



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MICHAEL H. DEVER

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

April 14, 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.

## STATE OF CITY ADDRESS:

Mayor Dever read his State of City Address:

"I want to thank the citizens of Lawrence and my fellow commissioners for giving me the opportunity to serve as the Mayor of Lawrence, Kansas over the past 12 months. Most importantly I would like to thank my family, who have allowed me to pursue the opportunity to serve the people of Lawrence. I have embraced the responsibility and duties and worked to treat the position with the care and respect it deserves. I also want to thank all of the employees of the city who have helped provide me with the information that I have needed to make decisions, provide assistance to individual residents and carry out my duties during the year.

When a person is asked to take over a job, usually they are provided with training and time to learn the position. This is not really the case when it comes to serving as a commissioner and Mayor. You must hit the ground running and there is little time to ponder. Fortunately, I was able to take over the gavel from a teacher. Commissioner Hack was gracious with her time, constructive criticism and insight into the process of running a public meeting. The commission was also blessed with the presence of three former Mayors who also helped keep things running smoothly. To all the commissioners, I am grateful for your support over the past 24 months.

One of the most inspirational things I learned as Mayor was how truly fortunate we are in this city to have many civically engaged citizens and volunteers involved in all of the boards, associations and taskforces. I want to personally thank all of them for their dedication and service to this community. Without these people, Lawrence would not be quite so extraordinary.

The year has been filled with some pretty gloomy economic conditions but our community has been fortunate to have experienced less economic volatility than many others. The economic conditions have created challenges for the nation, the state, or city and almost every individual citizen. Lawrence continues to struggle with budgetary constraints and I hope that we can work together to keep our community at the forefront when people consider relocation of their home or their company. What we have in Lawrence is difficult to duplicate and we need to nurture the things that make our community unique.



Lawrence citizens demonstrated their commitment to our community by allowing the city to raise our local sales tax rate to improve our community and help make it more sustainable. Many people know that I have invested a lot of time in our transit system. As one who is familiar with good working models of transit systems and an environmentalist, I made it my responsibility to see how we could craft a more useful, efficient and long term model of transit in our community. I spent many hours meeting with city staff, KU on Wheels staff, government officials in other towns and residents of our community. What I discovered was that we needed to have a solid future for the T in order to make it more efficient and useful. Citizens also expressed concerns over the state of roads and infrastructure in Lawrence in our citizen survey. In response to those concerns and our internal review of our transportation network the city also proposed a sales tax to help pay for the desired and needed improvements.

The effort to secure the future of our transit system and raise funds for the repair and replacement of our aging infrastructure brought out the best in Lawrence. Volunteers, commissioners and City staff, spent countless hours explaining the reason for the sales tax increase, its purpose and application and highlighting the need for the additional funding. From July until November many people dedicated their precious time and energy to this important initiative. While there were some in the community who believed the commission should have made the decision regarding the T and focused the sales tax on infrastructure, my desire was to solidify the funding and create a community referendum on the value of transit in Lawrence.

As many hoped, our community stepped up and overwhelmingly supported all three questions on the ballot and provided invaluable feedback on the value of public transportation and infrastructure in Lawrence. We want a transit system that more people use and fuel efficient options for the transit dependent and choice riders. We want better roads, sidewalks and emergency service vehicles in our community so we can continue to be an extraordinary place to live. In the face of tough times, 70% of the voters said yes, and for that I want to thank all of you.

With new federal stimulus funds, previously budgeted dollars and sales tax revenues, the city is undertaking some major projects that have been needed for a long time. Lawrence has been the recipient of millions of stimulus dollars in recent weeks, and we will use the money for much needed projects. We will repair roads that were built 100 years ago, and some that are only 20 years old. We will also use federal dollars to help replace our aging bus fleet with cleaner, greener vehicles. And soon we will implement our first coordinated route between KU on Wheels and the City of Lawrence. Coordination is something many people have talked about, but this year we did it. I believe this will be the first step in the creation of a first class transit system. The timing is perfect given the instability of the price of oil and the potential for tighter air quality emission standards.

In reviewing the last twelve months, I would like to comment on our successes and failures as a commission and community. We hit a home run last April as our community and University celebrated exuberantly, but safely, as our Jayhawks were able to win a National Basketball Championship. While other communities over the past few years made national news for their lack of restraint, we did it right, several times, through the careful planning of our public safety professionals and an incredible community spirit. The only thing burning in Lawrence those weeks were the desires of our rabid fan base to repeat our success.

Speaking of national news, how wonderful it has been to be a part of the national frenzy associated with Lawrence's youngest lobbyist. Judson King has been honored multiple times for his impressive and intelligent approach to changing the law regarding hedgehogs. We were able

to send a message nationally, that Lawrence listens to everyone and that we are home to some pretty incredible young men and women. This exposure perfectly captured the essence and spirit of our community.

The commission was also able to implement an important initiative, as we completed a draft of our city's climate protection plan. I was fortunate enough to be a part of the task force that spent the past twelve months compiling a document that our city can use to begin the process of educating our community and undertaking the important task of reducing our community's greenhouse gas emissions. The dedicated men and women who were a part of the taskforce created a thorough and thoughtful plan that will help our region and our planet.

Our community took a major step in creating a regional hub for Biosciences by committing to the funding of an incubator facility in cooperation with Douglas County and the University of Kansas. The unique partnership that we created inspired the Kansas Bioscience Authority to also invest millions of dollars in our community and together we will be able to create a first class facility that will likely reap benefits for many years to come. Our investment in this endeavor will hopefully create high paying jobs in our community and allow us to tap into the amazing science and technology research being conducted at the University of Kansas. Much of the credit for this success is attributed to our community's earlier investment in the Lawrence Douglas County Bioscience Authority.

2008 was a year where I wanted to focus on strengthening the cities relationship with the University of Kansas. With the success of the university's athletic, research and development and scholastic programs it only seemed natural for Lawrence to work cooperatively with the University to improve our community. Besides our transit integration and bioscience incubator initiative, the city also worked closely with the University in creating two impressive new buildings in the city of Lawrence. The new boathouse located at Burcham Park is a tremendous addition to the community and will provide a first class facility for KU athletes and Lawrence residents to take in the beauty of the Kansas River and Burcham Park. We were also able to work together with private developers and the University to break ground for the Oread Inn. This new facility, built on the edge of the University will provide much needed hotel and meeting space for the community and further enhance the neighborhoods within its environs. Although the process was difficult, through community involvement and unique Tax Increment Financing and Transportation Development District creation, the city responded to the challenge and helped move the project forward. As the building begins to rise above the landscape, my hope is that the project is a success and that the University can use this project as a cornerstone for future successes.

