



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

July 14, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Dever, Cromwell, and Johnson present.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Traffic Safety Commission meeting minutes of June 1, 2009; the Board of Electrical Appeals meeting minutes from June 3, 2009; and the Sister Cities Advisory Board meeting minutes of April 8, 2009, April 22, 2009, May 13, 2009, and June 10, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve claims to vendors in the amount of \$1,835,073.61. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Drinking Establishment License for Zen Zero, 811 Massachusetts Street. Motion carried unanimously.

The City Commission reviewed the bids for 408 Residential Carts for the Solid Waste Division. The bid was:

BIDDER	BID AMOUNT
Roy Conley & Company	\$24,075.04



As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the sole bid to Roy Conley & Company, in the amount of \$24,075.04. Motion carried unanimously. (1)

Ordinance No. 8427, for the rezoning (Z-4-4-09) of 1646 Illinois Street from U-KU (University – Kansas University) to RS5 (Single-Dwelling Residential), was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Chestnut, Amyx, Dever, Cromwell, Johnson. Nay: None. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve rezoning Z-4-6-09, to rezone 15,625 square feet located at 135 and 137 Pawnee Avenue from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office) and adopt on first reading, ordinance No. 8426, for the rezoning (Z-4-6-09) of 135 and 137 Pawnee Avenue from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office). Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve text amendment, TA-5-8-09, to various sections of the Lawrence SmartCode to review the architectural standards and approve on first reading, Ordinance No. 8430, for Text Amendment (TA-5-8-09) to various sections of the Lawrence SmartCode to revise the architectural standards. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive update memo regarding second and final reading of 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. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve application for EPA Climate Showcase Communities Grant, in an amount not to exceed \$100,000. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive request from Sunflower Broadband to review issues regarding Community Wireless Communications right-of-way agreement. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive new petitions for Fairfield East Addition No. 1 benefit district and adopt Resolution No. 6842 and Resolution No. 6843 setting out the findings and determinations of the Governing Body and directing the improvements be completed. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize staff to submit application for KLINK funding (fiscal year – 2012) for Iowa Street (Yale Road to Irving Road Overpass) resurfacing project. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve recommendation from the Traffic Safety Commission to deny the request to reconsider no parking along 10th Place, Randall Road, and 10th Terrace. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve an amendment to the agreement between the City of Lawrence and the Lawrence-Douglas County Housing Authority for the Use of General Funds. Motion carried unanimously. (11)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the report included information on the June sales tax distribution from mid-April to mid-May and the City was on track; information on the City's role in determining neighborhood boundaries in which the City had no legal authority or obligation; approval from FEMA for the Kansas River Levee accreditation; the June building permit report; the First Quarter 2009 Economic Barometer Report; the City Lawrence

band celebrated America at their weekly concert; and, staff provided maps of land values in Lawrence. (12)

REGULAR AGENDA ITEMS:

Conduct City water and wastewater revenue bond sale and award bid to lowest bidder.

Ed Mullins, Finance Director, presented the staff report. He said this was the first time the City of Lawrence issued Build America Bonds which were taxable bonds, but to make up for that difference, the City would receive a refund from the Internal Revenue Service whenever the City's interest payments were due. He said the Build America Bonds were cheaper for the City to issue than a tax exempt bond. The bonds were 25 year bonds and would fund four projects, two projects on the water side and two projects on the sewer side.

He said three bids were received and staff recommended awarding the bid to Wachovia Securities, LLC. He said staff requested that the Commission declare an emergency and adopt on first and second reading Ordinance 8433 as well as adopting Resolution 6844.

Mayor Chestnut said the debt service for the yield curve was getting steep and asked if the standard was 25 year bonds.

Mullins said with the General Obligation Bonds, the City was bonding 12 years. One of the reasons for bonding 25 years for utilities was to minimize the impact on rates.

Mayor Chestnut called for public comment.

After receiving no public comment, the City Commission reviewed the Water and Wastewater Revenue Bonds, for the Utilities Department. The bids were:

BIDDER	Net Interest Cost (\$)	True Interest Rate (%)
Wachovia Securities, LLC	\$9,262,050.31	5.7810%
Morgan Keegan & Co, Inc.	\$9,434,283.75	5.8838%
BMO Capital Markets Inc.	\$9,624,090.56	5.9898%

Moved by Dever, seconded by Amyx, to award the bid to Wachovia Securities at a True Interest Rate of 5.7810%. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (14)

It was moved by Dever, seconded by Amyx, to declare an emergency and adopt on first and second reading, Ordinance No. 8433, authorizing and providing for the issuance of \$10,400,000 principal amount of taxable Water and Sewage System Improvement Revenue Bonds, Series 2009-A, Build America Bonds (Direct Pay), of the City of Lawrence, Kansas; making certain covenants and agreements to provide for the payment and security thereof and authorizing certain other documents and actions in connection therewith. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (15)

It was moved by Dever, seconded by Amyx, to adopt Resolution No. 6844, prescribing the form and details of and authorizing and directing the sale and delivery of \$10,400,000 principal amount of taxable Water and Sewage System Improvement Revenue Bonds, Series 2009-A, Build America Bonds (Direct Pay), of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8433 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously.

David Corliss, City Manager, said he wanted to acknowledge the initiative of Ed Mullins, Finance Director, on the Build America Bonds because it saved the City money. (16)

Conduct public hearing to consider the vacation of a utility easement located in Lots 4, 5, and 9, 10, Westdale Addition No. 4, 2312 Harvard Road, as requested by Lawrence Reformed Presbyterian Fellowship (Christ Covenant Church).

Chuck Soules, Public Works Director, presented the staff report. He said when the property was originally platted, that area was anticipated to be developed with townhomes, but those townhomes were never built. The owner was requesting to construct a building addition that would encroach into the existing easement.

All utilities and City staff had reviewed the request and there were no objections. The property owners within 200 feet were also notified and no objections were received.

Mayor Chestnut called for public comment.

Steve LaCasse, Bartlett and West, Inc., said he prepared the application on behalf of the applicant and stood for any questions.

Moved by Amyx, seconded by Johnson, to close the public hearing. Motion carried unanimously.

Moved by Johnson, seconded by Cromwell, to approve the Order of Vacation of a utility easement located in Lots 4, 5 and 9, 10, Westdale Addition No. 4, 2312 Harvard Road and authorize the Mayor to sign the vacation order. Motion carried unanimously. (17)

Receive status report on 1207 East 13th Street.

