



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

July 28, 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, Cromwell, Dever, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION:

Mayor Chestnut presented a gift from Lawrence's Japanese sister city, Hiratsuka.

With Commission approval, Mayor Chestnut proclaimed the week of August 1 – 7 as Breastfeeding Awareness Week.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the City Commission meeting minutes of July 7, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Public Health Board meeting minutes of May 18, 2009 and the Planning Commission meeting minutes of July 22, 2009 through July 24, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve claims to 466 vendors in the amount of \$2,069,084.43. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to set a bid opening date of August 18, 2009 for the Kaw Treatment Plant Safety Improvements. Motion carried unanimously.

(1)



As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to set a re-bid opening date of August 18, 2009 for the Union Pacific Depot Roof Project. Motion carried unanimously. (2)

The City Commission reviewed the bids for unit pricing for sanitary sewer repairs for the Utilities Department. The bids were:

Vito's	Cost per Hour	Cost per Hour
		After Hours Sundays Only
LABOR	Regular Hours	
Employee 1 (supervisor)	\$ 52.50	\$ 66.50
Employee 2 (laborer)	\$ 35.50	\$ 49.50
Employee 3 (plumber)	\$ 62.00	\$ 76.00
Employee 4	\$ -	\$ -
Employee 5	\$ -	\$ -

Equipment Cost	Regular Hours	After Hours Sundays Only
Back Hoe (rubber tire)	\$ 72.50	\$ 86.50
Back Hoe with Hammer	\$ 104.00	\$ 118.00
Back Hoe with Compactor	\$ 94.00	\$ 108.00
Excavator 331	\$ 74.00	\$ 88.00
Excavator 331 with Hammer	\$ 95.00	\$ 109.00
Excavator 138	\$ 104.00	\$ 118.00
Excavator 138 with Hammer	\$ 210.00	\$ 224.00
Excavator 220	\$ 126.00	\$ 140.00
Excavator 220 with Hammer	\$ 252.00	\$ 266.00
Excavator 228	\$ 126.00	\$ 140.00
Excavator 228 with Hammer	\$ 252.00	\$ 266.00
Excavator 300	\$ 160.00	\$ 174.00
Excavator 300 with Hammer	\$ 350.00	\$ 364.00
Equipment Cost	Regular Hours	After Hours Sundays Only
Dump Truck/Driver		
Single Axle	\$ 54.50	\$ 68.50
Tandem Axle	\$ 70.00	\$ 84.00

	% over cost
Materials/Parts Cost	
	10%
All Pipe	
	10%
All Fittings	
	10%
Flow-able Fill	
Concrete	10%
Asphalt	10%
Gravel	10%
	10%
Dirt	
	% over cost
Property Restoration	
	10%
Fence	
	10%
Silt Fence	
Erosion Control	10%
	10%
Equipment	
Sod	10%
	10%
Grass Seed	
Fertilizer	10%
	10%
Straw and Blower	

Vito's Plumbing

Triple Axle/Barrel	\$ 75.00	\$ 89.00
End Dump	\$ 82.00	\$ 96.00
6 Wheel Cat Cart	\$ 135.00	\$ 149.00
Low Boy	\$ 95.00	\$ 109.00
Water Truck/Water	\$ 75.00	\$ 89.00
Other Equipment	Regular Hours	After Hours Sundays Only
953 Loader/Rock	\$ 122.00	\$ 136.00
963 Loader/Rock	\$ 132.00	\$ 146.00
D-65 EX Dozer	\$ 140.00	\$ 154.00
Track Skid Steer	\$ 80.00	\$ 94.00
Bob Cat/Uni-loader	\$ 70.00	\$ 84.00
180 Wheel Loader/ 3 yd	\$ 90.00	\$ 104.00
250 Wheel Loader/ 4 yd	\$ 95.00	\$ 109.00
By-Pass Pumps	\$ 35.00	\$ 49.00
By-Pass Pumping Hose, Pipe, fittings	\$ 45.00	\$ 59.00
Mobilization	1 hour	1 hour

RD Johnson	Cost per Hour	Cost per Hour
LABOR	Regular Hours	After Hours Sundays Only
Employee 1 (supervisor)	\$ 55.00	\$ 70.00
Employee 2 (laborer)	\$ 40.00	\$ 55.00
Employee 3 (plumber)	\$ 64.00	\$ 79.00
Employee 4	\$ -	
Employee 5	\$ -	

Equipment Cost	Regular Hours	After Hours Sundays Only
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	% over cost
Materials/Parts Cost	
All Pipe	15%
All Fittings	15%
Flow-able Fill	15%
Concrete	15%
Asphalt	15%
Gravel	15%
Dirt	15%

Back Hoe (rubber tire)	\$ 75.00	\$ 90.00
Back Hoe with Hammer	\$ 105.00	\$ 120.00
Back Hoe with Compactor	\$ 95.00	\$ 110.00
Excavator 331	\$ 75.00	\$ 90.00
Excavator 331 with Hammer	\$ 95.00	\$ 110.00
Excavator 138	\$ 105.00	\$ 120.00
Excavator 138 with Hammer	\$ 210.00	\$ 225.00
Excavator 220	\$ 126.00	\$ 141.00
Excavator 220 with Hammer	\$ 252.00	\$ 267.00
Excavator 228	\$ 126.00	\$ 141.00
Excavator 228 with Hammer	\$ 252.00	\$ 267.00
Excavator 300	\$ 160.00	\$ 175.00
Excavator 300 with Hammer	\$ 350.00	\$ 365.00
Equipment Cost	Regular Hours	After Hours Sundays Only
Dump Truck/Driver		
Single Axle	\$ 55.00	\$ 70.00
Tandem Axle	\$ 70.00	\$ 85.00
Triple Axle/Barrel	\$ 75.50	\$ 90.50
End Dump	\$ 83.50	\$ 98.50
6 Wheel Cat Cart	\$ 135.00	\$ 150.00
Low Boy	\$ 95.00	\$ 110.00
Water Truck/Water	\$ 75.00	\$ 90.00
Other Equipment	Regular Hours	After Hours Sundays Only
953 Loader/Rock	\$ 122.00	\$ 137.00
963 Loader/Rock	\$ 132.00	\$ 147.00
D-65 EX Dozer	\$ 140.00	\$ 155.00
Track Skid Steer	\$ 80.00	\$ 95.00