Also last year, Lawrence public safety received two national recognitions. Fire Medical was awarded international agency accreditation status and confirmed as a world class operation. The accreditation is a credit to all the men and women of Lawrence-Douglas County Fire Medical and the service they deliver every day. A second national distinction came to Lawrence Public Safety when the Lawrence Police Department's School Resource Officer program was recognized as a National Model Agency recognizing the excellence of the program.

One item that I think our city has fallen behind on is the issue of homelessness. The City has always played a part in service to the homeless and has dedicated funds to both the Lawrence Community shelter and the Salvation Army. The faith based community and private individuals have done much to help those most in need in our community and the Commission on Homelessness has spent countless hours developing a plan for our community to effectively deal with this important issue. However, with the loss of the Salvation Army as a refuge we have

lost a valuable asset and have been put in a position where we must act quickly. We need to work with those that have the expertise and funding to find a permanent home for a larger and properly configured homeless shelter. We must put aside our differences and allow the community to create a system where we can be assured that those in need can find clean, safe and consistent shelter from the elements. At the same time we must create a system where we can help the homeless move into mainstream society and become productive members of our community. The recent events surrounding the removal of campsites from city park property in the dead of winter have underscored the importance of this issue and focused the spotlight on the inadequacy of our current system. Before next winter we must have a plan, place and a passion for solving this ever growing social issue.

Finally, we must all recognize the importance of having viable land for the attraction and development of new business in our community. The focus during the recent election was job creation. However before we can attract many new businesses and help existing businesses grow, we must find a place for them. Although we have space in our current business park on the east edge of town, we must all understand that one size or place does not fit all. We must use the current economic downturn as a time for our community to identify and develop areas of our community where we will welcome businesses. Lawrence has prided itself as a welcoming community. In order to continue that welcoming, we cannot allow ourselves to fall any further behind in the fight for jobs and economic prosperity. I am hopeful that we will thoughtfully consider all potential areas in our community and provide the process and funding to create a sustainable community.

As I finish my term as Mayor, I have an expanded appreciation for Lawrence and more drive to make a difference in my community. Spending a few moments revisiting the successes that made us proud is a good thing but now it is time for us to move on to the opportunities of a new year. We have the ability to keep Lawrence a great place to live and a place that every one of us is proud to call home.”

## **RECOGNITION/PROCLAMATION/PRESENTATION:**

With Commission approval Mayor Dever proclaimed the week of April 19 – 25, 2009 as “The Week of the Young Child”; and the week of April 19 – 26, 2009 as “National Volunteer Week.”

## **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve the City Commission meeting minutes of March 31, 2009, including the April 6, 2009 Executive Session. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to receive the Mechanical Code Board of Appeals meeting minutes of October 13, 2008; the

Housing Needs Task Force meeting minutes of April 5, 2009 and March 10, 2009; and the Sister Cities Advisory Board meeting minutes of February 11, 2009.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve claims to 1,255 vendors in the amount of \$3,713,255.31, and payroll from March 29, 2009 to April 11, 2009, in the amount of \$1,823,513.15. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve the Drinking Establishment Licenses for 23<sup>rd</sup> Street Brewery, 3512 Clinton Parkway; Maceli's, 1 Riverfront Plaza; Maceli's, 1031 New Hampshire; and Jayhawk Taxi, 504 North John Doy Court. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to concur with the recommendation of the Mayor and appoint Steve Burd, to the Plumbers and Pipe Fitters, to an additional term which will expire April 30, 2012; reappoint Gary Mohr, to the Mechanical Code Board of Appeals, to an additional term which will expire March 31, 2012; reappoint Ken McGovern to the Mental Health Board to an additional term which will expire, April 30, 2013; reappoint Terry Leibold to the Public Library Board, to an additional term which will expire April 30, 2013; appoint Beth Johnson to the Sustainability Advisory Board to a term which will expire December 31, 2010; reappoint Jim Woods and Ken Miller to the Traffic Safety Commission to additional terms which will expire April 30, 2012; and appoint Jon King and Ted Boyle to three year terms, Keith Yehle and Charlie Sedlock to two year terms, and Kathy Branson, to a one year term on the Sales Tax Audit Committee. Motion carried unanimously.

The City Commission reviewed the bids for pumps and motors for the Utilities Department. **(See on-line agenda). Moved by Chestnut, seconded by Highberger,** to award the bids to Letts, Van Kirk for \$53,618.15; Douglas Pump for \$142,797; JCI for \$100,247; Layne Christensen Company for \$7,458; Lee Mathew's Equipment for \$15,400; and Patchen Electric

for \$3,575.75; for a total of \$323,095.90, for a total of all pumps and motors. Motion carried unanimously. (1)

The City Commission reviewed the bids for 3000 tons of road salt with the option to buy an additional 1000 tons in the spring of 2010, for the Public Works Department. The bids were:

<b>Vendor</b>	<b>Total</b>
Central Salt	\$41.64
Independent Salt	\$52.45
Cargill Salt	\$55.49
Hutchinson Salt	\$58.95

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to award the bid to Central Salt for \$41.64 a ton or \$124,920, with an option for an additional 1,000 tons if needed for \$41,640 totaling \$166,560. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to waive bidding requirements and approve the sole source procurement and payment of \$16,000 for the 2009 Summer/Fall Parks and Recreation Activities Guide to the Lawrence Journal World. Motion carried unanimously. (3)

The City Commission reviewed the bids for the 2009 Overlay Program, Phase 1, for the Public Works Department. The bids were:

<b>BIDDER</b>	<b>BID AMOUNT</b>
Engineer's Estimate	\$229,903
Sunflower Paving, Inc.	\$192,128.34
LRM Industries, Inc.	\$203,283.66
Hamm, Inc.	\$206,578.90
Bettis Asphalt & Construction Inc.	\$216,379.96

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to award the bid to Sunflower Paving, Inc., in the amount of 192,128.34, plus \$17,000 contingency, for a total project cost of \$209,128.34. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to authorize the City Manager to enter into a contract with Wilson & Co. for final design of 31<sup>st</sup> Street from Haskell Avenue to O'Connell Road in an amount of \$375,315. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve Change Order No. 4 to Ballou Construction Co., Inc., contract in the amount of \$448,621 for Project No. PW0815, 2008 Microsurfacing Program, adding extended microsurfacing project locations. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to authorize the City Manager to enter into an Engineering Services Agreement for design with Peridian Group for Project No. PW0915, Street, Storm Sewer, and Waterline Improvements for Exchange Place and Fairfield Drive, in an amount of \$98,600; and, Project No. 09S003, Sanitary Sewer Improvements for Fairfield East Addition No. 3 in an amount of \$30,272. Motion carried unanimously. (7)

