



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

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

March 3, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 4:30 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

STUDY SESSION

City Commission will meet in a study session on Bowersock Dam and Utility issues. The City Commission meeting will begin at approximately 6:35 p.m.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to approve the City Commission meeting minutes of February 17, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to approve the Humans Relations Commission meeting minutes of November 21, 2008; the Planning Commission meeting minutes of January 26 – 28, 2009; Hospital Board meeting minutes of January 21, 2009; and Mental Health Board meeting of January 27, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to approve claims to 330 vendors in the amount of \$3,128,254.04 and payroll from February 15, 2009 to February 28, 2009 in the amount of \$1,784,713.92. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to approve the Drinking Establishment License for Shenago Lounge, 1520 Wakarusa No. Ste: D;



Allstars, 913 North 2nd Ste: C; and the Retail Liquor License to Hird Retail Liquor, 601 Kasold No. B101. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to concur with the recommendation of the Mayor and reappoint Daniel Beebe and appoint Verlon Myers to the Electrical Board of Appeals, to terms which will expire March 31, 2012. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to set bid date of Tuesday, March 17, 2009 for Landscaping Services associated with Project UT0804CS Pump Station 49 Southeast Area Sanitary Sewer Benefit District's Nos. 1, 2 and 3. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to set bid date of April 14, 2009 for the Kaw Water Treatment Plant East Perimeter Fence Line Replacement Project, Bid #B09017. Motion carried unanimously. (2)

The City Commission reviewed bids for Comprehensive Housing Rehabilitation for the Planning and Development Services Department. The bids were:

2703 Bonanza Street

BIDDER	BID AMOUNT
Comet Corp.	\$14,875.00
T&J Holdings	\$17,130.00
Penny Construction Inc.	\$23,126.00
Staff Estimate	\$14,158.70

936 Pennsylvania Street

BIDDER	BASE BID	ALTERNATE 1
T&J Holdings	No Bid	No Bid
Comet Corp.	\$37,355.00	\$1,500.00
Penny Construction Inc.	\$39,226.00	\$1,000.00
Staff Estimate	\$28,066.80	\$200.00

829 Ohio Street

BIDDER	BASE BID	ALTERNATE 1
T&J Holdings	No Bid	No Bid
Comet Corp.	\$21,060.00	\$1,080.00
Penny Construction Inc.	\$23,887.00	\$1,000.00
Staff Estimate	\$20,147.15	\$1,250.00

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to waive staff estimates and award Comprehensive Housing Rehabilitation bids at 2703 Bonanza Street to Comet Corp. in the amount of \$14,875.00; 829 Ohio Street to Comet Corp. in the amount of \$22,140.00; and reject all bids for 936 Pennsylvania Street because the bids exceeded cost limits. Motion carried unanimously. **(3)**

The City Commission reviewed bids for mowing district No. 1, area No. 2 and No. 3 and horticulture for the Parks and Recreation Department. The bids were:

BIDDER	District 1 Area 2	District 1 Area 3	Horticulture
Elite Lawn Management	\$8,400.00	\$9,590.00	\$9,600.00
Brayden's Lawn & Landscape	\$8,800.00	\$9,720.00	
Shawn's Lawn & Landscape	\$9,900.00	\$11,210.00	\$16,160.00
Harrell Lawn Care	\$9,545.00	\$10,940.00	
Esposito Enterprises	\$9,580.00	\$10,940.00	
Ton's Mowing	\$12,400.00	\$12,420.00	
J. Long Lawn & Landscape	\$13,200	\$14,180.00	\$17,240.00
Cut-N-Edge	\$16,900.00	\$15,630.00	\$22,960.00
Dupree Landscaping & Lawn Service	\$26,360.80	\$14,368.74	\$28,025.92
Alpine Lawn Service, Inc.			\$19,360.00
Parker Landscaping Management			\$22,144.00

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to award the bid to Elite Lawn Management in the amount of \$27,590. Motion carried unanimously.

(4)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to authorize the Public Works Department to bid a lease agreement for three loader/back-hoes. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to accept Historic Preservation Fund Grants for a Historic Preservation Planning Intern in the amount of \$14,000 and the North of Stadium Historic Resources Survey in the amount of \$18,000 and authorize the City Manager to enter into grant agreements with the Kansas State Historical Society for these projects. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to authorize Mayor to sign the ITS Set-Aside Project Agreement with KDOT for the 6th Street ITS project. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx** to authorize the Mayor to sign a Subordination Agreement for Vicki Phares, 3926 Overland Drive. Motion carried unanimously. (8)

Vice Mayor Chestnut pulled from the consent agenda, authorizing Lawrence Freenet to proceed with construction activities within the City right-of-way near the intersection of 23rd and Harper Streets, contingent upon the execution of an agreement to the satisfaction of the City for use of the right-of-way at no cost to Freenet and authorizing the City Manager to execute such agreement.

Vice Mayor Chestnut said this item was to authorize the City to pursue an agreement with Lawrence Freenet for right-of-way. In previous agreements with Sprint and others, the City normally required compensation and it was important to understand that it was not just the right-of-way, but that the City was providing that right-of-way at no cost.

Commissioner Amyx said Lawrence Freenet dated back several years and was noted by this Commission as well as past Commission's as a valuable service to this community.

Mayor Dever called for public comment.

Andy Brown, President of the Board of Lawrence Freenet, thanked the City Commission for their consideration of the use of right-of-way which would help Freenet serve a significant number of low income families on that end of town.

It was moved by Amyx, seconded by Highberger, to authorize Lawrence Freenet to proceed with construction activities within the City right-of-way near the intersection of 23rd and Harper Streets, contingent upon the execution of an agreement to the satisfaction of the City for use of the right-of-way at no cost to Freenet and authorizing the City Manager to execute such agreement. Aye: Amyx, Dever, Hack and Highberger. Nay: Chestnut. Motion carried. **(9)**

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said he wanted to acknowledge that the City received a \$300 check from Oread Neighborhood Association for the grant the City Commission approved, on the consent agenda, for historic preservation review in the Oread Neighborhood.

He said staff had been working on performance measurements and had drafted a balanced score card, which was the term for a snapshot of a number of different metrics throughout the entire City organization. A lot of the goals were assumed and obviously needed to be confirmed by the Commission, at several appropriate times, given the size of the document. He said the questions were somewhat assumed as well, but represented, in most cases, best practices for measuring the performance of the City organization. Those items were seen in different reports throughout the year on different agendas.