Brian Jimenez, Codes Enforcement Manager, presented the staff report. He said on April 28, 2009, the City Commission found the structure at 1207 East 13th Street to be unsafe and dangerous and ordered the following: 1) removal of the structure including the subfloor and the backfilling of the foundation by May 29, 2009; 2) an inspection of the structural integrity of the garage previously attached to the house to determine if the garage was unsafe or dangerous; and, 3) the owner provide plans to the City regarding the rebuilding of a house on the site and the use of the garage by June 30, 2009 in order for the City to determine how to proceed with the accessory garage structure. He said currently, the structure was satisfactorily removed including the subfloor and the foundation was backfilled.

Jimenez said the property owner Chris Miller, indicated he would schedule a meeting with staff to discuss a plan. Unfortunately, Miller had not contacted staff which was the reason this item was back before the City Commission.

He said this afternoon staff received two letters from Miller, one letter addressed to the City Commission and the other letter to Julie Wyatt, Code Enforcement. The letter to Wyatt indicated that Miller was prepared to remove the formerly attached garage within 30 days and had begun to market his property for sale.

He said the letter also addressed the second garage at the rear of the property and Miller had no intention of doing anything with that structure because that structure was a value to the possible sale of his property.

He said he recommended if Miller was willing to take the attached garage down in 30 days, that staff send a notice to Miller stating that garage be removed within 30 days. He said staff was seeking direction from the City Commission and if staff should wait until Miller sold the property and what would happen to the second garage or take more immediate action and ask that the second garage at the rear of the property be addressed more promptly.

Vice Mayor Amyx said if the City Commission were to order a demolition permit to take down the attached garage, he asked if staff thought the second structure was secure.

Jimenez said yes, minus the guttering that was ready to fall down.

Vice Mayor Amyx asked if Miller was requesting written notification of the City Commission's action.

Jimenez said that was how he interpreted Miller's letter. He said Miller acknowledged that at the April 28th meeting, the City Commission viewed the structure as a legal non-conforming use, but Miller had not been formerly informed. Staff had not officially informed Miller, but was waiting on City Commission direction.

Vice Mayor Amyx said it was the City Commission's responsibility was to make sure the attached garage was taken down and the property secure. By Miller indicating the attached garage would be removed took care of that problem.

Commissioner Dever said the letter from the Brook Creek Neighborhood Association President indicated the crawl space was filled with trash and only covered with dirt which implied the crawl space was not filled properly.

Jimenez said to construct anything on that part of the property, the backfilling of that foundation was not sufficient. He said he believed leaves were put into the foundation and covered. He said staff had made every effort to work with Miller on this issue and for whatever reason, Miller had been non-responsive to staff whether a phone conversation or in person. He said from a code compliance standpoint, the foundation was level and filled and there was no safety concern. He said staff would make sure everything was done correctly as far as construction methods.

Mayor Chestnut said the Vice Mayor did not want all the structures removed because that included the garage in the back.

Vice Mayor Amyx said just the former attached structure in the front.

Jimenez said the garage at the rear of that lot, staff thought that lot was in violation of the Development Code. He said the City could either order that structure to be torn down or a "wait and see" game to see what happened.

Mayor Chestnut said at this point, that rear garage was considered non-conforming. He said he assumed that structure was constructed prior to zoning codes and other building codes.

Scott McCullough, Development Services Director, said the new information received was the news that Miller would have this property on the market. Typically, staff worked with property owners to bring violations into compliance. That type of news would help staff consider a 30 day removal of the attached garage and "wait and see", but not to exceed a certain timeframe as determined, administratively, by appropriate staff and if the City Commission

wanted to provide direction, staff would appreciate direction, but there was a code violation that needed to be addressed, eventually, for the neighborhood. The new information was that Miller was going to actively market that property and staff recognized that it might help to market the property with the rear garage. If staff saw movement for a new home for that lot, it would be helpful.

Mayor Chestnut asked if the violation was the structure itself or the condition of the structure.

McCullough said it was the fact that there was an accessory structure without a principal use. He said when the damage happened and the principal uses, required to be removed, it left a non-conforming issue with having an accessory structure. The reason the code had some of those standards was to not have a business move into a garage in a residential neighborhood.

Mayor Chestnut said he understood what triggered the violation was the substantial damage to the structure and the structure was not being repaired, but removed and replaced and became a violation. It was not a legal non-conforming use because a person was trying to redevelop the property and then all the other codes came into play.

McCullough said correct. He said it would be worth considering past 30 days and to see if the lot moved into another hand where the rear structure might be valuable to the property.

Vice Mayor Amyx asked if the City Commission could order a demolition on that formerly attached garage and leave the rear remaining structure and review that structure in 90 days after being marketed for sale.

Jimenez said with Miller's willingness to take the attached garage down in 30 days, Miller could have a building permit secured within 10 days to remove that structure in 30 days.

McCullough said an appropriate motion was to demolish the attached garage within 30 days and bring an update back to the City Commission in 90 days.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Dever**, to order the demolition of the attached garage and send written notification of the City Commission's action to the property owner; and, direct staff to bring this item back to the City Commission in 90 days to review the progress on the sale of the property. Motion carried unanimously.

Commissioner Dever said the memo from City staff indicated the demolition of the building created a non-conforming use of the attached garage and of the rear garage. He said it was important that staff clarify, in the notification to Miller, that the City Commission was allowing a non-conforming use of the garage at the rear of the property in writing.

McCullough said the City was not allowing the non-conforming use, but working toward compliance on a plan. He said he interpreted Miller's letter to say that Miller wanted to eventually sale the property to someone who wanted to build a home which then placed a principal structure on the property and brought that lot back into compliance. He said if that was Miller's plan, staff was willing to give Miller time to work that plan. (18)

Direct staff concerning maintenance agreement regarding Bowersock Dam.

David Corliss, City Manager, presented the staff report. He said last week the Commission authorized staff to proceed with negotiations for the repair of the dam as outlined by the Public Works Department. Staff was proceeding and meeting with the contractors and hoped to have a project scope and budget back to the Commission within the coming weeks. He said with that level of commitment on the structure and an understanding of what would be likely needed in the future for additional maintenance on the dam, the Bowersock interests had asked the City to execute a extension of the maintenance requirements that were contained in a larger document for the maintenance of the Bowersock Dam. Again for quick review, the City did not own the dam, but had maintenance responsibilities under a separate agreement and wanted to extend that agreement. He said staff provided a draft of the agreement that needed to be amended to reflect some of the comments from Bowersock.

The City had the obligation to perform the necessary maintenance, such that the dam was in compliance with the rules and regulations regarding dam safety related to maintaining the mill pond for the City's water supply.