Property Restoration	% over cost
Fence	15%
Silt Fence	15%
Erosion Control	15%
Equipment	15%
Sod	15%
Grass Seed	15%
Fertilizer	15%
Straw and Blower	15%

RD JOHNSON

Bob Cat/Uni-loader	\$ 70.00	\$ 85.00
180 Wheel Loader/ 3 yd	\$ 90.00	\$ 105.00
250 Wheel Loader/ 4 yd	\$ 95.00	\$ 110.00
By-Pass Pumps	\$ 35.00	\$ 50.00
By-Pass Pumping Hose, Pipe, fittings	\$ 45.00	\$ 60.00
Mobilization	1 hour	1 hour

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Vito's plumbing. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve a purchase order to Software House International for \$42,701 to continue the City's Select Agreement for Microsoft software maintenance from July 1, 2009 – June 30, 2010. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt on first reading Ordinance No. 8431, allowing worksite utility vehicles to be driven on City streets, subject to insurance and other requirements and providing penalties for their illegal operation. Motion carried unanimously. (5)

Ordinance No. 8434, establishing no parking on 9th Street along the north side from Tennessee Street to Ohio Street and along the south side from Ohio Street to Indiana Street, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8429, for Text Amendment (TA-5-5-09), revising Section 20-1003 of Chapter 20 of the Development Code pertaining to interior parking lot landscaping standards, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded**

by Amyx, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8432, establishing the maximum special assessments for improvements in the Delaware Street Commons special assessment benefit district was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (8)

Ordinance No. 8435, annexing 448 acres of the Former Farmland Industries property and adjacent right-of-way, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (9)

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, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6846, adopting an identity theft prevention program for the Lawrence/Douglas County Fire/Medical Department and Ambulance Service billing operations. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve a Site Plan (SP-6-37-08) for sidewalk dining area for Angler's Seafood House, located at 1004-1006 Massachusetts Street. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve a sidewalk dining and hospitality license and right-of-way agreement for Angler's Seafood House, 1004-1006 Massachusetts Street. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt on first reading, Ordinance No. 8412, allowing possession and consumption of alcoholic beverages on certain City property, pursuant to Angler's Seafood House Sidewalk Dining and Hospitality License. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the temporary use of right-of-way permit for Downtown Lawrence, Inc., for the uses of various sidewalks, parking spaces, and a portion of 8th Street downtown for the Busker Festival, August 21-23, 2009. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to defer consideration until August 18, 2009 of 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. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize the City Manager to execute an Agreement for Capital and Operating Assistance Funds of the State of Kansas and the City of Lawrence for the Public Transit System. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize the Mayor to execute a Memorandum of Understanding between the City of Lawrence, the Lawrence/Douglas County Metropolitan Planning Organization, the Mid-America Regional Council, and the St. Joseph Area Transportation Study Organization for continued

participation in an internet based service called Rideshare that promotes alternative modes of transportation for commuters. Motion carried unanimously. (18)

CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report. He said the City applied for the EPA Showcase Communities Grant which would be a great education tool for the community; the Economic Development Coordinator provided an overview of Industrial Revenue and Recovery Zoning Bonds; staff integrated the City's traffic sign inventory with the GIS System; and the City did not receive funding on the COPS grant in which the City asked for 4 police officers under the stimulus program. (18)

Receive presentation on the draft Management Plan for Freedom's Frontier National Heritage Area.

Deanell Tacha, Chair, Board of Trustees, Freedom Frontier National Heritage Area, said many years ago hundreds of Lawrence and Douglas County residents began focus groups with the goal of telling a story of what happened along the border, prior to the civil war. She said they worked together on a voluntary basis with the leadership of Judy Billings, who was then with the Lawrence and Convention and Visitors Bureau.

In October of 2006, Kansas was designated by Congress "The Freedom's Frontier National Heritage Area" with 41 counties encompassed. Shortly after that designation, Destination Management Inc., was formed, a 501(c)6 Corporation, which was a management entity that had now applied to be the managers of Freedom's Frontier National Heritage Area. The RFP was distributed a few weeks ago and would be decided upon by the Freedom's Frontier Board.

She said in order to have a national heritage area, within three years of the designation by Congress, a management plan needed to be developed. She said it was the goal of this heritage area to take those old stories and inform current controversies. She said they would take those great stories of what happened along the border, weave those stories together, bring

together the common themes of why folks came to this part of the country, their ideas, battles fought, controversies, and what lives were lost, all of the elements that occurred so dramatically in this part of the country.

A heritage area was not a national park, but Congress designated those significant national stories that deserve and must be preserved for other generations. It was particularly timely because the Sesquicentennial of both the Kansas Territory and the Civil War was in the year 2011.

Their management plan had been presented to the National Park Service and was now in the Department of Interior. She said she had every reason to believe the heritage area would be approved this fall. Once having been approved by the National Park Service and the Department of Interior, it would become one of our nation's treasured heritages.

She said Bill Curtiss of TV fame and one of their supporters, had a terrible tragedy in his family and wanted it on the record that their hearts go out to him in the loss of his son. She said he narrated part of the promotional video for the national heritage area and it was important to recognize Mr. Curtiss. She said there were now short public service announcements and would be on the Kansas and Missouri broadcasting networks.