Ordinance No. 8386, establishing a local purchasing preference policy, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve the rezoning (Z-2-2-09) of 9,297 square feet, located at 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to approve an agreement between the City of Lawrence and Parks and Cesare Concessions and Catering to provide supervision at sports complexes. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to authorize the Mayor to execute the Second Addendum to Contract for the City Manager's employment agreement. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to receive the first quarter 2009 report from Lawrence Freenet. Motion carried unanimously.(12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to receive a request from Community Wireless Communications for a franchise agreement between the City of Lawrence and Community Wireless Communications; and refer to staff for review. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to receive a request from Community Wireless Communications to install fiber-optic cable in City owned conduit; and refer to staff for review. Motion carried unanimously. (14)

Beth Myers said she was representing a group of people who treasured Lawrence landmarks, styles of art, architecture, and design. The building at 1725 New Hampshire was a pristine and gorgeous example of early 1950's post war architecture and design. She said she had taken the liberty of compiling a book of photographs and some gratuitous text for the City Commission to peruse.

The item on the consent agenda was that the property on which that building stood and the building itself be rezoned from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). The reason was that the Dillon Store and 19<sup>th</sup> and Massachusetts was in need of more parking. She said she was not against Dillon's and knew it needed more parking, however, she was against tearing down such a beautiful example of the period for parking to occur. In a City as creative and as diverse as Lawrence, the City could come up with a plan that met both Dillon's



requirements and did not destroy those homes. She said it might be a matter of simply turning the alleyway into handicapped parking, configuring parking differently, sharing parking with Family Video which not only had parking spaces in front of that store, but parking both on the north and south sides, or utilizing parking in the back on New Hampshire where there was a cul-de-sac formed by the structure itself. There were ten parking spaces accessible in the back at that location that were accessible to no one unless living across the street.

She said the building was a home to six tenants, one tenant who had lived at that location for twenty years. That structure was regarded as somewhat dated by people that did not like mid-century architecture and design. She said she would love to see that type of architecture available for her grandchildren to view, live in, or own at some point.

She said not enough thought and consideration and exploration of other options had gone into this issue and respectfully requested that that area not be zoned commercial, at least, not at this time.

Rob Farha, owner of record, said City staff spent a lot of time on this rezoning and a positive approval was written by Planning Staff. Also, the Planning Commission voted 6-0 in favor of the rezoning as well as the Historic Resources Commission. He said he and his partner were approached by the Kroger Company and this rezoning would get Dillon's up to grade.

He said regarding the tenants, he had difficulty renting because of the noise next to Dillon's loading docks. The tenant that had been at that location for several years, he and his partner had visited with that person several times and made steps, if this zoning went through, in helping that person out.

Wally Storey, Commercial Real Estate Broker for Dillon's, said they had spent untold amounts of money. He said he was trying to get the parking to work out and went to the extreme to buy those apartment houses.

He said regarding the cul-de-sac behind Dillon's, that area was slated to expand the Dillon's store. Also, on a cold winter day in Lawrence, when there was three foot of snow, people would not park at Family Video and walk to buy groceries.

He said they had gone to great lengths to make sure everything was correct and worked hand in glove with the City to get the parking lot laid out, but the end result was to make parking handy for everyone and to make Dillon's a better store.

Commissioner Highberger said he hated to see affordable housing taken out and making the neighborhood less dense since the Commission's goal was to have more walkable neighborhoods, but the rezoning met all the criteria for a zoning change. If it would allow Dillon's to expand it was probably something the City Commission should facilitate. He said he would very reluctantly vote to uphold the Planning Commission's decision.

Vice Mayor Chestnut agreed with Commission Highberger. He said in this particular case this particular apartment would eventually be surrounded by more commercial development and the property would become less and less marketable. He said Dillon's was a neighborhood grocery store that he frequented. He said he supported the rezoning.

Commissioner Amyx asked if there would be an opportunity for a variance for parking.

Scott McCullough, Development Services Director, said as he understood the history of the Dillon's project, they already received some variance for parking. Staff believed Dillon's needed this parking to be compliant with the Development Code as far as parking. Staff's hope and desire was to work on making improvements to elements on the current site and would qualify as a major development project. He said staff was looking at ways to make this site a better property.

Commissioner Amyx said the Massachusetts grocery store served the eastern part of the community. He said the importance of having a grocery store in the neighborhood outweighed everything he read on that particular structure. He said he appreciated the Dillon's Store trying to meet the City's criteria for expansion and rezoning.

Commissioner Hack said all of the steps had been followed and there was a unanimous decision by City staff, the Planning Commission, and the HRC. She said she was in support of the rezoning.

Mayor Dever said having an improved grocery store with more amenities for the community and within walking distance outweighed the loss of that important 1950's structure. He said the outside of the structure was not much to look at, but the inside was quite remarkable. He said in his book, the City Commission needed to go with the recommendations of the HRC and Planning staff and this was something that would improve the neighborhood rather than diminishing the neighborhood. He said he was in favor to move forward.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger,** to adopt on first reading, Ordinance No. 8387, for the rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). Motion carried unanimously. (15)

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

During the City Manager's Report, David Corliss said he wanted to focus his comments on the parting Commissioners and specifically recognize those Commissioners for their years of service on behalf of the City of Lawrence employees. He said he believed they had followed through on the Athenian Oath to leave this City better than they found it.

#### **Athenian Oath**

"We will never bring disgrace on this our City by an act of dishonesty or cowardice.  
We will fight for the ideals and Sacred Things of the City both alone and with many.  
We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught.  
We will strive increasingly to quicken the public's sense of civic duty.  
Thus in all these ways we will transmit this City, not only not less, but greater and more beautiful than it was transmitted to us."

He said he appreciated the parting Commission's friendship and knew that would not end as their service on the Commission ended, but he wanted to express the gratitude City staff, he and his wife Sarah, had for their friendship and service.

**REGULAR AGENDA ITEMS:**

**Receive comments from Mayor Mike Dever and City Commission.**

Commissioner Amyx said it was important to note that when leaving City Commission meetings, the Commissioners were friends. He said he appreciated Commissioner Hack's friendship and she would be missed.

