



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

September 1, 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

A presentation was given by Deb Taylor regarding the Lawrence Alliance to the City Commission.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the City Commission meeting minutes of August 4, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Planning Commission meeting minutes of July 20 - 22, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve claims to 386 vendors in the amount of \$13,558,450.48 and payroll from August 16, 2009 to August 29, 2009, in the amount of \$1,779,090.48. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Drinking Establishment Licenses for Bambino's at the Grove, 1801 Massachusetts; and, the Class A Club License for American Legion Post No. 14, 3408 West 6th. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to concur with the recommendation of the Mayor and reappoint Patty Welty, Brenda Nunez, and Vern



Norwood, to the Community Development Advisory Council to terms which will expire September 30, 2012; reappoint Chuck Heath and Joe Flannery to the Hospital Board to additional terms which will expire September 30, 2013; reappoint James Dunn and Kevin Johnson to the Human Relations Commission to terms which will expire September 30, 2012; and, appoint Cathey Parsons to the Jayhawk Area Agency on Aging to a term which will expire September 30, 2011. Motion carried unanimously.

The City Commission reviewed the bids for Kaw Water Treatment Safety Improvements for the Utilities Department. The bids were:

BIDDER	STAIRS	BASIN GRATING	PRESED BASIN	BID AMOUNT
Garney Construction	\$48,800	\$58,700	\$76,800	\$173,300
Blaze Mechanical	\$39,989	\$63,190	\$88,490	\$189,000
GSR Construction	\$32,900	\$58,400	\$48,900	\$138,000
Midland Construction	\$45,500	\$61,000	\$65,300	\$163,400
BA Green Construction	\$40,400	\$49,600	\$59,000	\$147,250

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the following:

GSR Construction for Project 1 – stair and slab opening closure for \$32,900;
 B.A. Green Construction for Project 2 – basin grating replacement for \$49,600;
 GSR Construction for Project 3 – pressed basin improvements for \$48,900.

Motion carried unanimously. (1)

The City Commission reviewed the bids for Comprehensive Housing Rehabilitation bid for 1827 Alabama Street for the Public Works Department. The bids were:

B09043	Base Bid	Alternate 1	Alternate 2
Comet Corp.	\$27,960.00	\$950.00	\$950.00
T&J Holdings	\$25,625.00	\$2,400.00	\$2,400.00
Staff Estimate	\$23,725.00	\$1,800.00	\$1,800.00

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to T&J Holdings for \$25,625. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to accept the proposal from RD Johnson Excavating for the lime lagoon cleaning, removal, and beneficial reuse of the lime residuals and authorize the City Manager to enter into an agreement not to exceed \$120,000 with an option for four (4) additional years. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to waive bidding requirements and authorize the City Manager to issue a purchase order to Neale Painting for time and materials painting work at the Indoor Aquatic Center, at a rate of \$45 per hour. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, approve Change Orders No. 7 and 8 to King's Construction in the amount of \$23,380 for additional work added to the George Williams Way projects: Project No. 14-CP4-407(BD) 6th Street to Overland Drive, and Project No. 15-CP5-407(BD) Overland Drive to North City Limits, Street, Storm Sewer, and Waterline Improvements. Motion carried unanimously. **(5)**

The City Commission reviewed the bids for 23rd Street (K-10), from Ousdahl Road to Barker Avenue, 2" Mill, 2" BM-2 Overlay, Pavement Marking and Minor Concrete Work for the Public Works Department. The bids were:

BIDDER	BID
Engineer's Estimate	\$576,857.75
Bettis Asphalt & Construction, Inc.	\$556,399.25
LRM Industries, Inc.	\$557,651.10
Sunflower Paving, Inc.	\$560,273.49
Hamm, Inc.	\$675,067.53

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Bettis Asphalt & Construction, Inc., in the amount of \$556,399.25. Motion carried unanimously. **(6)**

The City Commission reviewed the bids for 90 tons of Calgon Carbon for the Utilities Department. The bids were:

BIDDER	BID
MWV Specialties	\$1,540.00 ton
GS Robins	\$1,690.00 ton
Bates Chemical	\$1,747.50 ton

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to GS Robins in the amount of \$1,690 a ton because MWV Specialties did not meet specifications. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6863, setting a public hearing date of October 20, 2009 to discuss the condition of the dilapidated structure at 1232 Louisiana Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve as signs of community interest, a request from the United Way of Douglas County to display banners (approximately 6 ft X 3 ft) at 15 locations throughout the City from September 15 – November 20, 2009. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize Staff to advertise a Request for Proposals for Engineering Design Services related to the General Wastewater Pumping Station Improvements. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize the Mayor to sign a Release of Mortgage for Barbara Wrigley, 1908 West 3rd Terrace. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize the City Manager to execute and approve a License Agreement between the City of Lawrence and Hedges Real Estate for placement of a private business sign in the right-of-way at 3300 Clinton Parkway. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the sidewalk dining and hospitality license for Jo Shmo's, 742 Massachusetts Street, and adopt on first reading, Ordinance No. 8457, allowing possession and consumption of alcoholic beverages on certain city property pursuant to Jo Shmo's sidewalk dining and hospitality license. Motion carried unanimously. (13)

CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report. David Corliss, City Manager, presented the report. He said Planning and Development Services Department provided an update on the status of 617 West 4th Street, included was correspondence from the Attorney of Record for that property owner stating that he was no longer working for that property owner. Unless the City Commission directs otherwise, the City was going to start the process on the environmental code to get the property in better shape. Staff pursued the path of the property being unsafe and dangerous and required the property to be rehabilitated, but had gotten to the point the property was no longer unsafe and dangerous, but the property was still not satisfactory. Staff monitored the property under the City Commission direction and had some progress, but not enough.

Other items in the City Manager's Report included the Northeast Sector Plan stakeholder meeting was scheduled on September 17th; Planning and Development Services reviewed the 2009 International Codes and provided a memo to the City Commission; Lawrence/Douglas County Bioscience Authority provided building renderings and floor plans; the Assistant Planning and Development Services Director, Margene Swarts, was certified as a CDBG Administrator; the City and partners were honored for collaboration in housing projects;

and, an updated report on construction progress of Lawrence and Free State High Schools was given.

Scott McCullough, Planning and Development Services Director, said there were three sites that contained the baseball fields and tennis courts as well as a number of athletic fields and amenities at FSHS. He said Staff has been in almost constant contact with neighborhood association members and the School District this summer on the way to sporting seasons. The weather had not always been good for construction at those sites so the district had been victim to the weather.

He said when there was a very large construction project, making progress toward the end compliance with the site plan was important. Staff recognized early on that portions of the site plan would not be completed for this season's activities. The School District worked hard to bring those elements of the site plan in compliance that was most directly related to where the events would take place. Staff honed in on those issues, but also the life safety issues. For example, the bleacher systems at LHS were not yet completed. The Development Services Department, under the direction of Barry Walthall, went to this site to inspect and make sure that the construction site was appropriately fenced and safe for occupants. It was not unusual to have occupancy for portions of projects. For example, the hospital will occupy some portions of the building during a large remodeling and construction. Part of the Staff's job was to make sure that the part that was occupied was safe and met codes.

He said staff provided a list of site planning issues that were not going to be completed in the first several weeks of the football and soccer season which was landscaping, lights and other site plan elements at LHS.

He said Brian Jimenez, Code Enforcement Manager, was at the field as recent as 10:00 pm, last night, conducting light meter readings, which was the initial reading of the lights at LHS football field. The readings did not fully comply and staff would work with LHS for compliance with those readings. Staff believed the school provided a timeline and how they would address

the code issues. Staff was concentrating on ADA compliance and life safety issues. LHS would be limited in their occupancy for the first several games until the bleachers and other site elements were completed.

Staff released a conditional occupancy for the football field to accommodate a soccer game or two on September 1 and was limited in this one event. There were conditions established to continue to reach for Friday night's football event.

Vice Mayor Amyx asked if the conditional occupancy permit restricted the number of people that could attend.

Scott said it restricted where the occupants could go. He said he did not have the permit available to know if it placed an exact number of people at that location. For example, LHS did not have the "away side" bleachers completed and ready to accept occupants at this time and there was a portion of the "home" side that was not completed and were limited in using those areas for patrons.

Corliss said Staff was working to get all of those directions and goals corrected. The City wanted compliance with the city code because it protected the public and the neighborhood. For example, the City was working with LHS on a portable generator. He said staff was satisfied that they were ensuring compliance with the code.

Ron Schneider, representing Centennial Neighborhood and a number of neighbors, said there was concern by the neighbors about this project some time ago. A comprehensive agreement was negotiated between the neighbors and the school district regarding size, location and various functions on site, including lighting limitations. Some of the matters were not addressed to their satisfaction, but in order for the school district to comply with the agreement by this Friday those matters could not have been addressed. In his client's efforts to accommodate everyone, with primary concern for the safety of the neighborhood and the kids, they were able to negotiate an amendment to the negotiation that essentially stated that changes were agreed upon and had to be met unequivocally. One of the big concerns was

lighting. Last night, lighting tests were performed, but it was obvious the lighting criteria could not be met. He said his client's agreed with the School District, to give the school another 30 days to meet the photometric chart that was required by the City and was part of their agreement. There were other changes that would make it a better facility for everybody in the long run.