She said she must give credit to Judy Billings because without her foresight and absolute persistence, this heritage area would not have occurred.

Vice Mayor Amyx said the opportunity for the entire heritage area was unlimited and the stories would be told for the generations to come.

Tacha said volunteering her time to the national heritage area was gratifying; telling stories about this community and across the border leaving a legacy from conflict for the next generation.

Mayor Chestnut said this designation had been a labor of love for many people and it was a great opportunity to showcase Lawrence and would pay dividends for decades to come.

(19)

Consider Memoranda of Understanding with the LPOA and IAFF.

Diane Stoddard, Assistant City Manager, presented the staff report. The Memorandum of Understanding with the LPOA and IAFF was a two year agreement for 2010 and 2011.

The memo outlined the major changes for next year and 2011 from the current agreement and one of the most important changes was related to the compensation issue. This agreement did provide for a ½ of 1% wage adjustment for 2010 plus the step merit program and competency opportunities for those who were eligible within this employee group. Additionally for 2011 it included a reopener of discussions related to wages and compensation issues for that year. She said this compensation agreement was accomplished within the same overall 1.25% pool on salary adjustments that would be made available to other employees as recommended in the City Manager's budget.

The City and the IAFF Local 1596 representing fire fighters, fire engineers, and lieutenants had also successfully negotiated a two year agreement on similar terms and the IAFF membership was expected to consider the agreement this Saturday, and would likely have the agreement for City Commission consideration on the consent agenda next week.

Mayor Chestnut called for public comment.

Detective Mike McAtee, President of the Lawrence Police Officers Association, said this MOU was a reflection of both sides and understood the City represented the citizens of Lawrence and represented staff. The MOU was a reflection of a philosophy of a compensation package which would aide in the recruitment and retention of long-term quality law enforcement professionals that the citizens of Lawrence expect and deserve.

He said their membership which was 100% of the eligible offices and detectives that joined the LPOA voted to accept this agreement and requested the City Commission vote to approve this agreement.

Mayor Chestnut said he wanted to thank everyone involved and he continued to be proud to serve this community as Mayor seeing the type of people that work for the City. This

was difficult economic times, but across the board, City staff, Police Officers and Fire Fighters understood what the City Commission was trying to do and how they were trying to balance all of the priorities of the City. There had been tough times, but overall, it was good to see that staff had the best interest of the community at heart which led to a successful community.

Vice Mayor Amyx said he wanted to thank the negotiating teams and was proud of staff's dedication to the community.

Commissioner Cromwell said he wanted to thank City staff for their hard work.

Commissioner Dever said he appreciated staff professional attitude and commitment of service to the community.

Commissioner Johnson said he wanted to thank everyone for their time and spirit involved in negotiations.

Moved by Amyx, seconded by Cromwell, to approve the 2010-2011 MOU with the LPOA. Motion carried unanimously.

Moved by Johnson, seconded by Amyx, to place consideration of the IAFF agreement on the August 4, 2009 consent agenda. Motion carried unanimously.

Consider authorizing publication of the 2010 Budget Summary and establishing August 11, 2009 as the public hearing date.

David Corliss, City Manager, presented the staff report. He said the Commission would be setting the maximum level of expenditures and property tax mill levy that would be published pursuant to state law. Staff published a notification that on August 11th, the City Commission would conduct the statutorily public hearing. At the public hearing, the Commission would receive public comment and decide to work their will on the budget. The City Commission could do anything on the budget except increase the amount of total expenditures or increase the property tax mill levy. Later in the budget year, the City Commission could amend the budget and had occasion to amend the budget when the City had new budget revenue sources.

He said the memorandum was amended to reflect the increased dollar amount and expenditures and pointed out in the memo the City now had a 1.25% merit pool with the employee MOU's for the employee groups, but worked differently for the City's general population of employees.

He said staff did quite a bit of work regarding the utility budget, water and wastewater fund, cutting an additional one million dollars in operating expenses next year with deferring some maintenance expenditures and not filling some positions. He said that brought down the water rate increase to 10% because earlier in the month it was at 13% which was largely reflecting a lot of the debt taken on to build the size of the water utility, Clinton Water Treatment Plant. He said they were not moving wastewater rates in the aggregate. The rate ordinance would have a little bit of a change on some of the different categories on wastewater, but the overall wastewater revenue adjustment was 0% which equated to .4 percent change in the water/wastewater component of the utility bill.

He said it was important to point out that the City's total reduction in positions was approximately 10 positions from this adopted budget to next year. The budget was balanced even with the additional expenditures staff was recommending with the employee compensation. Staff was projecting the City would spend less than it would bring in, in the City's general fund for 2010.

There were a number of significant changes in the budget. One of those items of interest and Commission discussion was the issue of the west side recreation center. He said he wanted to make sure the Commission had the opportunity to review the City's receipts from the County wide sales tax.

In 1994, the County voters approved a 1% sales tax pursuant to state law and pursuant to an inter-local agreement that the City and County entered into, in proceeding with the voter's adoption of that sales tax. The City received a portion of that sales tax and politically pledged, not legally, how the City would spend that money. He said staff was budgeting 9.2 million

dollars the City would receive in sales tax receipts from the County wide sales tax which was based on a statutory formula that had to do with the City's population. As part of that 1994 campaign, staff was going to keep some of that money in the City's general fund to fund operations reducing the mill levy by 5 mills.

He said regarding property tax relief, they would lose money from the motor vehicle tax and the City kept that money in the City's general fund. He said they also transferred 1.6 million dollars to operate the City's recreation activities which was one of the primary revenue drivers and received very little property tax revenue.

