



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

May 26, 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 Chestnut presiding and members Amyx, Dever, Cromwell, and Johnson present.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve the City Commission meeting minutes of May 12, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve the Planning Commission meeting minutes of April 20 - 22, 2009; and the Sustainability Advisory Board meeting minutes of April 8, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve claims to 1,137 vendors in the amount of \$2,332,796.04 and payroll from May 10, 2009 to May 23, 2009 in the amount of \$1,784,715. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve the Drinking Establishment License for Paisano's Ristorante, 2112 West 25th; Chipotle Mexican Grill, 911 Massachusetts; Chipotle Mexican Grill, 4000 West 6th Ste 1; approve the Retail Liquor License for Texas Jack Liquor, 3020 Iowa; and approve the Horse Drawn Vehicle License for Kaw Valley Stable & Carriage, 1515 East 11th. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to concur with the recommendation of the Mayor and appoint Chris Marshall to the Community Development Advisory Committee to a term which will expire September 30, 2010; and appoint



Laura Blanchard to the Mechanical Code Board of Appeals to a position that expired March 30, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to set bid opening date of June 9, 2009 for Hobbs Park sanitary sewer public improvements. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve the purchase of a John Deere 4520 tractor off the State of Kansas contract for Parks and Recreation Department to the John Deere Company for \$16,189. Motion carried unanimously. (2)

The City Commission reviewed bids for Electrical Preventative Maintenance for the Utilities Department. The bids were:

BIDDER	BID AMOUNT
Lynn Electric	\$30,742.00
Emerson Process Management	\$45,605.00

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to award the bid to Lynn Electric in the amount of \$30,742.00. Motion carried unanimously. (3)

The City Commission reviewed bids for Comprehensive Housing Rehabilitation for 1025 New York Street. The bids were:

BIDDER	BASE BID	ALTERNATE 1
Comet Corp.	\$28,038.00	\$5,780.00
Staff Estimate	\$22,990.25	\$4,400.00

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to award the bid to Comet Corporation. in the amount of \$28,038. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to authorize the City Manager to execute an Engineering Services Agreement for \$23,478 with Hoss & Brown engineers for the Design and Construction Phase Engineering Services for

Project UT0807 – Replacement of the Waste Water Plant Administrative Building Heating, Ventilation, and Air Conditioning (HVAC) system. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to authorize the renewal of Public Entity insurance coverage for the City of Lawrence with CEK Insurance for \$71,777. Motion carried unanimously. (6)

Ordinance No. 8403, establishing no parking along the south side of Ash Street from 8th Street west 100 feet, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve as signs of community interest, a request from the Douglas County Extension Master Gardeners' 2009 Garden Tour, to place signs in various locations throughout Lawrence directing the public to the host gardens; placed after 5:00 p.m. on June 5, 2009 and removed the evening of June 7, 2009. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve as signs of community interest, a request from First Southern Baptist Church to place a sign in the right-of-way at the church property, 4300 W. 6th Street, to promote the Vacation Bible School activities; placed on Thursday, June 4, 2009 and removed Thursday, June 18, 2009. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to authorize the Mayor to sign Releases of Mortgage for Dortha Howard, 1514 Craig Court and Neigh Rasmussen, 2005 Atchison Avenue. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to receive request from Community Wireless Communications for an agreement with the City to provide video services in the Lawrence area. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to receive 2008 Comprehensive Annual Financial Report. Motion carried unanimously. **(12)**

Vice Mayor Amyx pulled from the consent agenda, the second reading of Ordinance No. 8404, establishing a 35 MPH speed limit on 4th Street between McDonald Drive and Michigan Street, for further discussion. He said the speed limit was raised because the median speed on that street had increased to 38 mph and it made sense to raise the speed limit from 30 mph to 35 mph. He said a person who lived in the neighborhood suggested speed humps because of excessive speed. He said if the speed increased to above 40 mph, another alternative needed to be considered because it was a long strip of road with residential on both sides and a hospital zone at the end of that road. He said he wanted to revisit this item in six months to see if the speed on that street had increased by raising the speed limit.

Mayor Chestnut said the City Commission would ask staff to address this item again in six months.

Moved by Amyx, seconded by Dever, to adopt on second reading Ordinance No. 8404. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. **(13)**

Michael Almon, Lawrence, requested the consent agenda item for the approval of the re-initiation of a request to rezone, the Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General Public and Institutional) to IG (General Industrial), be pulled for further discussion. Almon said as he read this item, it was looking at the 183 acres that were overlooked at the previous meeting. He asked if there was anything specifying where those 183 acres were.

Scott McCullough, Director of Planning and Development Services, said there was a mistake in the overall acreage of the airport property and where staff had listed as 320 acres, it was actually 503 acres after more closely reviewing the legal descriptions of the tracts. The

map had not changed and the boundary of the property had not changed, it was the acreage amounts that were initially incorrect.

Almon asked if the 183 acres were in the no fly area or just a random parcel.

McCullough said he was not sure how staff calculated the acreage previously, but this time staff took more time making sure the entire boundary was counted for the acreage amounts and there was not something missed. Staff always intended it to be the entire boundary of the airport property.

Almon said given that answer, he suggested the City Commission entertain the possibility of considering rezoning for industrial use as the memo indicated for the purpose of industrial airport related businesses to take place in that location without the GPI zoning restrictions and the consideration would be for areas identified for development and only those areas. There was no need for other areas of the airport to be zoned industrial for those purposes because they were already covered by the no fly zone and could not be developed.

He said he had several concerns, one of which was anytime property was zoned more intensively, if any neighbors were so inclined or eager to use that as their springboard to say next door was industrial zoning and that should justify the neighbor extending it and receiving industrial zoning. It potentially could open up more of the prime agricultural valley to industrial zoning by someone using that justification. He did not see why the entire property should be rezoned.

He said another concern was generally when these types of issues were brought forth, maps, infrastructure maps with parcels, potential sewers, parking, economic development data, population data, and other information was presented by staff relative to that particular proposal to put it into context, but for some reason what was underneath the overlay areas never seemed to be considered or brought forth automatically by staff as a consideration. It was agricultural zoning and soil. He said a map from the soil survey of the National Resources Conservation Services showed the major airport was capability one soil. He was not saying they should

rezone that to agriculture, but when the airport was built and annexed, this was not even a consideration because soils were plentiful, demand was not that high, and no one thought about preserving capability one and two soils. However, in the last 8 or 9 years, that discussion had grown and grown and every Commissioner he had spoken to or heard at meetings, the public, economic development specialists, all acknowledged that capability one and two soils were a major economic engine for the local economy and should be preserved. That was not known 30 or 40 years ago when the airport was constructed. He said he wanted it on the record that those were the best soils in the County and if there was any reason to back off from zoning the entire property, that should be a good enough reason. There was an adjoining neighbor proposing industrial zoning and they used the argument of all neighboring property being zoned industrial in their presentation a year and a half ago saying that no one complained when the airport built on capability one and two soils, why should they be prohibited from capability one and two soils.

Mayor Chestnut asked if the acreage that was in the re-initiation request to rezone was the entire acreage that was now within City limits.

McCullough said correct.

Mayor Chestnut said the area surrounding the airport property was County property.

McCullough said correct.

Mayor Chestnut said an important point was that the City Commission could take no action on property adjacent to the airport without consent of the County.

Almon said that was true, but there was nothing to say that a future proposal could come forth in the County area requesting an annexation, similar to the Airport Business Plan. Providing them forgone justification for making that proposal and giving an indication of intent, was counterproductive to preserving prime soils and tended to lead the discussion away from the City's desire to preserve the soils. He said he wanted to present that thought as a caution and might be a reason to rezone only the areas that were targeted for development, even

though some of those areas were the best soils. He said nevertheless, the community wanted development of the airport and it was important. He said that was the proximity to the terminal where City services were provided and had no objection even though it meant sacrificing some soil because the community needed to weigh and balance all those issues. He said he would like the City Commission to weigh and balance considering the rest of the balance of the concern, weighing it toward soils, and ask staff to rewrite this proposal.

McCullough said one of the reasons staff chose the entire airport property versus trying to determine where development parcels would go was because there were options where development could or should go, and staff did not want to exclude anything. The airport as a land use was a permitted use in both industrial districts, the GPI and IG. Staff felt it was most prudent to initiate a rezoning of the entire airport boundaries understanding that if they needed to, for certain portions, had tools at staff's disposal for the table of lesser change for other methods to come off the IG if not appropriate in other locations. It was important to note that the reason staff was asking for the initiation of the rezoning in the first place was because the GPI district that existed today made the businesses that were at that current location, nonconforming and also precluded the City from reaching out to businesses they wanted at the airport for coming into the City. Staff felt it was important to initiate this rezoning and go through the Planning Commission hearing process which was scheduled for June.

Vice Mayor Amyx asked if staff could find out what portion of the rezoning of 503 acres was already developed, how much land was undeveloped minus the airport property, and how much land would be available for development in this footprint.

McCullough said the packet of material Almon talked about would be submitted to the Planning Commission and ultimately to the City Commission for review and consideration, but that point had not been reached in the deliberations yet.

Vice Mayor Amyx asked if Almon's information showed the outline of the lots of the areas that could be considered for future development.

McCullough said no, the information showed what was currently platted.

Vice Mayor Amyx said it would be helpful to find out what other lands were available adjacent to the runway and could be made available for future development.

Mayor Chestnut called for public comment.

Charles Marsh, Lawrence, said studies from the Peak Oil Task Force had shown that the communities were preparing themselves for an energy type future and being mindful of Class I and Class II soils in close proximity and was a key strategy for himself. They were working hard to maintain Class I and Class II capability soils as close as possible to the community. He asked the City Commission to continue to be mindful of the Class I and Class II soils.

Mayor Chestnut asked if this item was for the re-initiating of staff's rezoning request.

McCullough said yes. As owner of the property, the City had to initiate the rezoning.

Mayor Chestnut asked if there was a consensus at the Planning Commission level to make a modification to staff's recommendation, that modification could be done.

McCullough said the Planning Commission could make modifications and staff would follow the City's typical rezoning course.

Commissioner Cromwell said the preservation of Class I and Class II soils was of the utmost concern in the community and needed to work toward restricting industrial and eliminating the potential of rezoning those Class I and II soils from agricultural to industrial. This issue followed more closely to County issues than City, but at the same time the City was culpable as well. There were few areas in Douglas County that were Class I and II, and did not restrict the City very much. This particular issue was important to move along and not delay, however, he wanted to see a continued and ongoing discussion about Class I and II soils.