Right now, as it stood, it was okay if the City allowed the school district to use the fields now. However, if lighting did not meet the precise terms of the photometric chart in 30 days then the parties understand that it was a material breach and no night activities should take place after that time. They were confident those terms could be met, but that was where they stood.

Vice Mayor Amyx said there were concerns and problems, but when the terms were all met, it would be a very nice facility and a lot of it had to do with the folks that lived around the facility.

Schneider said he agreed. Compliance was anticipated, not only in spirit, but to the letter of the agreement and if that was the case, everyone would be satisfied.

Vice Mayor Amyx asked if the agreement was signed.

Mayor Chestnut said the addendum had not been executed to date.

Schneider said his clients signed the agreement. The School District could not accept the agreement unless the School Board voted in public, but he anticipated the agreement would be approved. (14)

Conduct bond and note sale. Review bids received. Approve sale of bonds and notes to the lowest responsible bidder. Adopt Resolution No. 6862, authorizing the sale of \$14,120,000 in general obligation notes. Declare an emergency and adopt on first and second reading, Ordinance No. 8452, and adopt Resolution No. 6861, authorizing the sale of \$3,250,000 in general obligation bonds, if appropriate.

Ed Mullins, Finance Department Director, presented the staff report. He said the City had a temporary note that matured on October 1 in the amount of about 10.6 million dollars. He said because of that maturity date, the City had to either refinance the note with other note

proceeds or with General Obligation Bond proceeds. Bids were received today on both notes and bonds. There were five bids on the temporary notes and twelve bids on the general obligation bonds. The City received twice as many bids on the bonds compared to the past.

There were two bids that were to the exact penny and it was up to the City Commission to break the tie. Staff recommended Jefferies & Company. Staff tried to get the two low bidders to work together, but they could not take half at 14 million because it was not a big issue. Staff recommended Jefferies & Company because that company submitted an earlier bid.

On the bonds side, Staff was recommending the low bid to UBS Financial Services at a 2.79% interest rate over \$3,250,000 in bonds.

He said staff was asking the City Commission to approve the resolution authorizing the note sale and to approve the ordinance and resolution authorizing the sale of the bonds and declare an emergency and adopt the ordinance on first and second reading so the bonds could be sold tomorrow.

Mayor Chestnut said the recommendation for Jeffries also needed to be included in the motion. He said there were a lot of projects included and the bulk of those projects were benefit districts.

David Corliss, City Manager, said staff had a question about benefit district delinquencies and staff was continuing to monitor those delinquencies. Mullins checked periodically every four to six months, but did not change all that often and the last delinquency was about 3 percent on specials assessments. Staff did not see any major concerns.

Mayor Chestnut said it was important to note that a lot of the benefit district money was spread out on some of the most valuable property. They had a lot of vested interest in making themselves whole.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2009-1, in the amount of \$14,120,000. The bids were:

BIDDER	Net Interest Costs	Net Interest Rate (%)
Jefferies & Company	\$106,025.51	0.718936%
J.P. Morgan	\$106,025.51	0.718936%
Wells Fargo Brokerage Securities, LLC	\$138,062.22	0.936170%
UMB Bank N.A.	\$143,992.62	0.976383%
Loop Capital Markets	\$106,633.01	0.723%
Oppenheimer	\$252,873.52	1.7147

Moved by Amyx, seconded by Cromwell, to award the bid to Jefferies & Company for a Net Interest Cost of \$106,025.51 and a Net Interest Rate of 0.718936%. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(15)**

The City Commission reviewed the bids for General Obligation Bonds, Series 2009-A, in the amount of \$3,250,000. The bids were:

BIDDER	Net Interest Cost	True Interest Rate(%)
UBS Financial Services Inc.	\$621,468.66	2.796702%
George K. Baum & Co.	\$620,376.83	2.801664%
Stifel Nicolaus & Co, Inc.	\$627,158.74	2.810174%
Hutchinson, Shockey, Erley & Co.	\$634,823.34	2.829971%
Robert W. Baird & Co. Inc.	\$635,298.23	2.854533%
Piper Jaffray	\$648,033.13	2.867799%
Country Club Bank	\$640,477.38	2.900359%
Morgan Keegan & Co., Inc.	\$661,118.82	2.962689%
Commerce Bank	\$657,954.15	2.979120%
UMB Bank	\$659,721.56	2.988556%
FTN Financial Capital Markets	\$673,568.12	3.049061%
DeWaay Financial Network	\$691,396.25	3.132392%

Moved by Amyx, seconded by Cromwell, to award the bid to UBS Financial Services Inc. for a Net Interest Cost of \$621,468.66 and a True Interest Rate of 2.796702%. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(16)**

Moved by Amyx, seconded by Cromwell, to adopt Resolution No. 6862, authorizing and directing the issuance, sale and delivery of \$14,120,000 principal amount of general

obligation notes temporary notes, series 2009-I, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreement to provide for payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. (17)