Staff would seek the advice of a qualified engineer to help in meeting that standard. He said staff commitment was not to maintain the dam for the private hydroelectric purposes. It was a value to the community, but it was not why the City was entering into this agreement.

A lot of this language was continuing from the current agreement where staff provided, without costs to Bowersock, the materials for raising the flash boards. He said Bowersock had the authority to raise and lower the mill pond. There were provisions in the agreement where the City recognized that authority and Bowersock made best efforts to raise and lower the mill pond in conjunction with the City's needs.

The agreement would be extended 50 years from expiration of the current agreement which was in 2027. In discussion about making substantial capital investments to the Bowersock facility, they needed that level of security for the maintenance of the dam.

He said staff was in agreement with the language set out, but the agreement would be wordsmithed somewhat, by both Bowersock and City attorneys.

He said staff also expected in getting to the point of working with Bowersock on their project on the north side of the river, there would be an additional agreement with the City because Bowersock needed access to City property and the levee the City maintained.

Vice Mayor Amyx said if there had been any trouble when there had been a request to reduce the level of the mill pond below the 807.5 feet.

Corliss said he was not aware of any trouble. He said both the City and Bowersock was at the mercy of what happened upstream. He said it was usually in Bowersock's interest to have that water up for their ability to generate power and helped the City in its intake. He said there was mutual interest in that regard. Sometimes there were maintenance issues that required Bowersock to do certain things, but that could be coordinated. One of the great

benefits from having two separate water supplies, was the City could work out those types of things as well. He said he felt comfortable there was nothing in the agreement that harmed the City's ability for water supply because it was in Bowersock's interest to have that mill pond at a level to generate power. Bowersock's presence on the north side of the river solidified that even more.

Vice Mayor Amyx said as long as it worked well for the last 50 years, he supposed it would work well for the next 50 years.

Mayor Chestnut said he speculated the attorneys would insert some type of mediation clause.

Corliss said it worked well since 1977. He said at some point, the City was going to proceed with their improvements to the intake that would give the City additional flexibility regarding the City's ability to take water out of the river. He said he felt comfortable that this agreement met the City's needs. He said Bowersock had a substantial interest. He said right now the City was taking water out of the river, even though the flashboards were down and staff knew it would be better for Bowersock to have those flashboards up and they both were anxious to get the flashboards up.

Sarah Hill-Nelson, Bowersock Mills and Power Company, said their company felt good about the agreement working with City staff and felt positive there was a good long standing public/private partnership with the City of Lawrence. She said as Corliss stated, what worked for the City's benefit, worked for their benefit as well. She said they felt optimistic about where they were heading and appreciated everyone's hard work.

Corliss said the City Commission's action would be to authorize the Mayor's signature, once the agreement was in an appropriate legal form. The preamble made the agreement clear and the rest of the agreement would not be modified. Other than that, it was authorized by the City Commission on July 14, 2009. He said if the agreement substantially changed, staff would know to bring this item back to the City Commission.

Vice Mayor Amyx said it was a good idea that staff and Bowersock worked diligently to come up with an extension of the agreement. The agreement spelled out more than agreements in the past and laid out the responsibilities of the City and Bowersock.

Commissioner Cromwell said the City was in part 2 of part 3 in getting a 5 mega watt addition to the City for clean renewable energy at the dam. He said 5 mega watts dwarfed Greensburg, Kansas. He said he did not know if the City took a minute to think about the greenness of the City and the dam was an excellent example.

Vice Mayor Amyx asked about the possibility of running the City's new street lights with this electricity.

Corliss said Bowersock was in the business of selling electricity and they were going to be in the business of selling more electricity and the City might be in the business of operating City street lights.

Commissioner Dever said he wanted to thank staff and Bowersock in working together in this proactive long-term agreement so the City could make investments in its community. He said he appreciated the Commissioners being on board because this was an important step for the security of the City's dam, water supply, and green energy in this community.

Commissioner Johnson said great project and great partnership.

Mayor Chestnut said to put it into prospective, it was a matter of going from providing power for 4,000 households to 8,000. He said he agreed with Commissioner Cromwell in that they were moving into an era of where alternate energy sources would become more and more critical, important and valuable.

He said he also appreciate going through this process and understood the value of the dam besides no one wanting to take responsibility for uncertainty of what might happen with the dam.

Moved by Dever, seconded by Cromwell , to direct staff to draft the final maintenance agreement on the dam between Bowersock and the City of Lawrence and authorize the Mayor to execute that agreement. Motion carried unanimously. (19)

Consider approving Z-4-5-09, a request to rezone the Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General Public and Institutional) to IG (General Industrial). There is existing ASO (Airspace Overlay District) and FP (Floodplain Management Regulations Overlay District) zoning overlays on all or portions of the property being rezoned to the base IG district. Adopt on first reading Ordinance No. 8425, for the rezoning (Z-4-5-09) of the Lawrence Municipal Airport from GPI (General Public and Institutions) to IG (General Industrial).

Sandra Day, Planner, presented the staff report. She said throughout this rezoning, it should be made clear, the applicant was not impacting or changing the boundaries of the floodplain or the airspace overlay districts as existed today for this property.

Prior to 2006, the southern portion of this property included industrial zoning and that was predominately the location of where activity occurred on the airport that was not specifically the Municipal Airport. The other businesses at that location had industrial zoning at one time.

The GPI District was a special purpose district and it functioned very well when the City had a single use utility type of uses. The airport was rather unique in that there was both public and private business at that location and the private business was leasing property from the City of Lawrence. There was also additional space that was also scheduled for some type of development over time. This rezoning would allow the community to continue marketing and positioning that property to allow other tenants as well as for other improvements to the airport and complied with what the base zoning district was today. The GPI District allowed for a situation to occur that the current businesses were non-conforming with that base district and this action would correct that non-conforming use. She said the City platted lots and the actual airport road a number of years ago which positioned the City to establish those lease areas in those other buildable parcels.

One of the questions asked during the review process was how much area was buildable out at the airport and that came about from the location of the floodplain and there was

also a flood prone area that would limit some development opportunities depending on what type of public improvements made both on-site and off-site. She said that area could be reduced and additional area could be picked up. There were 10 acres on the western portion and ended up with approximately 17 acres in that area discounting that flood prone area.

The Planning Commission, at their June 22nd meeting, considered this item and recommended City Commission approval on a vote of 6-2. The Planning Commission minutes indicated that some of that discussion was related to an assurance that the businesses that were located at the airport were airport related activities and not just a more generalized industrial use and was a concern that was reflected in the Planning Commission's vote.

