fees generated from the City's

recreation activities and also money from the City share of the County sales tax. Also, some money went to the library and all of that money added up to the impact of a little over \$1.1 million.

Vice Mayor Chestnut said the slide was mislabeled where it stated, State 2010 Budget Cuts, but that was the impact on 2009. The impact on 2010 was twice that amount and was 2 million dollars for a total year, short.

Corliss said that was a good point. He said one of the key issues was that the City would not know what the legislature was going to do until later in the year and the City would be beginning the development of the 2010 budget and would know what the state had done for this legislative session and would make adjustments accordingly.

Vice Mayor Chestnut said the City had no authority in 2009 to do anything from a taxing standpoint to make up that deficit, the City was locked, the mill levy was locked, and sales tax was set. He said there was no recourse but to look at reductions at least through 2009.

Corliss said the only time property tax could be increased was by sending a budget form to the County Clerk in August. He said he supposed there could be another sales tax election, but was probably something the City would not pursue. He said staff was challenged to develop the 2009 budget. The City was deficit spending in 2008 and estimated the City would have expenditures over revenues in 2008 of about \$1.5 million and thought a lot of progress was made in 2008. The City had a balanced budget in 2009, but those were the goals set out and given the City's revenue challenges, staff wanted to continue to maintain expenditures and not make dramatic reductions in programs. Staff made progress on the priorities as the City Commission had identified in talking about infrastructure, maintaining the transit system, and continued to look at reductions in expenditures.

He said to achieve a balanced 2009 budget 15 non-public safety positions were eliminated which was an accumulation of two years of positions held open or by attrition left open in various aspects. Those positions were primarily on the administrative side of the house

and not in fire, police and also protected the actual work that was done to maintain the public infrastructure even though the Public Works Department lost one GIS Analyst administrative position.

The departments submitted budget requests and those requests were reduced by almost \$3 million. The employee compensation system was significantly changed and was a major challenge for the organization. Other than unionized employees, there was no across the board wage adjustment and money would follow merit and staff was going through that process right now. Also, longevity payments were significantly reduced in which one half of the longevity payments for employees were budgeted. Employee contributions for healthcare benefits were increased and continued to find ways to stretch public dollars through efficiency and finally, sought voter approval for the retention and enhancement of the City's transit system and infrastructure. One of the things that was very heartening was the community support for the services the community provided. He said this community cared a great deal about the services the City provided.

He said staff was continuing to look for opportunities to stretch the public's dollar further. Since he had been City Manager he had reduced the take home vehicles by half and they were rigorously looking for those types of issues. He said the City had an independent city auditor to continue to check on items and find ways to stretch the public's dollar further.

The City had a balanced budget for this year and received relatively good news from sales tax in 2008. Those taxes would help because not all 2008 revenues were as good as sales tax or franchise fees because the City did not receive as much money in the City's investments as normal. He said as the Finance Department continued to balance out the books, staff thought they had shown some progress in reducing that \$1.5 million spending deficit in 2008.

One of the things he continued to monitor was the number of full time employees (FTE) the City had employed. The City had reduced their staffing. One of the items the Vice Mayor

asked for was a listing of what was done with staffing in the City organization over time which was reduced staffing. The City really had not cut programs and had not had those many citizens show up at a budget hearing when the City was losing 10 employees because the City was able to continue to look for opportunities to provide those services with the employees that remained and were fairly successful. He said the City did not have anything particularly hidden that they were not doing and were trying to do everything the City Commission and the community asked staff to do, but with fewer employees.

He said a chart that he presented showed the percent change in assessed valuation. Every year the County Appraiser informs the City how much the value of property was within the community. In the late 1990's and early part of this decade, the City was enjoying tremendous growth in assessed valuation. The City was able to say "yes" to a number of programs and services. In 2006, it started to decline and to build the 2009 budget which was balanced, the City had a very small increase in assessed valuation. The community heard from the county appraiser and what his predictions were for assessed valuation within this community, and was likely there would be negative assessed valuation growth. It would be below the \$862,000 for every mill of property taxes. The 26 mills the City had right now would bring in less property tax dollars for the 2010 budget which was a significant issue.

He said in the early part of January the City was proposed with the Governor's proposed budget. He said he had talked with members of the Governor Sebelius administration and the comment came down to "meet it" or "beat it." The City needed to find ways to improve because the State had a significant fiscal challenge as well.

One of the things the Mayor and Vice Mayor had been discussing, at the agenda meetings, was the appropriateness of responding to this challenge. They hit the highlight that it was the state budget cuts that hurt Lawrence. The City was not out to make those cuts permanent, but to show state legislatures that if this was serious and it happened, the City would have significant challenges in order to provide those services. What staff was looking for,

as they communicated with the legislative delegation, were spending priorities regarding what had to go away if those spending cuts came to pass.

He said putting together a list of reductions was not a labor of love, but would explain staff's thinking behind that list. The list was a first draft and were not used to putting together a budget within a matter of weeks in response to this issue, but thought it was critical the City communicated to their delegation the consequences. The delegation was now working on the 2009 rescission the delegation was taking out items in the 2009 state budget that ended on June 30<sup>th</sup>. Then the focus would turn to the 2010 budget where the City would lose that \$1.7 million a year in liquor excise tax where the slider slid away and the City would be forced with a substantial revenue loss to the City of Lawrence and the City had to be prepared to respond and articulate those concerns to the delegation.

Mayor Dever asked where that list came from.

Corliss said the list came from a discussion staff had with the City's Executive Team earlier this month when they discussed potential cuts the City might need to look at as an organization and then it came from discussions with the budget team where they looked at opportunities to cut. The City Commission was now getting their first opportunity to speak publicly to give staff direction on those items. They did not have a lot of deliberation time in the sense they did not want to deliberate on those items until the legislature adjourned, but wanted to show the consequences and not have vague generalities about the cuts. He said that was where the list came from in the discussions with the different departments. All the details had not been worked out on how that might be implemented and hoped it did not need to be implemented so staff did not need to worry about it.

Mayor Dever asked if this was "Plan B" if the City lost that money.

Corliss said this was the retreat battle plan. If the City lost the money, this was what they needed to do and execute. He said this plan was also subject to extensive public input, which staff believed was important, and the City Commission's direction. It was not likely to

transpire until April or May, but if this was going to hit the City July 1, the City had to be prepared to act expeditiously.

He said the first item was school crossing guards. It was not something as a function should go away, but the issue was the deliverer of the service. Staff had discussions with the school district and the school district indicated they did not have funds to proceed with the school crossing guards as well as the School Resource Officers. He said he hoped as a community, the community might be able to step up and provide that level of service, whether it was volunteers or others that would be involved if this issue had to come to pass.

He said the City was taking out significant funds in prevention and public education in the Fire/Medical Department, but were not laying off anyone in the Fire/Medical Department. The City provided CPR classes, so did the Red Cross, and was indicating that was a service that could be eliminated. The City did some educational programs in the schools for free and was indicating that should be eliminated. Also, the City had a bike helmet program that was very successful and co-opted a lot of private partnerships, but the City put money into that program every year and donated helmets. In some cases, staff sought out kids who were riding bikes that did not have a helmet and give those kids a helmet and was not something staff was trying to ignore. The City also provided funds to some of their management staff in the Fire/Medical Department for continuing education.

He said Lawrence had been a pioneer in local civil rights administration and enforcement. The City had one of the first ordinances in the community and amended that ordinance to reflect the values of the community. The recommendation was not to repeal the ordinance and not to remove the Commission, but enforce it with existing staff. He said earlier he mentioned the city continued to provide services with reduced staff, and this would be another example of where staff would try to accomplish providing that service with reduced staff as well.

He said agency funding would be discussed extensively as well. The revenue sources, the special alcohol funds, had gone to school resource officers and the rest of those funds went to social service agencies. Some of that alcohol money also went to the general fund. One of the philosophies the City was using was that if the City was going to have a permanent revenue loss, the City needed a permanent expenditure reduction as well. Another philosophy the City was following, subject to the City Commission's direction, was if the revenue provided the reason for the program in the first place and that revenue went away, the program should go away. That might not be the right philosophy, but that was where staff was at this point in their analysis.

He was not recommended they further reduce the employee longevity program. The City had contractual responsibilities to look at longevity again toward the end of the year and the City Commission could decide if they wanted to fund longevity at all, fund it as budgeted, or fund more than what was budgeted. Staff was not recommending any changes at this time.

He said he was also not recommending any changes for staff pay. He said changes were made and there was a 2% merit pool and was divided up with the unionized employees and thought that was appropriate, given the tremendous service City employees provided and the fact City staff was doing more with less in a lot of circumstances.

He said himself, the assistant city managers and department directors were not taking any increases in wages until after July 1, if then. They were starting at that level but were not implementing that organization wide.

He said there were some other positions listed. He said he was not recommending the City Auditor position, Economic Development Planner, or E-Gov Coordinator, be eliminated. He said Vice Mayor Chestnut asked questions about those positions and it was thought there was a good benefit cost on those positions and things that could be achieved with those positions regarding the City's priorities.

He said he was also not recommending the City eliminate the Historic Preservation Program. Again, this was an example of how Lawrence showed its remarkableness. This City was one of the pioneers in the state of the implementation of Historic Resources and historic administration. If this position was eliminated, the City needed to make code changes and any time there would be historic review required by state law, it would need to go to the state historic preservation officer in Topeka as opposed to it being locally administered in the City.