Moved by Amyx, seconded by Cromwell, to declare an emergency and adopt on first and second reading, Ordinance No. 8452, authorizing and providing for the issuance of \$3,250,000 principal amount of general obligation bonds, Series 2009-A, of the City of Lawrence, Kansas; providing for the levy and collection of annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and action in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. (18)

Moved by Amyx, seconded by Cromwell, to adopt Resolution No. 6861, prescribing the form and details and directing the sale of \$3,250,000 principal amount of general obligation bond refunding and improvement bonds Series 2009-A, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8452 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, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. (19)

Consider Traffic Safety Commission recommendation to approve a request for no parking along the south side of 13th Street from 300 feet east of Oregon Street to 300 feet west of Oregon Street

David Woosley, City Traffic Engineer, presented the staff report. He said the Traffic Safety Commission heard a request for the “no parking” restriction along the south side of 13th Street from 300 east and west of Oregon Street at the July meeting. The request came from the Brook Creek Neighborhood Association and was supported by the East Lawrence Neighborhood Association. Other residents in the area spoke in favor of the request also. The Commission received correspondence from one of the nearby property owners that was concerned about the restriction because the owner had a daycare center and needed the parking for parents to drop off and pick up their children.

The Traffic Safety Commission voted 7-1 in favor of the request. The one in opposition was concerned the request did not come from adjacent residents and he was also concerned about the livelihood of the people that ran the daycare center.

Mayor Chestnut said in looking at a map, the person that had the daycare was outside of the 300 feet to the East.

Woosley said the daycare was near the edge and it depended on where the measuring started.

Mayor Chestnut said the daycare did not sit right in the middle of the 300 feet on the either side, but was on the eastern edge.

Woosley said correct.

Mayor Chestnut said there would be on street parking further to the east just adjacent to that neighbor.

Woosley said it could be adjusted so it was to the west of their property. He said that 300 feet was not needed for good site distance along that area. The speed limit was 30 mph and only needed 200 feet of site distance to stop. Actually, only about 100 feet one direction and about 150 feet the other direction of parking restriction was needed to provide the 200 feet of site distance from the driver’s eye.

Vice Mayor Amyx asked if it was set up so that someone using the path could have the full field of vision to see what was coming.

Woosley said that it was set up more for the drivers along the street so that those drivers could see anyone trying to cross the street. The people on the path should be stopping before crossing the street and had plenty of site distance. The restriction was so the driver coming down the street could see anyone that was just about to or in the process of crossing the street and slow down appropriately.

Commissioner Johnson said if there was any consideration to allow parking during a window of a time, the morning hours and the pick-up hours for the daycare.

Woosley said there was no discussion of that idea.

Commissioner Johnson said that people would use it anyway if there was an open space at that location.

Mayor Chestnut called for public comment.

Julie Mitchell, President of Brook Creek Neighborhood Association, said they were very excited about the Burrough Creeks Trail. She said BCNA was asking that the City Commission approve “no parking” within 300 feet to the east of 13th Street of the trail. Removing parking within 300 feet of the trail made the crossing more visible for the driver and the people using the trail, making it safer for everyone.

She said regarding the “no parking”, if a person was picking up or dropping off their child at the daycare and had their hazard lights on, would that person receive a ticket.

Corliss said if the person put their car in park, turned on their hazard lights and went into the daycare to pick up their child the car would be considered parked.

Mitchell said okay and she did not want to encourage anyone to get a ticket. She said traffic on 13th Street traveled quickly, usually above the 30 mph speed limit because there were no stop signs between Connecticut and Haskell Avenue.

She also said she had not noticed a lot of resident parking, just mainly business parking during the day from the business on the north side of the street.

KT Walsh, Secretary of the East Lawrence Neighborhood Association, said she was in support of the 300 foot parking restriction due to people using the trail. There would be some people that would not ambulate quickly across 13th Street and that people went over the 30 mph speed limit. However, they did not want to create danger to toddlers and parents either. She said there must be some kind of code to help out the daycare.

Commissioner Dever said he wanted to make sure there was a place for workers to park. Walsh was right that maybe a sign was needed. He said he was not quite sure if people parked further away if there was a sidewalk to walk to the daycare.

Mayor Chestnut said that it was mentioned that 200 feet was fine for a line of site. He said how the Traffic Safety Commission came up with 300 feet on either side.

Woosley said the TSC did not come up with that distance, it was requested by both neighborhood associations. He said he did not know what the associations based it upon but staff looked at the distance based on the speed limit and 200 feet was all that was needed for a stopping site distance for a 30 mph speed limit. There was also going to be a speed hump that was constructed adjacent to the path so drivers would need to slow down to 15 mph to 20 mph to negotiate the speed hump.