The City also owned the Community Health Building on North Main Street that housed Bert Nash, the Health Department, and Visiting Nurses Association. The cost was split by virtue of a letter that Mike Wildgen, former City Manager, and Craig Weinaug, County Administrator, signed about twelve years ago for maintaining that building. The rest of the 9.2 million dollars was transferred to the sales tax reserve funds. He said the City was still paying through 2016 for the Community Health Building which the City built in cooperation with the County.

The City was paying off next year, the indoor aquatic center. He said staff had put money aside for the maintenance of that building and there were large reserves, but would pay-off the debt of that building. The City issued debt in 2007 for major rehabilitation for Clinton Park, put in trails and spent money on design and property acquisition for Burroughs Creek and built a road that went up to Sesquicentennial Point.

The previous Commission thought the sales tax should support the debt for the Eagle Bend Golf Course which would be paid off in 2016 as well. The City was still making debt payments of approximately 1.6 million dollars a year.

The previous Commission also decided to put money into street maintenance and the City was spending roughly 5 million dollars, plus infrastructure sales tax funds. He said eventually, the City wanted to wean itself away from that sales tax money on streets, but he

could not recommend that next year, given what he knew about pavement conditions and what he had heard about the need.

Finally, there was about \$400,000 on the Park and Recreation Facility Maintenance Projects which was used for maintaining parks. He said when getting to the issue of proceeding with the West Lawrence Recreation Center, the state of the City's parks should be discussed. He said safety issues needed to be looked at and the functionality of all City parks.

He said he was recommending allocating \$300,000 for next year for design of a West Lawrence Recreation Center. He said they needed to take a hard look at whether or not they would want to proceed knowing what they knew about the economy because in addition to building the recreational center, they had to operate and maintain the facility which required a growing economy. He said the recreational center was the number one need identified by the City's Parks and Recreation personnel for indoor gym space.

He said the Commission could work their will on the budget at this time, but he suggested that on August 11th have a study session spending a lot of time discussing the PLAY Report that was developed a couple of years ago where all the athletic facilities were looked at and their needs. He said he fully understood that the City Commission's approval of the budget did not mean the City was authorizing those expenditures.

The Vice Mayor asked for information regarding the activities of the Parks and Recreation Department and staff provided that information in a memo.

Vice Mayor Amyx said in the Human Relations Department, the City Manager's recommendation was to not fund two and a half positions next year. He asked how the City Manager envisioned how things would work regarding complaints by citizens.

Corliss said Toni Wheeler, Executive Director of the Human Relations Commission, former employee in that department, was familiar with those operations. He said they planned on working with the City's existing legal staff, two prosecutors in Municipal Court, three staff attorneys, and a management analyst, to respond to the questions on whether or not there had

been violations of the City's Human Relations Ordinance. All of those individuals were well versed and one of the staff attorneys currently reviewed most of the major documents. Wheeler worked as a Human Relations Specialist and Investigator and the City had individuals that were familiar, not only with litigation, but also legal training. Staff made a lot of strides in the improvement of the training staff did for the entire community in recent years under Wheeler's leadership. The plan was to absorb those operations under legal staff.

The initial inquiries would come to City Hall and staff could decide who best in the organization could take the lead regarding investigating the complaint.

Vice Mayor Amyx said one concern, which was no reflection on the Legal Services Department, was if there would be a perception of the City providing free legal service.

Corliss said he did not think so.

Vice Mayor Amyx said his concern was the cost of an attorney versus the cost of a Human Relations Specialist.

Corliss said the City was not increasing the legal budget or paying the attorneys more for taking the Human Relations Division on. The legal skills of identifying issues, applying the rules to certain situations, being able to ascertain the necessary facts to see if there was a legal concern was something that attorneys could provide. Most of what the attorneys did at City Hall was not geared up for litigation, but problem solving. That was the most important skill was trying to solve the individuals problem to their satisfaction and to the fidelity of the laws satisfaction. He said he did not see that as a hindrance, but an ability to respond. One of the things he did not spend much time discussing was looking for opportunities for efficiency. He said staff had been in discussions with the two individuals in that division and were hopeful to have good transition within, whether those individuals stay with the City or not.

Commissioner Cromwell said with the two and a half positions, he asked if there were something else those individuals could do or were they being eliminated.

Corliss said in his recommended budget, there were no funds for the positions in 2010. If this budget proceeds, what he planned on doing was working with the two individuals. One of the individuals successfully transferred over to another position in the City's organization. He said he planned on working with the other two individuals to see what they wanted to do and see if there were opportunities within the City's organization or there might be opportunities for earlier retirement.

Commissioner Cromwell said the City had absolutely no intention of less vigorously approaching any perception of eliminating Civil Rights related positions.

Corliss said he wanted to be as forceful as he could in stopping that perception. Under Wheeler's leadership, the City vigorously enforced the law in district court and successfully won and was the first time in the ordinances history. Wheeler brought that through and successfully provided a settlement on behalf of the claimant. He said staff had every intention of enforcing the ordinance.

Commissioner Dever said it was clear to everyone that they were going to take the procedures and the practices utilized in the past and hand those processes over to existing staff members who were capable of taking on additional work at this time and vigorously opposing any type of problems associated with Human Relations and Human Rights that this department handled in the past and effectively communicate how to utilize those services to the people who needed those service the most in the future. He said it was strictly moving parts around to hopefully people who could effectively and carefully vet all the issues that came up.

Corliss said that was staff's intention. He said he wrote the provision regarding sexually orientation and was familiar with a lot of those issues. He said in looking around at City Hall, he could point to any number of City staff members that needed to step up in their roles, given the economic situation. Jonathan Douglass, Assistant to the City Manager, stepped up as the City Clerk. Scott McCullough, Development Services Director, was losing two positions that were vacant regarding planning. Diane Stoddard, Assistant City Manager, had stepped up in addition

to all of the responsibilities in supervising the Human Resources Division. Casey Toomay, Budget Manager, stepped up when there was the Transit Administrator vacancy. He said staff recognized they were stepping up because they did not want to diminish the quality of service. He said it was the right move to have a little bit of efficiency savings and still not miss having the Human Relations Ordinance enforced. He said staff would work hard to make sure that transition was smooth.