He said there were other items in the Planning/Development Services Department as far as staffing was concerned. He said this community placed a great value on how the City grew and what kind of quality of life they would have in the community. There had been reductions when looking at the list of staffing of the Planning and Development Services within the past couple of years and he was not recommending any further reductions.

He said regarding items in the Public Works Department, again he thought the voters spoke overwhelmingly on street maintenance that it was a priority and the public raised taxes on themselves to maintain streets. He had seen too many times in this room where the budget had been balanced on reductions in spending on infrastructure and he did not think they wanted to go in that direction if they had to.

He said the school resource officer funding would continue, but that funding would be transferred to the general fund. He said the two agencies that were funded out of the special recreation were the Lawrence Arts Commission and the Arts Center. The Arts Center was in a City owned and maintained building, but was not a city agency per se. Also, the Arts Commission would receive substantial reductions in their funding because the special recreation fund would go to zero after July 1<sup>st</sup>.

He said then there were significant cuts in the Parks and Recreation Department, which he thought were very challenging and very unfortunate, particularly given the brunt of the cuts with the budgets in the past year. The Parks and Recreation Department lost five positions over the past two years and had more significant cuts in the Parks and Recreation Department,

which the City wanted to convince the legislature to retain the funding so cities did not need to make those tough choices.

He said the City band concerts would stop after July 1<sup>st</sup> and shut down Prairie Park Nature Center. He did not think it was something the community wanted to do, but if the City did not have the revenue, he thought the City would be challenged to continue to fund the Nature Center unless they looked for other revenue sources. There were options which clearly needed to be explored and talked about reducing hours and fee based. Staff had not gone into that level of detail and might be something the City Commission desired staff to proceed with. Hours were being reduced in the aquatic centers and in the recreation centers as well. The City made a beautiful statement about downtown with the flowers, tree grates, and the other things done in the downtown area in recent years. If the City lost the money from the state, the City would not have the money and would have to make a substantial step down in the beautification efforts to downtown. He was not recommending eliminating Parks and Recreation activities for individuals with special needs. Most of the programs in Parks and Recreation were essentially solo individuals that administer those programs with part time help, volunteer help and a lot of enthusiasm. He said that was an example where they would see one staff person and the necessary costs to provide it. He said it was the same thing for special events. Vice Mayor Chestnut asked in his memo that responded to all those projects. It was essentially one individual coordinating all the projects and making sure the reservations happened. He was not recommending elimination in those programs.

He said regarding agency cuts, those cuts were very significant and staff wanted to convince the legislature why the City needed to keep that funding in place. He said this community and City Commission continued to struggle with funding for social service agencies and those cuts would exacerbate that challenge. Clearly, those were items the City wanted to avoid but needed to speak with clarity to the legislative delegation about what the City would lose if losing that revenue. There were also economic development type functions as well.

He said one thing he did not include that fell into the category of outside agencies and thought was not appropriately labeled because the agency was a vendor service, was the Humane Society. If the Humane Society did not provide the animal pound, the City had to take on that task. The City was fortunate to have a great Humane Society that did that function. It was the same thing with Douglas County Legal Aid. The City had a Municipal Court and had to provide legal services for indigent defendants. He said that was what Douglas County Legal Aid did and if they did not exist, the City would be paying attorneys substantially more than what the City provided to the agency now. He said he would not recommend cuts but recommended those services continue otherwise.

He said with the other cuts, if the special alcohol fund money went away and the state decided to keep 100% of the liquor excise tax, the City would not have any money from that coming and the issue was what the City would do after July 1<sup>st</sup>.

Similarly, they discussed special recreation already regarding the Arts Center scholarship the City provided and Cultural Arts Commission, formally known as the Lawrence Arts Commission.

He said he had received a lot of great comments and questions from citizens and knew a lot of the City Commissioners had as well. There had been a lot of comments about Eagle Bend and selling Eagle Bend. The City did not own that land, the United States Corps of Engineers owned that property. The City had a lease on the use of that property and could not sell that facility. More importantly, the City had debt obligations and a contract to continue to pay the bondholders almost \$290,000 a year until 2016 for the construction of that course. Even if the City ceased operations at Eagle Bend, the City would continue to pay that debt and the City could not walk away from that legal obligation. Staff had done a lot of things at Eagle Bend to increase the efficiency and effectiveness of that program. Not counting the debt, Eagle Bend made more revenue than the expenditures on that facility, which helped the City meet their debt obligations. They also had staff that helped elsewhere in the Parks and Recreation

Department. He said he understood the community would say the City should cut Eagle Bend or reduce it, but did not see that as a viable option. No one would come in and operate that facility as a concessionaire and then also pay \$300,000 a year for that debt. He did not see that as a viable option.

He said there was also a comment about another sister city in Greece where the Sister Cities Advisory Board asked for exploration, but the City Commission had not even talked about that issue. He said he was not going to recommend proceeding, even if it was cost neutral, which was their proposal, but it did not send the right message to the community.

The City was continued to be challenged by the demands the community provided. He thought the City could meet that challenge. The 2009 budget was balanced, but would have a struggle with 2010 budget, but this was an additional challenge from the state. He said he thought the City could meet the budget by convincing the legislatures that those cuts hurt Lawrence and that it should not pass. That 10% excise tax, when there was not even a sales tax, needed to remain with the Lawrence community. The Climate Protection Task Force was going to meet tomorrow and would ask for a staff person to work more on those types of items. It would be a major challenge to take on those new obligations, particularly in an era of declining revenue. He said he thought the City was up to those challenges. He said he would be happy to respond to questions and fully expected the City Commission to change this plan because it was happening so fast staff did not have an opportunity to answer all those questions. He said he knew the plan did not reflect the City Commission's priorities and certainly things he did not want to cut, but the plan did represent his understanding of what the City's priorities had been in focusing on poor services. He said that could be changed, but more importantly defeat the attempt to take the revenue away from cities.

Mayor Dever asked if Corliss investigated the opportunity to have a concessionaire run Eagle Bend Golf Course.

Corliss said there were communities that had third party vendors operate those facilities. He said a firm came to Lawrence 2 -3 years ago and asked a lot of questions about Eagle Bend. Staff provided that firm with information about that course and gave the firm the expenditure and revenue information. Staff also pointed out the debt obligation that continued to 2016 and pointed out the lease spoke toward the Corps controlling that property. He said staff had not issued a request for proposals to see if someone could take on that \$300,000 debt and continuing to provide a service to the community, but staff had thought about it and discussed it. The City had not had anyone come up and offer the City to operate that course.

Mayor Dever said there were approximately 8 more years of debt obligation.

Corliss said yes, approximately \$300,000 in principal and interest payments, a 20 year bond.

Mayor Dever asked if that money was for improvements that were undertaken to build the course.

Corliss said that was correct. The City Commission, at that time, wanted to build a course on that property and was not part of the City's receipt of the county wide sales tax issue. The City now used that sales tax revenue to pay that debt and that was a City Commission decision about 3 – 4 years ago. The City had been given that operation and tried to make it as efficient as possible.

Mayor Dever said Corliss talked about decisions being made and changes being made, but in reality the current City Commission could not bind any Commission to any of those decisions, so anything discussed needed to be revisited after the upcoming City election.

Corliss said that was a good point. The City Commission could shut down the services now, but the City had the revenue to continue to operate. The decisions would likely be made after the legislature adjourned, which usually was not until the end of April or beginning of May, which obviously a new City Commission would have been seated by then. He said sometimes the legislature drug the session on a bit further, but if that revenue was taken away, it would be

a couple of quick months until losing that revenue. The comment had been to begin that discussion for two purposes; to tell the legislature what that impact was on the community and also, the City should get ready because the City might need to execute a plan. Another thing that was important for the community to understand was that it did not mean they were out of the fiscal woods as far as the economy. The fact the City had been able to weather some of the changes by the reductions already discussed, reductions in expenditures and personnel, did not mean the City would not have challenges in the future.

Mayor Dever said in reality we as a Commission cannot bind the cuts before the election.

Corliss said a future commission could change those cuts. He said the current City Commission could not bind a future Commission.

Commissioner Amyx said there was an important point Corliss made which was mentioning City's staff's responsibility to make progress on City Commission priorities as defined by the City Commission and staff had always done a very good job. He said he and Commissioner Hack last summer had the opportunity to go through all the outside agencies' request for funding and thought they had done a good job in making recommendations to the City Commission on what the City could and could not afford. He said he appreciated the way Corliss and City staff had always carried out the budget priorities, but obviously the economy had changed. One thing the City Commission needed to address over the next several weeks and months, as this issue came closer to becoming a reality for the state's budget and the effect on the City, was if there were any changes in the priorities for the 2009 budget. He said if the City Commission needed to look at all the priorities placed on the budget to make sure the City Commission was on board to see if there was a change in the level of City expenditures.

He disagreed with the recommendation to close down Prairie Park Nature Center because there should never be a time that a City building should be left vacant.

He said in looking at the recommendation for cutting community projects, volunteer help could potentially help situations such the crossing guards and the Downtown beautification project. He said a planter box in front of his business, he felt, was his responsibility and volunteers could help take care of those planter boxes in the downtown area. Also, the City had a contract for cleaning bus stops and asked if it was possible for agencies or individuals to take on those tasks as ways to earn extra money. He said rather than outsourcing those tasks to a vendor, make that money available for organizations that made yearly requests to the City Commission.