Vice Mayor Amyx said one of the questions from a Planning Commissioner was if a heavy manufacturing business would be allowed on this property.

McCullough said one of the discussion topics in the Planning Commission consideration was whether non-aviation related business could actually have business on the airport property and he did not have full information to provide to the Planning Commission at that time. He said he informed the Planning Commission that this was City owned property and the City Governing Body would ultimately be the one to lease any type of business activity. The real answer was the FAA had some say in what types of business would go on an airport and there were some protections for aviation only related businesses. Also, the City's draft Chapter 7, had language that talked about that area as an aviation related node for development and not any other business. Staff felt strongly that those things setup a framework that aviation related businesses were the only types of uses that could be at that location.

Vice Mayor Amyx said through the site planning process, he asked if that new business needed to go through the FAA.

McCullough said there was a form that needed to be submitted to the FAA for development at the airport site. He said the City's development code required that the Planning

Commission sit as the Airport Advisory Board to review some of those issues, before building permits were issued.

David Corliss, City Manager, said the FAA had that requirement of aviation related purposes. The City owned the land, but the City was also a tremendous beneficiary of the FAA in that most of the public improvements that were done at the airport were done with FAA funding. Usually, it was 90/10 funding with the FAA paying 90%. The FAA wanted to make sure if they were putting that level of funding that it was for aviation related purposes. The City could not allow a business at the airport location that did not have an aviation related purpose and he understood that was how the FAA viewed those regulations.

Commissioner Dever said regarding the flood prone areas not identified on the flood maps, he asked if those areas were just wet areas and were not in a 100 or 500 year floodplain.

Day said the areas were part of the floodplain. There would be other grading and off-site improvements to restructure that flow. That piece was not within the 100 year of floodway and was part of the 500 year floodplain which was not regulated.

McCullough said he understood it was identified as a wet area in the Master Planning and that area would need to be considered as development occurred in that area.

Mayor Chestnut said in any site plan, looking at drainage, that area would need to be considered for anyone who built in that area.

Mayor Chestnut called for public comment.

Stanley Sneegas, Aviation Advisory Board, said the board was supportive of this zoning request and thought it was in the best interest of the City.

Mayor Chestnut said after looking at Day's list of the GPI, allowed uses, obviously that list and what the FAA would want in considering aviation did not match. He said he understood this was a conversion from the old development code and encountered several mismatches of uses and this was one of those uses.

He said the Vice Mayor was getting to the point of the possible intensity with IG zoning, but it was stated that they would not see anything at that location that was not aviation related. He said it might be somewhat intense, but not the type of heavy manufacturing that might be seen at another IG site.

Commissioner Johnson said this rezoning was good for the City and moved the City a step closer for a master plan at the airport.

Vice Mayor Amyx said in providing additional services at the airport and the type of business that would locate at the airport, he asked at what point would the community decide if emergency services were needed, north of the river

Corliss said what was looked at in those types of situations were a substantial matrix of data such as population, land use, travel time, response time, traffic volumes and that type of data. He said he could ask staff to put together a substantial report. He said part of the matrix traditionally had been costs. He said staff made a lot of substantial progress with the reconfiguration of the City's Fire Stations. This was a large capital item, but one of the major items was costs on the operating and maintenance side. He said operating a new fire station at the time Station Five was brought on, added a million dollars in annual operating costs, just by staffing. He said he would ask staff to give a more generic paper about how the need for a fire station was calculated and respond more specifically to North Lawrence. It was important to keep in mind that the City had contractual responsibility with Grant Township and the City was still finalizing that contract to continue on into 2010, but provided in addition to ambulance everywhere in the County and provide fire protection in Grant Township.

Sneegas said as a airport related item, there were different levels of services that airports could provide and if wanting to go to the next level of service, then they needed to provide some level of fire protection service on the airport property.

Moved by Johnson, seconded by Amyx, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning request and adopt on

first reading Ordinance No. 8425, rezoning (Z-04-5-09) Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General Public and Institutional) to IG (General Industrial). Motion carried unanimously. (20)

Consider approving recommendations from the Parks and Recreation Advisory Board and Parks and Recreation staff regarding parks and recreation and golf course fees.

David Corliss, City Manager, said there was a good public discussion about recreation fees and would not change the wading pool amount this year, but would be effective for next summer. Staff would work on an administrative plan for admission fees at Prairie Park Nature Center.

Commissioner Johnson said regarding the aquatics division, he asked if staff had made any progress on the review of hourly counts to determine what impact reducing hours might have on the facilities.

Corliss said one of staff's goals was to try and not reduce hours and were not coming with any recommendations at this time.

Ernie Shaw, Interim Director of Parks and Recreation, said staff was not coming before the City Commission with any recommendations at this time regarding reduced hours, but there were some hours that could be reduced during specific times, especially with two pools operating. He said the numbers, over the last few years, were not good at certain times and hours could be reduced for possible savings.

Vice Mayor Amyx asked about the cost to run the wading pool in South Park.

Shaw said the costs were minimal. One person was paid minimum wage to oversee the wading pool and maintenance costs were low. The wading pool was also rented to day care centers where most of the money was made. He said the costs to run the wading pool was \$2,000 to \$3,000 dollars each summer.

Vice Mayor Amyx said the City needed to find a sponsor for that activity.

Commissioner Cromwell said Prairie Park Nature Center was equally kid intensive. He asked if staff looked at what it would cost to collect that dollar for the wading pool and Prairie Park Nature Center.

Shaw said at the wading pool, a drop box would be available and it would cost nothing other than the price of the box.

Commissioner Cromwell asked about the idea of having a drop box at the entrance like a museum.

Shaw said Prairie Park Nature Center had a donation box that was run by the Friends of the Nature Center and that money went back into the nature center. Staff would also place boxes in the recreational centers in the weight rooms to help with some of the equipment costs.

Mayor Chestnut said the wading pool was a couple thousand dollars and the Prairie Park Nature Center was a quarter of a million to run.

Vice Mayor Amyx said no child would be turned away from the wading pool for the inability to pay. He said people in this community would step up and volunteer to help with the wading pool.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx said he knew the intense use of that facility and suggested finding sponsorship.

Corliss said what he suggested on the wading pool was to set the fee, but revisit that fee, May or next year with a direction for staff to see if a sponsorship could be found. He said he would like to find sponsorship for Prairie Park too. He said they were not trying to balance the budget with those suggestions, but were getting at some additional revenue in challenging times.

Commissioner Cromwell said he would like it stated that the City would not turn any children away from Prairie Park or the wading pool.