Vice Mayor Amyx said the City Commission previously had a three hour goal setting session and discussed the importance of infill development without expanding the boundaries of the City. As the City looked at future development, it was important to look at land already inside the City limits without going outside and looking at other pieces of property. He shared

the same concern of other Commissioners about the importance of Class I and II soil properties. He said this rezoning seemed reasonable as long as the Planning Commission had information on what he had suggested on what property could be developed and into the future, other than other areas that had not been seen.

Commissioner Dever asked if staff could get the soil capability class data layer included in the City's GIS. He said it would be good to have that layer available instantly.

David Corliss, City manager, said staff would look into that and report back.

Moved by Johnson, seconded by Dever, to approve re-initiation of a request to rezone, the Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General Public and Institutional) to IG (General Industrial). Motion carried unanimously. **(14)**

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said he received a good report about the rainfall that occurred on May 15th. There were unfortunate events regarding flooding and some property damage. The City was working with a property owner near Memorial Park Cemetery, which was the cemetery the City inherited a couple of years ago. Only one sewer backup was reported to the Utility Department. The public safety agencies were busy responding to the event and some injuries and assistance.

Also, the City had a successful 80th airport anniversary event.

Finally, he said there were a couple of judge's decisions regarding the City's annexation of the 155 acres along the Farmer's Turnpike. The City's position was sustained in both of those decisions and the litigation remained. There were pending actions regarding annexation and the City had intervened in the pending action challenging the County's action regarding annexation. There was also an action on the rezoning that would not move until the annexation litigation proceeded.

Vice Mayor Amyx said he was out by the cemetery and noticed in the 1300 block of Brook Street where the drain went under 13th Street there was quite a bit of debris and assumed it had to be from that storm.

Corliss said that area flooded and he would make sure that was on staff's list. (15)

REGULAR AGENDA ITEMS:

Consider approving a Proposal for Engineering Services with BG Consultants for engineering services for the Lawrence Municipal Airport extension of water and sewer services.

Chuck Soules, Public Works Director, presented the staff report. He said the airport was located north of Highway 24/40 and was a valuable asset to the City of Lawrence, accommodating over 32,000 operations annually. The airport consisted of approximately 500 acres, two runways, a terminal, 36 T-hangars and several small aviation services and hangars used by local businesses and individuals. On May 5th, 2009, the City Commission directed staff to negotiate agreements with BG Consultants for the extension of a water main and to look at sanitary sewer service. The City also asked BG Consultants to provide the City with alternative service delivery method other than the typical line and force mains typically seen. With respect to the water utility, the City received a proposal from BG Consultants to run a 12 inch water line from the connection on north 7th Street to 24/40 highway east, back up to Airport Road.

The current water system was an 8 inch line and well system used for fire protection. If the City wanted to expand the airport with reliable service for businesses, the City needed a 12 inch line to loop back into the system.

He said BG Consultants submitted an engineering proposal for \$86,006 for construction plans so the City could start constructing this project. He said he provided the City Commission a tentative schedule pending an approval. The estimated construction cost was \$1.1 million.

City staff also asked BG Consultants to provide a proposal to look at sanitary sewer service as well. The study was anticipated to be completed by September 2009.

He said septic tanks provided service to those facilities at that location, but one of the draw backs was the lack of sanitary sewer service. There were problems at the terminal building with the sewer backing up and staff provided maintenance to that building quite often.

He said BG Consultants drafted an agreement that included alternative treatment options which were:

- Lift Station and force main;
- Septic holding well and hauling;
- Constructed wetlands/green machine;
- Packaged treatment system;
- Tree Farm.

The cost of the study was \$38,438 and anticipated to be completed in September pending public discussion and City Commission's direction which could take 3 to 4 months, depending on the option. Staff had discussed alternative methods to take care of the wastewater until businesses were established.

Staff also asked BG Consultants to prepare a scope of services for the design of a lift station and force main. The project estimate was \$1.5 to 2 million.

Mayor Chestnut called for public comment.

Michael Almon, Lawrence, said on March 10th, the City Commission sent out a Request for Qualifications (RFQ) for this project. He said he noticed in the material presented in the electronic agenda, the materials and comments he provided on March 10th were not included. Those comments and materials were in reference to contained wetland sewage treatment systems, which had been in use for around 30 years and many of which were weather exposed, outdoor, wetland sewage treatment systems that took up large acreage and could attract waterfowl. He said what he pointed out on the 10th was the same thing pointed out in the late 1990's, the Friends of Douglas County and the same thing pointed out with the Wakarusa Water Reclamation Facility Task Force, that the alternative to those exterior sewage treatment wetlands were the building contained solar aquatic greenhouse type of wetlands that took up 1/10th the acreage of the exterior ones. He said for instance, the Black and Veatch study in

2001, Small Growth Option Airport Collection Study, which studied package plants and lagoons in contained wetlands. The study pointed out that 30,000 gallon per day facility contained wetland would take up 1/16th of an acre. If they were concerned about lateral fields or septic tanks, this would not take up much space and would provide the sewage treatment.

He said one comment he mentioned on the 10th was during the Wakarusa Water Reclamation Facility Task Force, KDHE at that point had been objecting to those, under prior regulations, because of the problem of discharging into Mud Creek, being a low flow tributary. That changed in the regulations and what precipitated the study for this at the Airport specifically. KDHE, at that point, said it would be an ideal application for those small situations and wetlands would work well. He said Commissioner Amyx said he wanted it to become a City policy to have this option for remote areas of Lawrence that were hard to sewer. This was one of those areas and why the Airport was specifically targeted for the first study to do this. He said they were reassured on the 10th of March that this consideration would be given to potential bidders and were considering that in the package. He said he wanted to make sure this was on the record and they were looking at all those numbers because the numbers changed from January 2001 to October 2001. The numbers showed the present worth cost of Pump Station Force Main was \$436,000 whereas contained wetland would be \$386,000. He wanted to see those numbers for this study and he did not think that the memo from staff on the 10th of March seemed to be accurate with the recent discussions with KDHE and NPDS (National Pollutant Discharge Elimination System) discharge permit would be very difficult based on 20 year present worth analysis, which he pointed out was not the case because it would be a very costly and time consuming process. He said this information needed to be considered as out of date.

He said he wanted to bring all this information to the forefront basically for the benefit of the two new Commissioners, but also to keep it in the forefront when pursuing extending water and sewer service to the Airport.

Mayor Chestnut said it appeared there were a couple of options. The City Commission could move forward by authorizing the extension of the water main and then provide direction and was probably where discussion was needed relative to moving forward with the sewer option.

Commissioner Dever said Almon pointed out the NPDS question about speculating that the discharge information might not be up to date and about the package system costs versus a traditional sewer line. He said it seemed the RFQ indicated it was not a viable option because of discharge and costs and asked if that was true.

Soules said if the City Commission wanted to proceed with the study, staff's intent was to look at all the options, evaluate those options for operational costs, have initial discussions with KDHE, inform the City Commission which options were viable, and make a staff recommendation.

Commissioner Dever said the way the RFQ was worded he asked if it would influence the outcome of the study. He said he wanted to make sure the provider would investigate all options.

Soules said the intent was if the City Commission desired to go that way, they fully intended to work that out and give the City Commission all the information.

Vice Mayor Amyx said he thought it was specifically the intent to have all of those scope of services evaluated for short and long term needs of the Airport as far as wastewater utility and the scope was specific in what it asked for. He said the \$38,000 was for the wastewater study to look at alternatives and the \$146,000 was for the design of the lift station and force main.

Soules said if the study determined a lift station and force main was the best option and the City Commission agreed, the cost of the study would be \$146,000 more or less. He said there would be some savings with the engineering because of the preliminary engineering

report for the design of the force main. He said the cost would not be \$146,000, but approximately \$140,000.

Vice Mayor Amyx said regarding the water utility and 12 inch main north on 7th Street, it was obviously decided that was the best route and least expensive.

Soules said it was a straight route and if staying within the City's easements and right-of-way, the City could save money and would just have the cost of construction.

Vice Mayor Amyx said if there was not enough right-of-way off of North 2nd Street, going toward Teepee Junction where 24/40 highway connected and if that was a shorter route.

Soules said there was an 8 inch line coming from that direction already and what the City was trying to do was a 12 inch line which gave the City more water volume.

Commissioner Cromwell said he hoped staff would look at the way the City approached engineering contracts. He said shared Commissioner Dever's concerns about the wording of the RFQ and it clearly appeared to dismiss some options as far as wetland package systems. He said he wanted to make it clear the Commission was interested in that option.

Commissioner Johnson said he was assuming they were looking at alternative systems to potentially save the City money versus the lift station or force main.

Soules said staff would provide the information to the City Commission.

Commissioner Johnson asked if the alternative system were limiting as far as how much area the City could serve versus the lift station force main.

Soules said staff would present that information as well.

Mayor Chestnut said in including this option they needed to look at the long term changes that were occurring in nutrient standards for discharges and that definitely made it quite challenging relative to alternative methods and the way it was explained. He said it became a much more site specific study versus an average type of situation, which meant that permitting could be a serious challenge in the future as the standards began to increase significantly with nutrient standards. While he was in support of trying to look at alternatives,

they also had to incorporate all the risks the City might take in pursuing an alternate standard with what the City was anticipating the regulation going forward, which sounded like it was getting stricter and the City could be in a situation where they had an alternative solution recommendation and an inability to permit because of the changing standards the City could not reach. He said this was more the scope and if going this direction relative to looking at the study which was the force main line option plus the other alternatives, that the City Commission consider the fact that it was being done for the long term, make the anticipation of what was seen with the standards changing and ask themselves if there was a probability of not able to permit in that alternative. He said even though they could in the present term, they might not be able to do it ten years from now.

Commissioner Dever said when he talked about the issue it was more predestination of their path. He said he knew a lot about NPDS permitting and it was a moving target, but it was not impossible if there were rules in place and they wanted that challenge. He said they ruled out technology for further study because of its potential costs whereas it was included in the initial study. He said he would love to see the number and that was what the consultant was being paid to do.

Mayor Chestnut asked what the difference was in the past was as far as timeline to completion.

Soules said if an alternative delivery method was selected there would be a more detailed study in going into design and it had to be permitted. He said he did not know what that schedule would be because it depended upon the treatment process. If everything worked out according to plan, the plan could be retuned to the Commission pending Commission and public input.