Commissioner Dever said if there was a plan of action for the City's procedures.

Toni Wheeler, Legal Services Director, said there were no plans to amend the ordinance and staff fully intended to enforce the ordinance as written. The attorneys in the Legal Department were equipped to handle those complaints and investigate those complaints thoroughly, suggest mediation, or conciliate agreements when appropriate. She said staff intended to fully continue with the ordinance as written and continue to expect the Human Relations Commission to serve as advisory board to this City Commission and to review any matters that the City Commission believed were appropriate for the Human Relations Commission to handle or any issues the community might have.

Staff had been thinking about the budget plan and if approved become effective January 1 and would have fall to work out the fine details.

Mayor Chestnut called for public comment.

Reverend William A. Dulan, Lawrence, said his concern was the word "lawyer" because there were people that did not have a voice, even though those people should. To his estimation, going through the Human Relations, the voiceless people had a voice. Now, those people would fall through the cracks because if the Human Relation Commission could not function as openly as it had in the past, but the HRC was a buffer between the legal staff and the common person. If a common person had a concern, he asked where that person would go. He said when it came to a discrimination case or a feeling of injustice, some people had a fear of lawyers and those were the people that need help. He said he was not saying the

lawyers of the City would not do their best, but he hoped the City Commission would take deeper thought in eliminating some of the staff that had been a voice for the voiceless.

Leo Barbee Jr., Pastor, said he wanted to commend the City Commission and City Manager on the work they were doing on the infrastructure of this community. He said he understood the budget cuts, but when he thought in terms of the Human Relation Commission, he did not think in terms of infrastructure, buildings, parks, and recreation as important as the HRC. He said when people had feelings of discrimination and not being treated fairly, those people needed to have someone to go to that not only sympathized, but empathized because it made a difference. He said to eliminate this would be an injustice and send the wrong message to people in this community and surrounding communities.

Kevin Loos, Chair of the Parks and Recreation Advisory Board, said he did not want to confuse the matter between Human Relations and what he would be talking about as far as Parks and Recreation because those were two different funding sources and even though they were inter mingled since 1994, it was important to distinguish what was done in 1994 and the remainder had to be handled by the City Commission as a separate matter. He said it was not a tradeoff in building a facility or saving two and a half people jobs.

He said having served on the Parks and Recreation Advisory Board for the last year and a half, the board did a tremendous job. He said speaking on behalf of the Parks and Recreation Advisory Board, were in support of the \$300,000 that was designated in the budget for development of a new recreational facility wherever that facility might be. He said it served the number one need right now which was indoor facility space related to basketball, soccer, and gymnasium space which had not kept up with the development and the growth of that department in recent years.

He said PLAY had identified several projects and the high schools had addressed some of those projects with the recent facility improvements. Again, he said indoor facilities were

needed and with the approval of last year's sales tax, it seemed the money was available to proceed.

He said the City had an opportunity to develop private partnerships, economic development with respect to bringing regional, local, national tournaments to town. He said when people come to town those people spend money.

Jana Dobbs, Vice Chair of the Parks and Recreation Advisory Board, said she was present to advocate for the inclusion of the \$300,000 in the budget for next year. She appreciated the City Commission's concern because they had a lot to balance in looking at "needs" versus "wants" and looking at places that needed to be cut. She said the tax dollars were available that had been allocated specifically for Parks and Recreation and there was a need in this growing community for indoor facilities. She said during tough economic times was the time where an increase of usage in Parks and Recreation facilities and activities were seen because a lot of people could not afford to go on expensive vacations or big ticket items, but could afford to enroll their kids in Parks and Recreation programs.

She said from a banker's prospective, she loved the way the Parks and Recreation Advisory Board could stretch a dollar because they made sure they were putting that money where it needed to go and not duplicating efforts and resources. She said she would appreciate the City Commission's consideration in keeping the dollars in the budget for parks and recreation facilities.

Mayor Chestnut said the City Commission could have dialogue about the maximum mill levy, but there could be moving parts between now and then, as long as staying within the maximum mill levy assessment which was now recommended to be flat with last year.

Commissioner Dever said what the Mayor meant by "moving parts."

Mayor Chestnut said they did have the authority to set the maximum mill levy that authorized "x" number of million dollars and if there were things between now and August 11th that the majority wanted to change, the City Commission would have that ability.

Corliss said the City Commission could change money within the existing funds and reduce those funds by not spending. The budget could be less than what the City Commission was authorizing publication for.

Commissioner Johnson said if the Human Relations Commission was not being stopped.

Corliss said the ordinance was not being repealed. The Human Relations Commission would continue and direct staff. Wheeler was the Executive Director of the Human Relations Commission and the responsibility was for the enforcement of the ordinance done by legal staff and would make a recommendation to the Human Relations Director and the Human Relations Commissioners. He said the HRC would continue, but there was no funding for the two staff positions that were currently working in that division. He said if this budget was adopted, staff would work with those individuals to find, employment opportunities elsewhere in the City, but there was no guarantee.

Commissioner Dever said as far as a liaison between someone that might have a problem or complaint and an attorney made that person nervous, he asked if there was a provision in the plan where someone else in that group might be the initial contact.

Corliss said that person would still be that attorney, but the attorney would not be that person's adversary, but advocate as far as receiving the appropriate information and steering that person in the right direction. If it was necessary to file a formal complaint, individuals would be available to help that person walk through that process. He said he was not saying that existing legal staff had the years of experience of the individuals in the Human Relations Division right now. The Legal Department needed to step up on learning regarding human relations. He said the fact that Wheeler was familiar with that department and had stepped up in the Directors position the City was unable to fill because of budget concerns. He said staff would be successful in meeting the letter and the spirit of the ordinance. He said he would love the staff and not tell all the departments to cut 5% from their budgets, but it had to be done.