He said he had the opportunity to serve with Commission Highberger for several years and appreciated everything Commissioner Highberger helped him with and would always be grateful.

He said he wanted to thank both Commissioners for their service to the community. He said people could always question decisions the City Commission made, but people could not question the dedication of both Commissioners.

Vice Mayor Chestnut said it was an honor serving with Commissioners Highberger and Hack. He appreciated Commissioner Highberger's intellect that made him think a lot. He said he learned a lot in the first two years on the Commission and they had diverged opinions, but yet the five Commissioners had the same goals in mind that the community wanted to achieve, it was just how they arrived at those goals. He said Commissioner Highberger challenged him in thought and he appreciated the comments when someone had good insight. The community owed Commissioner Highberger for his service and he represented a great point of view, in a dimension he did not think about.

He said Commissioner Hack mentioned that being an elected official for the City would be one of the most difficult things to do, but one of the most satisfying and she was absolutely right. He appreciated her positive attitude and did not know if he had ever met a nicer person. A positive attitude was an important aspect because this job was tough with difficult issues,

pressure and a lot of people in the community pushing and pulling in different direction. He said he appreciated that aspect because he tended to be somewhat analytical.

He said he would miss both parting Commissioners, but now the City had two new great people and it was attributed to Lawrence that continued to put good people on the City Commission. He said he echoed Commissioner Amyx's comment, "You can question our decision, but never what our intentions are", which was true with everyone that sat in those chairs and was honored to be part of.

Mayor Dever said he wanted to thank Commissioner Highberger for his social conscience he provided to the Commission and his clarity on issues. He said Commissioner Highberger had a steady hand for guiding the City Commission toward a greater future. He said there had been very little dissension when considering how many important issues the Commission had to tackle over the years and some of the lack of understanding the new Commissioners had on the process and he thanked Commissioner Highberger for his gentle hand and conscience because without it, bad decision could have been made. Being a person he respected and admired on many issues, he thanked Commissioner Highberger for being a great person and a great servant to the City of Lawrence.

He said in taking over for Commissioner Hack was a difficult job, but they were able to muddle through the process and she was excellent in keeping him focused and helped him through some of his mistakes. Commissioner Hack's understandings of the City and its issues were unparalleled and she did a great service to the community along with her commitment to children, education, and all things that made Lawrence. The community would be a little bit lesser place now that Commissioner Hack was not serving, but she would keep everyone honest and keep youth inspired with her programs at the Chamber of Commerce and Lawrence would be a better place and a better place when those children grow up.

Commissioner Hack said she wanted to thank her family, her friends at the Chamber of Commerce, and City staff for their support and congratulated the new Commissioners. She thanked the City Commission and presented gifts.

Commissioner Highberger thanked the new Commissioner's and his fellow Commissioners for their service and kind words. He said anyone who watched the Commission meetings knew that most of their votes were unanimous. He said even though he disagreed with Vice Mayor Chestnut at times, he could always see the Vice Mayor's view. He appreciated Chestnut's views to study the issues and even if they disagreed, respect one another and move on to the next issue.

He said he appreciated Mayor Dever's leadership over the last year, especially the environmental issues and Climate Protection Task Force where Dever laid the groundwork for something pivotal for the City's future.

He said he appreciated Vice Mayor Chestnut's thorough, thoughtful, and open minded approach to the issues and he learned a lot from the Vice Mayor. He said it had been a great couple of years and was sorry he was not around for Chestnut's term as Mayor.

He said in addition to Commissioner Hack's creative gift giving, he appreciated her dedication and her husband's dedication to the children of Lawrence and was a real inspiration in that area. Also, he appreciated Hack's efforts when she did the dog and pony show with the Smart Code and without her effort, the Commission might not have passed that code which was one of the most important issues to him during his term on the Commission.

He said he was continually amazed about how hard Commissioner Amyx worked and his dedication and was proud to call Amyx a friend.

He said the real thanks went to the people who really made things happen which was the City staff and people in the audiences. He said the City had an incredibly dedicated and hard working staff it and was a real honor.

He said looking back, it was always easy to see the failures and things that did not happen, rather than the accomplishments, but there were a few things that changed over the last few years and a lot of things the Commission laid the ground work for and would not be seeing the results of for a few years. He said he was not going to take claim for all the things discussed or take the blame either.

In Lawrence there were choices about how to get from a living wage job at the East Hills Business Park, or a job at the new Bioscience Incubator, by taking the bus, ride a bike on one of the new bike trails, the new Burrough's Creek Rail Trail by the end of the year, or drive a car under one of the City's well maintained streets. He said when a person's day was over they could rest in the nations very first, municipal natural burial ground at Oak Hill Cemetery. He said it was mentioned that in ancient Athens upon reaching adulthood young men were required to take an oath before becoming citizens and part of that oath, the new citizens pledge to, "transmit this City, not only not less, but greater and more beautiful than it was transmitted to us," and was something he tried to do as a City Commissioner and something his fellow Commissioners had achieved. It was a true honor to be a representative for the City and hoped he had the opportunity to do so again.

Mayor Dever said to Commissioner Hack and Highberger, he wanted to thank them for their service to the community and it was gratifying to know each Commissioner and thought the community felt the same way.

**The City Clerk will conduct swearing in of elected City Commissioners.**

Frank Reeb, Administrative Service Director/City Clerk, swore in the newly elected City Commissioners Mike Amyx, Aron Cromwell, and Lance Johnson.

**Conduct Election of Mayor**

Mayor Dever called for nominations for the office of the Mayor.

**Moved by Amyx, seconded by Cromwell,** to nominate Rob Chestnut as Mayor.

**Moved by Amyx, seconded by Dever,** to close the nominations for Mayor. Motion carried unanimously.

The City Commission voted unanimously to elect Rob Chestnut as Mayor.

**Conduct Election of Vice-Mayor**

Mayor Chestnut called for nominations for the office of Vice Mayor.

**Moved by Dever, seconded by Johnson,** to nominate Mike Amyx as Vice Mayor.

**Moved by Dever, seconded by Johnson,** to close the nominations for Vice Mayor. Motion carried unanimously.

The City Commission voted unanimously to elect Mike Amyx as Vice Mayor.

**Comments of Mayor and Commissioners**

Mayor Chestnut said in honor of the outgoing Mayor, he presented a gavel and seal of the City of Lawrence, to Michael Dever for outstanding leadership, as the Mayor of Lawrence, April 1<sup>st</sup>, 2008 to April 14, 2009.