Commission Dever said the Commission received emails in favor of charging for those weight rooms. He said the memo stated that if charging people, then they had a higher level of expectation. It only seemed reasonable that if they wanted to raise the bar or enhance or improve the usage of facilities, the City could pay a nominal fee relative to what a private workout facility would charge to help subsidize that equipment.

Shaw said the problem was that the facilities were very small and it would take three years to get the recreation track and lock systems setup before seeing a profit.

Corliss said the direction was to approve the fees as recommended with the alterations that before next year, the wading pool would be placed back on the agenda with a staff report on the City's ability to receive sponsorships for the wading pool and the attendant or lifeguard would have the direction to allow children in the wading pool if no ability to pay.

He said with Prairie Park Nature Center, staff would continue to look for sponsorships for that facility and report back on staff's efforts regarding sponsorship and not deny admittance to children based on the ability to pay. Staff would work on guidelines for both the wading pool and Prairie Park Nature Center.

Commissioner Dever said regarding the Golf Course, the City was low on the cart fees.

Corliss said staff could get more information about the Golf Course.

Shaw said all of the carts were updated this year with a new contract and those carts were much more efficient. Those carts were costing the City less to operate, but the City had to pay a tax when the carts were rented which was approximately \$17,000 a year which was what the additional dollar fee was for.

Mayor Chestnut said with Alvamar moving more toward privatizing their entire course the City would see rounds increase over time.

Moved by Dever, seconded by Cromwell, to approve the recommendations regarding Parks and Recreation and Golf Course fees; direct staff to draft a report regarding the possibility

of finding sponsorships for the wading pool and nature center; and direct staff to develop policies regarding the admittance of children who do not have the ability to pay. (21)

Consider adopting on first reading, Ordinance No. 8420, increasing fines for certain parking and traffic offenses.

Scott Miller, Staff Attorney, presented the staff report. He said the fine structure had been in place for the last two or three years without change. The proposed ordinance changed the fines for notice to appear parking violations, such as someone parking with an expired tag or parking on 6th Street where parking was not allowed at all, from \$40 to \$55. The reason for selecting that dollar amount was the fine for that particular behavior was rather low in compared to other communities in the State. All of the other fines, such as speeding, running red lights, and moving traffic violations were proposed to be increase by \$12.00 in the ordinance. The only exception was speeding tickets in construction or school zones because the initial increase was \$12.00, but there were multiplying effect when increasing a \$12.00 fine for speeding in a construction school zone because that fine was doubled and would be a net increase of \$24.00. This structure, according to research conducted by Municipal Court Staff appeared to put the City within the range of fines charged by other communities for some of those fines, but that some of those fines were on the higher side and other in the middle range for those types of punishments.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Johnson, seconded by Cromwell**, to adopt on first reading, Ordinance No. 8420, increasing fines for certain parking and traffic offenses. Motion carried unanimously. (22)

Consider approval of downtown parking fees, fines, and enforcement hours.

Johnathan Douglass, Assistant to the City Manager/City Clerk, said earlier this summer members of Downtown Lawrence Inc., approached the City with a draft proposal for changes to the downtown parking system. Staff began to analyze the operational impact of those changes.

The overall goal of the proposed changes was to move long-term parking off of Massachusetts Street to some of the other parking areas downtown.

In summary the changes recommended by staff were:

- Implement two fifteen-minute meters on each side of each block of Massachusetts Street from 6th Street to 11th Street; these meters will have a \$5.00 overtime fine;
- Establish parking enforcement hours at 9:30 a.m. – 6:00 p.m. Monday – Saturday;
- Raise overtime parking fines to \$3.00 with an additional \$12.00 late payment charge;
- Adopt an amended habitual violator ordinance;
- Change Massachusetts Street meters from two hour maximum to 1.5 hour maximum;
- Establish meter rates as recommended in “Staff Recommended Downtown Meter Rates” table in the memo.

Commissioner Cromwell asked if the City was looking at significant costs in changing out those meters.

Douglass said the costs would be a few thousand dollars and staff-time to reprogram the meters.

David Corliss, City Manager, said August was the best time to make that transition.

Vice Mayor Amyx asked who would use those 15 minute meters.

Douglass said DLI thought that 15 minutes meters would be good for people stopping to pick-up food or drop-off a jewelry repair. He said those meters would be painted and signed differently and would be visibly different from the other meters.

Vice Mayor Amyx said the two hour meters would cost 25 cents a half hour.

Douglass said correct.

Vice Mayor Amyx said the recommendation was to take the two hour meters to an hour and a half. He said the City should not charge people more for less time, but understood the need for the revenue and where that revenue would go. He said the City needed to be very careful to not turn downtown shopper's away by the charging more fees for less time. He said one of the goals was to make sure those meters spaces turnover which allowed more people to come downtown. He said it might be if the rates were higher on Massachusetts Street, the downtown parking garage would have more parking in that garage.

He said he could not support the 15 minute meters. He said there was probably a need for 15 minute meter parking, but parking was limited. He said he looked at those recommended changes as taking parking off Massachusetts Street.

Corliss said the Vice Mayor's concerns was that the meter rate increases were okay, but not reducing the time from two hours to one and one-half hour.

Vice Mayor Amyx said he did not see what those 15 minute meters would accomplish. He said people would park in that 15 minute stall and then need to back out of that space on a busy Saturday and look for another metered space.

Commissioner Dever asked if staff considered new parking meters that were higher tech.

Douglass said that idea was not in the scope of his review of the fees, but it certainly was an option. He said there were other cities that had meters that took credit cards and higher technology. Obviously, there would be significant upfront cost to make that change.

Corliss said staff had looked at those types of meters as an industry literature review, but had not made any steps toward implementation. The costs of those meters were substantial and quite frankly, based upon a lot more expensive fine and revenue based in what was experienced, particularly the meters that could use credit or debit cards.

Commissioner Dever said he was specifically thinking about the meters that called the Police if a car was in a spot that had an expired meter. He said that would save on labor.

Mayor Chestnut said the City Manager indicated that the fee would be steeper to help pay for those types of meters.

Corliss said staff still wanted to look at those meters.

Commissioner Dever said it might be interesting to see what it might cost and do a test program and the City could be a test guinea pig for a manufacturer in certain parts of time. He said it seemed there was a lot of programming involved in some of those older meters and those meters continued to advance in other places. He said the City was talking about

changing the rules and charging more and if there were other ways to save on labor or costs associated with the meters then that might be technology instead of people.

Commissioner Chestnut said he suggested looking at a bigger scope for those meters and asked staff to follow up on technological advances of those meters.