Wheeler said she wanted to reassure Reverend Barbee that she was very sympathetic to the persons that the Human Relations positions served. She said she was Native American and Mexican American and while she had many opportunities in her life, she knew the pain of discrimination. She said she wished to assure Reverend Barbee that under her leadership staff would defend and enforce the law.

Vice Mayor Amyx said with direction from the City Commission, Corliss was asked to reduce expenditures from the various departments. He said he knew the City worked their Legal Department hard. He asked at what point Wheeler thought another staff attorney would be needed.

Wheeler said Legal Staff was providing guidance to current Human Relations Specialists staff at this time. Legal Staff was reviewing complaints, providing direction on investigations, reviewing conciliation agreements, and final documents. She said she did not anticipate asking for a staff attorney in the future given the current economic climate. She said she had reviewed the caseload, both the formal complaints over the past few years, the informal contacts, and had a high comfort level that existing staff could handle that work at this time.

Vice Mayor Amyx said in 1994 regarding the sales tax voting issues, he received an email from former Mayor Nalbandian. The email was related to the use of funds in putting together a generations of parks.

He said in looking at the sales tax reserve fund, he was part of a City Commission that voted to use the sales tax reserves to help with the Street Department. He said it was time to start discussing the weaning of the sales tax reserves from the Street Department and moving those reserves back to Parks and Recreation. He said he wanted to discuss the next generations of parks and what those parks would look like.

He said if the City was looking at not funding two individuals from the Human Relations Department, he knew where the money was intended to go in 1994 which was for Parks and Recreation and the public was willing to put up dollars without a sunset clause. He said if they

were looking at only one project from the City Manager's recommendation, he could not support the expenditure, but if they going to look at the next generation of parks systems, he supported that issue.

Commissioner Johnson said he did not want to see the money cut out of the budget. He said the City Commission was not being asked to spend the money in 2009 or 2010, if the City did not have the money to spend. He said the City should always be looking forward and when times get tough it was easy not to look forward and just fight the small battles. He said there was an opportunity to set Lawrence up, five years from now, for whatever project or projects came about. He said people forget the times the City was in, when deciding to do a project. He said he would suggest a study session that looked at the City's need in detail. He said he heard the City was in need of something on the west side of town and did not want to cut it from the budget, but plan for it.

Vice Mayor Amyx said there was no way he would get this cut out of the budget. Again, he said he wanted discussion about the next generation of Parks and Recreation and it was time to start discussion about weaning sales tax reserves from the Street Department and moving those reserves back to Parks and Recreation.

He said if the two and half positions would be eliminated once the City Commission voted.

Mayor Chestnut said the City Commission's action was to only set the mill levy.

Vice Mayor Amyx said for clarification purposes, he asked if the two and a half positions from the Human Relations Department would be eliminated.

Mayor Chestnut said no. He said the City Commission voted on the maximum mill levy and then moved parts underneath the mill levy several times. He said between now and August 11th the City Commission had time to move parts. He said Commissioners certainly should talk about what was seen as issues whether it be positions, parks and recreation situation or any other part of the budget and try to give staff direction so that when the public hearing took place

on August 11th, they could come to some conclusions. He said right now he did not hear anything that stated they wanted to raise the mill levy. He said what was being discussed was how to allocate those dollars. The issue that was brought up on the facility was appropriate and would get the public involved in dialogue.

Commissioner Dever said in general this was a huge budget and congratulated staff for balancing the budget again. The average citizen did not realize what a great job staff had done and the City done in general in keeping costs in check overtime, thus reducing the impact on all the city employees.

He said regarding the recreation center, he said it shed some light on things that happened fifteen years ago and shed some light on having more dialogue with Parks and Recreation Department. He said Vice Mayor Amyx's idea on some type of master plan or road map on where the City was headed was important. The use of funds earmarked in 1994 needed to be evaluated thoroughly. The sales tax the City Commission passed last year might help free up some funds that were being used to the City's credit and within the City's right for other purposes. He said he was not in favor and he would like to consider the \$300,000 that was earmarked for this study, only because it was not the time the City could afford to cut a Department, yet spending \$300,000 on another. He said he would be in favor of setting aside some funds for recreation in general with the idea a plan could be created with the public, committees, and the City Commission to come up with a programs on what they wanted Parks and Recreation to look like in fifteen years and not do isolated planning. He said as far as the application for some of those duties for the Human Relations, it was an appropriate move to utilize existing staff and help reduce the cost of operation even further. If this was the only reduction the City Commission needed to make, they would have time to reconsider and move forward.

Corliss said the maximum budget was set in the past and then it was desired to change numbers. He said it was his recommendation that if there was a desire to put funding in for

funding the Human Relations positions, that funding would come from the City's fund balance. He said as he looked at the budget, he was not knowledgeable enough at this time to see where to make other cuts that would not reduce other services

Vice Mayor Amyx said as long as it was understood the maximum to be published and the idea of looking at a master plan answered his concern and that Commission had the opportunity to have discussion, at a later date, about the positions in Human Relations Division.

Commissioner Cromwell said he was in favor of keeping \$300,000 in the budget for recreation, but opposed to spending that money on the design of a West Lawrence Recreation Center. He said a blueprint was being discussed, but there had been no discussion with the community about the second generation of projects. He said they needed to figure out where that money would best be spent and then spend the money in blueprints. He said right now they had the first generation of projects, needing maintenance. He said he was more in favor of taking that parks and recreation money and spending it on maintenance and also having a dialogue to build private/public partnerships.

He said as far as Human Relations, there might be some fat left in utilities.

Mayor Chestnut said that utility fund was an enterprise fund and not part of the general fund.

