



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

September 15, 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:

With Commission approval Mayor Chestnut proclaimed the he week of September 17 – 23 as “Constitution Week”; and the month of September 2009 as “National Preparedness Month.”

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to receive the Parks and Recreation Advisory Board meeting minutes of July 14, 2009; and the Sister Cities Advisory Board meeting minutes of July 8, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve claims to vendors in the amount of \$1,892,753.84, and payroll from August 30, 2009 to September 12, 2009, in the amount of \$1,992,175.96. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve the Drinking Establishment Licenses for KU Alumni Association, 1266 Oread Avenue; Longhorn Steakhouse of Lawrence, 3050 Iowa Street; and Lawrence Country Club, 400 Country Club Terrace. Motion carried unanimously.



As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize the sale of surplus equipment for Information Systems and Utilities Department on Gov Deals. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve Change Orders No. 2, 3 and 4 to R.D. Johnson Excavating Company in the amount of \$104,433.15, for asphalt cost adjustments and additional work added to the Overland Drive, Queens Road to Stoneridge Drive (Special Assessment Benefit District Project No. 19-CP6-506(BD) and Stoneridge Drive, Overland Drive to 6th Street (Project No. 25-CP8-806(BD), Street, Storm Sewer, and Waterline Improvements. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve payment to Reddi Services for vacuum services and removal of solids from four basins at the Wastewater Treatment Plant in the amount of \$19,686.23. Motion carried unanimously.

(3)

Ordinance No. 8458, establishing no parking along the south side of 13th Street from 300 feet east of Oregon Street to 300 feet west of Oregon 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. **(4)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to receive a request for annexation (A-8-3-09) of approximately 34.38 acres south of the intersection of Kasold Drive/West 31st Street and Atchison Way; and refer the request to Lawrence-Douglas County Metropolitan Planning Commission for consideration. Motion carried unanimously. **(5)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to concur with the Planning Commission recommendation to adopt the findings of fact and approve a 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; and adopt on first reading, Ordinance No. 8456, for SUP-4-3-09, subject to the following conditions:

1. Execution of a Site Plan Performance Agreement;
2. Publication of an ordinance per Section 20-1306(j);
3. Final Inspection and approval by the Fire Department before occupancy as a Bed and Breakfast;
4. Applicant shall provide a revised site plan to show the following changes:
 - a. existing fencing
 - b. site summary table
 - c. existing building elevations
 - d. correct the following text on the face of the site plan:
 1. remove "with On-Site Manager" from Occupancy – Proposed
 2. remove Employees – (1)
 3. add DR-7-88-09 under Historic Resources Commission
 4. remove "Caretaker's Suite" under Floor Areas and Uses. Identify as "Owners Suite"
5. Applicant shall provide a revised site plan to include the following notes:
 - a. "SUP" is granted approval for 5 years. A new SUP shall be required before July 2014 to continue the Bed and Breakfast use."
 - b. "SUP is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing."
6. Any signage associated with the bed and breakfast must be reviewed and approved by the Historic Resources Administrator prior to installation.

Motion carried unanimously. (6)

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 Jonathan Merz, 1417 Pennsylvania.

Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve as a "sign of community interest" signage for Amtrak at the BNSF Depot. Motion carried unanimously. (8)

CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report. He said he attended the retirement reception for five city employees that had over 154 years of service to the community. Mike Cheek, Solid Waste Supervisor, was the longest serving city employee and worked in the Sanitation Division for 42 years. There were also three retirements in the Fire/Medical Department. Sandy Herb retired after 22 years, Robert Hardy retired after 28 years, and Russell

Brickell retired after 31 years. Finally, Sergeant Richard Nichol retired from the Police Department after 31 years.

He said Staff was continuing to monitor the effective execution of the 2009 Budget. Revenues were down with the exception of the franchise fees along with Sales tax, interests earnings, and the budget interest fees would no be met.

Vice Mayor Amyx said he appreciated City Staff managing expenditures extremely well.

Mayor Chestnut said revenue was short approximately \$950,000 which was one and half percent. He said Corliss was planning on formalizing a plan.

Corliss said staff was going to figure out the target number and start capturing the line items. He said input was solicited from the different departments. Some of the different departments had more discretion, as far as computer replacements, but others did not. He said he wanted to end up with positive revenues to expenditures because Staff was preparing for the 2011 budget. The good news was when looking at those 2011 expenditures the City was still in the black for 2010 while assuming 100% expenditures. The challenge in building the 2011 budget was the assessed valuation going down.