Vice Mayor Amyx said the meters downtown were very confusing and people received tickets because they plugged the wrong meter. He said the Commission could proceed with the recommendations, but he wanted to follow up on new technology or other things going on with the meter system downtown.

Mayor Chestnut called for public comment.

Stanley Rasmussen, Lawrence, said the parking fees, fines and enforcement was a bad proposal. He said raising the fees and lowering the amount of time was a disincentive of parking downtown.

He said as far as getting a ticket, whether it was \$2.00 or \$3.00, placed a whole negative experience on downtown.

He said he lived in Lawrence, but worked in Kansas City, Missouri, and if he drove to some of the areas in KCMO, he did not need to pay to park. He said in Lawrence, not only did the City want people to pay to park, but limit the amount of time people could shop and go to a restaurant. If the City was going to charge to park, he said let people park for ten hours. He said if parking was such a commodity, the Commission might need to consider placing parking meters in the Oread Neighborhood or requiring parking meters at Kohl's, Target, Wal-Mart, Dillons, and Hy-Vee. He said if parking was a commodity, he suggested leveling the playing field for all commercial businesses. He said it was a bad proposal and Lawrence was trapped in old style thinking. He said this proposal was not conducive to having a vibrant downtown area. He said he challenged the City Commission and City staff to come up with a better solution and figure out ways to make the downtown more positive and inviting.

John Bowen, 403 Dakota, said the parking should be at least two hours on Massachusetts Street. He said he spent two hours just walking up and down the street. He said if the merchants wanted to work with metered parking, there should be some type of token from the merchants to their customers for parking, next time, to shop.

Mayor Chestnut said Kohl's and other stores could not have metered parking because those were private lots.

Rasmussen said downtown offered free parking at Christmas time with the idea that it would give people incentive to shop downtown and suggested offering free parking all year long. The sales tax revenues that were shown on the budget spreadsheet for the City were over thirty million dollars. If the City could improve sales tax revenues by one percent, that would be approximately \$300,000 for the year. He said did the City really need to have parking fees downtown. He said if sales tax revenues could be improved, he asked if that would off-set what the City was gaining in fees.

Corliss said as usual Rasmussen provided great thought and a good argument. He said the City could repeal parking utility and give parking control officers other positions, not issue tickets and not perform the beautification efforts downtown or find other revenue resources. The main reason was the parking system benefited the businesses downtown. He said the City did not meter those spots because it added funds to the City's general fund or other revenue sources. The system was in place to encourage people not to park on Massachusetts all day and move off of Massachusetts Street to the free parking in the two hour lots or the top of the parking garage, where parking was free all of the time or the ten hour lots which were minimal in charges. The main goal of the parking system was not revenue, but turnover and move the parkers away from the spots so that once those people conducted the business, those people could move on.

Rasmussen said was it the best business strategy to force people to go back to their car and move it.

Corliss said no and that was why they were discussing the parking time limit of one and a half or two hours and what if it was appropriately calibrated along Massachusetts Street. Hopefully, the longer term parkers would move to the two hour lots or the longer lots which was the philosophy behind the system and was open to individuals that knew how long they would spend in the downtown area. He said that was why the fine was viewed as generally nominal, but moved those parkers along. It needed to be enough money to pay for the costs of the system which had steadily increased while the revenue had plateaued primarily because downtown strength and vibrancy was more now in the evening hours as opposed to the traditional retail hours. If the City did not collect fees and allowed parking at any time that was achievable, but there would be no turnover which was the strongest desire of the system of those lots.

Rasmussen said turnover was not important for places such as the plaza, legends or any other stores.

Commissioner Cromwell said parking was very difficult on the plaza.

Rasmussen said he could not always find a parking space at first, but there were choices and it was free.

A speaker, name unknown, said they were not charging enough for Massachusetts Street and parking should be raised.

Hubbard Collingsworth, Lawrence, said there was plenty of parking on the plaza, but not on a game night. He said people call cabs for transportation. He said if the cab fleet needed to be increased, in Lawrence, vibrant businesses were needed such as the Oread Hotel.

Commissioner Cromwell said most of the Commission wanted to go with the two hour parking limit instead of an hour a half.

He said he also shared concerns about a 15 minute metered parking space and would cause confusion for folks, fines and an unpleasant experience. He said this proposal would

allow for additional foot patrols for safety, additional maintenance workers for beautification and those were two critical issues for downtown.

Commissioner Johnson said he was in favor of the hour and half metered parking downtown which encouraged turnover on Massachusetts Street and encouraged shoppers to park in the long term parking areas. Sometimes people were set in habits that were developed overtime. He said driving down Massachusetts and parking in front of a store was a luxury to shoppers and citizens in Lawrence that a lot of places did not have. He said for that luxury, it was very inexpensive parking.

Also, he was not in support of the 15 minute metered parking, mid-block. He said if approving the proposed hour and a half metered parking, there would probably be more turnover and it might solve some of the problems of the 15 minute parking concept.

He said the City was starting to deal with a lot of issues downtown from homelessness to parking problems. He said it was time the City start thinking big, bold, and out of the box. He said after the Commission went through the budget cycle, he asked for a forum or discussion about downtown.

He said he was not going to get in the way of fees and fines at this time.

Mayor Chestnut said the Commission was present to set an agenda too and that would be a follow up item for part of the Commission's work plan to talk about downtown.

Commissioner Dever said Corliss said meters were about modifying people's behavior and there was problem with people parking in those spots and not shopping. He said he was in favor of changing the fines and fees for parking and the City needed to cover its cost and set some deterrent for the habitual violators.

He said he did not want to discourage people from being downtown, but discourage store owners and employees from parking on Massachusetts Street and encourage people to seek alternate routes to get downtown whether it was walking, riding, or taking a bus.

He said he was concerned about removing parking meters only because people downtown were not self policing their own people and there needed to be a deterrent. Perhaps the Commission could come up with a good neighbor program where everyone put a sticker on their car that worked downtown and those people should not be parking on Massachusetts unless feeding the meter and more importantly providing a space off Massachusetts Street.

He said he was in favor of leaving the rate at two hours because it was hard to get anything done. He said it was about having a good and positive interface with people and a great court system to help deal with the fines and was how to get around some of that negative feedback from people who were upset when receiving a yellow envelope on their car.

He said he was in favor of being involved in coming up with some creative ways to change the behavior on Massachusetts Street. He said the City did not have a parking problem downtown, but a perception problem. Most importantly, they needed to have a legitimate fee associated with a parking fine. He said he did not agree with the "more for less" concept and thought the fine needed to be steeper for overtime parking.