Mayor Chestnut said forget what the recommendation would be as far as whether it would be traditional or alternative, and asked what would be the time frame to perform the study first.

Soules said the timeframe was probably September.

Mayor Chestnut said the water was a separate issue which was authorizing moving forward with the engineering services agreement on water to extend to the Airport. The second was sewer and had two options. The first option was to approve the engineering services agreement to study the options and come back with a recommendation and then move forward with that recommendation or go straight to authorizing the services agreement for the design of the lift station force main which was essentially saying, at that point, the Commission would be authorizing the design work on that option, being the force main and line and not considering the other options.

Vice Mayor Amyx said that answered what was discussed by the City Commission in March as to what the Commission wanted to look at which was specific options for wastewater utility at the Airport.

Commissioner Johnson said he did not want to delay sewer systems out by the Airport. He said his ultimate concern was paying \$38,000 to get an answer saying it could be done alternatively, but could not develop the Airport as they would like to, so they would have to go back. He said or they could come back and say this was what could be done, but then that was getting into a permitting issue taking a couple of months and losing opportunity. He said if the Commission went down the study path and it delayed the project out, he asked if they had a way in the interim to provide sewer service if they needed to.

Soules said potentially, if falling behind with the development proposed, a wet well could be installed and pump it and truck it down to the wastewater plant and dispose of it. It might be a tedious process, but the hauling was not expensive.

Mayor Chestnut said the study might come back with a recommendation of what they would consider "traditional" option and the difference might be 90 days. Hopefully, at that point, there would be a lot more information relative to the risks in timing and capacity with alternatives. He said he was not supporting either way, but that would happen and would be at

another decision point, once that study came back, to consider many of the Commission's concerns. He said with this option, the only time path difference would be the initial study.

Commissioner Dever said who on City staff and KDHE had gone on record indicating, if choosing an alternative treatment means at the Airport that it would be an onerous and difficult task to receive and maintain the NPDS permit.

Soules said no one said it would be onerous. In staff's discussion with KDHE, that department said it might be difficult.

Commissioner Dever asked Soules to define difficult.

Soules said without being specific on the treatment option and those parameters, he did not have a definite answer. He said staff did not know what types of businesses would end up at that location and what type of discharge those businesses might have. He did not know if the constructed wetland would be able to handle some of those industrial processes such as, an industrial treatment process dumped out metal, he did not know enough about those systems to answer those questions.

Commissioner Dever said the City would be paying almost \$40,000 to figure out if it was an option.

Mayor Chestnut said the merit would be to work those options out extensively.

Commissioner Dever said everyone talks about how hard things were, especially environmental rules and when getting down to the truth, it was really not that complicated. He said in considering the alternatives, he wanted to make sure the Commission had good information and someone willing to back up that information. He said he did not know if it was worth \$40,000 to come to the conclusion that everyone thinks it would be difficult and might not be possible and he was not willing to spend \$40,000. He said he did not want to skip a step that might lead to a perhaps a more cost effective and innovative solution to spend the City's dollars.

Commissioner Johnson asked if anyone asked the consultant what was the likelihood of doing what they wanted to do.

David Hamby, BG Consultants, said he had been told by KDHE that they did not like to issue new discharge permits and were trying to reduce those permits.

John Mitchell, Burns and McDonnell, said it was valid to look at the options, but one thing developing in Kansas was a trend toward managing nutrients in the state. That trend was not coming from the State of Kansas, but from the Environmental Protection Agency at a national level. The Nutrient Management Plan in conjunction with a new concept called “anti degradation” required a various site specific analysis of the receiving stream and a very site specific analysis in three separate tiers of what could be discharged and what the affordability was associated with those three tiers of discharge level. There was some very site specific work that needed to be done.

Another issue that was gathering steam, at a national level, was that EPA was beginning to manage potential groundwater contamination from wastewater treatment systems, which would also then begin to cross over into the constricted wetlands and disposal on land option. There were some very complicated regulations that had to be sorted out, particularly regarding a wetlands type treatment system and any other treatment system that would discharge to the environment at that point. One advantage of pumping was the treatment plant it was pumped to, had already gone through those processes. Those were some concerns that had to be addressed in the study and they were prepared to address those concerns.

Commissioner Dever asked if the cost benefit was easier because it reaffirmed how much money could be saved in the construction of an on-site or localized treatment system.

Mitchell said without having gone through the study, he could not give the exact number, but his professional sense was there would not be any savings in an on-site treatment system. He said within any treatment system there were on-going maintenance and life cycle costs involved.

Commissioner Dever asked Mitchell, if in his professional opinion there was actual construction savings.

Mitchell said he did not think there would be any construction savings.

Commissioner Cromwell said they should always remember there was an on-going cost to the City's conventional system as well and it was not being pumped straight into the Kaw River. He said there was treatment so there was cost involved in maintenance too, especially having a site system with nothing going down that system and would be dealing with that a lot more than traditionally.

He said there were two proposals, one of which was to spend \$38,000 for evaluating the City's options and his question was in evaluating the options were they not studying the conventional gravity pump scenario and part of that study would be applied to the next step. If it was suggested to go with the traditional system, he asked if part of that \$38,000 was going toward design.

Mitchell said no that component was included in the pump station and force main design.

Commissioner Dever said Commissioner Cromwell was inferring that there should be some benefit if studying all of those options and one of those options was the ultimate solution and asked if the time and energy put into that ultimate solution, some of those dollars would be applicable to the ultimate design of the lift and disposals.

Hamby said they had some initial study in the second phase which was the \$146,000 contract to identify things such as gravity, alignment, and force main alignment so there were some savings as Soules mentioned. It would not be the entire \$38,000 amount because they would be looking at a lot of different options. He said once the scope was identified from the study and the option was chosen, if it was the pump station, they would have a lot more information about what they needed to design and right now it was up in the air about the details.

Mayor Chestnut said the conclusion would be if moving straight to option B, which was not doing the first study, then what was being said was the number would be higher than \$146,000, but it was not.

Hamby said Option B was to design a pump station force main and Option A was to look at the different alternatives and come up with a study and make a recommendation. If Option A was completed and then the determination was to build a pump station and force main, the cost would be less.

Commissioner Cromwell said his earlier question was would it take less time.

Hamby said if it was a pump station force main, yes.

Commissioner Cromwell said his question was if they went forward with Option A and decided they wanted the traditional option, it would take less time and less money and the City would not be losing the entire \$38,000.

Mayor Chestnut asked if the City Commission was correct in that assumption.

Hamby said yes.

Vice Mayor Amyx asked if the City Commission was willing to look at Option A prior to any selection of anything else.

Mayor Chestnut said if the City Commission approved Option A and nothing happened on Option B then the Commission would wait until the study came back.

Moved by Dever, seconded by Johnson, to authorize City Manager to execute an Engineering Services Agreement with BG Consultants for the extension of a water main to the Airport in an amount of \$86,006. Motion carried unanimously.

Moved by Cromwell, seconded by Amyx, to authorize City Manager to execute an Engineering Services Agreement with BG Consultants in the amount of \$38,438 for a study of options for sanitary sewer service at the airport. Aye: Amyx, Cromwell, and Dever. Nay: Chestnut and Johnson. Motion carried. (16)

Consider authorizing staff to negotiate a proposed scope of services with the Burns & McDonnell/BG Consultant Team for a wastewater utility master plan. Consider authorizing the distribution of a Request for Proposals for a water utility master plan.

David Corliss, City Manager, presented the staff report. He said representatives from Burns and McDonnell and BG Consultants would like to provide a brief overview of the scope of

services the consultant team would be presenting to staff if authorized. The City Commission's action was not to approve a contract, but to authorize staff to negotiate with consultants to develop that scope and dollar amount for a future regular agenda item where staff would confirm that the negotiated scope and dollar amount met with the City Commission's interests. He said regarding the water master plan, staff was asking for the authority to request proposals for a water master plan.

Cecil Kingsley, BG Consultants, said they had a number of team members present from both BG Consultants and Burns & McDonnell. They had gone through quite a selection process and were selected about a year ago and were waiting until the time was right and the City was ready to move forward with this project to negotiate the contract. He said they enjoyed the study session and comments, but especially liked the Mayor's analogy as to "who was driving the bus." He said they wanted the City Commission to drive that bus and help the Commission create the tools to help give staff and the Commission full ownership of all the information to drive that bus. He said was important that the City was able to spend money wisely to stretch the dollars that needed to be spent across all of those projects.

He said the plan they would provide was a living master plan and had no expiration. It networked with GIS and provided a master plan that operated on non proprietary software on City computers operated by trained City staff. In the future, when the City Commission would ask questions of City staff, staff would be able to generate the answers to those questions and would find it was a well rounded master plan that dealt with maintenance and growth and allowed the City to react to times everyone was living in.

John Mitchell, Director of National Practice, Burns and McDonnell, said their team of Burns and McDonnell and BG Consultants, with respect to master planning, had embraced the concept of always planning. The master plan should deliver the tools needed to effectively manage the system and change in the system, whether that change was due to population dynamics or growth or changes in land use or flow patterns or regulation, the master plan

should deliver the tools to effectively manage that change. It was a little different concept than what the City had in the past. How they proposed to accomplish that was to be certain the tools they were delivering were fully integrated with the City's GIS system. By integrating the planning tools with the GIS system, they could be certain that when changes occurred in the system, that those changes seamlessly flow into the planning tools and automatically update the plan.

He said the real heart of the planning tool was the hydraulic model. They proposed to go through an evaluation and selection process for that hydraulic model with City staff and had a couple of ideas of what the key selection criteria and components of that model ought to be.

First, it should be commercially available and have a licensing architecture that was open for anyone to use. The model should be commercially supported which added a great deal of flexibility and who could support the software and the model should be owned by the City. The consultants would provide training to City staff on how to use the model effectively and efficiently and to interpret the model's results.

He said some of the key variables in developing the model in this planning tool were population projections. If they were to propose to start with the best population data available within the urban growth boundary, the Horizon 2020 Plan and T2030 Plan would be chosen. What was important to realize about the existing population data was that it was really built up around transportation and infrastructure. They would like to use City staff's experience and the experience of BG Consultants to uncouple that population data from transportation needs and re-couple it to sewage conveyance needs. It meant taking that population data and tempering it and then assigning it to sewer sheds or sub-water sheds within the basin so that they had accurate and realistic projections on what the population might be in each of those service areas and sewer sheds. Those would be integrated with the GIS system so that if any changes occurred it was an update in the GIS system and automatically updated the model. He said this

was adaptive approach to managing data and the model and therefore managing the results of the model and master plan.