He said the Development Services Division provided a financial report for Planning and Development Services Department, regarding building permit fee revenues and expenditures activity for 2008. Staff provided a copy of that report to the Lawrence Homebuilders Association which fulfilled the City's code responsibilities and would take an additional step to meet with the public to answer questions about that report.

Other items in the City Manager's Report included the 2008 Fire/Medical incident type report; the City's service directory was moved into a wiki to help further communicate with the public; yard trimming collection began March 2nd; a pedestrian signal was installed on New Hampshire Street near the Arts Center; staff provided an update on panhandling activities in the downtown area; and, energy efficient grant might help in the conversion of traffic signals to LED lamps which was a long term cost savings.

He said Casey Toomay, the Budget Manager and Interim Transit Administrator, did a lot of work on the draft balanced score card. He wanted to acknowledge her work along with Cynthia Boecker, Diane Stoddard and others. (10)

REGULAR AGENDA ITEMS:

Consider approving request for a building permit prior to the approval of the site plan and rezoning for 725 N. 2nd Street.

Steve Glass, LRM Industries, introduced the item. He said he was representing North Town Development, the developers of the property at 725 North 2nd Street. He said representatives from G-Force Athletics were present.

He said G-Force was founded in 2004 by Jimmy and Hallie Godfry, both formerly on the cheer squad at KU. Their goal was to create a family-friendly and locally respected program by developing healthy bodies and minds through a supportive and positive learning environment. Hallie was the program director and offered classes in cheerleading, tumbling and trampoline. They offered classes to both children and adults and peaked to about 300 students in 2007, but that number declined to 55 due to the lack of a permanent facility.

He said G-Force was a partner with the Parks and Recreation Department in co-sponsoring programs. The employment included the director and seven part time instructors. At the peak enrollment, they had 10 instructors and three junior instructors. They were previously located at 801 East 23rd and their lease expired at the end of December 2008 and had been in discussions with him about the property two or three months prior. The property at

which G-Force was located on 23rd Street was IG, which was the same zoning currently at the North Lawrence property. Currently, G-Force was using Robinson Gymnasium on a short term basis, but that expired at Spring Break.

He said he had become a little frustrated in this process and wanted to say up front that staff had been very helpful and very appropriate in dealing with him on this issue. He said if he expressed frustration, it was not with staff, but with the process.

He said they acquired the majority of the property in March 1966 and was zoned M3 at that point in time. Over the next 40 years, there were a variety of uses for that land up until the mid 1990's when it was vacant and until they started building in 2004. He said when they acquired the land, that land was a junkyard and converted that area into a variety of uses, primarily asphalt and concrete plants, which were a step up from junkyards. Eventually, they ended up with a building which they thought was an attractive addition to North Lawrence and the community.

He said the current site plan was approved March 30, 2004 by the City Commission and made the improvements in 2004 and 2005. The zoning that existed in 1966 was continued during those improvements. There was one lot acquired later zoned C4 and was changed to M3 zoning. They had approximately 57,600 square feet in the building. The goal in building the building was to create space for small businesses. It could be divided into various sizes of units and they felt it offered a good opportunity for small business that needed economical space that could not go out and build their own building. They had misread the market and it had not taken off, but was gradually gaining some momentum. G-Force would be a big asset to that property. The building was built without any tax abatements, government money and only asked the City not to be a roadblock in their process. Up until now, that had been the case.

The current land development code was adopted July 1, 2006 and all M3 zoning was changed to IG, which was general industrial. Also, M2 and M4 which were other categories under the old code were also locked into IG. The uses permitted in M3 were substantially

reduced when converted to IG. The uses at that location for 42 years suddenly disappeared and they did not find that out about that change until they tried to put a gymnasium into that location. No notice, to his knowledge, was provided to any industrial land owners about that change and realized by state statute when a new code was adopted the City was not obligated to notify individual property owners. He said when a property owner had uses available for several years, when those uses were taken away, some notification was appropriate. He said that was in the past and could not deal with it now, but asked the City Commission to keep that in consideration when moving forward.

He said on January 8, 2009, G-Force signed a lease for 6,025 square feet. Soon after, G-Force requested a building permit to do the tentative improvements, which consisted of two restrooms and the walls of each side of their 6,000 square feet. They went through the normal process of getting the plans in the proper format to satisfy Neighborhood Resources. When G-Force went to get their building permit, they were told they could not have a building permit because gymnastics was not a use permitted in IG zoning. At that point, North Town met with the Planning Department and talked about what needed to be done to allow that use and still accommodate the other people that were already in the building and people they hoped would come to the building in the future. It was decided collectively that IL was the most appropriate and interestingly, IL contained a lot of the uses, they had with the M3 zoning before M3 been taken away. North Town applied for the IL zoning and by code, when rezoning, another site plan needed to be submitted. They had to hire a firm to prepare and modify the site plan. Under the code, that led to the potential of a lot of different studies and such that might need to be submitted. To accommodate a use they had for 42 years, they were spending several thousand dollars to allow gymnastic at their building.

He said North Town submitted a site plan and were working with staff. They were on the March 23rd Planning Commission agenda to be zoned from IG to IL, based on a lesser change table and stood a good chance of getting approved.

He said North Town requested that staff issue a building permit to G-Force so they could make improvements to their space. The second request was to issue an occupancy permit once two things happened: that the improvements were completed and accepted by the City and the Planning Commission approved their rezoning as well as an approved site plan. If those three things occurred, they ask that staff issue an occupancy permit which would pick them up two or three weeks from the time the Planning Commission approved it to the time it would come to the City Commission for final approval.