Mayor Chestnut said the hour and a half parking was a little short and agreed with two hour parking. He said he did agree with the rates on the parking meters, but did not one to limit parking to one and a half hours.

He said he thought the turnover issue would be an issue, regardless of what was done and some of it was changing behavior.

He said with the 15 minute meters, the problem was the visual in pulling into that space a person would not know which would be frustrating and would cause confusion and make people upset.

He said as staff reprogrammed, staff might come up with a better notification about which space belong to which meter.

Mayor Chestnut said the Commission could adopt the ordinance on first reading with the amendments to not alter the one and a half hour spots on Massachusetts Street and keep the

metered spots at two hours and not do the mid-block, 15 minute provision, on second reading. He suggested a broader discussion with stakeholders to talk about their collective vision of downtown. The Commission might have some possibilities in considering TIF districts and other such things that encouraged redevelopment and could discuss that issue some time in the fall.

Corliss said on the City Commission's goal statement that was one of things staff was working on when finalizing the budget.

Vice Mayor Amyx said downtown already had a system that worked well. He said parking was a premium downtown. He said in looking at the increased money it took to park downtown, he asked if the goal was to raise money or raise the fines because he did not read that in the information.

Corliss said the goal was provide the appropriate deterrent to meet the parking goals of moving parkers in to the appropriate spaces. It was also in recognition that the City had stagnated on that revenue growth, but had increase needs regarding expenditures as far as staffing and some of the beautification efforts. He said it was also to step up some of the beautification and cleanliness efforts for downtown and provide a stable funding source for foot patrol.

Vice Mayor Amyx said the 15 minute meters were a bad idea and the amendment for the habitual violator was a necessity. The hours of enforcement were thought out, but he did not support the change from two hour to one and one half hours.

Moved by Cromwell, seconded by Johnson, to adopt on first reading, Ordinance No. 8413, with the elimination of the recommended 15 minutes meters in the middle of the block and removal of the time limitation of an hour and a half and remain at two hours with the increased rates and other recommendation in the ordinance. (23)

Consider adopting on first reading, Ordinance No. 8423, amending the alarm ordinance to eliminate the alarm user permit, eliminate provisions regarding false alarm, and adjust the alarm company license fee.

Scott Miller, staff attorney, presented the staff report. He said last year there were over 3,500 alarm calls that the Lawrence Police Department responded to and if statistics held, 95% or more were false. He said this ordinance was drafted to address that problem, but when staff analyzed the current ordinance, the amount of resources necessary to adequately enforce the ordinance was a concern. He said this ordinance repealed the current ordinance that required individual alarm users to register and pay a fee with the City Clerk.

The ordinance was passed in 1979 and had not been amended since 1981 and to the best anyone could determine, had not been enforced since the mid 1990's. The status quo was that there was no enforcement of the alarm ordinance and was disadvantageous to have ordinance in the City Code that was not being enforced.

Staff could make an effort to enforce that ordinance, but there were significant costs to that enforcement because right now the City did not have the ability to track false alarms and distinguish those in an automated system from the alarms that were actually valid. Also, law enforcement officers did not need to spend a significant amount of time documenting false alarms because there were no contested hearings. He said for those reasons, the time that would be spent or saved by making false alarms less likely would be eroded by the additional administrative overhead that would be required to enforce the ordinance as it existed. As the ordinance currently existed as well, only false alarms after the 4th false alarm in a year were punished at a rate of \$10.00 and there was very little likelihood that would recoup the costs of trying to track the alarms. He said no one was available right now in the City Clerk's Office or Police Department to handle the 1100 plus alarm applications that needed to be processed on a yearly basis. He said for all those reasons, right now, the infrastructure was not in place to enforce this ordinance and based upon those reasons, the ordinance be repealed. At some point in the future, if this amendment turned into a greater problem, the False Alarm Reduction Association has a combined industry of law enforcement group and had twenty different solutions that other

cities tried and the city could consider any of those solutions, but staff was not recommending any specific suggestions at this time.

The other component was of the ordinance that was being enforced with the licensing of the alarm companies. Those companies install and monitor alarms in residences within the City. There were very few Alarm Companies and the administrative overhead was not high to track those companies. The only difficulty with the current ordinance was since the current ordinance had not been amended since 1981, prices had tripled since 1981 and the fee structure had not caught up with the currently existing costs for administering the program and staff was recommending an increase in the amount of fees for Alarm Company Licensing. The amount of increase would be \$300 for the first year of licensing and \$150 renewal fee and \$75 late fee.

Mayor Chestnut called for public comment.

David Corliss, City Manager, said the City had periodically been able to identify some individuals that have had a large number of false alarms, just by volume of calls and staff had contacted those individuals to ask for compliance and many cases those individuals had been forthcoming in working on solution whether it was a bank that needed to remind their staff about turning certain things off. He said staff was not ignoring the issue, but the ordinance structure did not work for the City at this time.

Commissioner Dever asked how much money the increase in costs would generate.

Mayor Chestnut said he guessed it was cost neutral because the City was not generating money either way.

Corliss said the City was not generating much money and staff thought it was appropriate to increase the company license fee to reflect administrative costs. He said some communities had an entire division in the City Clerk's Office of a staff person to administer their alarm ordinance and hold the hearings for the false alarms. He said one of staff's concerns was

staff time from the City's Police Department, taking officers off the street to prepare the false alarm reports and attend any hearing before the City could assess a fee.

Commissioner Dever asked about the Alarm Company license.

Corliss said the companies seen in the yellow pages or advertising to install and monitor alarm systems were the companies that staff thought fees should increase because those fees had not increased in some time.

Moved by Cromwell, seconded by Amyx, to adopt on first reading, Ordinance No. 8423, amending the alarm ordinance to eliminate the alarm user permit, eliminate provisions regarding false alarms, and adjust the alarm company license fees. Motion carried unanimously.

(24)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

- 07/21/09
 - Commissioner Johnson absent from July 21 City Commission Meeting.
 - Authorize publication of the 2010 Budget Summary and establish August 11, 2009 as the public hearing date.
 - Authorize the City Manager to enter into a License Agreement with Robert and Sandra Schumm for the installation of a second floor balcony, subject to conditions, at 719 Massachusetts Street.
 - Receive [report](#) from the City Auditor on Performance Audit: Financial Indicators.
- 07/28/09
 - Freedom's Frontier National Heritage Area Management Plan.
 - Consider approving Comprehensive Plan Amendment, CPA-3-2-09, for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. Initiated by the Planning Commission on April 20, 2009. Requested by Rockwall Farms, LC. Approve on first reading, Ordinance No. 8415, for Comprehensive Plan Amendment (CPA-3-2-09) for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. (PC Item 4;

approved 6-2 on 5/18/09, BoCC approved 3-0 on 6/24/09)

ACTION: Approve CPA 03-02-09 and adopt on first reading, Ordinance No. 8415, for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County, if appropriate.