He said the City Manager and staff did a great job in making recommendations, but there was an opportunity for the City Commission to look at priorities in the 2009 budget. He said staff made their recommendations last week and the process started in March and early April. Departmental meetings took place in May where the City Commission prioritized recommendations for the budget. He said things needed to be done differently to help staff with the City Commission's priorities in the budget. He said he was asking members of this community to contact state legislators regarding the importance of services provided in Lawrence.

Commissioner Hack thanked Corliss for raising the alert because it was an important point. She said this was not a "what if" situation and it was important for the community to be prepared for the unfortunate eventuality for either this budget that the Governor was proposing or future budgets. She said Corliss was treated unfairly and this was not a situation where anyone wanted to take it lightly. She wanted to make sure the community knew how painful this situation was for Corliss, the administrative staff, and the budget team. It was important not to throw stones at the City Manager for doing his job and making recommendations. Whether the City Commission agreed with the possibilities or not, it was something they had to hash out.

She said other avenues could be taken regarding recommended cuts with the public and private sector's help. The City did not want to lose the downtown beautification project, but the

question was how that project could be maintained with fewer dollars. Also, no one had the stomach to close Prairie Park and it was a core service of the community, but she asked how parks could be maintained with reduced funding. Finally, there would be some social service programs that would really suffer from this state of economy. The community needed to come together and recommend changes because this issue was a reality and was not something anyone could take lightly.

Commissioner Amyx asked about a hiring freeze and whether staff looked at not filling positions when a City employee left the City.

Corliss said the City had been in a "hiring chill" for two years and it was continuing. The City was not automatically filling vacant positions with exceptions of the public safety departments. Staff was looking, in some cases, at Public Works to see if work could be accomplished with less staff, but it was more of a challenge in that department. He said it was a selective freeze in a number of locations, but every position was up for that level of scrutiny.

Vice Mayor Chestnut said one of the recommendations was to absorb the Human Relations Division with existing legal staff, yet when Corliss discussed the HRC situation, Corliss' automatic recommendation was to revoke Chapter 22, Chapter 11, and other chapters. He asked if those were parallel situations and did not necessarily mean those provisions needed to be revoked because that staff was chosen to be eliminated.

Corliss said that was correct. If the City was going to have the local registry and local historic districts, the City needed to have a substantial amount of dedicated staff time and that person needed that specialized training in historic preservation and was not something that general current planners could work on.

Scott McCullough, Director of Planning/Development Services, said he did not understand with the current workload of the Historic Resource Administrator and an intern, how that program could be absorbed along with cutting those positions. He said staff understood

that cities having local contracts with the State Historic Preservation Office (SHPO) for local historic design review, those cities had one or more positions for that local program.

Vice Mayor Chestnut said there were six cities in the State that had local contracts with SHPO.

McCullough said correct.

Mayor Dever said everyone had heard from a preponderance of the Commissioners that they were looking to keep Prairie Park Nature Center. He said the City Commission received more e-mails on this subject than any other since he had been on the City Commission. The Nature Center was clearly something the community valued and everyone was excited to try and find ways to keep that center around.

Vice Mayor Chestnut said he appreciated the e-mails he received and tried to respond to every email. He said there was a majority not supporting to eliminate the Prairie Park Nature Center. There were a number of good suggestions from the public about changing the hours and making the center more of a fee based center which needed to be explored to preserve that thought.

Secondly, there was a lot of discussion about shock and horror, but it needed to be understood that this was a very fluid situation, one that was presented to the City in less than a month. He said the City Commission was pushing that this issue be presented publicly sooner rather than later to talk about the possible impacts to make sure they vet out as many opportunities as possible; receive as much public comment as possible, which had been successfully obtained; and move through this process along with the public and would be fluid because there could be other changes and other funding issues that came through from the state. He said he was glad the City Commission was having this dialogue now and not where they were in a situation in April where they were forced to make a lot of decisions very quickly and probably with the public reacting in a way to say the public did not have time to respond to those issues.

He said he was hopeful of restoration of some of the funding, but it was “measure twice cut once” in making sure they were making the right choices. The City Commission received a lot of information in the last 24 hours, to address, based on some questions he and the Commissioners had about all the different recommendations in which the Commission was in the process of digesting. The direction from the majority was there might be some opportunities to reduce the impact on the budget, but from his standpoint that was not on the table as far as a complete closure of that facility. He said at this point they could find other ways to do it.

Commissioner Highberger said he wanted to thank Vice Mayor Chestnut for asking the City to stay ahead of the game on this budget impact.

He said he also thanked Corliss for making all the recommendations because Corliss had to take the heat for making them. He said if there was any way at all to know before the start of April the damage, he would like this Commission to make those decisions, if possible, so the new Commission could start with a clean slate. He said when looking at budget cuts, there were some things on the list that he would like to take a look at. He said in looking at cuts, they needed to look at the multiplier effect such as the cuts on the local economy and suggested that wages should be the last to go because that money would be spent locally and circulate through the local economy. If there was a way the Commission could look at out of town equipment purchases or supply purchases that might have less of a cascading local effect, he would like to consider that idea in making their decisions.

Mayor Dever called for public comment.

Kimball Coleman, Lawrence, spoke in support of not closing the Prairie Park Nature Center. He said he enjoyed the Nature Center and it was a fun place to learn about animals.

Diana Frederick, Director of Douglas County CASA, spoke in support of keeping the budgeted funds for Douglas County CASA. She said she knew everyone in the community was feeling the pain of a challenged economy, but as Director she would be negligent if she did not speak up on behalf of abused and neglected children served by her agency and their very

dedicated volunteers. CASA already experienced a very significant cut in their County funding, so a proposed 32% cut to the City funding would be devastating. With a small annual operating budget of less than \$150,000, the \$20,000 in City funding they relied on represented 13.5% of their total operating budget. CASA served abused and neglected children removed from their homes, most placed in foster care. In short, it was some of the city's most vulnerable children. Decreasing service to those children in need of care would ultimately result in increased cost to the city through increased time in long term foster care, greater likelihood of re-entering the child welfare system, and other risks associated with child abuse, such as juvenile delinquency, suicide, unemployment and more. She said as the City Commission carefully considered the difficult budget choices the Commission must make, she respectfully asked the City Commission refrained from cuts that would reduce the services to the communities, both vulnerable children and youth. Their staff, board members, volunteers and friends would be contacting their legislators. She said she was thankful for the opportunity to offer their comments to the City Commission.

Stefan Petrovic, Lawrence, spoke in support of not closing the Nature Center. He said he was speaking in favor of the nature center because the center placed emphasis on science and learning different things about animals. The center had wonderful programs teaching children about different species, learning about bones, statistics, and if animals were endangered species. The center's staff worked well with the animals and took good care of those animals. He asked the City Commission to keep Prairie Park Nature Center open because the center was very important to the community and was very nice for people to resort to if they were not feeling great. He said he also had attended the camps where he was taught archery, arts, crafts, and games.

Gwen Klingenberg, Lawrence, spoke in support of not cutting social service agency funding. She said Lawrence was at crossroads. The harsh budget cutting suggestions under consideration by the City Commission made this a potentially dark crossroad. Everyone knew

these were tough times and tough decisions needed to be made, but the community had obligations to ensure not balancing the budget on the backs of the most vulnerable. Cutting human services, services for women, children, family and neighborhoods should be the last resort, not the first step. They should contemplate such cuts only if all alternatives had been exhausted. She urged the City Commission to put people first and find other ways to resolve their budget woes. Options could be trimming management, delaying construction projects, cutting back on supplies.

She said regarding the stimulus package and possible funding from that package, the City was shovel ready with several projects, but if the City ended up cutting important funds from this budget, the City needed to consider the stimulus package to help in that funding. Quality of life issues were not side issues and she often advocated before the City Commission with respect to such issues as the T, defending human services, preserving benefits for City employees, even in the midst of a severe downturn, the City could not afford to lose irreplaceable City workers or an entire Human Relations program. The City needed a place for kids to play and rather than advocating responsibility for crossing guards as the City Manager's plan proposed, the City needed to partner with the school board to find ways to protect their children before any thought of crossing guard cuts. This message needed to be sent to the State and keep the human element of the City uppermost in the mind as stated in the Lawrence Mission Statement and Laws of the Local Government Act of 1993 of the US Constitution, when considering the budget and the future financial status of Lawrence. The community should not ever forget that it was people who joined in the community that made Lawrence a cohesive, living and viable community. Their quality of life was promised by those laws.

Brandon Urban, Lawrence, spoke in support of not cutting existing funding. He said he wanted to thank the City Commission for their leadership over the past few years. He said he could speak for most people present that they did not envy Corliss's position.

He said one of the things he loved about Lawrence was the community coming together and the forethought of thinking outside the box. There was a lot of leadership in Lawrence and a lot of people who would be willing to volunteer. He said there was recently a big election in this country and galvanized a majority, bringing about civil leadership and service. He said one of the recommended cuts was to the Boys and Girls Club and a lot of his friends used that service. He said his job was flexible and he could pick up his kids on a short day, but he knew a lot of people that could not. Boys and Girls Club was something the community needed to look at and find ways to make sure that service was provided, whether they had the funds or not. He said it was easy for the community to cast stones and try to make cuts for the community, in general, in which some people were not involved in. It was easy for people who did not play golf to say they could get rid of Eagle Bend. He played golf of Eagle Bend and would be in favor of paying extra money to go play golf. They talked about having tournaments out at Eagle Bend, but it was easier doing business with golf courses in Topeka rather than the City's municipal golf course.