Vice Mayor Amyx said he wanted to thank everyone that allowed him to serve as a Lawrence City Commissioner. He said he truly believed this was one of the most rewarding positions in the State of Kansas. There was so much excitement that surrounded this board and City staff's professionalism and recommendations were out of this world. He said the Commission had the opportunity to make decision based on positive, professional recommendations that came from staff. He said he wanted to thank staff for respecting his opinions, but at the same time, staff continuing to give good recommendations on a verity of topics. He said he would continue to give his seat the respect that was due.

He said the new Commissioners would have the opportunity to serve the greatest community in the State. He said at the end of the day when seeing your thumbprint on things that might not be seen such as policies, that was when the reward happened.



He said he had the opportunity to serve under a great Mayor last year who brought about a new transportation system. He said Dever will always be remembered for the energy provided at center seat and the respect that was given.

He said he looked forward to serving as Vice Mayor to Mayor Chestnut and he was someone that served with an equal amount of energy. He said there were times when Mayor Chestnut would need to delegate certain things and he would be there to help in any way he could.

He said he looked forward to serving with the entire Commission and City staff and the next four years.

Commissioner Cromwell said it was an amazing honor and something that he did not take lightly. He said this was a serious responsibility that the voters had laid upon his feet and he would work his hardest to hear all sides of the issue and vote according to what would be best for the City of Lawrence as a whole. He said not all the decisions made would they all agree on, but thought this was a great group of fellow Commissioners. He said despite any differences the Commission might have, the Commission could continue to pull together for the greater good of their City because it was too great to let petty differences come in the way.

He said he wanted to thank his family for making the sacrifice too and appreciated their support and commitment as well.

He said to everyone that had been helpful to his campaign, it had been tremendous and a wonderful opportunity to meet the community and knew that was just the beginning and looked forward to hearing more from the community as the years go by.

Commissioner Johnson said he was sitting on the Commission very humble on the backs of Sue Hack and Boog Highberger. He said they had set an incredible example and felt honored.

He said he would not be present if it was not for his incredible wife, who would probably be making a bigger sacrifice than he and allowed him and his family to be in his position.

He said he had an incredible campaign team that spent a lot of tireless hours, many more hours than he put into it and it was amazing the selfless volunteer time his team put in and helped him get a message out.

He said he was present because of the voters, the citizens of Lawrence, and felt humble and honored to be a part of the City Commission and he would do the best he could to serve Lawrence. He said he was excited to serve with the Commissioners and felt they could do some great things for Lawrence and was optimistic for the future.

Mayor Chestnut said he appreciated being elected Mayor and knew it was a formality, but when sitting in the chair it was interesting and different. He said he was honored to serve with Vice Mayor Amyx at his side, because of his knowledge and experience, Vice Mayor Amyx would be of great assistance. He said he was excited and had the opportunity to meet with both Commissioners Johnson and Cromwell and they had a lot of great ideas and brought fresh ideas to the Commission which was important. There were unique skills and backgrounds that were brought through their jobs. He said he had some responsibility to try to make sure he got the most out of that because with five different people, there were five different dimensions and it was a valuable thing to this community, especially as diverse as the Commission was. There was no doubt this would be a tough year and the 2010 budget would not be the easiest thing, but sometimes they spent a lot of time on the tactical part of the job and the fact was they lived in a great community. He said Lawrence had a tremendous research university, public school system, great City staff that was highly rated across the board in all of its services and a community that cared. He said he did not have much concern about what would happen to Lawrence, Kansas, because the community was what made this community great. The Commission had a hand in helping, but the community itself was what really made the City a fantastic place to live.

He said he was probably one of the most skeptical people about the Depot Redux effort, but it was one that a bunch of people really took a lot of time volunteering in cleaning up the old

depot and the City had a \$600,000 grant for to basically take away the ADA compliance issue and all the things that came together. He said it was the fortitude of that group that made that happen and they had a vision for what needed to happen in the community and facilitated making that happen which was one example of many in this community where people got behind issues and made things happen. He said he saw it many times and would see it many more times. He said despite the tough economic conditions, they lived in a community that could overcome those tough economic times. He said those tough economic conditions brought about the fact that they had a lot of people in the community who were less fortunate.

He said a big focus was to come up with a solution for the Lawrence Community Shelter because the Shelter needed a permanent location where they could meet the greater needs of the community and hoped they could work through that issue. He said they had seen the community respond with family promise and all the other efforts there had been to serve the less fortunate. He said it was one of those things the way you treat the less fortunate in the community was a reflection upon who you were and reflects well on this City.

He said there was a lot of talk during the campaign about creating jobs and looked forward to both new Commissioners because they had a lot of idea to bring to the table in creating jobs. He said they needed look at different avenues to stimulate economic development in this community. He said it was a big effort to run a campaign and get elected and appreciated the two new Commissioners' efforts.

He said the City made great strides in transit and Commissioner Dever showed great leadership and hoped he could emulate that leadership in other issues that were facing this community. He said Dever brought forward the sales tax issues and Dever believed the community would step up to the plate, and the community did. Infrastructure sales tax was another accomplishment and he looked forward to looking at those projects.

In all, he was thankful that his family allowed him to serve because it took a lot of time and effort. He said his wife had been a tremendous support and someone who was his best friend.

He said it was going to be a great year and he wanted to make sure they could continue to look to the future because economic times would change and there would be a lot of issues to deal with as a result. The fact was if they took their eye off the ball, as far as looking at what this community could be down the road, they would miss the opportunity to lay the ground work and as Vice Mayor Amyx stated, put this Commission's thumbprint that could impact this community for the next several decades. He appreciated this community and was honored to serve and thanked everyone for being elected Mayor. (17)

The Commission recessed at 8:00 p.m. for approximately 20 minutes.

The Commission resumed regular session at 8:20 p.m., at which time the City Manager would give an orientation to the newly elected City Commission on the agenda structure and Toni Wheeler, Director of Legal Services, would go through the legal requirements of the open meetings act and the statement of substantial interest.

Toni Wheeler, Director of Legal Services, said the open meetings principle was based on the belief that people had a right to know public business and information was essential to the effective function of our democratic process. Those general principles were reflected in the open meetings act in their policy statement that it was declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business was to be opened to the public. KOMA (Kansas Open Meetings Act) was to be interpreted liberally, and the exceptions construed narrowly, to carry out the purpose of the law.