He said he wanted to comment in the broader budget process. He said two important issues were the focus. He said the Commission set forth half a dozen objectives for what they wanted out of a budget and clearly stated they wanted to keep the mill levy flat. Even though they were going to be in flat revenue, if not some declining revenue and the assessed valuation for next year was going to be slightly lower than what it was this year and slightly lower than that in 2011.

The Commission made it clear that as much as practical, maintain the employment of the employees of the City of Lawrence. He said Olathe, Unified Government of Wyandotte County, and an entire host of municipalities around the State of Kansas were in fairly significant

reduction in force actions. He said Olathe was up to 30 positions either eliminated or people laid off over the last twelve months and Wyandotte County stated they had a fifteen million budget deficit for 2010 and did not know how to make up that difference which meant they were going to take people.

He said they also discussed the high level of service in all of the City's activities and provide competitive agreements with the City's MOU employees for both law enforcement and fire/medical personnel and had a commitment to core services. He said he thought they had accomplished all of those objectives in a fashion that had been significantly a result of City staff and Directors stepping up to the plate. He said at least they were not recommending raising the mill levy.

It was difficult, no matter how hard they tried in eliminating positions that had people, but reminded everyone that the City staff's headcount was down about 25 to 30 people over the last eighteen months. He said the Human Relations Department was a small department with a few people and everyone has basically given up a lot in this transition. He said they started this process about two years ago, starting with a general fund deficit in 2006 of 3.5 million dollars to a 2008 surplus of \$700,000, in challenging economic times. He said the City had a high commitment to a level of service. He said City Staff was not saying they could not do something and wanted to try and make things work. There were toughly negotiated agreements with police and firefighters, but were resolved in times where they were seeing layoffs in safety personnel in other municipalities. He said there were a lot of difficult decisions relative to outside agencies too. He said in his mind this was the right set of priorities, but did not go without pain and it did not mean it was not without opposition because people might loose their employment or did not feel the priorities were in line with what those people thought were appropriate.

He said relative to recreation, clearly there would be recreation needs continuing in the future and was something that needed to be addressed. He said he was not sure if a recreation

center was where the City should spend its next dollar and thought they should stay committed to recreation, but revisit what had been done already.

There was talk about putting taxes back into its rightful place, but he was not going to condemn what previous Commissions had done as far as committing funds to places that were necessary. Clearly there was a feeling of what was happening with City streets. He said they needed to look at what was committed in 1994. He said he supported keeping the money in for some consideration of whether they called it a recreation center or not, but they were a long way from spending that money. He said overall the work was good and he was proud of being a part of this community. He said they tried to keep property taxes down and did a successful job in working out a lot of costs which came with a lot of pain and suffering for City employees, but City employees would remain committed to making this a great community.

Vice Mayor Amyx said he appreciated the Mayor's direction and leadership in directing the Commission and staff to carry out the priorities set forth by the City Commission. He said City services were delivered greatly by City staff.

Commissioner Johnson said he appreciated staff's work on the budget and the Commission's leadership. The City was in good hands.

Commissioner Cromwell said it was phenomenal that the City was sitting in the economic conditions and not talking about raising the mill levy, cutting staff, or programs. He said they had hard work ahead in the next year as things were likely to get worse, but would continue to make all of those efforts to make next year as good as this year. He said it was a good budget.

Moved by Amyx, seconded by Dever, to authorize publication of the 2010 Budget Summary and establish August 11, 2009 as the public hearing date. Motion carried unanimously. (20)

Consider setting a bid date of September 1, 2009 for the Burroughs Creek Trail Project.

David Corliss, City Manager, introduced the item. He said there had been a lot of neighborhood involvement and advocacy for this project. There were community meetings that had provided staff with good direction on the project. He said the City had spent about a half million dollars in property acquisition. One of the items for the Commission was to help finalize one of those property interests and a hearing tomorrow on the condemnation on a few other interests that were also necessary to make sure the City had all of the property interest in place. He said staff successfully negotiated all of the property acquisition. He said Scott Wagner, Legal Department, had done a good job of coordinating the property acquisitions with a lot of other help as well.

He said the City had \$350,000 in voter approved funding for the project and \$500,000 from KDOT and staff thought they were on target to receive good bids in September. He said as the property went through at 15th Street, staff wanted to talk about some of the City property in that area and some of the changes that would be important on that City property.

Mark Hecker, Parks Superintendent, said this project started in 2007 as a Master Plan Project and involved the neighborhoods in that corridor which ran from 11th Street to 23rd Street just west of Haskell Avenue along the abandoned rail corridor.

It was an exciting project for that neighborhood because it pulled five different neighborhoods together. He said they looked at this project as a linear park from 11th to 23rd Streets. He said when getting to 23rd Street, it hooked onto the rail trail that extended from 23rd to 29th Street and made a long trail through the east part of town.

He said in 2008 the City applied for a 1.2 million dollar grant from KDOT and was rejected. As a result, went back to the drawing board and met with City staff to down scale this project.

The main hub of the park and trail was 15th Street which contained playgrounds, a splash park, and trail wheels which were somewhat like roundabouts. He said the park on 15th

Street would be expanded and neighborhood connections were important and would start those connections when money was available.

Corliss said at 15th Street, the City owned the two buildings that at one time was the Morton Concrete Co. which was now used for police department storage. He said staff had not followed through with a site plan because that property was not being used as exterior storage. In taking a look at the long-term use of that property, one of the buildings was gone and would be an extension of Parnell Park and that property needed to be site planned in conformity with the plans adopted.

Hecker said there were two buildings at 15th Street and one of those building was on the west side which the City planned on keeping. He said in the future, the plan called for that building to be developed into a restaurant and storage facilities. The east building would be demolished as part of that project.

He said all of the design work was designed in-house and did an amazing amount of work. He said the City had an amazing Engineering Department.