He said most of the people involved in the Parks and Recreation activities would be willing to pay an extra \$5.00 to keep those services available, whether to keep Prairie Park open or services for Boys and Girls Club. He thought as a community they could come together to find some ways to manage keeping those amenities, which was a benefit of living in town.

Marci Francisco, State Senator, thanked the Commission for the letter from the City Commission and to address issues. She was present to listen to the community's concerns because it gave her the opportunity to take stories back to the Statehouse about how those cuts would affect this community. She said the state was also looking at difficult decisions and no one at the state level was trying to cut services that affected people. She said she heard hope the State might be able to get this done before April, but that was probably doubtful. She said she was there to thank the City Commission for addressing those issues and members of the public because it made her job easier in getting this message at this time.

Commissioner Highberger said Francisco understood the City's issues, but he was not sure her colleagues understood. One thing that concerned him about the state was reducing money flow back to the local communities and at the local level, they did not have a source of revenue that was not regressive. He said property and sales taxes hit low income people very hard, unlike the state level where the state had an income tax where it was more progressive and shared the burden a little more. He said the more that was shifted down to the local level, the more unfair the City tax burden became. He asked if Francisco could share that information with her fellow legislators during the budget discussions.

Francisco said she would be happy to share that information. The other message she could share was that the state was affecting the City budget in the middle of its budget. She said the state knew the cuts were difficult for fiscal year 2009, but there were opportunities starting with 2010 if they had not already made grants to particular programs it was easier to cut. The other message was the State needed to be looking that if they were going to affect some of the communities in trying to divide the cut so they were not starting in the middle of a budget year and understood the impact that was making.

David Leamon, Director of the Arts Center, spoke in support of keeping funding for the Arts. He said he supported the arts and came to work for the arts. In so doing, this was a rude awakening. The Lawrence Arts Center operated out of a 40,000 square foot building that was owned by the City. The money they were looking at cutting was the funds that technically went into the maintenance, cleaning and care of that building. They had a very slim staff at the Arts Center and had 16 full time people. This building was so impressive and was known well throughout the state and throughout the nation in some degree to other arts centers who talked about the Lawrence Arts Center and the creative community Lawrence was. They had 3,000 people who came through the center on average each week. The traffic continued to get increasingly strong as they rented the building out for community events. People might not

know the Arts Center hosted weddings and conducted church meetings, and that all brought in money to support the Arts Center.

He said 71% of their budget was earned from classes, programs that have admission, the use of the building by community members and others. It required a lot of upkeep. He reported to the board recently about his perceptions of the Arts Center. He saw a building that was 8 years old and used so hard that it was starting to look like it needed upgrading. In terms of upgrading the building, he wanted to be here to do that and wanted to see the excitement come back to the Arts Center and see more people come to the center.

As they applied for grants, they were finding the grant awards were less. People were holding onto money so class enrollment had dropped. They looked at other cuts that were coming somewhat unexpected and one of the things he told the board they needed to do was a broader marketing plan. They needed to reach this community and farther out to bring people in. Kansas City was not far away and Topeka was not either. They were looking for all the opportunities they could to strengthen what the Arts Center did for its own financial structure, but cuts like this really did make injury for the center as they attempted to grow and create something new, building the excitement, expand classes, and were looking at a number of ideas for that. They had 2,000 adults enrolling in classes throughout the year, 4,000 students participating in summer youth programs. All the cuts they had were going to be affecting those types of things. He said he was not telling them anything they did not already know, but what he was learning about the Arts Center and about the creative community he wanted to be a part of. He knew when the going got tough, people would indulge themselves in something they could benefit from personally, which might be taking a class to get away from your worries or have an evening out. There were opportunities for learning and for people who have lost jobs or thinking they might be losing a job, the Arts Center had a new technology center that taught aspects of the computer and programs connected to that. They had other programs they

charged admission for and attendance had been strong, but not strong enough to carry this loss.

Catherine Bolton an elementary school counselor and social worker spoke in support of keeping the funding for school crossing guards. She said when she first learned of the crossing guards being on the list, she thought there might be volunteers to help pull that together. Being someone who had coordinated and managed a number of volunteers in various events over the years, it became a considerable management issue and could become precarious and create opportunities for no shows, particularly in unfavorable weather or unexpected situations, which could endanger children. She said the community needed to look beyond with some kind of collaboration with the school district, but look beyond the idea of volunteers. She said it would be too much risk to their children. She said in terms of the intention of the City to really do well by its citizens, she asked the City consider its upper level earners consider salary freezes for a period of time.

Kelly Kindicher, Lawrence, said he was disappointed of this whole process. There were a tremendous number of people in the community concerned about this issue and many showed up thinking they had to defend the nature center. The showing tonight showed many things, one of which was a lot of people who supported the nature center and the community. There was also a sense that many people believed that this Commission would vote to cut many of those services and it concerned him. He also saw that they had a tremendous number of people tonight they would not hear from who had taken a lot of time. He asked the City Commission to think of creative ways to involve the community in looking at a tough financial situation. He asked how they could have a forum of a handful of people speak, but how to have forum to get ideas. He said there needed to be a lot more transparency in the budget process and how the City spent the money. For example, a pet peeve of his was he looked at the cemetery and the amount the City mowed it, herbicide it, and fertilized it. The City edged every tombstone with herbicide so they could maintain it without having grass grow at the edges.

They mowed the parks many times. He tried personally and never saw a good breakdown on how much the City spent on mowing per park, on herbicide per park, and fertilizer per park. They needed to get those numbers out to the public and maybe could reduce mowing at some of the facilities for a year or two would not be a major travesty. He would like to see a lot more transparency so the public could get involved in looking at what the costs were in the community. They knew they had to cut back on services, people and jobs, but to get feedback on how to do that, people needed to know what they were doing and what it was they could do.

Devlin Grewal, Lawrence, spoke in support of not closing the Nature Center. He said Prairie Park Nature Center was something he looked forward to in the summer and where he would have his birthday party in a couple of days.

Devlin Grewal's mother went on to read his comments and said he would be deeply saddened if the center was closed. She said he was asking the City Commission not to fire all the crossing guards because a second grader at his school was hit by a car. She said he was asking the City Commission to think of it as his birthday gift and if they closed the nature center they would sadden kids all over Lawrence and kill two magnificent birds and an endangered species bird.

Aidan Dietz, Lawrence, said the Prairie Park Nature Center was like another home and to a lot of other people because if you were feeling bad and wanted someone to talk to who would listen and understand your feelings, you could talk to an animal at the center. Animals were the best friend you could have and you could learn a lot on how animals lived in their natural environments.

June Jones, Lawrence, thanked the City Commission for the opportunity to share a brief perspective of the Lawrence Arts Center. She said there were a lot of issues with the budget and there was nothing anyone could say to make the reality of making change go away, but at the same time there was an essential quality about an organization, like the Lawrence Arts Center, that could be lost during times of budget cuts. The Lawrence Arts Center was a thread

that ran through many generations of this town and was an organization that provided a cultural backdrop that nourished the souls, the creativity, the connection that people had when there were not things you could buy with money; it was what came from the inside that the Arts Center inspired citizens from every age. She said they had seen multi generational people come to the Arts Center that came to the center as kids. Some of the staff at the arts center contributed to creating an environment that was not easily replaced, outsourced or could be recreated if lost. It made the City of Lawrence the kind of place people wanted to live, work and visit. It was a place people talked about in positive terms because of the support of the Arts Center in the City. The center of a lot of that support started with people who were taught the arts and supported the arts at a young age. The support the City provided over the years has made it possible to bring people together. She asked the City Commission for additional alternatives to utilize people in the community to come up with other ways that were unique and not replaceable in the City.

Joyce Wolf spoke in support of the Nature Center. She said she also agreed with Kelly Kindicher's comments about transparency in the budgeting process and his comments about the need for an open forum. She went online and looked through the parks, and until she heard Mr. Corliss's presentation on how the golf course was funded, she had no clue as to what was going on. It would have been one of her recommendations to close the golf course down, but they could not because of the way it was funded. Citizens needed to know how this was working out so they could make suggestions that made sense when they had better information.

She asked if they had ever looked into the possibility of grants to support those activities in the community. She said she had experience in grant writing and would be more than willing to help. They needed more accountability and transparency and appreciated the difficult situation they were all in.

Richard Heckler said he agreed with Kelly Kindicher's comments. He also spoke in support of the Nature Center. He said the City of Lawrence had spent so much time, effort and

money developing the Nature Center, and for it to be bulldozed would be a waste of millions of dollars that had gone into that center. He said the Arts Center was another place for children and adults to learn. He said with regard to the school crossing guards, he knew that they were all aware of the problems that parents face and how they felt challenged in regards to safe passage for the children going to school. He heard it frequently as a member of the Traffic Safety Commission. Last night Langston Hughes parents were there asking for more assistance and not less. They tabled that issue for further discussion, but the point remained that people did not want less as far as safety issues. He said regarding the comment made by the Mayor about Lawrence contributing its share of alcohol taxes, but apparently they were not doing enough. He said they all had to do their share and was sorry the Kansas State Legislature did not know the impact. The legislators needed to hear from the City of Lawrence.