Other items in the City Manager's Report were that Douglas County Historical Society was seeking public input regarding the future of the society and Watkins Museum; the curbside recycling pilot program was under development; video detection was installed at the intersection of 23rd and Naismith; staff identified goals and task in the City Commission's Goal Statement; and, due to additional testing at the Water Treatment Plant, nitrification and chlorine taste in water was reduced which resulted in reduction of chemical use.

Mayor Chestnut said there were good actions accomplished.

Mayor Chestnut asked about the citizen survey.

Corliss said the citizen survey was budgeted for spring 2010. He said the Commission will approve the questionnaire as well as the process. (9)

REGULAR AGENDA

Receive status update on the rehabilitation of 617 West 4th Street.

Brian Jimenez, Code Enforcement Manager, said staff had been involved with this property since 2002. At the end of 2007, several staff members visited with the property owners, Norma Jantz and Jeanette Denton, in an attempt to get some type of resolution. At that time, staff asked for consent to inspect the interior, but the request was denied. Staff made it clear that a plan of action was needed and reviewed by Staff. Nothing happened until summer of 2008 when Norma Jantz asked for more time. He said he advised the property owner that they were out of time. He presented a timeline to the City Commission which was:

- On September 5, 2008, staff executed a search warrant to inspect the structure and presented those findings to the City Commission on November 11, 2008.
- On September 16, 2008, the City Commission adopted Resolution No. 6801 setting a public hearing date of November 11, 2008 for the discussion of the conditions of the structure.
- On September 18, 2008, the Historic Resources Commission voted unanimously, 6-0, to approve the demolition of the structure as City staff (Lynne Zollner) had determined the structure was so deteriorated there was no longer historic character in the home.
- On November 11, 2008, the City Commission adopted Resolution No. 6813 which declared the structure as unsafe and dangerous and ordered the repair or removal of the structure to be on or before December 12, 2008. Attorney Daryl Graves who represented the owner asked the commission for 60 days to allow for him to obtain bids to see if it was feasible to rehabilitate the structure. The Commission agreed to allow for 30 days to determine if the repairs would be made and set a follow up date of December 16, 2009.
- On December 16, 2008, staff provided the Commission an update that indicated staff had received only a few minor documents to demonstrate the rehabilitation was going to occur. Staff advised the Commission the documents received were not adequate to determine if the rehabilitation would occur. The Commission decided to give the owner 30 days to obtain a building permit.
- On January 20, 2009, staff provided the Commission an update regarding the documents received to date that indicated some repairs would begin to be completed within a short period of time but that no building permit application had been received. The Commission unanimously decided that there was no significant progress made towards completing the directive given on December 16, 2008, therefore the structure was ordered to be demolished.
- On January 23, 2009, staff was contacted by Daryl Graves who advised he has obtained a licensed contractor for the project and he was confident he could oversee the structure being successfully rehabilitated.
- On February 10, 2009, staff presented an update to the Commission regarding the hired contractor information and the Commission agreed to allow for the permit to be issued.
- On February 11, 2009, Michael Downs (contractor) obtained a building permit.
- On February 18, 2009, staff provided the Commission the first update on progress made to date.

- On March 17, 2009, provided a second update and advised that work had stopped as Michael Downs had not been paid for his services to date.
- On March 18, 2009, staff verified that Michael Downs had been paid and he and his staff resumed work on the project.
- On March 30, 2009, staff performed the only scheduled inspection of the structure for the framing and foundation work completed to date. The inspection with approved with exceptions as the inspection focused on only a certain area of the both the foundation and roof. Subsequent inspections would have completed the inspection process for those two areas along with the rest of the structure.
- On April 3, 2009, staff provided a third update which identified that the foundation and roof was in the process of being repaired.
- On May 4, 2009, Michael Downs advised staff he had abandoned the project as Jeanette Denton had once again failed to pay him for materials purchased and for work hours performed.
- Since May 4, 2009, staff has verified there has been no additional work completed and provided a fourth update to the Commission on May 13th stating such.
- Additional staff actions from May 13th to August 27th are provided in the attached memorandum dated August 27, 2009. As indicated in the memorandum, staff had a meeting with Jeanette Denton and Norma Jantz on June 15th to discuss the stoppage of work by the contractor and to discuss their concerns of being overcharged for work performed to date. At the conclusion of the meeting the sisters stated they would be hiring a new contractor to finish the job as they could not reach an agreement with Michael Downs.
- Since that meeting, they have failed to move forward with the rehabilitation and have made no attempt to contact staff to discuss their intentions of hiring a new contractor. It is important to note that a new contractor will be required to submit a new building permit application as the current building permit was issued to Michael Downs and not to the owners.