Walsh said people on their subcommittee looked Rails to Trails and parking restrictions in many other cities. She guessed that was where the 300 feet came from.

Vice Mayor Amyx said there was strong recommendation from the Traffic Safety Commission for 600 total feet of parking to be removed. The trail was going to be a popular trail. If another number was chosen, other than the 300 feet, the City Commission should revisit this issue, once that facility was built. No one could control what a child would do when coming across the trail and into the street.

Commissioner Dever said if speed humps were going to be on either side of the trail.

Woosley said just one speed hump on the west side.

Mayor Chestnut said the Connecticut to Oregon was a good stretch.

Woosley said there was consideration for a speed hump on the east also, but there was a big box culvert and that would cause a problem with the drainage.

Commissioner Cromwell said the trail was running closer to the east and then it jogs over to the west along 13th Street and then crosses. There were going to be people who were going up the trail that might just cross 13th Street. He said he appreciated a parking concern for the business and definitely wanted to keep the children safe too. Hopefully the parents could find a drop-off zone further to the east. He said he was worried that if restricting that no parking and allow parking to west of the 300 feet, it would be close to where people were inappropriately crossing. He said he was in favor of the 300 feet.

Vice Mayor Amyx said based on the unanimous recommendation from the Traffic Safety Commission, it seemed to be a reasonable request. Especially after the point Commissioner Cromwell brought up about the bend in the road that would go back west.

Moved by Amyx, seconded by Cromwell, to approve a request for no parking along the south side of 13th Street from 300 feet east of Oregon Street to 300' west of Oregon Street.

Motion carried unanimously.

(20)

Consider bids for street, stormwater, water, and sanitary sewer improvements in the Exchange Place/Fairfield Street benefit district

Commissioner Johnson needed to excuse himself from discussion of this item because of a potential conflict of interest.

David Corliss, City Manager, said this item would have been on the consent agenda, but this improvement was part of the City's debt issuance that was approved earlier on this agenda. He said this was the only street that was being built in the community, at this time.

Chuck Soules, Public Works Director, presented the results of the bids. He said staff received the following bids: six bids for Street, Stormsewer, and Waterline Improvements for

Exchange Place/Fairfield Street with the low bid awarded to King Construction, in the amount of \$1,286,904.30; nine bids for sanitary sewer improvements with the low bid awarded to Larkin Excavating, in the amount of \$133,690.18; and, five bids for the lift station with the low bid awarded to King's Construction, in the amount of \$149,000.

Commissioner Dever said what the Engineer's Estimate was for Street, Stormsewer and Water Line Improvement.

Soules said the engineers estimate was \$1,562,060. The benefit district costs were in the memo that staff provided which included financing, engineering, inspection, publications and miscellaneous costs.

Mayor Chestnut said the street was about 82% of the engineering; sanitary was 68%; and, the lift station was 68%.

Soules said staff was revising the estimates to get those estimates closer, but with the benefit districts not too close, because of additional costs the City might incur.

Vice Mayor Amyx said if the entry way into that tractor supply business would be met.

Soules said that was the goal.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx said that it was good to see good bids based on the engineer's estimates.

The City Commission reviewed the bids for Fairfield East Addition 1, Street, Storm Sewer, and Waterline Improvements for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$1,562,060.00
King's Construction	\$1,286,904.30
Larkin Excavating	\$1,382,237.75
RD Johnson	\$1,448,333.00
Duncan Construction	\$1,610,815.00
Linaweaver Construction	\$1,624,773.50

Miles Excavating	\$1,783,466.15
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Moved by Dever, seconded by Cromwell, to award the bid to King's Construction, in the amount of \$1,286,904.30. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: None. Abstain: Johnson. Motion carried. **(21)**

The City Commission reviewed the bids for Fairfield East Addition 1, Sanitary Sewer Improvement for the Utilities Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$195,828.00
Larkin Excavating	\$133,690.18
Meadows Construction	\$140,265.20
King's Construction	\$148,091.25
Heartland Midwest	\$152,724.00
RD Johnson	\$155,801.40
Mill Valley Construction	\$170,548.00
Luttrel Construction	\$175,584.00
Linaweaver Construction	\$181,307.00
Freeman Construction	\$284,210.00

Moved by Dever, seconded by Cromwell, to award the bid to Larkin Excavating, in the amount of \$133,690.18. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: None. Abstain: Johnson. Motion carried. **(22)**

The City Commission reviewed the bids for Fairfield East Addition 1, Lift Station for the Utilities Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$221,900.00
King's Construction	\$149,000.00
Meadows Construction	\$192,300.00
RD Johnson	\$215,000.00
Heartland Midwest	\$219,000.00

Freeman Construction	\$256,680.00
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Moved by Dever, seconded by Cromwell, to award the bid to King's Construction, in the amount of \$149,000. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: None. Abstain: Johnson. Motion carried. (23)

Consider authorizing the City Manager to execute an Engineering Services Agreement for \$70,350 with BG Consultants for Design and Construction Phase Engineering Services in conjunction with the sanitary sewer main replacement project for the 1100 block of Delaware Street and the 1500 block of New Hampshire Street.