Kristin Moreland spoke in support of the Arts Center. She said she was an artist who went to school in Lawrence and enjoyed all the amazing programs that Lawrence offered. Her children went to the arts center for classes and she thought the funding for all those services was what attracted families and humans to be able to create a life for themselves and not go anywhere else and not think they had to go some place better because they had all of it in Lawrence. If they kept putting it back into what they already had, then they could all prosper.

Mike West spoke in support of keeping existing services. He said he was an example of someone who moved here who could have lived anywhere in America. He was living out of a van with his family and children because everything was gone. He had money and resources and had a job because his work was on the road. He came to Wichita, Kansas, but did not like it. He said things in the Lawrence budget would make a difference. He came from a huge city that did not have a swimming pool through lack of a tax base and group that came together and made it work. He came here and it was an inspiration. He had never been in a town that had so many resources like people volunteering their time and expertise to provide those facilities at very affordable rates. Everything from the swimming pool to the Parks and Recreation

Department to the Arts Center, he used all of them with his children and was amazed. This was happening everywhere and the way they addressed the problem was specific to them. No matter what the state budget was, the citizens of Lawrence had their resources of ingenuity, economic resources, and not everyone was broke and if the City needed \$5,000 tomorrow he would donate that money. This City had personal resources, wealthy people and skilled people who were not so wealthy, but they were a resource. He said this was an extraordinary town with little kids speaking at commission meetings. He said he came as a complete outsider because he was not raised in the Midwest, but toured through this country and thought Lawrence was an extraordinary place. He asked the City Commission to let them do whatever they must to keep Lawrence extraordinary and make those services continue in whatever way, but had to agree that volunteer crossing guards were not a good option.

Eva Bradley spoke in support of the Nature Center. She said she really liked the Prairie Park Nature Center and went in not knowing what a dangerous animal was coming out knowing what a dangerous animal was. She thought it was a great place to go if they needed information on animals and a good place to go if you were not feeling happy. She loved their Halloween theme. She loved the Prairie Park Nature Center and it was like another home for her. She was best friends with the groundhog and parrot and if they closed it, they would have to find new homes for the animals. She loved the Prairie Park Nature Center and knew that she might be small, but this was a big deal to her.

Alex Becker, spoke in support of the Nature Center. He said the Nature Center fulfilled a vital role in the community and provided education for the children and allowed them to explore the world they lived in. Nothing could compare to the wonder it could fill a child with for their surroundings. It was especially crucial in the time of environmental crisis to make the younger generation understand the importance of the biosphere. While it was necessary to make cuts in the budget, he suggested they look at two other sources; the Eagle Bend Golf Course and new high school recreation facilities.

The Eagle Bend Golf Course accounted for over \$1.1 million of the City's annual spending, whereas the nature center cost less than \$100,000 each year, an amount that could be taken out of the golf course budget, particularly if the sunken costs already spent were disregarded, as it should be.

The high school athletic facilities would cost over \$10 million and would benefit a relatively small group of people. He recommended the Commission look to cut the budget for the construction, if not for the project entirely.

It was often said that children were the future; as such it was more important that they learn about the environment and love of nature than keep the grass extra green on the golf course. The Nature Center must stay open and he understood that cuts needed to be made, but his point was that this was not the place to make those cuts.

Patrick Freeland, President of the Wetland Preservation Organization, spoke in support of the Nature Center. He said their group was not so much Haskell anymore, but was comprised of Haskell facility members, Haskell teachers, Haskell students, Haskell alumni and also had members of Kansas University as well as the Lawrence community. Together they all worked for one common cause which was to make the environment better around the community. He said this community was unlike any other and there were people from all over the world because of Kansas University. Because of Haskell Indian Nations University, there were members of over 120 different tribes. As such, there were philosophies, religions, and cultural differences that clash and intermingle, and at the same time the multi cultural aspect had yielded very positive actions. In their group they all worked together for something better, but it was not based on money. They had their own issues to deal with at times and respected each other and offered each other help. He asked the City Commission to have faith in the community and extend his own hand as a gesture that if the City needed help he would do everything in his power to help, especially to keep open the Prairie Park Nature Center.

Leah Heron spoke in favor of not closing pools at 7 pm. She said her water aerobics class which had been full and a waiting list as long as she could remember, would be cancelled if those budget cuts would happen. The pools closing at 7 pm had a serious impact on the Lawrence High School pool. What the Commission might not understand was that pool opened at 6:15 pm. She asked if the City planned to keep the pool open for 45 minutes every day. If that budget cut happened, that pool was gone and there was no reason to keep a pool open for 45 minutes. She asked the City to take that into account. The pool was used a lot and there were full water aerobics classes there. The lane laps had been full since January. It was important they kept the pool open on the east side. She said she was asking the City Commission look at the issue of closing the pools at 7:00 pm and exempt the Lawrence High School from that closing time.

Ernesto Hodison, spoke in support of the Nature Center, in support of the Boys and Girls Club, and in support of keeping existing Human Relations staff. He said he and his wife decided to stay in Lawrence because of the quality of life in this community. He knew that the City Commission had to make some tough decisions, but it was also tough for other people as well. He said he had four children who loved nature and the Nature Center. He said he was a board member and volunteer for the Boys and Girls Club in which the club made an impact on young people's lives. He also worked with Warm Hearts in which the City provided funding. There were a lot of people who needed assistance and would have not received assistance if the City had not helped with funding.

He said he also worked with the Human Relations Commission. He said there was going to be reductions in that staff. He said when he was first involved in the Human Relations Commission, an employee in that department left to work in Topeka and that position was never replaced. Then the Executive Director retired and that position was never replaced as well. This ordinance reflected the values in this community to provide dignity to everyone in the City and the Human Relations Department was the only department that would have cut in staff.

Those values came from people who worked and were professionals in that office. He asked the City Commission to think of the quality of life in Lawrence and the impacts they would have as human beings in the community.

Daniel Poull, speaking on behalf of the Sustainability Advisory Board, spoke in support of the Nature Center. He said he wondered if the advisory boards were asked for any advice before any of the budget cuts came to light. He had a feeling the Parks and Recreation Advisory Board probably did not know about those cuts ahead of time. There were a number of advisory boards and there was a bigger team to help with this issue.

Mayor Dever said Poull made a good point, but somebody had to make the first offer in any deal and unfortunately, the City Manager had to make that offer and he was looking forward to receiving input from everyone on those important issues.

Kathy Klocke spoke in support of the Nature Center. She said Prairie Park Nature Center gave their children the opportunity to get outdoors and experience nature in a safe and informative setting. In a time when there was so much at stake with global warming on the rise, they needed to build a greater understanding of man's interactions and affect on the environment. She asked where else the children could go, in Lawrence, to learn about the local environment, the ecology of Kansas, and values of prairie grasslands, the woodlands and pond area. They had a resource in Lawrence they could not afford to lose. Her children had attended classes at Prairie Park Nature Center since its opening. She read a letter from the students at her school asking not to close the Prairie Park Nature Center.

Janet Fitzgerald spoke in support of keeping the wading pool and the city band. She said it would be hard for her to imagine what life would have been like as a parent without the experiences she had over summer with City parks and the wading pool. She was speaking for the small children who could not speak because it was one of the only places small children could go to. It was a nice opportunity for small children to get out in the sun, meet other parents, and make those connections. Those were the first years of a child's life and would

hate to see that gone. She said the City bands she could not imagine not having around and every summer she looked forward to seeing and hearing the bands as a highlight. She said if there was anything that could be done to preserve that cultural aspect of Lawrence, she would be appreciative. She asked if there were grants or a pay for use could be used for the wading pool.

Carol Richmond spoke in support of Prairie Park Nature Center. She said she had been to the Nature Center and would continue to go to the center as long as it was open. She said it tore her apart that the Nature Center would not be available for children to touch and see animals. She said the Nature Center should not be closed because it was hands on education and asked the City Commission to keep the nature center alive.

David Sturm, Lawrence, said he wanted to make a statement to Corliss. He said Corliss's report had served its purpose of informing the City Commission and the public of the nature and extent of the proposed state budget cuts and their possible impact on Lawrence. He said he wanted to remind everyone that it was only one scenario and there were many different options in front of this legislative body and the next that would sit in the chambers. He said what he was hearing were what they "could" and "could not." He said he was going to put three challenges to this body. He said he challenged the City Commission to begin by making a statement to the state government rejecting Governor Sebelius's proposal.

Mayor Dever said that challenge was already done.

He said secondly, they had seen a lot of public will come out tonight and asked about political will. He asked if the office of the City Manager or this body spearhead a public effort to help fight the battle at the state level. He said Corliss had the access and had the ears at the state level. He asked if there was anything the public could do to help and if there was, the City Manager needed to spearhead that because he had the access.

Commissioner Hack said the public had access.

He said thirdly, he challenged this body to pursue alternate revenue sourcing aggressively. State money was not always going to be there. He said it always bothered him that schools were funded through cigarette tax, but they were trying to get kids to stop smoking. If the message worked, then they would not have money for the schools. He said beginning a real discussion now about the options and what could be done was important. He asked where the positives were instead of the negatives.