The flow projections was another important variable in the planning tools and what was really great that was going on in Lawrence was the extensive network of flow monitors. The benefit of that extensive network flow monitor was that it allowed them to calibrate the model with a high degree of confidence and therefore give the City a high degree of confidence of the output and outcome of that model. Again, with the integration with the City's other databases, the approach was adaptive and flexible. The flow of data changes in the City's permanent monitoring system would add improvements to the system that would be easily updated in the GIS system and easily pulled back into the model which then allowed staff to see the results of those changes.

He said the tools they would develop would be adaptive, easy to use, and allow staff to evaluate changes in real time, which meant evaluating changes in the City's Capital Improvement Plan needs whether those capital needs were in response to growth or needs or changes and maintenance. The model really allowed them to bring those concerns into focus. They could tie the model results to cost databases which then allowed them to feed the City's rate database so the City could not only see the effect of change in the system, but the cost of that change and the impact those changes in the capital project had on the City's rates. He said that would help City staff determine what the right triggers were for improvements to the system and ultimately in the first phase, determine what the right triggers were for the restart of the second wastewater treatment plant.

He said the most important things to focus on were the model itself, the integration of that model with the City's existing GIS system so those updates could be made seamlessly and so that staff could manage the change in the system.

Vice Mayor Amyx asked if they decided to do the master plan for wastewater, the City would own this model. He said the last master plan was completed in 2003 and asked if a

future governing body would be placed in the same situation of redoing the master plan or would they redo the model the consultants provided.

Mitchell said he did not think either of those would be necessary. What the real benefit of this approach was as long as the data and GIS system was kept up to date, then the flow through of that data to that model was automatic. He said from time to time the City might want another set of eyes to look at the integration with GIS and the calibration of the model, but updating the entire model and updating master plan would not be a necessary step every five years, especially when City staff would be trained in the use of the model.

Vice Mayor Amyx said in looking at the new model and not needing to go through a master planning process every six or seven years, he asked Corliss if staff looked at ongoing costs for maintenance to the new model.

Corliss said given staff's experience and participation in the development of the master plan, staff would be able to seamlessly handle and work on the master plan in the future. The flow monitor was built in which was an important data piece for the living part of the master plan and would continue to have that stream of data to make sure the master plan was continuing. He said he wanted to make it clear that the City was still going to need assistance, particularly on specialized items in the future. The Commission's discussion about alternative wastewater at the Airport which was something staff would comprehensively address and there would be other issues as well that staff would need specialized assistance on that might be of a global system wide approach. He said staff had a strong comfort level in proceeding in this manner. Staff had the internal ability to manage the model into the future.

Vice Mayor Amyx said he appreciated all the work put into the study session last week because he learned how those models worked.

Mayor Chestnut said he appreciated the work everyone put in and wanted to be clear that this was a dual commitment upon the consultants to provide the training and the commitment of staff to make sure staff was keeping this updated because the City would be at

another master plan cycle if the master plan was not maintained on an ongoing basis and at some point would be difficult to interpret results if getting behind. He said he thought everyone was on board in realizing they could take this on.

Vice Mayor Amyx said regarding the RFP for the Water Master Plan, he asked how important it was to proceed with the RFP right now. He said should the plans be in conjunction with one another and was it important to proceed with the master planning so the same type of model was in place.

Corliss said it was important and it made sense to proceed along those lines and did not need to run lock step concurrent, but it was appropriate now that the sector plans were in place. The City was changing the relationship with wholesale water customers and thought it was appropriate to look at the water as well as the wastewater side. He thought it was appropriate to proceed. The City Commission would receive a report on who would come back with proposals and possible scope and recommendation of process.

Mayor Chestnut said one commitment from the study session was to review the City's procurement process. He said they were at a point with the wastewater process and were just starting the process on water.

Corliss said that was correct; staff had not sent out anything regarding water.

Mayor Chestnut asked about the City Commission's expectation for staff coming back with some recommendations relative to what other communities did and other options in procurement of engineering services.

Corliss said those recommendations and options should be addressed by staff in June and should be a July City Commission discussion item. Staff needed to survey, talk with peers, and provide the City Commission with a comprehensive staff report. He said there were options on steps in proceeding with quality, cost, and everything else that went into that selection. He said he anticipated it would be some type of July deliberation.

Mayor Chestnut said it would probably be sixty days before being in a position to make a decision if they were going to change the process.

Corliss said correct. He said he did not know if the Commission wanted to hold all of the consultant selections or just this selection. It was important if the City changed the process that the process was not changed midstream. He said if the process changed, the City needed to announce to the consultant or vendor community that this was the process going forward.

Mayor Chestnut said were their other consultant or vendor in the queue the City needed to think about.

Corliss said most likely, probably on the Public Works or Utility side. He said he could not say it was urgent, but an important matter. Some of the other project's staff would present to the Commission, the Commission would probably have some sense of urgency.

Mayor Chestnut said the Commission had a separate discussion and vetted out the comments on the wastewater master plan, but discussing process, he asked if staff felt like it was appropriate to wait to move forward on this item before getting back any comments on the modified process.

Vice Mayor Amyx said the policy in place worked well and staff had expertise in making recommendations to the City Commission. Staff had sought out the best qualified people for negotiations. He said if the Commission did not concur with his comments, he would not let this item go much past fall because it was important.

Commissioner Johnson echoed the Vice Mayor's comments. He said there was a good system in place and he was not looking to change that system, but if there was discomfort, he was willing to work the process out and look at it. The Commission approved an RFP for the Utilities Department for a waterline rehabilitation project and he would hate to stop it.

Commissioner Cromwell said he was a big proponent of changing the City's system and examining options and making the most prudent choice, but they needed to move forward.

Commissioner Dever said he was uncomfortable with this item initially, but the Commission had received a lot of information and this had been something that had been underway for nearly a year. He said he was excited in taking control of some of the City's planning and tools that would be provided by the consultants.

Mayor Chestnut said he was comfortable in moving forward on the wastewater and it was time to look at alternative only from the standpoint of reaffirming what had been done. He said the feedback he received was a concern if everyone understood how that selection process was working and completely understood what was going on. He said he would like to see other examples to see if the City was being robust and making sure they were exploring the QBS and qualifications. He said with lack of background and knowledge, what helped was examples from other communities and provided clarity in his mind. If there was a majority to move forward, the Commission should make the motions and go forward.

Mayor Chestnut called for public comment.

Michael Almon, Lawrence, said he liked hearing the Commission entertain alternatives. Hearing the description of this living comprehensive plan, he was wondering how much the plan itself was capable of entertaining alternatives. He said he knew there was a mention that sometimes the City might need to bring in special consultation if wanting to consider alternatives, for instance, constructive wetlands.

He said the very purpose and reason why Friends of Douglas County brought forth the whole concept of contained wetlands, sewage treatment back in the late 1990's, the one reason that grabbed their attention initially was massive infiltration during rainwater storms into the sewage system overloading the sewage plant. Systems were installed in the sewage plant to accommodate those excess flows as well as the major holding basin out west, but nevertheless that was a built in compromise of the system. That was one of the main reasons they brought it up in the first place.

Another reason was Lawrence had an inordinate number of force mains and stations and more than other communities the same size.

Corliss said the number had actually gone down.

Almon said that was one of the reasons they proposed it back in the 1990's, to have fewer lift stations because as the infrastructure expanded and the urban area grew, the cost grew exponentially and part of it had to do with the electricity used. Also, the energy costs were rising rapidly. If looking at the long term implications, this type of a living system plan seemed to almost lock them into this whole network and provided tools for management, monitoring, manipulation, anticipation for adjusting, and all of it was to maintain that existence. If partially built into that was how to reduce the number of force mains, they had proposed the site specific contained wetlands as potentially in a sub-basin area where there would be dispersed decentralized treatment in various sub-basins and eliminate the number of pump stations. He said they envision having various sub drainage areas served by a site specific constructive wetland and eliminate the pump stations. He said if this master plan would be working towards that kind of a goal, he thought it would be a good tool and if it gave them more data to work on that, it would be great. He questioned if it would lock them more into the status quo or provide them with more flexibility.

Vice Mayor Amyx said under the water master plan, he asked if the Mayor was not prepared to proceed at this time because the Mayor wanted to look at alternatives to what other communities were doing at this time.

Mayor Chestnut said yes. He said he would go further to say that they needed to look at other engineering services contracts because if they were to defer this item, the Commission needed to make a decision about how far they were in the process on all of those contracts, but that was part of the challenge of ever changing policies, things were always in a process.

Corliss said staff could get the City Commission that report on the Utility side and Public Works side.

Vice Mayor Amyx said the Mayor made good points at the agenda meeting and study session about his goal.

Mayor Chestnut said he saw this as developing much like when the City was looking at economic development and recognized there was a lack of understanding among the City Commissioners about options and what the code stated. He said they realized that they might not have as robust a process as they thought was appropriate. He said he saw some of the same things because they had two or three sessions of Commission meetings with Utilities decisions and they were all over the board which was not where the Commission was typically with most of their decisions, but it reflected some lack of comfort with either process or how those decisions were being made. He said it was not bringing the Commission to a very good consensus. He said he understood that with wastewater they were out of the gate, down the way, awards were made and the Commission had stated that something needed to happen fairly rapidly.

He said on water he was hearing that there was not the necessity of as much of the feeling of urgency that they needed to move forward in tandem with wastewater and was this the time, before the City issued more RFP's, to look at the City's process and hopefully in a timely fashion.

Vice Mayor Amyx said the only reason he would defer this item was to find out how many other projects the City had in the pipeline that would be affected. Water and wastewater were basic core services in this community and to allow those services to take a back seat to other services was something the City could not afford to do. The water issue could wait until the fall timeframe. If getting into long-term discussions about the selection process for engineering services, then he had a concern about falling behind.

Commissioner Dever said it was fair to look at the other projects in the pipeline. He said the Mayor's observation was correct in that there was not a high enough comfort level with the age old process.

Moved by Amyx, seconded by Johnson, to authorize staff to negotiate a proposed scope of services with the Burns & McDonnell/BG Consultant team for a Wastewater Utility Master Plan. Motion carried unanimously.