Phillip Ciesielski, Assistant Director of Utilities Technical Services, said staff had requested the authorization to execute an Engineering Services Agreement for the design and construction phase services for two areas in sanitary sewer that were in a failed or failing state. Staff attempted to perform TV inspection, but could not get the TV camera through those lines. Five to six service calls for blockages or back-ups on these lines had been received over the last 12 months.

Staff had gone through the RFP process, selected BG Consultants and negotiated a scope of services with both projects needing 700-900 feet of pipe replaced, one project on the 1500 block of New Hampshire Street and the other project in the 1100 block of Delaware Street.

The scope of services included a preliminary look at some options regarding design layout and methods of construction, as well as construction or property acquisition costs associated with those different layouts. Staff could look at recommendations before beginning the detail design.

Both projects were had very restricted site, particularly on the New Hampshire project, because easements and rights-of-way were not procured. In the 1500 block, there were gardens, fences and garages constructed over the existing line. Staff would be looking at alternative types of construction to try to minimize the impacts to those residents while maintaining service.

City Staff would perform the day-to-day construction inspection on those projects and BG Consultants would support that effort with their design and specifications for the project regarding progress meetings with the contractors, clarifications, submittal reviews and those types of things.

Vice Mayor Amyx said it would be too early to guess where the City had easements and structures.

Ciesielski said the City did not have any easement along those alignments for either project. He said he could not speak for the process 70-80 years ago.

Commissioner Cromwell said if the alley without easements needed to be dug up.

Ciesielski said New Hampshire did not have an alley way and the yards abut each other on the back side. He said staff would be looking at alternative construction methods and potentially some type of differentiation in the alignment, but one restriction was that folks were served out of the back of their homes now and trying to take that sewer line anywhere significantly different, would be very problematic.

Commissioner Dever said if there was any chance of bursting.

Ciesielski said staff would look at the deteriorated state of that line and was fairly flat and based on the man hole elevations, the bursting would typically follow that existing line almost exactly. There were options staff would be looking at with regard to construction.

Commissioner Dever said anyone looked at the original plat and was it originally an alley that was vacated.

Ciesielski said he did not believe it was an alley vacated, but was platted as the lots existed today. He said part of the scope was to procure easement for the new line. Staff had a component of public meetings with the residence and property owner. He said staff anticipated a lot of interaction on that level.

David Corliss, City Manager, said it was a challenge in the older neighborhoods.

Mayor Chestnut said it was one of those things that needed to be done.

He said he did not know where Central Junior High discharges, but it was something that was important.

Ciesielski said Central Junior High was on a separate line going from south to north.

Mayor Chestnut called for public comment.

After receiving no public comment, Corliss said he wanted to point out that staff had not contacted any of the neighbors. He said this was staff's first step to get additional help to start looking at options and receiving more information. There would be a lot of opportunities for public involvement and it was going to be a time intensive project and a very important project. He said staff was not running away from their responsibilities.

Vice Mayor Amyx said this project needed to be done because there was a collapsed line. By not replacing the line, someone's property would be in trouble over time. The City was not going to run from their responsibility and would put in a new line.

Mayor Chestnut said that communication helped. The City just went through this same discussion over by Hobbs Park because they had to cut across the intersection at 10th and Delaware, which was right where Allan Press's parking lot was located.

Moved by Amyx, seconded by Cromwell, to authorize the City Manager to execute an Engineering Services Agreement for \$70,350 with BG Consultants for Design and Construction Phase Engineering Services in conjunction with the sanitary sewer main replacement project for the 1100 block of Delaware Street and the 1500 block of New Hampshire Street. Motion carried unanimously. (24)

Consider authorizing the City Manager to execute an Engineering Services Agreement for \$231,324 with Black & Veatch for Design and Construction Phase Engineering services in conjunction with the expansion of wet weather storage at Pump Station 09 (Four Seasons).

Phillip Ciesielski, Assistant Director of Technical Services, said staff had gone through an RFP process, negotiated a scope of services and a fee with Black and Veatch engineering for the addition of a wet weather storage facility at the Four Seasons Pump Station. The City

had two existing wet weather storage facilities at that location. This facility would add the third and finish out the storage for that area. This project was recommended in the 2003 Master Plan when staff looked at the project again as a part of the basis of a design report when looking at the Wakarusa Wastewater Reclamation Water Facility. This additional storage allowed the continued build out of the Yankee Tank and some of the Wakarusa Drainage Basins.