Kevin Loos, Chair, Park & Recreations Advisory Board, said he was present to get educated about what was going on and it had been a good forum to receive public comment and at the next advisory board meeting, the board would talk about not closing the Nature Center. He wanted people to know that it was his responsibility and the advisory board's responsibility to identify funding. It was obvious they were going to cut things, and everyone had to cut. It was the board responsibility to identify those opportunities while still meeting all the core values the department offered and did such a great job in the quality of life. He invited the public to come to the meeting because those were open public meetings. He said people talked about transparency and were invited to attend those meetings, ask questions, and share their thoughts because it was a matter of getting involved. One thing that came to light in this crisis that they needed to take notice of was that there were opportunities to pursue avenues for revenue that would have been shot down by the public a year ago, such as fees for the wading pool. He guaranteed that the department and Parks and Recreation brought that up internally, but did not think anyone would pay a fee for the wading pool. There were a lot of opportunities that would exist now because of the economic crisis this society was in where people understood the value and worth and if they were getting it for free now, they probably would not get it for free anymore. He understood that not everyone could afford fees, but it was the reality.

He said on a personal note, volunteer crossing guards were a bad idea. He said he had children in grade school that went through school zones. They were very dedicated people and with volunteer crossing guards, he feared they would have a lot of no shows and thought that

was a bad idea. There would be incidents that might occur no one would want to explain after the fact.

Rich Garrett said his comments were directed to his fellow citizens of Lawrence. There were two tasks when communicate needs to the City Commission. The citizens had to communicate what the priorities were for budget items and the citizens also had the responsibility to take charge of their own priorities and work with the advisory boards and special programs they wanted to support and find ways they could make sure they could stay open and become more self sufficient and not just continue to make necessary and passionate pleas for the City Commission to make a decision. The citizens needed to take ownership and take action themselves. He asked that his fellow citizens do as much as they could.

Rachel Vaughn said to be able to make informed decisions, the citizens needed more transparency in the budget. If it was possible to have something published and available for everyone and then a larger public forum available to people as opposed to what she felt as a very rushed, last minute event to attend. She said she would like to see something in black and white with all the details to help everyone come together and make suggestions as to what those possibilities could be and where their priorities as citizens stood. She said the newspaper today showed all the potential cuts and reductions that were mentioned earlier in the evening. She asked the City Commission to look at the domino affect of the various cuts made in tandem. They heard a lot about the Prairie Park Nature Center or other individual programs, but in tandem there was incredible trouble ahead and that was what worried her most.

Aaron Paden, Lawrence, spoke in support of keeping funding for social services. He said one thing he had not heard from anyone tonight was what they could do to make sure this would not happen to them again. There had been a lot of time spent talking about tax cuts and instead he would say as a citizen to raise his taxes. Those were things that made it worthwhile to live in Lawrence or anywhere. He said all the social services needed to be in place.

He said he read the list of priorities the City did not want to cut which were police, fire/medical department, and roads. He said there was the Douglas County Sheriffs, Lawrence Police, and the Campus police which made for a lot of police in this town and suggested a hiring freeze for the police department. He said the Police did a good job and Lawrence was a safe city, but not to look at placing a hiring freeze for that department was too much and was something to look at to save funds. Also, he said he would rather have school crossing guards than having potholes fixed. He said if there was a way for the citizens to provide the City Commission with ideas or input, the community had what it took to make sure they did not need to make those cuts, even if the state made the cuts. He said he did not agree that they should look at this issue "from now on", because it was deficit occurring now with poor planning across the board in the nation and in leadership.

Commissioner Hack said there was a tremendous amount of information already on the City website about the budget, when the advisory boards meet and their e-mail addresses. She said if citizens spent time on the City's website, they would be amazed of the transparency that was available. If there was something a citizen could not find, there were a lot of people at City Hall and the City Commission that could point citizens in the right direction. Again, there was a lot of information already provided about the budget.

Corliss said he agreed that the suggestion of working with the advisory boards was going to be important. He was going back to plan A to talk to the state legislators about how this City wanted to retain the revenue and to look at major budget issues. He said the charge he took was in discussions with the City Commission, he suggested getting out front in talking about the potential loss of revenue which was accomplished. Unfortunately, they had not been able to bring everyone along at the same information level because of the desire to get this information out as soon as possible, but it was the beginning of the discussions and certainly not the end.

Mayor Dever said this was the first step. He said it had been overwhelming with the amount of comments the Commission received and inspirational on the amount of feedback. It was unfortunate that some people felt like this information was rushed, but they were trying to get ahead of the curve. He appreciated knowing how everyone felt. He said they were going to have to work hard to find money to fund the things this City had now.

Vice Mayor Chestnut said he appreciated the emails. The struggle for transparency was a little bit of a double edged sword. He said a comment made from the public was to understand the thought process. The City's attempt was to start now, because there was a situation where there could be a significant revenue shortfall and was why everything was put on the board, to have discussions. While it might seem rushed, a lot of those issues would be worked through and it was sometimes difficult to get public comment until everything was laid out with a list of potential consequences. He thanked Corliss because it was very effective.

There was a lot of information and public forum was needed on how this all worked because the budget information available on the website was so much information and very difficult to digest. He said the City Commission had to spend a lot of time and effort understanding the intricacies of the budget because it was \$140 million between utilities and all the other funds. The City could do a better job to provide some of those forums. He said there were several commissioners that might not be available after April, but thought everyone wanted to make decisions now. He said at the time the City had expanded and growing revenues, they were building reserve funds and at some point they were depleting them significantly. It was a conscious decision and one that needed to happen, but that created a situation of a very large budget deficit in 2006 as the spending was moving up and revenues were moving down. Coupled with what was happening in the economy, he believed staff did a very good job of trying to move things backwards and the City staff had been reduced. He said he wanted to focus on one item. Of the 800 people in the City, they were all incredibly important things in the City but could not forget the fact that fire/medical, police, trash, water, wastewater

were absolutes in the community. Those five areas represented 80% of their head count. Also going back to the citizen survey, those five areas were ranked in the top 6 of citizen satisfaction results of the survey. The City did an excellent job of providing those services. They had to make sure that as they were looking at some of those issues to keep in mind it was taken for granted the fact that the City had incredible City services that citizens learned to depend on. Those important services did not have the cultural enhancement, but were the baseline cities had to measure importantly and needed to make sure the community remained committed to those services. He said the City did an excellent job and would continue to look at opportunities to make those services more efficient, but had to keep in mind that those were core services that consumed a lot of resources.

He said he agreed with Commissioner Highberger about the comment about taxes. The City did not have the taxing authority to do anything that was not regressive. The City did not have income tax capabilities and did not know how viable that might be, but that was the way the taxing structure worked. Especially in the second half of this year where they did not have any options and that revenue would fall off because the mill levy could not be raised in the middle of the year. The City was stuck in the short term to come up with some answers. He said the creativity of the community was encouraging and it was an honor to serve the public when this many people come out and talk through ideas. There were a lot of resources in the community and not just financial, but intellectual and creative. That was why this community would continue to remain a great community to live in well beyond the times they had financially.

He said one thing he was very fixed on, that Corliss pointed out, was staff and the City Commission tried desperately in the past couple of years to get closer to a balanced budget type of situation. He could not forecast or prognosticate how long of an economic downturn on a national, state or local level. He said they might need to think in terms of having a very protracted situation where revenues were fairly flat, if not, declining. He did not want to get into drawing down reserve funds or other such things to try to fill that gap. They needed to address

the issues and figure out how to prioritize and create a situation where they could live inside the revenues that were afforded by the taxpayers of this town and not hope those things would grow back at a rate they grew five years ago. He could not put his hope in that. It was something to keep in his mind as well because they were at a difficult crossroad, but he was encouraged about what he heard tonight and there were opportunities to make this happen, regardless of what would happen at the state level. He hoped that would get mitigated, but Lawrence was a great community and they had to put into context the fact that they were in a situation that was not good right now but better than many communities in the nation right now. He said he thanked everyone in the City for their service and staff was also watching because as public comment came into play, there were people sitting in the audience and their jobs and livelihoods were being discussed. He said they had to be very careful that they held 800 people's lives and their families in their hands as far as making decisions and he took that seriously one by one in making decisions.

Commissioner Highberger said he wanted to speak to Paden's comments. He said it was a real misconception that prosperity depended upon taxation levels and where taxes were low, there was prosperity. Prosperity depended upon good education, good infrastructure, and good quality of life. He thought they had done a pretty good job maintaining those things in this community and hoped they could continue to do that in the future. Unfortunately, even if they wanted to raise taxes to meet this problem, they did not have a way to do that right now. There were some ways they could raise fees, but fees were a progressive source of income because they hit poor people and working people harder. People either spent a much higher level of income on fees or they did not get to do it at all.

He said the idea of further public discussion of this subject was really good. The idea was suggesting a town hall meeting or something of that effect crossed his mind before and was raised today. If they could proceed with something like that, that would be useful.

He said as far as specific cuts, he felt reluctant to go on about things he did not want to cut because he did not have suggestions for things to replace at this point. Obviously they made it clear that the Prairie Park Nature Center was off of the table. He said for things like the wading pool, he would like to see usage numbers and have the Parks and Recreation Advisory Board weigh in on those questions, too. He did not want to cut the wading pool and did not want to cut the band concert, \$12,000 for the amount of people who participated in that and amount of pleasure, especially the kids, he thought that was one of the most cost effective expenditures. He said if the alcohol funds were not available, he did not see any way to replace the funding for the agencies that were funded by the alcohol fund, but did not want to balance the budget on the backs of people who could least afford it, especially when they were in an economy where demand for all those services was going to be going up. He said he realized if the Governor's budget went through, it had to come from somewhere.