He said there were four reasons why the City Commission should take those actions. The first was that the City did not, at the time of adoption of the development code, notify industrial property owners of the zoning changes and did not notify M3 zoned property owners that the new zoning category substantially altered the uses previously permitted in M3. It was his interpretation of the previous zoning code that G-Force's use would have been permitted in M3 zoning as previously existed on their property. He said he was told by staff that was directly involved in the adoption of the Land Development Code and was told there was no effort to conduct a one-on-one comparison of the uses existing in M3 properties with the uses allowed in IG or IL. There was no effort made to make sure the zoning assigned met the existing uses at that time; second, he said their zoning request from IG to IL was based on the lesser change table; third, the relocation of G-Force Athletics to 725 North 2nd met two goals of the City Commission. The first goal was that it was further redevelopment of the North 2nd and 3rd Street corridor. It was something that several commissions have been supportive of, particularly after the significant investment the City made on North 2nd Street and the pump station after the 1993 flood. The second goal was that it would provide the support of the City to a locally owned, small business that was providing jobs in the community. Finally, as indicated in the memo from Ernie Shaw, G-Force and Parks and Recreation had a partnership through which Parks and Recreation offers gymnastics and cheerleading classes that were then taught by G-Force. The

inability to move into their new home at 725 North 2nd had not only hurt G-Force, but had been an issue for Parks and Recreation and the students enrolled through Parks and Recreation.

Commissioner Amyx asked McCullough what was the procedure G-Force would go through if it was IG use.

Scott McCullough, Planning and Development Services Director, said for the IG zoning and change of use to the structure itself would have required a site plan process. If there was a site plan existing, it would have likely been a minor amendment to check for parking standards and any other improvements that were proposed administratively.

Commissioner Amyx asked staff why gymnastics use was not permitted in the IG zoning.

David Corliss, City Manager, said he could not answer the specific question of why the uses were taken out of what was the M3 category with the new industrial category. He said this was the first time it came up. He said Glass indicated that he, as a property owner, did not receive notice. He said Glass was not questioning whether the City followed the correct statutory procedures for notice, but making a valid policy point that staff did not provide individualized notice to property owners that they did not have certain uses.

Mayor Dever called for public comment.

Glass said one of the reasons the City Commission had not seen many issues come up was industrial zoned properties tended not to change or turnover as often as residential or commercial. He said he had given the Planning Department a list of properties that were improperly classified under IG for the use that existed July 1, 2006. There were people that had not been confronted with a need yet to address the issue.

Corliss said one thing to address in the City's Development Code was the requirement in situations where there was a change in use in triggering a site plan to see if there were ways to streamline that process. It was appropriate that staff knew about that change in use, but there might be some more onerous requirements as far as studies and other things that might not be necessary and was something that needed to be added to staff's work plan for this year.

Commissioner Amyx said one concern was anyone who owned that industrial property and wanted to market, those tenants would be in for a surprise.

Vice Mayor Chestnut said Glass made a comment regarding the building that G-Force vacated on East 23rd was also IG. He said his assumption was that G-Force probably occupied that building, prior to the new code being adopted and therefore, were in a non-conforming use category.

He said the City would run up against this issue more and more as tenants moved out and shifting around and there was an expectation to have a similar use, but if they are non-conforming now and someone else tried to backfill, they would run up against a use table.

Mayor Dever called for public comment.

Ted Boyle, North Lawrence Improvement Association, encouraged the Commission to approve the building permit. He said there were other problems with the change of the development code. About two years ago and a block south of this location, there was an individual, who bought property across from the Harley Davidson dealership and was an upper end photography studio. After buying that property, the person was told it was not zoned for a photography studio. There was some input from the North Lawrence Improvement Association, residents of North Lawrence, and a few days later a photography studio was acceptable to that zoning. He said he wanted to encourage the City Commission to approve that building permit because what had been done by adding that building had brought businesses to North 2nd Street and the residents of North Lawrence would like to see that continue and that the zoning be changed from the underpass to the turnpike to IL to accommodate those industrial property owners for commercial type business, not only for gymnastic type businesses, but for businesses like a cabinet shop. He asked that the zoning be brought up to date so businesses could incorporate along North 2nd Street. The City spent a lot of money on improvements to North 2nd Street and for the pump station. North 2nd Street was a first impression for individuals coming off of I-70. He said North 2nd Street also gave a false impression as a residential section

of North Lawrence. North Lawrence was like a small farming community of its own, but on North 2nd Street it represented a ghetto because of the empty lots, weeds, debris, and blight. North Lawrence Improvement Association would like to see the zoning changed to IL zoning.

Commissioner Amyx said Boyle had a good idea, but someone might be made non-conforming as part of the process to the development code which was a concern. He said the City had to make sure they went through use by use so they did not end up in the situation like Glass.

Boyle said it was the City's job to study what businesses were in that vicinity. There was no heavy industrial until the north side of the turnpike.

Commissioner Hack said she did not have any problems moving forward. It was one of those things that slipped through and unfortunately it had caused a lot of hardship and difficulties for not only the G-Force people but Parks and Recreation and the kids. She said it was something that could be easily fixed at this point. She did not have any objections to directing staff to approve the building and occupancy permits. She thought it would be appropriate to look at the existing properties along North 2nd. It was an area the City wanted to see improvements made.

Vice Mayor Chestnut said he thought this request was appropriate. He said when staff was looking at industrial and asking questions about going from M2, M3, M4 zoning to IG zoning and there was a collapsing of those industrial zonings, he thought it was appropriate to start looking at those like the sector plan and other industrial corridors. He thought there might be significant changes in use from the zoning made in the 1960's and were getting out ahead because he anticipated the City would run into those issues a number of times.

Commissioner Amyx said even though the process was out of order, under the zoning code, it was considered a lesser change table and one that was appropriate.

Moved by Hack, seconded by Chestnut, to approve the request for a building permit for 725 North 2nd Street and directed staff to issue an occupancy permit conditioned on the rezoning from IG to IL. Motion carried unanimously. (11)

Consider directing staff concerning Bowersock Dam and Utility Master Plan items.

David Corliss, City Manager, presented the staff report. He said staff needed to refer back to the options. He said a place to start might be where to proceed given all the options and what else the City Commission would need to give staff direction.

Commissioner Amyx said regarding the emergency repairs recommended in the 2007 Black and Veatch report, he asked if all those repairs were budgeted under the Capital Improvement Plan.

Corliss said the short term projects were budgeted.

Commissioner Amyx asked if the rates had changed based on those improvements.

Corliss said that was correct. There was money in this year's budget for the \$1 million dam project.

Commissioner Amyx said the emergency improvements would protect the water resource in providing water to the Kaw Water Plant.

Corliss said correct, as staff continued to look at a larger project sometime in the future.