Included in the City Commission's packet was an exhibit showing a couple of rain events over the last year or so where storage was utilized within both of the existing basins. Both basins were topped out during one of those events. Given there were only two basins, staff did operational type methods and pumped from this facility directly to the pump station on the Haskell grounds, with all pumps that were installed, not just the firm capacity, which would be one pump out of service.

He said staff looked in completing the design this fall and winter and potentially the project would be ready next spring or summer. This project was funded from 2007 bond sale that was reallocated toward this project.

Vice Mayor Amyx said wastewater was pumped to the Four Seasons Pump Station, and asked if there was a force main that pumped the wastewater back to Haskell.

Ciesielski said there was a twenty inch force main leaving Four Seasons which headed east, roughly to the curve at 31st and Kasold and discharged to a gravity interceptor that ran along the 31st Street Corridor and went to the 5A and B complex on Haskell grounds. He said those lift stations pumped to a gravity sewer on the Burroughs Creek Trail area that took the flow all the way to the wastewater plant on 8th Street. The flow that ended up at Pump Station 9 was a combination of pump flows and gravity drainage in the Yankee Tank Basins. There were also pump flows north of 6th Street. He said there were two County Benefit Districts constructed six years ago, George Williams Way, Stoneridge Drive, as well as the area near Walmart and Westwood Hills and pumped to Stoneridge Drive and 6th Street which flowed down the Yankee Tank Basin area.

Vice Mayor Amyx said if there were additional piggy back pipes that went down 31st Street.

Ciesielski said there was a separate all gravity line that swung farther south around 33rd Street and that took a significant portion of the Wakarusa Basin's flow. He said once the flow left the Four Seasons Pump Station it was basically in a single line up to 31st and Louisiana. There were some cross connects at that location where there were parallel pipes through Broken Arrow Park, on down to 5A and 5B complex on Haskell grounds.

Vice Mayor Amyx said by doing that work, he asked if the property at the new apartment complex at 31st and Ousdahl would be in jeopardy.

Ciesielski said no. As part of that development, they should have naturally tied into the line that carried the Four Seasons discharge. However, since that line was full during rain events, they built a small lift station and pump further south to the line on 33rd Street as an interim measure. The lift station was designed to be permanent if there was an opportunity, when the Wakarusa Wastewater Reclamation Facility came on line and Four Seasons was pumping to that location, then the line that went through "The Exchange" that Lift Station could be taken out of services and they could be served by gravity.

Vice Mayor Amyx said he had forgotten about the lift station that was required for that project.

Ciesielski said that the lift station that was bid by Public Works was proposed to be named Pump Station 51 and Operation's Staff said they would not go over 50 so it was now actually number 7.

He said the project included full scope of construction phase services within that figure and included concrete testing, soil testing, and a significant amount of floodplain analysis and hydraulic modeling, due to the location of the site between the two creeks. He said when negotiating this fee, staff looked at items that could be done in-house. He said Staff consulted with Scott McCullough, Planning and Development Services Director, and staff would be doing

the site survey with Barlett and West as the subcontractor to Black and Veach. City Staff would take care of the site planning process, submitting an SUP, floodplain development permit, as well as zoning applications.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said a lot of work had been done in staff trying to mitigate some of the fees and he appreciated that effort.

Commissioner Cromwell said he appreciated staff's work in keeping the costs low and information clear along with the percentage of the total construction cost that the design fee represented.

Mayor Chestnut said that transparency was important.

Commissioner Dever said it was good information.

Moved by Amyx, seconded by Cromwell, to authorize the City Manager to execute an Engineering Services Agreement for \$231,324 with Black & Veatch for Design and Construction Phase Engineering services in conjunction with the expansion of wet weather storage at Pump Station 09 (Four Seasons). Motion carried unanimously. **(25)**

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

09/08/09

CONSENT

- Approve a revised Preliminary Development Plan PDP-6-1-09, approximately 43.88 acres, for the commercial portions of Bauer Farm, located at 4700 Block #2 Overland Drive. Submitted by Landplan Engineering, for Free State Group LLC, Free State Holdings Inc, Bauer Farms Residential LLC, and CVS Pharmacy LLC, property owners of record. (PC Item 4; approved 8-0 on 8/24/09)
- Accept dedication of easements and rights of way for PP-6-3-09, for a one lot multi-family Preliminary Plat on approximately 7.71 acres for Park Place Addition located at 510-544 Fireside Drive. Submitted by Paul Werner Architects, for Ernest Fleischer, property owner of record. (PC Item 3; approved 8-0 on 8/24/09)
- Approve Text Amendment TA-4-4-09, to various sections of the City of Lawrence Land Development Code to address implementation issues regarding Parking Standards. Adopt on first reading, Ordinance No. 8453,

for Text Amendment (TA-4-4-09), to various sections of the City of Lawrence Land Development Code to address implementation issues regarding Parking Standards. (PC Item 8; approved 8-0 on 8/24/09)