Moved by Amyx, seconded by Dever, to defer consideration of authorizing the distribution of a Request for Proposals for a Water Utility Master Plan for two weeks and direct staff to provide a list of projects that might need separate actions. Motion carried unanimously.

(17)

Consider approval of Resolution No. 6839, authorizing the issuance of up to \$11 million in Revenue Bonds to finance various utility improvement projects and rescinding Resolution No. 6835.

David Corliss, City Manager, presented the staff report. He said when the resolution was presented the first time staff did not have the note from bond counsel that it required four affirmative votes.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx asked what the vote for Resolution No. 6835 was.

Mayor Chestnut said it was 3-2 with Commissioners Dever and Amyx voting in opposition.

Mayor Chestnut said he agreed with looking at the City's procurement process and also that they needed to work forward with execution of the wastewater plant, which they just authorized. He said from his understanding, those were the typical maintenance projects that were proposed in the 2009 CIP plan and probably not at all associated with projected growth, but things that needed to get done to continue to have the ongoing maintenance of the utility system.

Commissioner Dever said he would reaffirm his comfort with the process of planning in the future, which they approved in a previous vote, specifically with the wastewater items. He said he was happy to change his mind if necessary.

Commissioner Cromwell said he was adamant that the citizen were getting what they paid for, but the Commission was making the move to correcting problems in the past. He said they needed to move forward and work toward changing the processes in the future.

Vice Mayor Amyx said the Commission had good discussions on those items in their study session. He asked how many dollars were involved in the waterline replacement program.

Corliss said it was \$1.2 million.

Vice Mayor Amyx said he voted for the digester early on and was an extremely important part of the system providing wastewater treatment up to a population of 100,000. He said those were projects that had to be completed.

Moved by Cromwell, seconded by Johnson, to adopt Resolution No. 6839, authorizing the issuance of up to \$11 million dollars in Revenue Bonds to finance various utility improvement projects and rescinding Resolution No. 6835. Motion carried unanimously. **(18)**

Consider approving the 2008 CDBG-R Substantial Amendment to the City's 2008 CDBG/HOME Consolidated Plan.

Margene Swarts, Assistant Director, Planning and Development Services, presented the staff report. She said the City received \$216,798 in CDBG-R or recovery funds and the City was required to submit a substantial amendment to the 2008 Consolidated Plan, the details, projected projects, and allocation.

Housing and Urban Development (HUD) strongly urged grantees to use those funds for hard development costs associated with infrastructure activities that provided basic services to residents or activities that promoted energy efficiency and conservation through rehabilitation or retrofitting of existing facilities. Additionally, grantees were to incorporate consideration of public perception of the intent of the recovery act in identifying and selecting projects for CDBG-R funding. Priority was to be given to projects that could award contracts based on the bids within 120 days from the date funds were available to the sub-grantee and would also ensure

maximum job creation and economic benefit. Preference should also be given to quick-start and finished projects including a goal to use at least 50% of the funds for activities within 120 days of award.

The timeline for allocation of those funds had been very ambitious. CDBG staff received notification of the program regulations and sent the information and application materials on May 7th to all interested parties with a response due date of May 14th.

The Community Development Advisory Committee (CDAC) met on May 19th for deliberations and recommended the proposed allocation of funds. The notice of recommended allocations was published in the Lawrence Journal World and posted on the City's website on May 22nd, which began the 7 day comment period that ended on May 29th. The substantial amendment was due in the head office by June 5th.

She said she believed the CDAC had followed the HUD guidelines with regard to allocation decision and were to be commended for willingness to meet on call as well as making a thoughtful, but quick, decision regarding this allocation. Other than the 10% allowed for administration of the CDBG grant, there were no caps for capital improvement expenditures, which were all the proposed projects.

She said Danelle Dresslar, Management Analyst, should be recognized because Dressler was instrumental in the process of this grant application. The next step in the process was the approval of the submission of the CDBG-R substantial amendment to the 2008 consolidated plan.

Vice Mayor Amyx said regarding the recommendation for \$78,789 for improvements to the Lawrence Community Shelter, he said there were a number of steps the facility had to go through. He said what would happen if the Shelter did not go through the 120 day period or for some reason did not come to fruition at that particular location.

Swarts said it was a recommendation to spend at least 50% within the first 120 days and there was no reason that the remainder of the projects could not meet that time goal easily.

Assuming that the City Commission would decide not to go with the plans for LCS in this location, there were a couple of issues. First, the funds could be set aside if the Shelter found another location and the Commission would allow the use at that location or if activity was not going to happen, staff could reallocate the funds to another application received, because the City received applications that were not funded. She said this plan allocated those funds, but the City Commission was not obligating those funds to that particular location and would not lose that funding. Again, those funds could be redirected to another application.

Mayor Chestnut called for public comment.

Andre' Bollaert, Executive Director, Castle Tea Room, said he had the unique opportunity to work in a magnificent structure in the building that recently concluded a four year restoration process. As part of that process, the Board of Directors of the foundation that owned the Castle Tea Room went through about 18 months of preplanning, taking into consideration all neighborhood input into what the use of the castle would be as it was now. They were surprised to see the amount of speed this proposal had taken to place the Lawrence Community Shelter on the corner of 13th and Massachusetts Street. One of the privileges he had with working with the castle was his office was the third floor turret of the castle and every afternoon he knew what time it was because he saw all the Central Junior High kids walking down the street, not on his side of the street, but the opposite side of the street for the proposed Shelter. That was something that needed to be taken into the consideration for the big picture of this proposal.

He said the intent of the funding was infrastructure energy improvement. He said with the list of items provided, he did not see how that list fit into the allocation being suggested. One of the challenges with this project moving forward quickly was the limited information as to the plans at that location. He said he heard stories that they were contemplating a short term lease at that building and was the City talking about investing \$80 thousand dollars in a property that would be decommissioned in two years. If so, all the prudent conversations earlier

discussing other matters of being wise with tax dollars, he thought the City needed to think about those things.

Also, in looking at the list, he was excited to see that other important issues were being addressed. He said in looking at the Health Care Access move, he asked what would happen with that property and would that location be a suitable alternative for a homeless shelter. He said he did not know the solution to the problem and had experience in advocating for affordable housing and it was an issue that needed to be addressed, but the likelihood there would not be significance resistance to that project in that particular location, the Commission would be addressing the 120 day reallocation of funds, more likely than actually doing this project.

KT Walsh, Lawrence, said the community shelter was not well endowed and needed everyone to give money in order to have a full serviced community shelter. They were in the position of finding a temporary site because the Salvation Army would no longer provide the overnight services. This site was only three blocks from where the old shelter was located. The junior high children had been walking by homeless people for a long time. This facility would only be a night shelter and not a drinking shelter, and people would not be allowed to loiter outside. She said it was incidental, but she was one of many people who worked hard to get north and south Rhode Island Street as a National Historic District, which was half a block from that location. She said she was personally proud that people would have a place to sleep near a historic district.

Hubbard Collingsworth, Lawrence, said if it was possible to get a list of requests that were submitted and the list of requested projects that were invited to submit, but did not get it submitted in time to meet the deadlines.

Mayor Chestnut said that information was available and staff would get that information to him.

Commissioner Dever said Bollaert was correct in that sprinklers were not necessarily an energy upgrade, but the intent of the stimulus dollars was multifaceted and the City Commission was trying to achieve some of those goals. He said educational opportunities and access to health care was a gray area.

He said he was also concerned about investing short term dollars in a short term solution, but he also saw the stimulus dollars as opportunities to stimulate the economy, dollars to be spent immediately and the investment in some type of assistance to shelter needs would be an excellent opportunity for the community to receive additional funding. He said he questioned short term investment, but understood the City had to find a place for those people.

Commissioner Cromwell said he was more interested in a permanent solution and interested in moving forward and identifying a location. He said he was hoping to move that \$78,000 to the permanent location.

Vice Mayor Amyx said he knew it took a lot of time to go through the list of requests and then make recommendations on those requests. Each one of those items met the intent, but appreciated the answers to the questions provided and realized that this list was not cast in stone. He said he wanted to make sure the City Commission was not making decisions prior to long term decisions that had to be made.

Mayor Chestnut said he agreed with some of the concerns and had the same questions with the community shelter and what flexibility the City had, which was answered to his satisfaction. He said he agreed with some of the sentiments and was not sure where this all went.

The other important point to make was this allocation by no means changed the process that needed to be had relative to going through with the possible application for a Special Use Permit at 1242 Massachusetts. That did not change what process needed to happen. He agreed that there would be a lot of public comment on that issue and a lot of dialogue about the validity or the ability for that facility to go forward. The important thing was to move forward with

the others and if that process slowed down and turned out from a community standpoint that it was not an ideal selection, then the City could use those funds. He said it gave the City an opportunity to improve the infrastructure of the shelter in whatever form that it evolved to and knew that Loring Henderson, Lawrence Community Shelter, and his group were working hard on a lot of different options and could very well be that one of those options came to the surface within the next 90 to 120 days. It was a lot of work and the stimulus funds were tricky because they had to act fast, but thought it was important to move with speed and appreciated the work the committee had done.

Moved by Amyx, seconded by Dever, to approve the CDBG-R Substantial Amendment to the City's 2008 CDBG/HOME Consolidated Plan. Motion carried unanimously.

(19)

Consider candidate projects for the Energy Efficiency and Conservation Block Grant program.

Cynthia Boecker, Assistant City Manager, presented the staff report. She said staff brought information regarding the Energy Efficiency and Conservation Block Grant Program before the City Commission about a month ago with a list of candidate projects and obtained feedback from the City Commission regarding those projects and looked at that list, reevaluated and identified some additional potential projects to take a look at. Based on that review staff took into consideration a number of items including the ability to monitor energy savings from the projects, the likelihood that a project would receive funding from other sources, the public visibility of energy savings as a result of the project and the need for replacement of a particular project or facility, and developed a list with three recommended items for submission for the block grant. She said the block grant applications were due June 25th so they were in the process of developing that application, but needed to plug in the specific projects.

She said as outlined in the memo received, the three items recommended by staff for application at this point in time was hiring a City/County Sustainability Coordinator to further

identify energy saving opportunities. That position was outlined in the memo and would be a joint project between the City and County. Staff also recommended the replacement of the HVAC system and controls at the library as an opportunity to be able to replace a legacy system that was original to that facility and was becoming close to 40 years old, replacing the two cooler units and controllers would allow better efficiency in the heating and cooling of that facility. The balance of the funds were recommended to convert as many of the decorative light poles downtown from older and more energy inefficient systems to LED lighting. They were estimating they could replace approximately 2/3 of those with the remaining funds.