Commissioner Amyx said Black & Veatch's report indicated that prior to the long-term repairs being made, additional information needed to be provided on that structure.

Corliss said correct.

Commissioner Amyx said the only way that could happen was to build a coffer dam and wait till the water dropped to look at the structure of the dam.

Corliss said correct.

Commissioner Amyx said Black & Veatch indicated those emergency repairs would take approximately 4, 5 or 6 weeks, once that coffer dam was built.

Corliss said correct with a good window on the lower water level which would not happen again until August.

Commissioner Amyx said the City was responsible for its water supply and had a 1977 agreement on that dam. He said Black and Veatch indicated in their report that those emergency repairs were needed for the City's water supply and that was his main concern that the City's investment in the water system remained.

He said what costs were associated in hiring a consultant.

Corliss said the City needed to retain a qualified consultant to give the City a larger scope, method and design of a project of a larger scope which was the major request from Bowersock. Bowersock asked the City to find a way to do a larger scale project that did rehabilitation of the structure. He did not want to diminish the Hill's understanding of the dam. They believed it required a coffer dam or cause way. He did not want to engineer it in this room, but they should question the engineering.

Commissioner Amyx asked if the repair cost or improvements were not figured into the rate study.

Corliss said correct. He said all the City had were the short-term repair work that was budgeted this year.

Commissioner Amyx asked who was going to help pay for those repairs.

Corliss said historically, the City's utility rate payers paid for dam repairs. The information presented on the \$4 million of dam repairs the City had undertaken since 1977 had been paid for by the City's Utility Capital Plans. He said the mill pond provided that intake. The dam was very important for the City's ability to take water in. The water level was even more important as it went up for the dam than just at the crest of the dam. It was an important for the water intake and thought the community was committed toward the dam being an appropriate infrastructure. The issue was the course set in temporary repairs and planning for larger repairs the appropriate course given the information received and concerns Bowersock raised was

setting the City on a course to do a larger project. If the City set a course for the larger project, they would be looking at how to pay for it. The City would not know the dollar amount until a consultant was hired.

Commissioner Highberger said it seemed there were different estimates for how much a coffer dam would be. There was a high estimate and low estimate and having more sense of which was more accurate would be helpful in making a decision on proceeding with building a coffer dam to do an analysis and examination of a dam.

He said there were two possible scenarios. One scenario was waiting for low water to happen miraculously soon or build a coffer dam to examine the dam and if finding out major repairs were not necessary that was great or find out major repairs were necessary, meant that they needed to move quickly. The alternative was if a coffer dam was not built, but major repairs were needed and nothing was done. He said he like to examine the dam sooner rather than later.

Mayor Dever said he would hate to spend a bunch of money on a short term fix when there were long term problems that might need to be resolved. He was not sure what the coffer dam installation would cost, but it was clear that was probably the best thing to do to address all the concerns from evaluation to some serious restoration of the dam if that was possible. He said if they could understand, in a brief time period, whether or not the short term budgeted costs included the construction of a coffer dam and if not, he asked if those would be substantial enough to cover that cost to help evaluate and Bowersock might gain some benefit.

Diane Stoddard, Assistant City Manager, said as indicated in the study session, the budgeted repairs for the short term repairs were \$1.17 million and based on information she received from Utilities staff, currently where they stood on their estimates for short term repairs would be approximately \$750,000 without the construction of a coffer dam, which was not envisioned in the original scope of that project.

Philip Ciesielski, Assistant Director of Utilities, said the current project scope did not contain the construction costs of a coffer dam, a separate structure upstream. It did include some mitigation measures to control flows during the period of construction of the shorter term repairs. The current estimate, which did not include some of those measures in terms of grout bagging and permeable layers upstream to help control the flow through the dam so repairs could be done effectively were included in the approximate ¼ million dollar cost. Staff and Black & Veatch looked at costs for a coffer dam and the cost varied depending on the level of protection they wanted to provide. Staff had seen anywhere from a minimum cost to approximately half a million dollars. The longer the construction window, the more susceptible one was to an event that would damage or make the existing coffer dam in a lower situation washed out or significantly damage it. Then there would be reconstruction costs or repair costs. Staff had estimates from half a million, to a million, to a million and a half dollars, depending on how large they wanted to make it and protection of river flows they wanted to provide during the construction window.

Steven Hill, President, Bowersock Mills and Power Company, said so they might have some idea of what a coffer dam might cost, they asked Hamm Construction Company to come and look at the coffer dam that would need to be built. They had been building the coffer dams upstream for the Turnpike Bridges. Hamm's came down and took a look at the amount of material that would have to be brought in and were familiar with what was needed regarding to the Kansas Health and Environment on river cleanliness, and believed that based upon this letter dated March 2nd, they were proposing to build a coffer dam that would have a top of 812 feet which the costs were inside of \$350,000. He said they were a reliable and large company and were doing the same kind of work just up the river. That put a number that was reasonable for them to think about in building a coffer dam that was 812 feet, 4 feet above the height of the dam.

Mayor Dever said if he was providing direction it would include evaluating the cost of a coffer dam and making the repairs the Commission deem necessary and allowing inspection of the dam to come up with a true cost of saving the dam, repairing the dam or what it would cost to replace the dam given the fact it might not be worth repairing. He said that would allow multiple scenarios. He said assisting with the costs associated with repairing the dam because a coffer dam was installed, might help in the repair costs.

Vice Mayor Chestnut said the one thing regardless of the cost of the coffer dam, one of the important points was that building a coffer dam would bring other stakeholders to the table, that being KDOT in particular who spoke. It seemed like they ought to be moving in parallel tracks. If the water levels dropped to a point to where emergency repairs could be made in August, it might be appropriate to move forward to do that in order to try to accommodate some of the issues seen. Realistically, he wanted to get other engineering angles and had other stakeholders to talk about not only with what they were doing, but what their participation might be. He would like to see the more in depth study, but also be prepared if the water levels were appropriate to go ahead and move forward. If those repairs were made, the flashboards could go back up. He said to some extent delaying was inevitable, but his concern was when they got to the complexity of a real major project as far as repair, they would have a lot more people in the room when all the sudden they were going up to 812 feet. He was sure the County would be interested in the impact of the flows both up and down the river. He thought they would find a lot of stakeholders in the room that would want to participate financially and understanding what the impacts were. The scope could get fairly sizeable and meant a longer timeline and to be prepared if the opportunity was there to some extent take some of the pressure off to make those repairs if the water levels were appropriate. The emergency repairs would contribute, to some extent, to the overall project if the opportunity was there. He said he would like to take that opportunity because it was going to involve a lot of people. He said if KDOT wanted to make adjustments to the coffer dam, it might be that KDOT could help in the rebuilding.