KOMA applied when the body involved was a covered entity under the act and there was a "meeting" as defined in the act. The bodies that were subject to the act included all legislative and administrative bodies, state agencies and political and taxing subdivisions which received or expended and were supported in whole or in part by public funds which included the Lawrence City Commission.

There were certain groups that were exempt from KOMA which included administrative bodies that were authorized to exercise quasi-judicial functions when the body was deliberating on those matters and other exemptions that did not involve this body.

The meeting was defined in the act as it stated “As used in the open meetings act, ‘meeting’ meant any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of the body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency.” She said it was a pretty lengthy definition but it broke down to three elements that must be met which were:

- Majority of the membership of the body;
- Interactive communication; and,
- Discussing the business of the body.

She said for the Lawrence City Commission, the majority of the five-member City Commission was three. If three Commissioners were together, and the other elements were met, there needed to be an open meeting.

Interactive Communication was the second element and applied when there was any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication. It clearly applied when the members were in the presence of one another; telephone calls, including conference calls; work sessions, staff briefings, video conferencing, online communications when there was the opportunity for contemporaneous interaction.

She said regarding electronic communications, the Attorney General had indicated that the mere fact that a communication was electronic did not raise a KOMA issue, but if a majority of the body uses an electronic communication in “interactive discussions” it might raise a KOMA issue. If a single email was sent to other members would likely not be considered a violation,

but participation in an online chat room or instant messaging might be considered a violation of KOM because of its interactive nature.

The third element that needed to be present was the discussion of the business of the body. It was not necessary for a vote or binding action to be taken, but merely the discussion that triggered the act. Individual members of the governing body might gather for purposes other than discussing the business of the body. She said social gatherings were not subject to KOMA if there was no discussion of the business of the body; and, Commissioners could attend conferences where items of general interest were discussed as long as specific business of the Commission was not discussed by the majority of the Commission.

In 2008 there were changes to the act to respond to serial meetings. Under the legislation, it clarified that certain serial meetings must be opened. A serial meeting was a series of interactive communications of less than a majority that collectively involved a majority of the members; shared a common topic of discussion concerning business of the body; and, intended by any or all of the participants to reach a decision on a matter that should be taken by binding action by the body or agency. This section of the act was amended in this recent legislative session which was Senate Bill 135.

She said again, KOMA applied when the body involved was a covered entity and there was a meeting with the majority of the membership of the body; interactive communication; and discussing the business of the body.

KOMA required that all meetings covered by KOMA be opened to the public and proper notice be given. Meetings must be held in places accessible to the public; secret ballots were not permitted; and while the use of cameras and recording devices could not be prohibited, that use could be subject to reasonable rules.

Notice of the date, time and place of any regular or special meeting of a public body should be given any person requesting such notices, but the method of providing notice was not specified and did not require notice be given within any particular time frame, but the City tried to give as much notice as possible. Notice must first be requested before a body was required to provide notice.

While the act did not require that an agenda be prepared, but if prepared, the agenda should include the topics planned for discussion; agendas could be amended; and copies must be available to those requesting those copies.

The open meetings act did provided an opportunity for executive sessions in certain circumstances and closed to the public in limited circumstances; binding action could not be taken in closed session, but provided a useful vehicle for discussions in a setting that would protect important privacy interests.

The act had very specific procedures to be followed before recessing into executive session which were:

- Before going into an executive session, the body must first convene in an open meeting;
- There must be a formal motion, seconded and carried, that contains a statement of:
  - (a) the justification for closure;
  - (b) the subject to be discussed; and,
  - (c) the time and place where the meeting will resume.
- The process must be recorded in the minutes of the meeting and maintained as part of the permanent record of the public body.

KOMA specified 14 topics that could be discussed in executive session. Of the 14 permitted topics, the City Commission relied on the following:

- Personnel matters of non-elected personnel;
- Consultation with the body's attorney which would be deemed privileged in the attorney-client relationship;
- Employer-employee negotiations related matters;

- Preliminary discussions relating to the acquisition of real property; and,
- Confidential data relating to trade secrets or financial affairs of a private business.

She said staff provided a breakdown on the number of Executive Sessions that took place in 2008. She said the City Manager would elaborate on that breakdown.

David Corliss, City Manager, said it was fairly easy where the City had used the Executive Session. He said non-elected personnel, for example, included his evaluation as well as the City's Auditor's. He said the City Commission could not talk about board and commission appointments although not elected, but it was mainly City staff.

Employer-employee negotiations, they would be having executive session on those negotiations and one of the topics forecasted was the negotiations with Police and Firefighters Unions. The City traditionally used those sessions to talk about their issues to understand the Commission's views on those topics and talk about strategies on how to move forward which was not publicly discussed.

He said regarding consultation with the City's attorneys, the City was occasionally sued and staff would want to brief the City Commission on the scope of those lawsuits, potential opportunities of settlement, strategies, and other things. It was appropriate to retain attorney/client privilege and have that discussion regarding lawsuits or in some cases they used that session when attorneys had been involved in contract negotiations.

Finally, regarding acquisition of real estate, the Commission could not have a discussion about getting rid of property, but the City acquired property, in many cases, on a weekly basis such as easements and right-of-way for public improvements. Sometimes they find the necessity to brief the City Commission on those projects such as the Farmland property where the City was trying to acquire the property and some of the legal requirements and the scope of the offer. He said if they publicly disclose what the City was willing to pay such and \$100,000



for that property, suddenly that did not become the sealing, but the floor and was why they wanted to use that as a means for executive sessions.

Wheeler went on to say that there were legal ramifications for violations of the act and some of those ramifications were listed in her report.

She said regarding local conflict of interest laws, K.S.A. 75-4301a et seq., the purpose was to achieve a balance to ensure that public office was not used for private gain. The act required the filing of Statements of Substantial Interests and when filing should occur:

- Candidates for local office – within 10 days after filing deadline;
- By an individual appointed on or before April 30<sup>th</sup> to fill vacancy, between April 15<sup>th</sup> and April 30<sup>th</sup> of that year;
- By individual appointed after April 30<sup>th</sup> to fill a vacancy, within 15 days after the appointment
- For office holders, if during the preceding year, any change occurred in the individual's substantial interests, between April 15<sup>th</sup> and the 30<sup>th</sup>.