David Corliss, City Manager, said Commissioner Cromwell challenged staff to be as analytical as possible in reviewing this issue and shared that staff was not where they wanted to be regarding City data for facilities and compromised the ability to pinpoint where the City could get the biggest bang for their buck for all City facilities. Staff provided a list of city facilities they had been creating and an infrastructure audit of those facilities and went beyond just energy savings. It was the beginning information about city facilities staff could look at comprehensively.

He said with the coordinator position, staff would follow through on how the Commission wanted that position to be funded. In his draft budget for 2010, he did not have any funding for that position, which was why he recommended it be funded with stimulus funds. He said he was looking for direction on how to proceed with the position given the fact the application would be completed before the budget was finalized. He said the application was due at the end of June and the Commission would not finalize the City budget until the early part of August. He said if wanting to include the position, it would be helpful to get direction on that sooner. There was value in structuring the position and staff had estimated the salary and benefit costs at approximately \$100,000, and anticipated the salary to be \$60,000 to \$70,000 range, but that might or might not happen. Staff saw a value of having the person involved in the analysis of City facilities, vehicles, programs, and operations, particularly focused on energy conservation.

The City needed someone who had the analytical skills to see the energy consumption and to analyze the facilities and make good judgments and recommendations on where the City could put resources in regards to that. He said he thought City staff could work out a sharing arrangement with the County. He said he was trying to protect the City's general fund from funding the position for the remainder of this year, 2010, and part of 2011, which was going to be a challenge as well. He said he saw value in that function and if they decided not to fund that position, he would be asking a number of City staff members to double their efforts. They had individuals with familiarity in those issues and worked on those types of issues on a daily basis as far as staff's functions in managing City facilities, because he saw a great deal of value on working in that area.

Vice Mayor Amyx asked if Corliss could see this position being hired for 2010.

Corliss said he was not exactly sure when they would know about the funding from the federal government and thought it was fairly rapid this summer.

Boecker said that was correct. Staff should have word on approval of the funding within 90 days of submission of the application and had 15 months to spend those funds.

Corliss said he would start the recruitment sometime after the submission of the application with the plan that the City would not make any hiring commitments until they knew it was funded.

Vice Mayor Amyx asked if the position would be contingent upon the agreement between the City and County.

Corliss it could be contingent if that was the City Commission's direction. He said what staff was contemplating in this proposal was that it would be a shared position, so staff needed to work out that arrangement.

Vice Mayor Amyx said 100% of that position would be funded from the grant and the second year, the County would be included in a proposal assuming everything could be worked out on a percentage basis.

Corliss said he was recommending the position from the beginning would be a City/County position. He said that person could be a County employee, but the City would have an agreement as far as how that person did work for City facilities and other things. He said that individual would be hired in the fall of 2009 and the first 12 months of salary would be paid for by grant funds. The second year of funding would be paid for by the County and then would take a hard look for funding for the third year to see whether or not to retain that position. If they decided to retain the position, they would fund it with 60% County funds and 40% city funds which was a recommendation, but those percentages were up for discussion as well.

Vice Mayor Amyx said that wage would be divided by an hourly rate.

Corliss said that position could be divided by an hourly rate, but again, he saw this position as a professional level position where that person might spend two weeks on County projects and the appropriate percentage of time, later on, on City projects. It was not going to be 60% - 40% every day or week, but overtime there would be a rough reconciliation that 40% of their time would be spent on City facilities.

Vice Mayor Amyx said the agreement needed to be worked out between the City and County and the use of the individual's time as well as who was the employer of this position.

Corliss said he had a great deal of confidence that he and the County Administrator could work out a solution and if the employee was a County employee, they could work out that person could spend 40% of their time on City facilities. He said he did not know in qualifying for federal grant funds, if the position had to be employed by the City.

Boecker said they discussed the possibility of the position not being a City employee and requested information from the Department of Energy and other agencies that were in support of providing information to localities on this grant. Those agencies had been swamped and had not received formal word on the applicability of this grant, but the initial response was that it seemed to follow the intent of what they were looking for. The grant specification recognized

joint efforts and cooperative initiatives as something they would see as appealing and desirable as well as any creation of jobs was looked upon favorably.

Commissioner Cromwell said the City was pretty much guaranteed this money as far as federal funding.

Boecker said this \$858,600 was a block grant. She said there were reporting requirements that needed to be measured and report the information online and audit process for how the energy conservation efforts that was set forth in the application were achieved. That was one of the duties in the position, to assist in that reporting.

Commissioner Cromwell said the City had over a 2 million dollar electric bill and if there was someone who had a job to tell people to remember to turn the lights off when they left, the City could save \$100,000 a year. He said there were two years where that person in the new position could justify their existence similar to the City auditor which was a fantastic opportunity.

He said he recommended adding an additional item to this list and subtract some from the street light total which was to spend \$150,000 lighting upgrades to the library. The library had a total of 1,700 old fluorescent tube lights that were not very efficient and those lights could be replaced with electric ballast T8 lights. The swap on those was about a 3 – 5 year pay back versus the LED downtown lights, which was about an 8 – 10 year payback. He said the City would get a lot more money back in that way. He said he loved the LED lights idea on Massachusetts and thought it would be a neat project. The City was spending a bunch of money at the library and the library had already completed some upgrades as far as energy use. The City would also notice a big drop down with the HVAC and if the City were to spend this amount of money on the lighting the City would see an additional drop and an opportunity to be a demonstration project for a variety of City and County buildings.

Boecker said Roger Zalneraitis, Economic Development Coordinator, assisted significantly in meeting with City staff and representatives of the library. She said she wanted to

confirm there had been changing to lighting at the library which had contributed to reduction in energy cost.

Zalneraitis said there had been changes to the lighting.

Commissioner Cromwell said there were about 700 of the oldest lights that had been updated, but the newest lights still had a 30% energy savings potential and still 1,000 lights that were still outdated. He said \$150,000 would update all 1700 lights.

Commissioner Dever said he would like to underscore the importance of funding this position and would be open to any sort of arrangement, whether it be contract based, short term employment agreement or outsourcing. He said they needed to allocate the funds as part of this grant. He said he appreciated the work done to identify a couple of big ideas as long as they were committing to the fact the library was going to stay at that location for a while, they needed to admit to the reality and make it as energy efficient as possible and it was a good use of the money. He said he was open to changing out some of the funds from light fixtures outdoors to indoors. He said he did not know what impact it would have on the bottom line on how many fixtures the City could replace, but it was a good trade off, especially if receiving 30% in a 3 – 5 year payback. He said he wanted to underscore the importance of taking some of that money to save money, work with the County, and ultimately, being part of the Climate Protection Taskforce, he wanted to make sure they implemented other ideas that could save money in carbon emissions.

Commissioner Johnson said he liked the idea of using stimulus funds to hire a Sustainability Coordinator and test that position without the position in the City's budget. He said he would like to see in this position someone who had the ability to look at sustainability and green initiatives in economic development. Also, he would like someone who could potentially promote Lawrence to companies to embrace those technologies.

He said on the downtown LED lights, he was not seeing where that information was at on the list.

Boecker said it was one item that was not listed, but as staff discussed and re-evaluated potential projects, looking for those high profile leadership projects, that was when staff identified that item.

Commissioner Johnson asked if the Commission felt comfortable with the LED light performance. He said a question was raised about whether the technology with the LED lights performed as well as regular mercury vapor.

Commissioner Cromwell said with the downtown application it was good, but for the high lights on Kasold or Clinton Parkway, it would not be so great.

Mayor Chestnut asked what the fringe rate percentage was, roughly.

Frank Reeb, Administrative Service Director, said the benefit rate was 32% to 35%.

Mayor Chestnut said 100,000 in compensation including benefits for the Sustainability Coordinator was too much.

Vice Mayor Dever said how about up to \$100,000.

Commissioner Cromwell asked if that amount included whatever costs to house that individual.

Corliss said that position had not been developed fully and there would be some costs.

Boecker said money could be moved around, particularly if those additional funds were outlined to address the street lighting. Staff had to be specific in the application and very specific in the reporting on the actual costs which was why staff provided that ceiling of \$100,000 to allow that flexibility.

Corliss said the way this was structured was that staff knew they had more needs in the downtown lights than would likely have funding. He said he did not want to leave any federal money on the table.

Mayor Chestnut said he did not want to leave federal money on the table, but he wanted good efficiency on their hire and could take some of that \$100,000 and move it over to lights.

Boecker said staff could write the grant in that way.

Corliss said he had every confidence that he and the County Administrator could work to whittle that salary down, but he did not whittle down the City's commitment toward the position if that was City Commission direction for staff to proceed with.

Vice Mayor Amyx asked if the Mayor wanted that position at a certain amount contingent upon an agreement between the City and County.

Mayor Chestnut said first exact clarification was needed on the stimulus funds and its application, but the City felt 95% confident that it could be done.

Boecker said yes.

Mayor Chestnut said borrowing that "yes", he said the Commission should provide direction on what that agreement should look like.

Corliss said the County Administrator had discussed this item generally and this was the first time the City Commission discussed the item and staff would like direction on scope, size, and level of commitment on the position. He said he felt comfortable the City would be able to meet the timeframe.

Mayor Chestnut said there were two alternatives, funding at 100% with stimulus funds the first year, 100% from the County the second year, and then a 60/40% split was discussed between the County and City going forward. There had also been discussion about starting that 60/40 split out of the shoot. He said the City Manager's direction was that his proposal kept it out of the City's general fund, funding for two full years. If that was the desire and will of the City Commission then the Commission should move forward and negotiate.

Commissioner Cromwell said the City had at least one full year of funding.

Mayor Chestnut said the City Commission should direct staff to go forward with that structure and see what happened when staff returned with information for the City Commission.

Mayor Chestnut called for public comment.

Michael Almon, Lawrence, said he liked the types of proposals brought forth. He said regarding the Sustainability Director funding, the wisest thing for anyone to do when trying to

budget was buy something that would leverage more money to buy more stuff later. He thought that was what the Sustainability Director would do. If that person was good at what they were doing, they could recommend a lot more things to buy down the City's cost. He said the name of the game was reduce expenses rather than increase revenues because it was easier and in doing that, it had been identified universally that reducing energy expenses was the low hanging fruit. He said they should whittle back the salary as much as possible, but not sacrifice the quality of that person because that person could pay for himself or herself. He said he did not know if it was legally doable, but suggested building into the agreement that whatever dollar amount that person could save in a year that would be his or her salary for next year.