Mayor Dever said he was not sure the emergency repairs were in the best interest of the way to use that money. He said from what he had heard, there had not been a coffer dam in 30 years. There had been no extensive evaluation of the dam and the short term fixes were based on evaluating pools and effective losses in the dam. There was not a huge amount of work gone into assessing the condition of the dam at this point in time.

Ciesielski said the Mayor was correct in the assessment that the current repairs were based on what was able to be ascertained visually on the downstream or the dry side of the dam. Those repairs, in consulting with Black & Veatch, in terms of scope, both short term and long term, those repairs were recommended in conjunction with the long term repairs. Staff knew there were areas of active leaks today through the structure and that was what those repairs were primarily engineered to address which were those areas of active leaks where water was moving through the structure continuing to increase the size of the voids, remove material from the dam, as well as address the areas on the downstream side of the dam where the concrete surface was lost on timbers or timbers were missing or there were holes that were not yet leaking and sealing those holes up so they did not become a leak in the next months. He said Vice Mayor Chestnut indicated potentially doing the short term repairs at a lower flow window in August and staff was prepared at this point, within a certain amount of flow, to initiate those repairs immediately with authorization. Staff was within days of authorization with the City Commission to sign a contract and have repairs done at a low flow window. Traditionally, those flows did start going up at the end of March, but that was all predicated on the weather and the type of rains. If there was a window of opportunity in the spring, staff would be prepared to mitigate some levels of flow within the current scope of work and costs and execute those projects, not necessarily waiting for August.

Commissioner Hack asked if the emergency repairs would last eight to nine months.

Ciesielski said what he indicated was that there were currently areas in the downstream face of the dam where there were holes and openings that were not leaking. The question was if

those holes and opening become a leak in the upcoming months. Part of those repairs was to single those locations out and fill them on the surface as well as they could to keep them from becoming a leak or another flow path through the existing structure.

Commissioner Hack said if emergency repairs would help with the permanent fix or was the permanent fix totally aside.

Ciesielski said the repairs downstream as well as seeking out the area of active leaks and putting material in the dam, they would still want to execute that portion of the work. The immediate benefit of doing the emergency repairs, pending the completion would allow Bowersock to put the flashboards up, build the pool, and both operations would be more efficient.

Commissioner Amyx asked if Ciesielski was making the determination that the structure would not fail and the City was better off on spending emergency money on something that might or might not last.

Ciesielski said the emergency repairs were designed to stop the current areas of failure.

Commissioner Amyx said he wanted to make sure they were spending the money right and if they put the money into repairing the dam, the dam would still be there.

Corliss said staff would not find an engineer that would seal a statement that stated those levels of repair guarantee the dam would not fail because the level of inquiry had not been done for the entire structure. Bowersock's point was the larger scale investigation of the dam had not been done.

Mayor Dever asked if the coffer dam would help in making the emergency repairs and long term repairs more economical because of the working conditions, they would be preparing the work or the other temporary measures described that would take place for the coffer dam to be equal in the ability to protect and allow for the work to be done on the dam.

Ciesielski said the temporary measures would not allow for additional assessment by drying up the upstream like the coffer dam would, but the contractor was confident with those measures, the current scope could be executed short of building a coffer dam.

Mayor Dever asked if it could be a different cost if the coffer dam was in place.

Ciesielski said the current cost of the flow mitigation in this project was significantly less than the cost of a coffer dam with either staff's estimate or Bowersock's estimate.

Vice Mayor Chestnut said in speaking of the City engineering time calendar, KDOT and everyone else, if the City was going for an RFP because they were looking at other engineering services, scoping out the work and everything else, he asked how long it would take to be on a major project and actively moving.

Ciesielski said if going through the traditional method of advertising for qualifications and negotiating a contract with an engineer, full design, bid it out and get responses back, there was a flow window in August/September where river flows were traditionally lower. He did not think they would hit that upcoming August/September window by following that process. Another low flow window occurred December through February and could potentially hit that window even with that process.

Vice Mayor Chestnut asked if they were a year away.

Ciesielski said yes, from a larger project.

Mayor Dever asked if anyone had asked Bowersock of their preference on the repairs.

Vice Mayor Chestnut said based on what he heard that afternoon with this project, the bigger one might get a lot more complex with a lot more stakeholders and a year might even be optimistic. He was concerned this would stretch out to a year and a half to two years before they could really act and if the water flow was at a point where they could go with the lesser, given the fact that the investment did not seem like it was wasted, unless there was a major failure in the dam, which he did not know how probable that was. He said it was at least a consideration to be ready to do the emergency repairs because they did not know how long it

could take to bring everyone together to do the major repair. They all agreed that they needed to understand what they were getting into in the long run.

Sarah Hill-Nelson, owner operator Bowersock Mills and Power Company, said earlier this spring when they first made the proposal to put in the coffer dam, they did have the assistance of the lieutenant governor who called together the various state agencies who would have been needed to approve a coffer dam in very short order. They had a very positive experience and felt like they would have been able to put a coffer dam in by March and as long as everyone was on the same team and knew they had a timeline they needed to work within, it had been her experience to date that between the state agencies and corps of engineers, they were able to facilitate the process. From Bowersock's perspective, they were compromised in their ability to generate so if a larger scope was not possible, they would absolutely want to do the emergency repairs. They were of the opinion that it would still be possible to do the larger scope, building a coffer dam in itself was not a huge endeavor in terms of putting it in. After speaking with a couple of different engineering firms, there was some sense that the emergency repairs done with a coffer dam could be more effective and there would be cost savings injecting grout into the dam to stop flow through when there was water flowing through the dam was problematic. It had been their experience in doing that that it had not been successful. It was challenging and their concern that the emergency repairs were done. They were concerned that they would start pumping grout and then see the grout end up downstream and realize that it was not working after spending all that money. They would like to encourage the very serious consideration of a coffer dam because they believed it would allow, even if they just did the emergency repairs, they could be done more effectively and efficiently and it would provide a window to answer a good portion of the questions about the dam and the kind of condition that it was in.