He said he hoped there was some way to come to an agreement with the school district for shared funding. He shared the sentiment of a lot of people who spoke that it was probably not the best place to utilize volunteers.

He said regarding the bicycle helmet program, if they ran that program for 10 years and saved one child from a serious head injury, not to mention the impact in that child's life, the societal cost was one injury would be more than what they spent on that program for 10 years. He wanted to make sure they did the cost benefit analysis on those things before they cut anything.

He said he appreciated the hard work from the City Manager in placing those cuts on the table and knew that it was not fun and would not continue to be fun.

Commissioner Hack said she appreciated all the public comment. She said it was an extremely unpleasant thing to come before a City Commission when you know the people sitting on the Commission and for the courage the community's children showed in speaking to the public was phenomenal.

He said they would need to look at fee structures and have fought that battle six times out of the eight budgets she had been a part of. She knew that was a really difficult thing for families and meant they would have to look at some scholarship situations. What concerned her so much about the hits to the outside agencies was exactly what Senator Francisco said, decisions had been made, budgets had been crafted, and those budget cuts were hitting the people who least could afford to be hit. That was not the kind of community Lawrence was and was struggling with that idea. She said she knew the agencies were working on different fee structures and ideas to become creative.

She said she liked the idea of a town hall meeting and putting more people in the process of coming up with ideas. She would like to think they could structure the meeting in a small group discussion and then report out because the thought of the five of Commissioners listening to individual thoughts, they would not be using the creative power in the community. She said they had a lot of people in the community with knowledge but this meeting had to happen sooner rather than later. It was a tough deal and agreed that Prairie Park was not the place to cut, but had to be more creative in terms of how to keep the center open. She would not agree in the reduction of police, fire/medical, street maintenance, water, and wastewater because those departments provided core services.

Commissioner Amyx said it was time for the City Commission to challenge its citizens. He said a reduction of funding was coming to this community, but did not know at what level. He said regarding how to handle a town hall or public meeting, they needed to rely on the advisory boards and ask those boards for recommendations to bring back to the City Commission. He suggested compiling information, giving citizens an opportunity to voice their concerns, and hear recommendations from the people appointed to advisory boards. They had a lot of good people serving on the advisory board and had the best employees in the State of Kansas. The City Commission did not say thanks enough to the City's employees. There was a lot of work ahead and had a tremendous responsibility in finding funding for programs that

were important to this community. He said volunteering was needed to help get things accomplished and hoped the entire community could be counted on to help keep Lawrence the greatest community in the State of Kansas to live.

Mayor Dever said tough times were going to be hard on everyone. He said he appreciated this community even more after hearing great input. One thing to focus on that would bring the community together, when faced with hard times, was community input which meant the community needed to continue to serve on those boards and getting new people involved to help with this endeavor. Also community sacrifice was needed, which meant something special needed to be done in order to keep things special to the community.

He said he wanted to read the comments from one of the kids that had great impact.

The letter read:

“The Prairie Park Nature Center is a place where injured animals are rescued. I love it so much that once I had my birthday party there and instead of presents, I asked for money. When the party was over, I donated it all, a whole \$187.50 to the Prairie Park Nature Center.”

He said that was the kind of service and sacrifice they wanted kids to make, but they all needed to learn from it. If the community could have some of the spirit displayed in those letters and attitudes of the children, the community could learn from those children and move onto better times as Commissioner Chestnut planned for better times and move forward with better fiscal conservatism in the future.

Corliss said the Mayor would be writing more letters to the legislative delegation on Plan A, to keep the revenue.

Mayor Dever asked the community to call their state legislators because they had the biggest impact on those issues. (10)

**Discussion of possible federal enactment of the American Recovery and Reinvestment Plan:**

- a) **Possible City projects eligible for federal economic stimulus package.**
- b) **Consider authorizing the Mayor to sign a letter to the City’s congressional delegation regarding the federal earmark process.**

David Corliss, City Manager, presented the staff report. He said HR1 was the American Recovery and Reinvestment Act. It had passed the house and was being considered by the US Senate. He said the administration's goal was to have something by President's Day. Staff was at the point of talking about a list of projects. Much like the state legislative process, they were likely to have to move fairly quickly once this became law to work with the various agencies at the federal level and state level to see whether or not the City had qualifying projects. Staff's intent was to have the City Commission bless formal applications on those things. Their intent was not to say go forth and apply and do all the necessary acts. There were a lot of projects and staff could start walking the Commissioners through those projects. He said he wanted to make sure to recognize all the great staff work that had gone into this plan. He said if the stimulus package did not happen there would be a wasted effort in review of this plan.

There was a list of projects that staff believed was ready for bidding within 30 days. It did not mean it would be selected or whatever federal law enacted would not have qualifying criteria. They were hopeful but would not know until the bill was enacted. Largely following their adopted capitol improvement plan, their expired utility master plans and some updating staff had completed, there was likely to be some federal funds for energy efficiency enhancements and staff was still trying to study the aspects of the CDBG program, which might not be capital, but service programs as well. He said staff was looking to see if this was an appropriate list to begin more formal communications with the appropriate representatives with federal and state agencies. Staff would like to send the information to the Federal Legislature so they knew the City of Lawrence had a list. He said a letter was also drafted regarding if there would be an earmark process because it was understood with the stimulus package there would not be earmarks. When talking about earmarks, in the committee minutes of the Federal Legislation, they actually listed projects and staff had been successful in getting money to buy busses, funds for the 31<sup>st</sup> Street Study between Haskell and O'Connell, and other projects as well. He said it was his understanding the money was not going to go to the MPO (Metropolitan

Planning Office) which was a separate entity, but would come to the City or County, but the projects had to meet all of the federal funding requirements which included compliance with the MPO and any number of different funding requirements, environmental review, those type of things.

Scott McCullough, Director of Planning and Development Services, said they had a meeting that afternoon with KDOT on the latest assumptions. He said staff might know a little bit more about the list as staff outlined shovel ready projects in 30 days and projects that could be ready within 90 days. Those projects might not be ready within 90 days because of some of the environmental processes KDOT and the federal government would employ on some of those projects. He said KDOT did not have all the answers, but wanted to thank KDOT for all the information and hand holding they provided in this process. KDOT was probably holding information a little bit closer to their chest as far as solid answers and did not want to show a lot of commitment to things the City staff had been asked for fear they might have to be committed to that. Ultimately, staff wanted to take this list to the MPO and had a County list they would forward to the MPO in February.

Vice Mayor Chestnut asked for additional information on the delivery of the funds and if the funds were going to go to the MPO which was a different structure than it was before and an allocation at the MPO level would need to be done for Douglas County, which meant that group had to make recommendations and whether or not it would go to the County and City, which was more traditionally was done. He asked if there was any further information on that.

Todd Girdler, Transportation Planner, said what they knew so far was the federal government would want to deal with the State Department of Transportation for the distribution of funding projects that were eligible currently under the federal programs, like the Service Transportation Program which would be good targets for this money and basically it would be up to KDOT as to how they take the pot of money out of the economic recovery package and sub-allocate it to the cities and counties. What staff was hearing, as of today, was that there

would be some kind of formula allocation to cities, like Lawrence. The counties KDOT were not sure about yet. It would probably flow through KDOT in a similar fashion as to how they got STP allocations now. There was no time to create a whole new structure for that allocation and along with that came all the federal strings they were used to. Some of the projects might not be ready in the first 90 day window because whatever was not in the review process already would probably not make that cut.

Commissioner Highberger asked if the list was in a priority order or if there was any structure to the order at all.

McCullough said no, there was no order except for the first set that was ready to go.

Corliss said one of the things staff tried to do was indicate that projects that had been approved in the sales tax election in November, the City would continue to see as a high community priority and if there was a choice, staff would assume it would be a high priority for the Commission, but it would not be confirmed until the City Commission voted to do that, but assumed it would be a top community priority to accomplish sooner rather than later.

Commissioner Highberger said one project he did not see on there was the North Lawrence Quiet Zone Improvements. He asked if that was considered.

Chuck Soules, Director of Public Works, said staff could check into that project to see if there would be funding available for that project.

Corliss said that project had not been pursued because there was no funding available, but would be appropriate to look into that funding for that project. He said improvements could be made on some north/south streets in North Lawrence that intersected the Union Pacific railroad line and those improvements would allow for additional safety measures to where the train whistle would not have to blow.

Soules said from the transportation side, if the City received funding for a couple of those projects the City would be really lucky. Staff would check into that project and there could

be another pot of money, but at some point, the Commission would have to make the decision on what the priority would be.

Commissioner Amyx said Corliss discussed the priorities and the projects listed in the sales tax election. He said in the projects that could be ready for construction and bid letting within one year, he noticed that the pump station at 5<sup>th</sup> and Maple was not a highlight.

Corliss said highlighted projects had to go through the MPO because it was a stormwater project and not a crucial transportation issue through the MPO.