Mayor Chestnut said the City would have 800 City employees coming before the City Commission indicating what they had saved and all City employees did a great job along with contributing. He said City employees served the community well.

Almon said he was in favor of the position of proposal number one and was a top priority for the Climate Protection Task Force.

Almon said regarding the library lighting, he asked what the 1,700 lights proposed to be replaced with electric ballast T8 lights were currently.

Commissioner Cromwell said those lights were mostly florescent bulbs with mechanical ballast.

Almon said he would like to offer the suggestion, going one step further because there were T8 LED substitute for lights that were 40% more efficient than the florescent T8's and were a higher grade of light bulbs. It was one concern he had a few weeks ago when the City had a report on LED street lighting. He said he was not sure he read any details about which vendors were investigated for the LED street lights, but there were vendors out there with LED street lights with high efficiency that claimed to have a 3 – 5 year payback. He said the City should look into that idea more thoroughly and would like to have the City consider there were vendors that would meet the standards with the light and efficiency.

He said he was also wondering about the HVAC system at the library and if the payback would be sooner than 10 years.

Commissioner Cromwell said it would payback in about 5 years.

Almon said envelope of buildings was the most efficient upgrade because if keeping whatever heat or air conditioning in the building, then the efficiency itself was somewhat secondary. He said this might be in the cost of analysis, but it would be something the sustainability director could do to balance off how much building envelope would be for all those building on the list for City upgrades.

Nancy Thellman, Chair, County Commission, thanked the City Commission for their willingness to consider this collaboration with the County on the Sustainability Coordinator. It was an initiative that the current County Commission would take seriously and was something that would be good between the two bodies to begin to work together as much as possible to improve efficiencies, especially on what was spent on energy. The County did an audit on its buildings and felt like it would produce good savings. She said not being able to speak officially on behalf of the County Commission on this, she suggested perhaps prefer to fund jointly from the beginning of this position to signal that it was a truly jointly funded position and shared responsibility of both. She said she understood the constraints of difficult budget times and creativity in finding federal stimulus dollars for this position was appreciated. She said she wondered if there was a chance of decreasing the possible pool of candidates might be affected by the job being based solely on stimulus dollars the first year and then County funding the second year and then it being unknown the third year. The County would do their best to make sure the candidates know they were serious about this position and that it was not a short term goal, but long term initiative for the entire community.

She said she appreciated Commissioner Johnson's comment about this item needing to be more than about technical energy audits and an opportunity to grow a position that would speak well for the community and push forward an agenda that was inviting to companies that

were looking for green oriented communities, green jobs and economic development related to a new world that was changing around everyone rapidly.

Corliss said it might be possible to accommodate County Commissioner Thellman's desires and possibly spend less money, if the City funded 40% of the salary for the first two years and use the stimulus funding for the City's match. He said the City had 18 months to spend the stimulus money. He said staff could talk to the County Administrator to see if that could be worked out. He said his concern was adding a position in the general fund because it was a challenge, but he wanted to take the City Commission's direction.

Vice Mayor Amyx said County Commissioner Thellman talked about not having as good a pool of candidates because of how that position would be funded, but he thought the candidates would look at the long term agreement between the City and County more than where that first year money would come from. He said the first couple of years would be laid out in the Interlocal Agreement between both bodies and after that it would be laid out assuming things continued to progress. He said he did not think it would be a problem.

Mayor Chestnut said he proposed directing staff to come up with a funding solution that ensured the City did not have any general fund expenditure for the first twenty-four months. It might be the funding formula proposed or it might be some combination between what was proposed and what the County would like to have. He said that idea allowed the City Manager some flexibility with the County to work out the details.

Corliss asked if the Commission had an idea whether the position would be a City or County employee.

Mayor Chestnut said he personally would prefer the position to be a County employee. He said he wanted to thank County Commission Thellman for working on this issue and she had been working toward a job description and other things. He said he believed that position should not report to two entities. He said given, over time, it sounded as if that position would be funded on a 60-40% basis with the City and the County had the portion that was greater

and it made sense. He said with that being said, the City and County worked together on a number of issues with Planning and other issues that worked very effectively and had no qualms with the position being a County employee and he was sure the City would receive the appropriate level of commitment on City projects.

Vice Mayor Amyx said the County Commission had several other cities in the County that might see cost savings because of this position and might want to help assist with funding to assist with their community as well.

Moved by Cromwell, seconded by Dever, to direct staff to submit the application for \$858,600 in EECBG funds with allocating: \$400,000 for replacing the HVAC system at the Lawrence Public Library; \$150,000 for Lawrence Public Library Lighting upgrades; up to \$100,000 for hiring the City/County Sustainability Coordinator; and the balance for converting the Downtown lighting to LED systems. Motion carried unanimously. (20)

Receive recommendations from Board of Plumbers and Pipefitters concerning the proposed building code amendments. Consider adopting on first reading, Ordinance No. 8405, pertaining to the use and occupancies of buildings and structures.

Scott McCullough, Director of Planning/Development Services, presented the staff report. He said Ordinance No. 8405 enacted a new provision in the City's building code related to the use and occupancies of buildings or structures with non flammable medical gas systems inhalation and aesthetic and vacuum piping systems. It provided that Certificates of Occupancy should not be issued for occupancies with referenced systems until all verification and testing records required by the National Fire Protection Association Standard 99C had been provided to the building official. The 2006 International Plumbing Code incorporated by reference with NFPA standard 99C as the standard for medical gas piping and related systems.

The ordinance further required the responsible facility authority to provide a statement, in writing, to the building official that he or she had reviewed the inspection and testing records required by the standard and the testing and inspection had been completed in conformance with this standard.

This ordinance supplemented the practice implemented by the Building Safety Division in April 2009 requiring 3rd party inspection and testing records of medical gas systems and related systems required by the NFPA to be submitted to the division for the permit record. He said the Plumbing Board reviewed the ordinance and recommended its passage at the May 20, 2009 meeting.

Vice Mayor Amyx asked how different this statement was than what was in the old uniform code.

Barry Walthall, Building Codes Administrator, said the biggest difference between the old uniform code and the language proposed was the uniform code did not require a statement be provided to the building department confirming the department had received and approved all of the testing and certification requirements. The uniform code did not address that issue particularly. The current adopted standard required that the responsible facility authority take that step.

Vice Mayor Amyx said he was under the impression that under the uniform code that the only difference between the uniform code and this new section of the code was the written statement of the building official and was another layer in this inspection process.

Walthall said that would be the most substantial difference.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said when the international codes were being addressed, there were some differences of opinion and this issue was one of those. He said he was glad they were moving forward with this amendment and thought it was appropriate.

Moved by Amyx, seconded by Johnson, to receive the recommendation from the Board of Plumbers and Pipefitters regarding proposed building code amendments and adopt on first reading, Ordinance No. 8405, amending Section 5-1.200 and enacting Section 5-1.200.1 of

the Code of the City of Lawrence, Kansas 2009 Edition and amendments thereto, pertaining to use and occupancies of buildings and structures. Motion carried unanimously. (21)

Consider approving Text Amendment TA-04-03-08, to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. Adopt on first reading, Ordinance No. 8406, incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities.

Scott McCullough, Director of Planning/Development Services, presented the staff report. He said on February 24, 2009 the City Commission split this text amendment into two parts, one dealing with industrial districts and one dealing with shelters as accessory uses to religious institutions.

On April 21, 2009, the City Commission approved the text amendment portion dealing with industrial districts and on April 22nd, the Planning Commission considered the draft that pertained to accessory uses in religious institutions also talking about the threshold of when accessory uses in religious institutions would rise to the level of a full blown special use permit.

The Planning Commission voted 7-1 for approve of the text amendment. This version continued to allow temporary shelters at religious institutions as an accessory use with a threshold of 20 occupants, 15 shelter occupants and 5 support staff and no more than 120 days per calendar year.

This text amendment also added a definition for a community meal program that did not previously exist, although community meal programs were allowed by code. Staff provided the revised text amendment to several stakeholders throughout the process and staff was still in the process of reviewing building and fire codes to address issues to code amendments talked about throughout the process last fall and this past winter. Staff recommended adopting the ordinance and implementing the text amendment.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said he understood there was concern about the possibilities of the homeless facilities and where that facility located, but they

needed to give the homeless facility as much chance to find the right spot in whatever zoning area they could find. He said sometimes the zoning did not dictate the right fit and the more opportunities they were given, the better off they would be.

Vice Mayor Amyx said this was the third or fourth time that some form of this particular amendment came before the City Commission. He said the process worked very well with staff and community discussions.

Moved by Dever, seconded by Cromwell, to approve TA-04-03-08 to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities and adopt on first reading, Ordinance No. 8406, incorporating by reference, TA-04-03-08. Motion carried unanimously. (22)

PUBLIC COMMENT:

Michael Almon, Lawrence, said under future agendas, the first item listed had to do with street maintenance program projects approved by the City Commission January 27th. He said the 9th Street project was bundled in with a bunch of different projects in January. He said he missed that discussion and was disappointed that it seemed to be at a point now that project design was going to bid next week.

David Corliss, City Manager, said the project was out for bid already and the City would receive the bids next Tuesday and award the bid next Tuesday. He said staff wanted to get the work started as early in June as possible.

He said what Almon was referring to was that back in January, the previous City Commission was briefed comprehensively on the street maintenance activities for this year and given the fact the City had additional sales tax resources, one of the things highlighting was proceeding with the mill and overlay of 9th Street from Iowa to Tennessee, including some readjustment at the intersection of 9th and Avalon as part of that project which was discussed at that City Commission meeting.