Commissioner Amyx said the only engineering in place was the 2007 Black & Veatch Study that indicated the need for emergency short-term repairs. He said with the available

information, the emergency repairs were needed. He said all interested parties needed to come together if something major was needed for that super structure. He said the City Commission needed to make a decision about the coffer dam and make emergency repairs to the structure and make sure they saw a good picture of what was behind that water.

Commissioner Highberger said he thought the options were to go ahead with the emergency repairs on the downstream side, which were already engineered and would not require a coffer dam, or to do the coffer dam and look at the repairs on the upstream side.

Commissioner Amyx said as part of the coffer dam, they could do the emergency repairs at that time.

Corliss asked if the coffer dam should be done at a certain time of the year or was the plan to build the coffer dam right now.

Utilities Director Dave Wagner said if they did construct a coffer dam, they would certainly like the ability to take advantage of that coffer dam to its fullest extent, potentially not just for additional assessment, which might also cost more money, but for additional repairs. He said then determining the scope of those repairs at that time and having funding in place to implement those repairs, take full advantage of that coffer dam construction, that could get into a lot of money very quickly once finding out what was going on with the structure. In having those things all determined, by August regarding funding and the ability to execute that type of funding level if finding bad things that needed repair.

Vice Mayor Chestnut said the expense of the coffer dam in comparison to a much larger project was not a huge number. He said if building the coffer dam and making as much repair as they could with the budget the City had in the Capital Improvement Plan, it might be a wise course of action and follow up quickly if seeing significant issues.

Commissioner Hack said they did not have any choice, but to fix the dam and it needed to be done in a way that was economically and fiscally responsible. She said the City

Commission needed to make a decision and hand the technicalities off to the consultants, made the best sense.

Vice Mayor Chestnut said he agreed that there was a certain assessment, but a certain amount of direction, whether pursuing with building the coffer dam primarily to do the emergency repairs and assessment or building the coffer dam with an unlimited ceiling of how much this would cost.

Steven Hill said he wanted to be supportive of the direction he thought the Commission was headed. He said having lived with the river for so many years and understanding water flows, they might find that it might be two or three years before having flows that would allow that emergency repairs without the coffer dam. Also, usually August and September were low flows, but not always. If there was a coffer dam that would protect them from rain events, the work would proceed right along. He said that was a powerful incentive to have a coffer dam to ensure that work was done and that coffer dam was within the scope of the permit that the Corp had granted the City.

Commissioner Highberger said the Commission did not need to make a decision and would like feedback from staff to evaluate the estimate provided and also feedback on the concept before a final decision was made.

Corliss said the action item would be to come back with a contract for the temporary work and a coffer dam and the City Commission would then see the costs of those items.

Mayor Dever said if putting the coffer dam in all the mitigation that was necessary to dry out the dam or do the work should be removed from the \$750,000 and there should be more money available if his understanding of engineering was accurate.

Corliss said the question he had was if the Commission wanted to change the delivery system in place for this project so far as far as the design consultant and the contractor for the short-term work and the coffer dam. He said the City was negotiating with a contractor on the short term repairs.

Commissioner Amy said he did not see a need for changing the contractor because the contractor had already been selected.

Corliss said he was trying to confirm the City was staying with the design consultant and the contractor for the short-term repair work and coffer dam.

Sarah Hill-Nelson said Bowersock would like to submit that they thought it would be valuable in terms of process for the City to have an engineering firm or firms that would then not be eligible to conduct the work to do the assessment on what should happen to the dam. For example, if a coffer dam was constructed and people could get in and examine the dam to assess the future of the dam, that whoever did that assessment should then not be eligible to do the work in the future. She understood that those were fairly standard operating procedures.

Corliss said the City would need to go through a process of retaining a new consulting firm to assess the dam, once the coffer dam was up.

Mayor Dever said yes. He said if the coffer dam was up, he asked if they could not seek people who were interested in evaluating the dam.

Corliss said Nelson's recommendation to the City Commission was that she would like to have a different firm other than Black & Veatch do the assessment of the dam, once the coffer dam was constructed. He said if that was the direction of the Commission it would be appropriate for the Commission to ask staff to do a request for qualifications for another firm so staff could have that firm ready to engage when the coffer dam was up.

Mayor Dever said this would be an opportunity to gather data and assess how it was built and other might learn from this as well.

Commissioner Hack said it should be opened up to anyone and should go to the firm with the best qualifications and best bid.

Nelson said she just wanted to clarify that it was not that they care who did the work or who did the assessment. Black & Veatch might be the firm that did the engineering work, but they thought that two different firms, one should assess the dam and the other firm could be

contracted to do the work. She said they would be getting opinion from various engineering firms about what should happen with the dam.

Mayor Dever said that what wise, only because there were hundreds of those dams all over the country that had been evaluated by lots of other people and the City might get a specialized person in that field to do that assessment and then Black & Veatch could participate in the actual execution of those recommendations.

Vice Mayor Chestnut said regarding the coffer dam and the emergency repairs, he asked if they would do a request for proposals on the coffer dam. He did not think that was part of the emergency repair proposal.

Corliss said he understood the City Commission wanted the short-term repairs, coffer dam, and assessment by a firm that would not design the larger scale work all within the 1.17 million. (12)

Consider the following items related to the Oread Inn, a mixed use project located at 1200 Oread Avenue.

- a) Review FDP-2-3-09: Revised Final Development Plan for The Oread, located at 1200 Oread Avenue. Revisions to the Development Plan include a change in the allocation of uses in the development, addition of temporary removable shelter for the public terrace areas and the addition of roof mounted antenna for communication providers. The project is being presented to the City commission to inform them of the revision and to solicit input on the proposed changes.**
- b) Review Public Improvement Plans/Redevelopment Plan: Review revisions to the public improvements associated with Tax Increment Financing (TIF) public improvements.**
- c) Street Closure Schedule: Review request to extend the time period that Indiana Street, 12th Street and Oread Avenue are closed due to the construction of the project.**

Sandy Day, Planner, presented the staff report on the revised final development plan. This project had been a very public project and staff wanted to bring the project to the City Commission because some of the pieces in the proposed revision were not in the original plan.