**75-4301a. Governmental ethics applicable to local governmental subdivisions; definitions.** As used in K.S.A. 75-4302a, 75-4303a, 75-4304, 75-4305 and 75-4306, and amendments thereto:

(a) "Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

If there were any substantial interest, that information needed to be identified and disclosed on the forms that were provided by the Kansas Governmental Ethics Commission. She said for the City Commissioners those forms needed to be filed with the City Clerk. The City Clerk then forwards that form to the Douglas County Clerk's Office and also as practice, to the Governmental Ethics Commission.

In addition to disclosing substantial interest, the act also required public officials to abstain from making or participating in any contract with any business in which the official was employed or has a substantial interest. However, abstentions were not required when contract let after competitive bidding has been advertised for by publish notice; or, the contracts for property or service for which the price or rate was fixed by the law.

The act also provided that no officer or employee who had not filed a statement of substantial interest might act in an official capacity upon any matter that would affect any business in which the officer or employee holds a substantial interest, unless the officer or employee filed with the County Clerk a written report of the nature of the interest or the officer or employee abstained from any direct or incidental action on that matter.

There were penalties for violating the local conflict of interest laws which were:

- Failure to file a general statement of substantial interest is a misdemeanor;
- Violation of the law prohibiting participation in the making of contracts will result in the forfeiture of office and is a misdemeanor; and,

- Failure to file specific statement of interest is a misdemeanor.

The act did provide an opportunity to request advisory opinions which were:

- Written requests for advisory opinions on the interpretation or application of the act can be made to the Governmental Ethics Commission; and,
- The act provides that any person who requests and receives an advisory opinion and who acts in accordance with its provision is presumed to have complied with the law.

Vice Mayor Amyx said regarding the open meetings law, it was stated that the law was specific about allowing the City Commission to attend special events. Sometimes organizations invited the Commission to come to one of their monthly meetings and if a Commissioner did not know that two or three other Commissioners were attending the meeting and the topic was a topic on the City Commission's meeting list, he asked if the Commissioners would be in violation.

Wheeler said if those elements were present, there was a potential. It was best to avoid discussion of specific issues that were facing the Commission, but the Commission could receive, under the act, general information.

Vice Mayor Amyx said was it best, if a Commissioner knew there would be one or more members of the Commission invited to attend a meeting, to put it on their calendar.

Wheeler said it was always best to give notice and letting the public know there was an opportunity for three Commissioners to be present at an event. She said if that information was provided to the City Manager's Office, staff could make sure that notice was provided.

Corliss said one of the things staff did was put together a meeting list, but there would also be social occasions, such as fundraisers and art auctions. He said if a Commissioner was present at that type of event and it was not on the list, there was no cause for alarm, but the Commission might want to make sure that three or more Commissioners weren't together talking about the City's business.

Vice Mayor Amyx said as an example, member of the Commission, at times, were invited to be present, after hours, at a library function and asked if that should be on the list.

Corliss said now that he knew that information, notification of that function would probably be good to include. He said staff needed to know about those social invitations. There were a lot of people that invite the Commission to events that staff knew nothing about which was fine, but it was helpful for staff to know.

He said he wanted to mention a couple of issues regarding statements of substantial interest. Frank Reeb, Administrative Service Director, had agreed to take on notifying the Commissioners every March, to renew their statement of substantial interest because finances could change and the Commission would be able to update that information otherwise the information could grow stale and staff did not want that to happen. Staff did not look at the statements of substantial interest and compare it to the agenda. He said the Commission needed to be the active guardian in looking at their information, but staff would be a resource. He said staff would likely ask the Governmental Ethics Commission for an advisory opinion. He said there were a couple of Commissioners ask about being involved in the rental registration law knowing that Commissioners had rentals. Staff asked for an advisory opinion and the advisory opinion was that it was acceptable because it was a law of general application. The law did not prohibit the Commission to vote on general policy laws, but it did when talking about a specific contract and there was substantial interest and that Commissioner needed to abstain. Staff would serve as a resource, but staff was not trying to find out what the Commission owned and whether or not there was a potential conflict and the Commissioners should look at that information on their own. He said updating that information was not specifically required by law, it was only required to have the information accurate and staff was thinking about asking for the information on an annual basis which would be helpful.

Commissioner Amyx said he was the Commissioner that asked about an advisory opinion on rental registration because he owned real estate. He said when the advisory opinion came back, because it was listed on his substantial interest form that was what needed to happen. The public was aware that he owned real estate.

Corliss said it was also helpful in those types of situations, if the Commission was discussing something like a rezoning ordinance a couple of blocks away from one of the Commissioners rentals, to disclose that information.

He said staff wanted to discuss the organization of meetings, particularly for the new Commissioners. The meetings followed a fairly standard trajectory. The City took advantage of what larger communities did with a consent agenda. There were a number of items on that consent agenda and the Commission voted on that agenda with one motion. The Commissioners could ask that an item be pulled and it was practice from previous Commissions that if a Commissioner knew that they wanted to pull an item, it was helpful to let staff know to communicate that information to the full Commission. A member of the public could ask that an item be pulled as well. The consent agenda was an efficient way of organizing the City's business.

The City Clerk's office was in charge of preparing the minutes which was a Herculean task to take what the Commissioners stated and put it in the kings English and make it precise and readable for future generations. He said there was usually a lag time and this evening minutes were unlikely to show up next Tuesday.

He said staff received minutes from boards and commissions and the Commission was not approving those minutes, but receiving those minutes. There were over forty boards that were affiliated with the City and most were City boards, but some were quasi public boards and some were city/county boards as well.

On every agenda the City Commission needed to approve claims. It was not a legal claim that someone was suing the City, but a claim of what the state statute referred to as a claim against the City from a vendor. There were vendor claims and staff tried to move that along expeditiously to pay vendors. The list was posted every Wednesday morning on the City's website so the public could see everything the City had spent money on. There was a rigorous process for looking at those expenses. It was organized by account number and the Commission could look at the information ahead of time and it was usually not being printed until 3:00 p.m. or 4:00 p.m. on a Tuesday to reflect all the different claims. The Mayor would read the claims and the Commission would approve that expenditure. Staff could not approve any expenditure unless the City Commission voted to approve the expenditure.

Payroll also needed City Commission approval. Staff was paid every other week and was part of claims as well.

Staff had posted on the City's website, under budget, a list of all the vendors paid last year and those amounts so the Commission could get an idea of where all the funds go.

He said he had the authority to spend below \$15,000 and the Commission would not see any of those items listed in the bid and purchase list, but that information would show up as a claim.