- 08/04/09 • Authorize the City Manager or Mayor to send a letter to KDOT requesting the inclusion of certain improvements to the plans for the reconstruction of the 23rd Street bridge.
- 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.
- 09/15/09 • Ordinance No. 8387, for the Rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip)
- 10/27/09 • 2009 LEAP Awards Ceremony

TBD

CONSENT

- Approve Text Amendment, TA-5-8-09, to various sections of the Lawrence SmartCode to revise the architectural standards. Approve on first reading, Ordinance No. 8430, for Text Amendment (TA-5-8-09), to various sections of the Lawrence SmartCode to revise the architectural standards. (PC Item 9; approved 9-0 on 6/24/09)
- Approve Text Amendment, TA-5-5-09, to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Lot Landscaping Requirements. Approve on first reading, Ordinance No. 8429, for Text Amendment (TA-5-5-09) to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Lot Landscaping Requirements. (PC Item 11; approved 9-0 on 6/24/09)

REGULAR

- Consider approving rezoning Z-4-5-09, to rezone the Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General Public and Institutional) to IG (General Industrial). There is existing ASO (Airspace Overlay District) and FP (Floodplain Management Regulations Overlay District) zoning overlays on all or portions of the property being rezoned to the base IG district. Initiated by City Commission on 4/7/09 and re-initiated on 5/26/09 to include 503 acres. Adopt on first reading, Ordinance No. 8425, for the rezoning (Z-4-5-09) of the Lawrence Municipal Airport from GPI (General Public and Institutional) to IG (General Industrial). (PC Item 4; approved 6-2 on 6/22/09)

ACTION: Approve rezoning Z-4-5-09, to rezone the Lawrence Municipal Airport, containing approximately 503 acres from GPI to IG and adopt on first reading, Ordinance No. 8425, if appropriate.

- Discussion of emergency vehicle access during the North 2nd and Locust intersection reconstruction.
- Consider Text Amendment, TA-4-3-09, to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code. Adopt on first reading, Ordinance No. 8428, for Text Amendment (TA-4-3-09) to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code. (PC Item 10; approved 7-2 on 6/24/09)

ACTION: Approve Text Amendment (TA-4-3-09) to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code and adopt on first reading, Ordinance No. 8428, if appropriate.

- Consider Electrical Board recommendation to adopt the 2008 National Electric Code.
- Discussion of financing methods for traffic calming devices.

COMMISSION ITEMS:

Vice Mayor Amyx said regarding the closure of North 2nd Street not having a first responder, the Mayor indicated, at the agenda meeting, about the possibility of one of those units locating to the north side of the railroad.

David Corliss, City Manager, said if there was a desire to have apparatus and staffing north of the railroad tracks, the Fire Chief said there would be a lieutenant and engineer four hours per day, two hours in the morning and two hours in the evening, Monday through Saturday. He said they would be looking at overtime costs from August 1st to November 1st would be about \$28,000 which was laid out in a staff memo.

Mayor Chestnut asked when the Commission needed to have that decision.

Corliss said the construction would start July 20th.

Mayor Chestnut asked that issue be placed on the City Commission's agenda as a regular agenda item next week.

Corliss said staff was still going to do that dual response and that staffing would be a supplemental to that response.

Commissioner Dever said during that meeting with staff, he thought there was an understanding that more than likely, given the traffic configuration of the lanes, there would be a clear shot on the bridge.

Corliss said staff though in most situations there would be.

Commissioner Dever said he wanted everyone to have the same information.

Mayor Chestnut said the memo that came out provided that information. He said the Commission needed to revisit what was discussed before. Obviously, that solution was something the North Lawrence Improvement Association was concerned about. This was an alternative that had extra costs, but needed to go through the additional level of protection it provided and see if there was a consensus of authorizing spending the overtime to provide that extra protection.

Vice Mayor Amyx said he did not want anyone to have a fear of a first responder getting to that location as quickly as possible.

Commissioner Chestnut said he met with the City Auditor to discuss the audit topics for the Solid Waste Department.

Moved by Amyx, seconded by Johnson, to adjourn at 10:15 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF JULY 14, 2009

1. Bid – Residential trash carts, Roy Conley, \$24,075.04.
2. Ordinance No. 8427 – 2nd Read, rezone (Z-4-4-09) 646 Illinois, U-KU to RS5.
3. Ordinance No. 8426 – 1st Read, rezone (Z-4-6-09) 135 & 137 Pawnee Ave, RS5 to RSO.
4. Ordinance No. 8430 – 1st Read, Text Amend (TA-5-8-09), Lawrence SmartCode, architectural standards.
5. Update Memo – 2nd Read defer until Sept 15, 2009 - Ordinance No. 8387, Rezone (Z-2-2-09) 1725 New Hampshire.
6. Application for EPA Climate Showcase Community Grant.
7. ROW Agreement – Sunflower Broadband, Community Wireless Communication.
8. Resolution No. 6842 repeal Res 6831 – Order Construction- Exchange PI & Fairfield from intersection of O'Connell & E 25th Terr.
9. Resolution No. 6843 repeal Res 6832 – Order Construction – Fairfield E Add No. 1.
10. KLINK funding application for Iowa St resurfacing project.
11. TSC - Deny "No parking" - 10th PI, Randall Rd, & 10th Terr.
12. Agreement amendment - City & Lawrence-Dg Cnty Housing Authority.
13. City Manager's Report.
14. Water & wastewater revenue bond sale - Bids.
15. Ordinance No. 8433 – Emergency 1st & 2nd Read – Water/Sewer Bonds \$10,400,000.
16. Resolution No. 6844 – Adopt Water/Sewer Bonds \$10,400,000.
17. Public Hearing – Vacation, utility easement, 2312 Harvard Rd.
18. Status Report – 1207 E. 13th St.
19. Maintenance Agreement – Bowersock Dam.
20. Ordinance No. 8425 – 1st Read, rezone (Z-04-5-09) Lawrence Municipal Airport, GPI to IG.
21. Fees - Parks & Rec - Golf Course fees.
22. Ordinance No. 8420 – 1st Read, increase fines for certain parking & traffic offenses.
23. Downtown parking fees, fines & enforcement hours.

24. Ordinance No. 8423 – 1st Read, amend alarm ordinance.