Staff had identified the substantive changes such as the allocation of use, seasonal enclosures, telecommunication equipment, a change in some of the building height elements

and building exterior changes. The project had a lot of space that was identified as either hotel support or storage areas and was un-programmed space, so as the project had been refined, there was more detail about how that space was being used. She said the space was shifting in the building and additional rooms were added while some of the other spaces had decreased in size.

She said the seasonal enclosures was a new element to the project and would be located on the 5th floor and upper and lower observation decks of the project.

She said the telecommunication antenna equipment was a new element to this project. There were a number of flag poles approved and the applicant was showing in the revised project for larger diameter structures and flagpoles that would be capable of holding that communication equipment with the cabinets located in the basement level of the facility so it would eliminate other roof clutter which would be called “stealth” since the equipment would be placed in the flag poles.

The building height thresholds were established in the front elevation and main south elevation where the building height thresholds were established. They were still hitting the same benchmarks. They were adding about 9 feet on the right hand side to accommodate some mechanicals so access could be gained to the upper deck area.

The building exterior on the west side there was a little bit larger face of the commercial which was in response to the larger commercial space in the interior of the building. There was more detail provided on building openings and other architectural detail in the revised plans.

Commissioner Hack referenced Day's comment that this was a public process and asked whether there were any meetings that the Commission was not aware of.

Day said staff received communication from Carol Von Tersch that there were additional meetings between the applicant and neighborhood and continuing discussions of any changes to the project.

Commissioner Hack said there was a comment in the newspaper that there had been backroom agreements that the City Commission and public were not aware of. She wanted to make sure citizens knew that was not the case and that this had been a very public process. The only reason it was coming to the City Commission was because they had asked that the changes be administratively approved.

Chuck Soules, Public Works Director, presented the staff report on the public improvement plan. He said Oread Avenue would have an island that would provide aesthetic features. The applicant planned to complete Indiana Street and 12th Street over to Louisiana Street.

After some discussion with the neighbors, the developers came back with another proposal. One concern was that the proposed island served no purpose and caused neighbors to have concerns about parking. The neighbors liked the idea of parallel parking being available.

The developer still anticipated paying for and constructing of Oread Avenue, 12th Street from Louisiana to Indiana. Staff had talked with the developer because Indiana Street was deteriorating and needed to be repaired. He said staff took advantage of the construction in that area and would rebuild the street and intersection. He said it saved mobilization costs and they would not need to design that portion of the intersection.

He said regarding the current traffic control plan in that area, Indiana Street was closed mid-block south to 12th Street and 12th Street, in front of Oread Hotel to Indiana, was one lane. The developer requested leaving the area closed longer, to help facilitate completion of the project and would be safer for the public. He said when starting the road projects, there would be changes to the current traffic control plan.

Mayor Dever asked about the stairway improvements.

Soules said regarding stairway improvements to the west down to Mississippi, one of those sets of stairs were constructed in 2002, the other set of stairs would be constructed by the developer.

Commissioner Amyx asked if the changes, final development plan and review of public improvement plans continued to meet the requirements under TIF financing.

Corliss said that was correct. Staff had been in discussions with the attorney for the developer, and would likely need minor changes to the development agreement to reflect the fact there was a revised development plan and a different scope of work on the project. It was in keeping up with the TIF requirements and had been in consultation with the City's bond council and TIF advisor on this project. The property received property tax and sales tax increment on that site up to 20 years up to the point of where all the public improvements were paid and also for the share of the parking garage that was attributed to the garage itself as opposed to the foundation of the building.

Commissioner Amyx said if there were changes to the plan, TIF financing should be reviewed, but it sounded as though that had been done.

Corliss said it was determined that there was no requirement under the law that required a new hearing. Sometimes the scope of a project would substantially change with TIF projects, but staff or bond council did not see the changes as meeting that requirement.

Matt Gough, Barber Emerson, council for the developer, said if the final development plan was approved, housekeeping amendments needed to be made to the redevelopment agreement. He had talked to the City's bond council and was in agreement that those amendments could be accomplished.

Mayor Dever called for public comment.

Derek Martin, President of Alpha Epsilon Pi, said they would be directly affected by this project since their house was located on Indiana Street. He said the only access point to their fraternity house was on Indiana Street. There were 18 people living in the fraternity house with 11 vehicles and already had a hard time finding parking and if they closed the street during the school year or move in or move out period, it would cause a major hassle for everyone involved with their fraternity. He asked that there be some time period where the construction would be

anywhere between June 1 and August 1 as it would work well with the two fraternity houses located on Indiana. While they were in favor of reconstruction, they wanted to make sure it was not too much of an impediment to going about their business.

Jace Parker, President of Phi Kappa Tau, said they were concerned about the schedule conflicting with classes at the university. Most of the citizens in the area were students currently and there was talk of construction during spring break, but would like to see it done during the summer and appreciated the work being done.

Paul Werner, Paul Werner Architects, said that was actually part of their plan. He said there were waterline improvements they wanted to do over spring break, if the plans were approved. Work was also scheduled for 12th Street, but there was no doubt the plan was to start right after graduation and Indiana was the last street scheduled for completion toward August. The major construction of the road would wait until after graduation.

Commissioner Amyx asked if staff would not have any trouble accommodating the City's improvements at the intersection during the summer time.

Soules said correct.

Martin asked if that was in writing in the plan or hopefulness because there were problems that might come up.

Mayor Dever said up to this point, the developer had fulfilled obligations for maintaining access. He said there could be something in writing, but things could happen. He said he would look to an operating agreement like in the past where the City Commission would hold the developer accountable and if there was a problem, the developer would come before the City Commission and ask for an extension. At that point, it would be publicized and they would have a chance to voice how that would impact them and the developer could help accommodate accessing their property.

Moved by Amyx, seconded by Hack, to approve the revised final development plan; approve the public improvement plan and approve the street closure schedule. Motion carried unanimously. (13)

Receive 2008 TASER usage report and authorize expanded deployment of TASERs by the Police Department.