The next item was appointments. The Mayor recommended by memo to the rest of the governing body, appointments. The City Manager's office coordinated with the Mayor, those different appointments and at the end of the City Commission agenda, a list of all vacancies. If the Commission had a suggestion on individuals they thought the Mayor should consider it was entirely appropriate to suggest that individual to the Mayor as a recommendation. Those appointments were on the consent agenda and were approved with the consent agenda less items pulled.

Most of the items on the consent agenda were budgeted, but the City Commission approved the general policy outline for spending that money.

He said state law required cities to adopt ordinance by first and second reading. Historically, the City Clerk actually had to read the ordinance before it was adopted by a governing body, but the cities interpreted that as putting the ordinance on for reading. In most cases, the City Commission did not adopt an ordinance with one reading, but read the ordinance again the following Tuesday. He said the ordinance could be pulled again on second reading, if that was the interest of any Commissioner or the public. After the ordinance was adopted on first and second reading, the City Clerk's office made sure the ordinance was published and was effective upon publication. He said every once in a while the Commission would see an ordinance adopted on emergency action, on first and second reading. The rest of the consent agenda items, were items the Commission authorized or something straight forward and staff did not think required discussion at the regular agenda level.

He said when staff received certain reports or request that staff thought the public might want to know about staff would want to highlight that information to the Commission and it on the agenda and refer to staff.

The City Manager's report gives the Commission information about what the City was doing so the Commission could have an appreciation of those efforts.

The regular agenda was the meat of what the City was trying to accomplish. He said he consulted with the Mayor on the general outline of the agenda and receive confirmation that it was the appropriate way to proceed on the organization of the agenda. There were some items that required public hearings. Every regular agenda item, which was the practice of the City Commission, was to allow public comment by matter of course.

As a practice the City Commission stated that if staff had a Planning Commission item where there had been a unanimous recommendation, staff placed that item on the consent agenda and the same practice was used for items that came from the Traffic Safety Commission. If there was a non-unanimous recommendation then that item was placed on the regular agenda for discussion. Those were the primary recommended bodies from an advisory board presenting items on the agenda.

He said the Commission's practice was to have public comment toward the end of the meeting and one idea that he instituted was a future agenda memo to highlight some of the items the Commission would be seeing in the future. He encouraged the Commission to read that information and ask questions.

One of the questions from the new Commissioners was how to introduce a topic. He said one way was to ask that the item be a Commission item and that informed the public and Commission that particular item wanted to be discussed. He said staff was available to help facilitate any of those types of discussions. Sometimes Commissioners would bring up a particular topic that they had been contacted about over the past few days and wanted to bring that to staff's attention.

Finally, there was the calendar of events in which staff wanted to make some commitments on time regarding the budget.

The Commission could organize its meeting any way they wanted to, but through trial and error, the way the Commission meeting was organized now was the most efficient way to conduct business.

Mayor Chestnut said anytime a question came up from Commissioners, he said feel free to discuss that question with staff because there would be situations where a Commissioner was not sure.



## **PUBLIC COMMENT:**

Hubbard Collingsworth, Lawrence, said he wanted to extend a welcome to the new City Commissioners and thank the outgoing Commissioners for their expertise. He said the City Commission was blessed with excellent City staff and excellent City Manager. He said he had dealt with numerous metropolitan areas in the greater Kansas City area and the Commission was very fortunate. He said the Planning and Legal staff was excellent, even though he did not deal with legal staff as much.

Mayor Chestnut said he Collingsworth pulled an item off the consent agenda regarding the award of nine police cars to Shawnee Mission Ford and it lead to a local purchasing policy which was a good example of people reading the consent agenda and asking questions. He said he appreciated Collingsworth's input. (20)

## **FUTURE AGENDA ITEMS:**

04/21/09      **CONSENT AGENDA**·      Approve recommendation from the Lawrence Cultural Arts Commission to approve a sign permit for a mural installation at Evan's Imports, 735 E. 22<sup>nd</sup> Street, as proposed by artist Heather Reynolds-Nance.

### **REGULAR AGENDA**

- Receive annual report for SUP-01-02-07, Lawrence Community Shelter at 944 Kentucky/214 W. 10th Street.
  - Approve request from Lawrence Community Shelter for reallocation of Salvation Army Emergency Shelter/Day Services funding in 2009.
  - Reconsider the approval of a portion of Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. Initiated by City Commission April 29, 2008. (PC Item 5; approved 6-3 on 9/22/08; CC initial approval October 14, 2008).
- 04/28/09      ·      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.
- 
- April      ·      Receive 2008 Tax Abatement Report.
- 5/12/09      ·      Conduct a public hearing regarding the temporary sale, possession and consumption of alcohol on certain city property downtown in conjunction with

the Tour of Lawrence bicycle event on Saturday, July 4, 2009.

**Moved by Dever, seconded by Amyx,** to adjourn at 9:00 p.m. Motion carried unanimously.

**APPROVED:**

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

**ATTEST:**

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

## **CITY COMMISSION MEETING OF APRIL 14, 2009**

1. Bid – Pumps & Motor for Utilities for a total of \$323,095.90.
2. Bid – 3000 tons road salt to Central Salt for \$124,920.
3. Bid – Waived for 2009 Summer/Fall Parks & Rec Activity Guide to LJW for \$16,000.
4. Bid – 2009 Overlay Program, Phase 1 to Sunflower Paving for total of \$209,128.34.
5. Contract – 31<sup>st</sup> from Haskell to O'Connell final design to Wilson & Co. for \$375,315.
6. Change Order – 2008 Microsurfacing Program to Ballou Construction for \$448,621.
7. Engineering Service Agreement – Street, Storm Sewer, Waterline for Exchange Pl & Fairfield Dr to Peridian Group for \$98,600. & Sanitary Sewer for Fairfield E Add No. 3 for \$30,272.
8. Ordinance No. 8386 – 2<sup>nd</sup> Read, Local purchasing preference policy.
9. Rezone – (Z-2-2-09) 9,297 sq ft, 1725 New Hamp from RM24 to CS.
10. Agreement – City and Cesare Concessions & Catering to sports complexes.
11. Second Addendum to Contract – City Manager's employment agreement.
12. 1<sup>st</sup> Quarter 2009 report from Lawrence Freenet.
13. Community Wireless Communications – Franchise Agreement.
15. Community Wireless Communications – Install fiber-optic cable in City owned conduit.
16. Ordinance No. 8387 – 1<sup>st</sup> Read, 1725 New Hamp from RM24 to CS.
17. City Manager's Report
18. City Commission Election – Mayor/Vice Mayor & 2 New Commissioners.