- Approve Text Amendments TA-6-10-09 and TA-6-11-09, to various sections of the City of Lawrence Land Development Code to permit the location of non-ground floor dwellings and work/live units in various zoning districts and for revisions to the standards for multi-dwelling structures in various zoning districts. Adopt on first reading, Ordinance No. 8454, for Text Amendments (TA-6-10-09 & TA-6-11-09), to various sections of the City of Lawrence Land Development Code to permit the location of non-ground floor dwellings and work/live units in various zoning districts and for revisions to the standards for multi-dwelling structures in various zoning districts. (PC Items 9 & 10; approved 8-0 on 8/24/09)
- Approve Text Amendment TA-6-15-09, to Article 10 of the City of Lawrence Land Development Code to amend standards for landscape plans. Adopt on first reading, Ordinance No. 8455, for Text Amendment (TA-6-15-09), to Article 10 of the City of Lawrence Land Development Code to amend standards for landscape plans. (PC Item 11; approved 8-0 on 8/24/09)

REGULAR:

- 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.
- Consideration of consultant service agreement with Hernly Associates, Inc., for the Phase I Depot report.
- H1N1 Briefing

09/15/09

CONSENT

- Approve an amended Special Use Permit SUP-4-3-09, repealing the Adaptive Reuse of a Historic Property element of the application, for property located at 603 Tennessee Street for a Bed & Breakfast. Submitted by Rainbow Works LLC, property owner of record. Adopt on first reading, Ordinance No. 9456, for Special Use Permit (SUP-4-3-09) repealing the Adaptive Reuse of a Historic Property element of the application, for property located at 603 Tennessee Street for a Bed & Breakfast. (PC Item 1; approved 8-0 on 8/24/09)
- Ordinance No. 8387, for the Rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip)

09/29/09

- City Commission Meeting canceled – fifth Tuesday

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.
- 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.

COMMISSION ITEMS:

Moved by Johnson, seconded by Amyx, to adjourn at 7:41 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF SEPTEMBER 1, 2009

1. Bid – Kaw Water Treatment Safety Improvements to GSR Construction for \$32,900 (Project 1); BA Green Construction for \$49,600 (Project 2); & GSR Construction for \$48,900 (Project 3).
2. Comprehensive Housing Rehab – 1827 Alabama to TJ Holdings for \$25,625.
3. Lime Residuals Cleaning & Removal to RD Johnson for \$120,000.
4. Bidding Requirement Waived – Indoor Aquatic Center to Neale Paining at \$45 per hour.
5. Benefit District -GWW - 6th to Overland Change Order to King's Construction for \$23,380.
6. Bid - Overlay & Pavement for 23rd, Ousdahl to Barker to Bettis Asphalt for \$556,399.25
7. Bid – Calgon Carbon for Utilities to GS Robins for \$1,690 a ton.
8. Resolution No. 6863 – Public Hearing Oct 20th, dilapidated structure at 1232 Louisiana.
9. Signs of Community Interest – United Way of DG. from Sept 15th to Nov 20th.
10. RFP – General Wastewater Pumping Station Improvements.
11. Mortgage Release – Wrigley, 1908 W 3rd Terr.
12. License Agreement – Lawrence & Hedges Real Estate, private sign at 3300 Clinton Pkwy.
13. Sidewalk Dining – Jo Shmo's, 742 Mass.
14. City Manager's Report.
15. Bids - GOB/Temp Notes – Series 2009-I for \$14,120,000 to Jefferies & Co at a NIC of \$106,025.51 & NIR at 0.718936%.
16. Bids - GOB – Series 2009-A for \$3,250,000 to UBS Financial, at a NIC of \$621,468.66 & TIR of 2.796702%.
17. Resolution No. 6862 – GOB/Note sale and delivery of \$14,120,000, Series 2009-I
18. Ordinance No. 8452 – 1st Read, GOB issuance of \$3,250,000, Series 2009-A.
19. Resolution No. 6861 – sale of GOB sale for \$3,250,000.
20. No Parking – S side of 13th form 300' E of Oregon to 300' W of Oregon.
21. Bids – Fairfield E Add No. 1 – Street, Storm Sewer & Waterline to King's Construction for \$1,286,904.30.
22. Bids – Fairfield E Add No. 1 – Sanitary Sewer to Larking Excavating for \$133,690.18.

23. Bids – Fairfield E Add No. 1 – Lift Station to King's Construction for \$149,000.
24. Engineering Service Agreement – 1100 Block of Delaware & 1500 block of New Hamp to BG Consultants for \$70,350.
25. Engineering Service Agreement – Pump Station 09 (Fours Seasons) to Black & Veatch for \$231,324.