David Corliss, City Manager, introduced the item. He said last year the City Commission authorized the limited deployment of TASER's as a tool for use in the Police Department and indicated that it would be appropriate to have a usage report prepared. Staff communicated that report to the community and individuals interested in the community. Staff viewed the use as appropriate and followed through on the information request that the City Commission placed on the Police Department last year. Staff was asking for the authority to provide additional deployment of TASER's in the Police Department. He did not know how many and would be budget and training driven. Staff was following the same protocols and same reporting of the use. As there were resources and trained individuals, staff asked that officers have the TASER's. When this issue was visited last year, they were a distinct minority of communities as far as not having TASER's and this City had effectively joined those communities as far as the ability to use those TASER's.

Mayor Dever asked how many ECD's the City had and how many staff would like to have.

Corliss said the City had ten ECD's and 13 police officers were trained to use those TASER's. He said he did not think they would have one TASER for every officer all the time because not all officers were working at the same time. Training was part of the protocol.

Mayor Dever asked how many more officers would be trained.

Captain Steve Zarnowiec said due to attrition, officers leaving the department and reassignment, they originally trained 21 officers and were down to 13 who were available to carry the devices in the community. They tried to train groups of 20 and would first try to fill the

void and if they would have a class they would go for 20 as the targeted goal. Eventually, they would want to see all officers have the training because it was beneficial and covered much more than just the actual use of the device and covered circumstances that officers encountered and other strategies to deal with those circumstances.

Mayor Dever asked how the training worked.

Zarnowiec said initially they brought in a master taser instructor from Johnson County, one of two in the state. Since that period of time, they have trained in-house instructors. The next class would be a joint effort between that same master instructor and the City's instructor so they could make sure it was performed as well as possible. Then they would look at the in house instructors to carry forward.

He said right now, they wanted to have enough TASER's at any given point that any officer qualified in training to carry it would have a TASER available. He said after the next training, they would probably remain in that circumstance but as they trained more officers, they would want to acquire sufficient equipment that any officer who was trained would have one available. That would be a slow progression, but eventually would want to ensure the pieces of equipment would match the number of officers walking out the door each day to their car.

Corliss said patrol never exceeds 20 police officers.

Mayor Dever called for public comment.

Hubbard Collingsworth, Lawrence, said speaking for the homeless, he just talked with representatives for the homeless and would like to congratulate the police force because they were doing an excellent job and overall were pleased with the police force and how they were conducting themselves.

Mayor Dever said the Commission reviewed the TASER report and the report was excellent and appreciated the thorough work. The fact the officer had not had to deploy the TASER's very often and the mere presence was a deterrent and thought that was what law enforcement was all about.

Commissioner Amyx said 8 uses out of 115,000 calls was very good and showed the professionalism of the officers and their department.

Mayor Dever said he thought they were doing a great job and hoped they could keep the incidents to a minimum.

Commissioner Hack said one of the things the report indicated was that there was cautious and careful training for use of the TASER. She said she felt comfortable with what the officers were doing.

Commissioner Highberger said according to the report, in almost all of the incidences it was clear the TASER use probably prevented a higher level of violence or serious injury to either officers or civilians. The device seemed to be used appropriately.

Moved by Hack, seconded by Chestnut, to receive the report and authorize the requested expanded deployment of TASERS by the Police Department. Motion carried unanimously. (14)

PUBLIC COMMENT:

FUTURE AGENDA ITEMS:

- 03/10/09 . The vacation of 10' of right-of-way of 12th street and the vacation of a 10' utility easement along the northern boundary of lot 1, block 1, Delaware Commons Addition II.
- . Traffic Safety Commission minutes from February 2, 2009.
- 03/24/09 . Consider adoption of economic development policies and cost benefit model.
- 03/31/09 . Receive recommendations of Mayor's Climate Protection Task Force.
- March . Discuss continuation or expiration of the quorum ordinance.
- . Receive audit recommendation follow-up report from the City Auditor
- 04/07/09 . City Commissioner Elections
- 04/14/09 . Seating of new City Commissioners
- . Election of Mayor and Vice-Mayor
- TBD . Conduct public hearing and consider approving Site Plan SP-02-10-08, for a sidewalk hospitality area for Eighth Street Taproom, located at 801 New Hampshire Street. Submitted by Paul Werner Architects for Louise's Inc., property owner of record.

ACTION: Approve Site Plan (SP-02-10-08) for a sidewalk hospitality area for Eighth Street Taproom, 801 New Hampshire Street, if appropriate.

- . Authorize the City Manager to execute an engineering services

agreement with Black & Veatch for Design Phase Engineering services in conjunction with project WW0601, improvements to the Anaerobic Digester Process at the Wastewater Treatment Plant.

- Conduct public hearing to discuss the condition of the dilapidated structure at 1207 E. 13th Street and to consider declaring the structure unsafe and dangerous and ordering its repair or removal within a specified period of time.
- Utilities Master Plan
- ***This item was heard by the CC on 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.

- Receive staff report regarding transferable development rights
- Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)
- Maple Leaf Square rezonings, dedication of easements and rights-of-way, and waiver from the requirement of the Subdivision Regulations that sidewalks be constructed on both sides of the street.

COMMISSION ITEMS:

Scheduled City Manager evaluation for March 25th at 4 pm.

Moved by Chestnut, seconded by Highberger, to adjourn at 9:15 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MARCH 3, 2009

1. Bid Date – Mar 17, 2009, Landscaping Srvcs, Pump Station 49, SE Sanitary Sewer Benefit District's Nos. 1, 2 & 3.
2. Bid Date – Apr 14, 2009, Kaw Water Treatment Plant, E Perimeter Fence Line Replacement Project.
3. Comprehensive Housing Rehab Projects.
4. Bid – Mowing dist 1, area 2 & 3, & horticulture, Parks & Rec Dept, to Elite Lawn Mgmt for \$27,590.
5. Authorize Public Works Dept to bid lease agreement, 3 loader/back-hoes.
6. Historic Preservation Fund Grants, \$14,000 for intern, \$18,000 for survey.
7. ITS Set-Aside Project Agreement, KDOT, for 6th St. ITS Project.
8. Subordination Agreement, Vicki Phares, 3926 Overland Drive.
9. Lawrence Freenet, Construction Activity, 23rd & Harper St.
10. City Manager's Report.
11. Building Permit – 725 N. 2nd St.
12. Bowersock Dam & Utility Master Plan Items.
13. Items related to Oread Inn, 1200 Oread Ave.
14. 2008 TASER usage report.