Soules said staff had indicated to KDOT that 5<sup>th</sup> and Maple was the City's first priority and 25<sup>th</sup> and Ousdahl along with the other lists.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Amyx**, to authorize the Mayor to sign a letter to the City's congressional delegation regarding the federal earmark process. Motion carried unanimously. (11)

**Consider approving updated Airport Advisory Board AIP (Airport Improvement Program), direct staff to proceed with RPZ (Runway Protection Zone) property acquisition, and authorize City manager to execute an agreement with ADG for engineering services for the extension of parallel Taxiway D.**

Chuck Soules, Director of Public Works, presented the staff report. He said this plan was similar to the five year plan staff submitted to KDOT which was updated every year. The City was in the process of acquiring property at the ends of the runway for planes taking off and landing. The City currently owned aviation easements on those properties, but now current FAA regulations require ownership of those runway protection zones

Staff would like to proceed with this item and receive federal funds of approximately \$150,000 a year. He said if Congress did not commit to the rest of the year and the City did not complete the property acquisition by the end of the fiscal year, the City could lose approximately \$120,000 currently set aside for this project. He said this plan was 95% federal costs plus 5%

local cost share program. He said if the project was carried over to 2010, the City would not be eligible for any stimulus funding.

Mayor Dever said he read the memo and understood the split, but wanted Soules to explain the use of the funds by the time the stimulus rolled around and the funds were not committed, then the City was not eligible for funds that might come from the stimulus package.

Commissioner Highberger asked what the statement was based on that the City would not be eligible.

Soules said the FAA was telling staff, their reading of the current legislation.

Mayor Dever said it was speculation from the people involved.

Corliss said it was a different stimulus package.

Mayor Dever asked if the City had to participate with 5% of the funds to get this fund.

Soules said yes.

Mayor Dever asked where that money was coming from.

Corliss said it would come from the Public Works budget. The Airport Development Group (ADG) estimated that creating a "stand alone" project consisted of a new drawing plan set, new project manual, and revised/updated specifications, engineer's report and coordination with gas line companies in acquiring permits. The ADG's fee was \$18,000 and additional costs included bidding services of \$9,000. The additional services beyond the initial \$18,000 would only be required in the event that a stimulus package was approved and this project was a funded project.

Mayor Dever called for public comment.

Rick Bryant, Airport Advisory Board, said as far as background, the situation with the FAA and the funding right now was the airport improvement program funding was collected from multiple revenue streams, such as fuel taxes and user fees. It had not been fully funded by Congress for the last two or three years, so they were not a unique A and B situation. Right now they were in A regarding the RPZ land acquisition. It was an important acquisition for the

airport and one the city had been remiss on for a long time in taking care of applying this property to protect that area at the end of the runway. It was important they follow through and acquire this property, which they had great mechanics in place right now. Because of the potential for the airport industrial park, that property on the southwest property went through and the platting and zoning went through, all the area around that land they wanted to acquire could be developed. He said FAA policies had changed in that they want the airports sponsor as opposed to a lease agreement with the property owner and wanted the airport sponsor to own the property outright and would protect them from any encroachment or development that could occur on that property which in earlier discussions that property had been platted for some development inside that RPZ. He said though conversations with City staff and FAA, they persuaded the development to move further south. It was important to acquire that property and urged the City Commission to vote on that.

He said the second part on the taxiway extension completion; this was a great opportunity to demonstrate Lawrence's leadership in the State of Kansas. According to research on the stimulus package an extra \$5 hundred million was theoretically set aside for airport improvements nationwide. Each of the FAA districts were looking at shovel ready projects that they could get out of the door first.

They wanted to get this segment completed and constructed for two reasons; one reason was it was an important safety issue. Right now there was not a taxiway between that intersection of the primary runway, which ran north/south, and the diagonal cross wind. They had pilots back taxiing on an active runway, which was not healthy. That would complete that and give them a continuous taxiway across that runway.

The 95/5 split was a bargain at \$25,000 to complete that taxiway. Once they had done that, they would have completely rebuilt the airport in the last eight years and would be a great general aviation facility. He said on behalf of the board he thanked the City Commission for their support and City staff had been great to work with.

Mayor Dever said they had the opportunity to acquire land and prohibit the development in those areas and protect those areas that could be encroached upon and built upon.

Bryant said yes. In the present relationship they had an aviation easement with the Pine Family. It was a lease, but they owned the property. Transfer of property could occur and then they would have to renegotiate that lease agreement. Here the City would own that property outright with the purchase and dictate its use forever. A cornfield would be a great use at the end of the runway.

Commissioner Highberger said it was hard to talk about spending money after the discussion they just had, but with a 95/5 match seemed like a benefit of the construction project and the trickle down from that would more than offset the \$25,000 expenditure. Plus, it would complete the airport plan and make that facility better. He said as far as the real estate acquisition, it had to be done at some point in order to stay in compliance with the FAA rules. He said he supported both actions.

Commissioner Amyx said he concurred with Commissioner Highberger regarding the property. He asked if the City's total exposure was \$25,000 or \$62,000.

Soules said it was a reimbursable program and the City would have \$18,000 up front. If the program came through and the project was funded, it would be \$25,000 max, but it could be zero if funding it all. If the program did not come through, the City would have spent \$18,000 for a shovel ready and could do it in the future.

Bryant said this project on the taxiway was on their five year plan so if they did not get stimulus money or AIP money this year, it would still roll over on the project list. Based on the numerical score they had for criteria for strength of projects, pavement surfaces ranked toward the top. They were in a good position to advance and if they did not fund it, they still received \$150,000 per year for airport projects through the AIP and if they did not use it for a particular project, they could bank it for three to four years. If the \$560,000 taxiway extension did not

happen this year, they could bank the money and get reimbursed for the engineering fees as well.

Commissioner Amyx said the worst thing that could happen was the City could cash pay over the next 5 years with the \$150,000 a year.

Bryant said they received \$150,000 grant every year out of the AIP fund, but \$150,000 on airport projects did not go a long way. There was also a discretionary pool that based on those criteria for project ranking, that because of the pavement for taxiways and runway, those were at the top of the list. If the discretionary pool opened up, they could throw an additional block of money to fund that project in a given fiscal year.

Commissioner Amyx said the maximum amount of exposure was \$25,000, if the City did not get the federal funding, the City would be out the \$18,000.

Bryant said they would keep that \$18,000 and when getting to that point, the City would be reimbursed.

**Moved by Hack, seconded by Highberger,** to approve the updated Airport Advisory Board AIP and direct staff to proceed with RPZ property acquisition, and authorized the City Manager to execute an agreement with ADG for engineering services for the extension of parallel Taxiway D. Motion carried unanimously. (12)

**Receive memo from Legal Services regarding Baggett v. BOCC.**

Toni Wheeler, Director of Legal Services, presented the staff report. She said there were three cases pending in Douglas County District Court related to the City's annexation of the 155 acres at Farmer's Turnpike and K-10. The City was a defendant in two of those actions and was actively defending the City's interests in those two cases. The City, however, was not a named party in Baggett v. Board of County Commissioners. That case involved the County's approval of the resolution that permitted the City to annex the property under 12-520(c) and staff believed it was appropriate for the City to become involved in this lawsuit. They were defending the City in the other two cases. If the City prevailed in the other cases, but this case did not go

well, the annexation was still at risk. The Legal Department recommended the City Commission authorize staff to file the appropriate documents in Douglas County District Court to intervene in the case so that the City's interests could be represented.

Commissioner Amyx asked in this intervening, what would the City's role be.

Wheeler said the City would be one of the parties in the case. The property owners were also attempting to intervene, so the plaintiffs, the County, and the City would be a party. The City would be fully involved in all the court proceedings and have an opportunity to make arguments before the court on the City's perspective which was slightly different than the property owners' and the County's. The City would have an opportunity to provide the City's research, make their arguments, challenge other parties' arguments and be actively involved in the case.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Amyx said it was an appropriate role for the City to be involved. Obviously, the City had annexed the property and zoned the property, and was in a position to defend.

Commissioner Hack said she agreed.

**Moved by Amyx, seconded by Hack**, to authorize the filing of appropriate documents with the Douglas County District Court to intervene in the case, Baggett v. BOCC (Board of County Commissioners). Aye: Amyx, Chestnut, Dever and Hack. Nay: Highberger. Motion carried. (13)

**PUBLIC COMMENT: None**

**FUTURE AGENDA ITEMS:**

- 02/10/09 • 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. Consider adopting [Ordinance No. 8304](#) on first reading regarding TA-12-27-

07 for revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. (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 and adopt on first reading, Ordinance No. 8304, if appropriate.

- Discussion with transit implementation specialist of the future of coordinated transit services.
- February
- Receive staff report regarding text amendment related to homeless facilities.
  - Discussion of panhandling issues.
  - Receive 2008 Lawrence Police Department Racial Profiling Report.
  - Receive 2008 TASER usage report and authorize expanded deployment of TASERs by the Police Department.
- 03/17/09
- Conduct public hearing to discuss the condition of the dilapidated structure at 1207 E. 13<sup>th</sup> Street and to consider declaring the structure unsafe and dangerous and ordering its repair or removal within a specified period of time.
- March
- Discuss continuation or expiration of the quorum ordinance.

**COMMISSION ITEMS:**

**Moved by Amyx, seconded by Chestnut,** to adjourn at 10:40 p.m. Motion carried unanimously.

**APPROVED:**

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Michael H. Dever, Mayor

**ATTEST:**

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Frank S. Reeb, City Clerk