Corliss said by saving money on the design, more money would be used for the park and trail.

Mayor Chestnut called for public comment.

K.T. Walsh, resident of East Lawrence, said she wanted to thank everyone for their work on this project, but especially Mark Hecker, Superintendent of Parks and Maintenance, and Ernie Shaw, Superintendent of Recreation and Operations, because they had been in meetings with some of the most contentious people she had ever met and they had a wonderful ability to maintain an upbeat attitude. She said the neighborhoods were looking forward to the trails.

Mayor Chestnut said at the beginning, there was a daunting number, but when KDOT stepped in, it was a tribute to a combination of City staff and people in the community driving to solutions.

Vice Mayor Amyx said he wanted to thank James Grauerholz because of his persistence in this project.

Commissioner Cromwell said it was a critical recreational facility.

Moved by Dever, seconded by Amyx, to set a bid date opening of September 1, 2009 for the Burroughs Creek Trail Project and authorize the City Manager to execute a purchase agreement with Southwestern Bell Telephone Company for \$42,710. Motion carried unanimously. (21)

PUBLIC COMMENT:

Jo Skinnel, said whatever the Commission was thinking of spending money on, she was against it. She said she was disappointed in the City annexing the Farmland Property because it would involve City utility expenses. She said the City of Lawrence had great leadership and great services.

She said regarding the recreation center, the one percent sales tax that was to be divided between the City and County, was thought to be used for recreation, but that was not the case.

She said the parks and recreation centers were great, but as far as another recreational center out west, she did not know if the City needed a huge facility or for that matter, a center out west.

She said she was happy the mill levy was not raised. She said these were bad times and hoped the City Commission would consider everything very carefully before spending any money.

FUTURE AGENDA ITEMS:

- 08/04/09 · Adopt ordinance on adding to the City's existing rights under various agreements, leases, and liens used to regulate the Lawrence Community Housing Trust and enabling the county to consider resale restrictions for purposes of determining the fair market value of land trust properties.

- Receive Kansas Point-in-Time information regarding number of homeless in Lawrence and Douglas County.
- 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.
- SUP expansion hearing for Lawrence Community Shelter
- George Williams Way school zone
- Community Wireless Communications video agreement.
- 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.
- Approve a request for a 24 month extension of the approval for SP-12-93-06, a site plan for a new office building at 501 Rockledge Drive.
- Approve a request for a 24 month extension of the approval for SP-06-54-06, a site plan for Glenwood Apartments located in the southeast corner of the intersection of Wakarusa and Eisenhower Drives.
- 09/08/09 · Public hearing date to discuss the condition of the dilapidated structure at 426 Perry Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.
- 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 · City Auditor update on scope and method of performance audit related to solid waste.
- Consider Electrical Board recommendation to adopt the 2008 National Electric Code.
- Discussion of financing methods for traffic calming devices.
- Contracting for Professional Services
- Fairfield East maximum special assessment hearing

- Recycling report
- Consider a request from the Oread Neighborhood Association to enact a moratorium that would prohibit permitting Boarding Houses in the City of Lawrence while a text amendment to the Land Development Code to revise standards pertaining to Boarding Houses is processed.

Mayor Chestnut said the City Commission had been notified, related to the decision the City Commission made as far as an agreement between Freenet and the City in acquiring equipment for 23rd and Harper, that equipment had been acquired by Community Wireless, by the for profit side and that called into question whether the City Commission should revisit that agreement because now the City had an agreement with an entity that did not acquire the equipment. He said at some point materials were needed to look at the chronology of agreements to see if the City had any issues to revisit.

David Corliss, City Manager, said staff would post that information and the City Commission could direct staff accordingly.

Moved by Amyx, seconded by Cromwell, to adjourn at 8:46 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF JULY 28, 2009

1. Bid Date – Kaw Treatment Plant Safety Improvements – Aug 18, 2009.
2. Re-Bid Date – Union Pacific Depot Project – Aug 18, 2009.
3. Bid – Sanitary Sewer Repairs to Vito Plumbing for \$115,783.30
4. Purchase Order – Software House Int'l for \$42,701 for Microsoft software maintenance.
5. Ordinance No. 8431 – 1st Read, Worksite Utility Vehicles on City Street subject to insurance & other requirements.
6. Ordinance No. 8434 – 2nd Read, “no parking”, 9th St along N side from Tenn to Ohio & S side from Ohio to Indiana.
7. Ordinance No. 8429 – 2nd Read – TA-5-5-09, interior parking lot landscaping standards.
8. Ordinance No. 8432 – 2nd Read, max assess and public hearing for Delaware Commons.
9. Ordinance No. 8435 – 2nd Read, Annex 448 acres, former Farmland Industries.
10. Ordinance No. 8428 – 2nd Read, (TA-4-3-09) keeping of chickens and ducks within the City.
11. Resolution 6946 – Identify Theft Prevention Program, Fire/Med & Ambulance.
12. Site Plan (SP-6-37-08) Angler's Seafood, 1004-1006 Mass.
13. Sidewalk Dining & Hospitality – Angler's Seafood, 1004-1006 Mass.
14. Ordinance No. 8412 – 1st Read, alcohol consumption in sidewalk dining area.
15. Temp Use of Right-of-Way for Busker Festival, Aug 21-23, 2009.
16. Defer CPA-3-2-09 locations of conference, recreation or tourism facilities in rural DG Cnty.
17. Agreement for Capital Operating Assistance Funds, Public Transit System.
18. Memo of Understanding – Rideshare, alternate modes of transportation for commuters.
19. City Manager's Report.
20. Mgmt Plan – Freedom's Frontier National Heritage Area.
21. 2010 Budget Summary public hearing Aug 11, 2009.
22. Bid – Burroughs Creek Trail Project Sept 1, 2009.