Almon said curb removal and replacement and sewer inlet and upgrades were also included. He said the reason he was bringing this issue up was because it had been high on his radar for 8 – 10 years now. Ever since the original bicycle works program which was predated by a consultant study on bicycle lanes around the City called for 11 streets in Lawrence to receive bicycle lanes which were 19th Street, 15th Street, 13th Street, Naismith, and others. He said 9th Street was included and was the only one that had not been implemented and 9th Street showed the highest rate of bicycle/automobile accidents anywhere between Kentucky and downtown because it was one of the main traveled corridors from KU to downtown by bicyclists. It was one of the reasons it was identified in the original study, included in the bicycle program, and entered into the Douglas County Bicycle Plan and proposed in the CIP for three or four years in a row. It was in all the documents calling for bicycle lanes and the only reason it had been held up in any of those stages was because the pavement profile was not quite wide enough from curb to curb. The proposal, as it was currently written, was to remove parking on the south side of 9th Street between Kentucky and Tennessee. On the north side parking would remain and there would be a bicycle lane beyond the parking. There was not quite enough profile to do that, but both the adjoining neighborhoods, Oread and Old West Lawrence, endorsed this plan and he personally passed around a petition of the businesses along the stretch of 9th Street, got overwhelming support for the plan, and the only concerns were the businesses on the north side which were Owens Florist, Jensen's Liquor, and Joe's Baker. Douglas County Bank had their own inset for parking on 9th Street, which was why they retained the parking along 9th Street on the north side. It was held up because it was about 1.5 feet too narrow. The promise made by the Director of Public Works, at the time, was that once 9th Street was slated for major upgrade, then the lanes would be installed. It was not brought up January 27th. He said even though the Bicycle Advisory Committee suggested Public Works consider this in January it was rejected by Public Works. It was also an agreement he worked out with Linda Finger when she was the Director of Planning because there was parking at the 901

building on Kentucky on 9th Street that they wanted to retain on the south side. The agreement was worked out that the 901 building could remove parking on the street and gain additional parking in the parking lot by removing some green space. This was comprehensively worked through for many years but when it came up on January 27th, none of this institutional memory was recalled and no one remembered it. He said he wondered if it was possible, considering the history of this particular project and the need for bicyclists in that area, that somehow the design include an additional 18 inches of pavement.

Corliss asked if Almon was talking about 9th Street east or west of Kentucky.

Almon said he was talking about Mississippi to Tennessee.

Corliss said the repaving project was from Iowa to Tennessee and the City was not widening the street from its current curb profile.

Almon said that was his point and he was asking if the City could add whatever it took at this stage.

Corliss said no, not at this stage. He said the City would be rebuilding the entire street. He said the City was only repaving the street, not relocating the street.

Almon said if the City was removing the curb and gutter that as the time the street could be moved over 9 inches on one side and 9 inches on the other side or whatever it took. He said if it was technically, physically feasible at this stage for this particular adjustment and secondly, could the City somehow have better institutional memory.

Corliss said the memory that he recalled that they all kicked themselves when they rebuilt 9th Street between Kentucky and Tennessee because what the City wanted to do when it was going to be rebuilt was to add a fifth lane because there were not good left turning movements, southbound on Tennessee and northbound on Kentucky. He said they were not repaving 9th Street, east of Tennessee.

Vice Mayor Amyx said at this point the City was too far into the process to remove curbing or street 9 or 18 inches either side.

As far as the institutional memory, he was sure City staff could find a way to red flag items when those projects came forward. As far as this project the Commission would be considering next week, he did not see a way to change engineering and move the street one way or another. He said he appreciated Almon's work in the past with bicycle safety and travel throughout the community, but the City was trying to repair the street and get the street open quickly because school would be starting soon and timing was tough.

Corliss said he specifically asked Chuck Soules, Public Works Director, to follow up with what the City dealt with on 19th Street and other streets to make sure the City was being as responsive to bicycle concerns. In this case, it was not an issue of striping it for a bicycle lane, but it was a request to build a bigger street essentially for a bicycle lane. He said that was an expense that would be considerable.

Commissioner Johnson said that street was just a repaving, not a rebuilding. He said they were not getting into the subgrade.

Chuck Soules, Public Works Director, said Shoeb Uddin, City Engineer, was attending the Bicycle Advisory Committee meetings and had gone over the City's projects. He said he did not know what the discussion was with all of the maintenance projects, but the City Engineer had been tasked with reviewing mill and overlay projects. He said there were some streets like 15th Street that all it took was a mill and overlay and striped bike lanes. He said staff had been trying to be cognizant of those projects. He said he would check with the City Engineer to see if there had been discussions about that issue. He said Uddin had presented all of the City's maintenance projects shortly after the City Commission took a look at those projects.

Mayor Chestnut said he appreciated Almon bringing the issue up, but sometimes the preponderance of things happened in the past, whether it was institutional memory or things just slipped by. He said the City had a serious traffic issue down that 9th Street corridor between the top of the hill coming down through Avalon Road because it was threat to bicyclist and vehicles.

He said he did not know if striping was an opportunity at that location, but it was something the City could look at.

Corliss said staff could look at that striping, but the reconstruction of the road to move the curb back for a lane was not as simple as pushing the curb back and was more involved. He said it was a good issue on 9th Street further because 9th Street from Kentucky to Tennessee had always needed attention when looking at automobile crash information.

Mayor Chestnut said the City might want to look at eleven foot lanes and if they could do it without moving the curb.

Almon said he had the diagrams that he could share with the City Commission.

FUTURE AGENDA ITEMS:

06/02/09

CONSENT:

- Award bid for 9th Street, Iowa to Tennessee Streets, improvement project. (Bid opening will take place on 06/02/09 and the awarding of the bid will be posted on 06/02/09)

REGULAR:

- Consider adopting on first reading, Joint Ordinance 8402/County Resolution No. _____ approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use as recommended by the Planning Commission at their April 22, 2009 meeting. (CC referred to PC 3/24/09, PC approved 8-0 4/22/09)

ACTION: Adopt on first reading, Joint Ordinance 8402/County Resolution No. _____ approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7, if appropriate.

Monday
06/08/09

- City Commission Study Session – 3:00 – 5:00 p.m. Topic: Budget

06/09/09

- Consider approving Comprehensive Plan Amendment CPA-2008-6, amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the West of K-10 Plan and consider adopting on first reading, Joint City Ordinance No. 8391/County Resolution No. 09-16, by approving and incorporating by reference, CPA-2008-6. (PC Item 10; approved 6-0 on 03/25/09)

ACTION: Approve CPA-2008-6, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, and adopt on first reading, Joint City Ordinance No. 8391/County Resolution No. 09-16, if appropriate.

- 06/16/09 · Receive public comment on 2010 budget issues.

- 06/23/09 · Consider accepting dedication of easements and rights-of-way for PP-04-01-08, a Preliminary Plat for Fifth Street Bluff Subdivision, a 0.29 acre subdivision consisting of one lot, located at 427 Country Club Court. Submitted by JMC Construction, Inc., property owner of record. (PC Item 1; approved 7-0-1 on 5/18/09)

- Conduct a public hearing on a request by , for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church, pursuant to section 4-113(a) of the Code of the City of Lawrence, Kansas regarding the temporary sale of alcoholic beverages at the Americana Music Festival at South Park on Saturday, July 18, 2009 from Noon-10 pm; and consider the adoption, on first reading, of [Ordinance No. 8410](#), authorizing the temporary sale, possession and consumption of alcoholic beverages at South Park related to the event.

- ACTION:** Conduct public hearing, find that the proximity of the Americana Music Festival and temporary sale, possession and consumption of alcoholic beverages, is not adverse to the public welfare or safety; approve the distance restriction waiver request; and adopt, on first reading, Ordinance No. 8410, authorizing the temporary sale, possession and consumption of alcoholic beverages on specified city property, if appropriate.

- 06/30/09 · City Commission Meeting canceled due to fifth Tuesday.

- Monday
07/13/09 · City Commission Study Session – 3:00 – 5:00 p.m. Topic: City Manager’s Recommended Budget.

- 07/21/09 · Authorize publication of the 2010 Budget Summary and establish August 11, 2009 as the public hearing date.

- 08/11/09 · Conduct public hearing on the proposed 2010 City budget.

- 08/18/09 · Adopt on second reading, Ordinance No. _____, adopting and appropriating by fund the 2010 budget for the City of Lawrence.

- TBD · Discussion of City Commission meeting protocols.

- Adopt on first reading, Ordinance No. 8397, amending Section 4-103.1 of the City Code related to unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.

- Receive from City Auditor a proposed annual audit work plan.

- Adopt on second and final 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), until such time as the contract purchaser commits to close on the purchase of the property, or September

15, 2009, whichever is sooner.

COMMISSION ITEMS:

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

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MAY 26, 2009

1. Bid Date – June 9, 2009, Hobbs Park sanitary sewer public improvements.
2. John Deere 4520 tractor, Parks & Rec Dept, for \$16,189.
3. Bid- Electrical Preventative Maintenance, Utilities Dept, to Lynn Electric, \$30,742.
4. Bid – Comprehensive Housing Rehab, 1025 New York, Comet Corp. for \$28,038.
5. Engineering Svcs Agreement – Hoss & Brown Engineers, Waste Water Plant Admin Bldg HVAC Replacement for \$23,478.
6. Renewal, Public Entity Insurance coverage with CEK Insurance for \$71,777.
7. Ordinance No. 8403 – 2nd & Final Read, no parking, S side of Ash St from 8th St W 100 ft.
8. Ordinance No. 8404 – 2nd & Final Read, 35 MPH speed limit on 4th St betw McDonald Dr & Michigan St.
9. Re-initiation request to rezone Lawrence Municipal Airport, approx 503 acres from GPI to IG.
10. Signs of Community Interest – Dg Cty Extension Master Gardeners' 2009 Garden Tour.
11. Signs of Community Interest – First Southern Baptist Church, Vacation Bible School activities.
12. Releases of Mortgage – Dortha Howard, 1514 Craig Ct & Neil Rasmussen, 2005 Atchison Ave.
13. Request – Community Wireless Communications, video service in Lawrence area.
14. 2008 Comprehensive Annual Financial Report.
15. City Manager's Report.
16. Engineering Svcs – BG Consultants, Lawrence Municipal Airport extension water & sewer services.
17. Scope of services negotiation with Burns & McDonnell/BG Consultant team, wastewater utility master plan.
18. Resolution No. 6839 – issuance of up to \$11 million in Revenue bonds for utility projects.
19. 2008 CDBG-R Substantial Amendment to City's 2008 CDBG/HOME Consolidated Plan.
20. Energy Efficient and Conservation Block Grant program.
21. Ordinance No. 8405, 1st Read – Use and occupancies of buildings and structures.

22. Ordinance No. 8406 1st Read – TA-04-03-08, Ch 20 of Lawrence City Code, define & permit various homeless facilities.