The first update was provided on February 18th. There were several trees that were removed. The second update on March 17th stated the work had basically stopped because the Contractor said he had yet to paid for his services to date. He could not longer afford to work on a project where he could no longer afford to pay his employees. Before that update, however, he did receive enough money to make him content and proceed with the project. April 3rd was the next update and work was still progressing. May 4th was the final fourth update and all work has stopped. He quit working at the end of April because he had not received payment. A fifth update was provided on September 1st. It stated that no work had been done since May 13th.

The sisters did meet with Staff on June 15th. They said they thought they were being overcharged and it was not his role to review the records. The contractor met to Staff and the sisters to try and come to a resolution. The sisters said they were going to hire a new contractor

but there has been no work done since May. He has also not received any phone calls or updates from the sisters. The building permit expires in 11 days. However, a new building permit would have to be submitted because the original building permit was issued to the contractor, not the property owner. This led up to present day matters.

Staff acknowledges that there has been work performed. Significant issues of the structure, including a severely deteriorated foundation, the north slope roof, framing in the front section, east and west roof, have been addressed. There have been some structural improvements made to this structure. However, the property is very far off from being a livable, dwelling unit. There are several issues that still need to be addressed to be code compliant. Some of these are: all new plumbing, all new mechanical, all electrical, water/heater, additional wall framing, insulation sheet rock, siding, exterior prepped and painting, windows installed, sinks/toilets/tubs/faucets/light fixtures installed, rebuild the front porch, install flooring, roof work, interior trim can kitchen cabinets. The next problem is only one day away.

March 30th was the only scheduled inspection but it is not the fault of the contractor. It was a partial framing and foundation inspection, which was approved with exception. This means that there would be more to follow with because they expected what was completed.

This brings everything up to date. The east door was unsecure but a new lock has been put on. Also, the wood floor by the east entry door is rotted out beyond repair. Thirdly, there is about a six square foot hole on the second floor in the north bedroom where the chimney chase used to be. Fourth, a lot of repairs have been done to the roof but there are still issues. The whole east elevation also needs new siding because it has only been wrapped in a moisture barrier material to prevent infiltration. He said he also personally saw a cat and a possum jump out of the west window opening on August 31st. Another kitten jumped out of the window during a visit on October 3rd. Six or seven neighbors are very frustrated that the house remains in the current condition. He provided pictures to illustrate the issues with the house.

Staff has software that is able to provide an estimate of what the rehabilitation will cost. It predicted \$54,000 and some change. It is an estimate and it is probably in the ballpark. The estimate would get it back to being a habitable dwelling unit which is the end goal. He said Staff and Commission has been very patient and they have given them the benefit of the doubt. He said he has zero confidence that, unless they do something different with the house, the house will ever see a habitable dwelling unit. He said they have exhausted all of their resources. His memorandum gives possible resolutions to this problem. The first was rehab by September 26th, which they know is not possible. Another is to remove by September 26th due to the end of the building permit. The third one is to allow them time to find a new contractor. The only way to seriously consider this is to have them show the money up front.

Mayor Chestnut called for public comment.

Brandy Sutton said she was the attorney for the contractor that was originally retained in this matter. Work was stopped in approximately May of this year. However, she had not been involved in this matter as long as Jimenez had been. She was brought in in August to facilitate some type of resolution. On August 7th, she filed a mechanic's lien against this property. Her client invested over \$45,000 in improvements and was still owed just under \$20,000. They finally received a title report on the property and had prepared a petition for foreclosure, which would be filed stamped on the 16th. It would be 45-60 days based on Court timelines. She said she had zero contact from the owners even though they were aware of the situation.

The contractor's position at this time was asking for a delay of time on the demolition because he invested significantly in the project. If it would come back to him in the process of the foreclosure, then he would like an opportunity to finish the work or demolish the property himself.

Commissioner Dever said what the total sum owed to the contractor.

Sutton said the total was \$19,555.69 without interest and court costs.

Commissioner Dever said there had been an estimation of the value of the lot itself.

Sutton said there was no firm estimate yet. It was probably a negative value given that the structure needed to be demolished and taken off the property. Her client was hoping if he could obtain the house, he would finish what was originally planned for the property.

Vice Mayor Amyx said if the contractor had \$45,000 worth of repairs in the structure.

Sutton said yes. The total bill was \$45,558 and \$26,002.31 paid toward the repairs. There were also additional materials that were purchased but not picked up when the contractor finally had enough.

Vice Mayor Amyx said if an additional \$54,000 was a rough estimate in bringing that structure up to code.

Jimenez said yes. The interior and exterior needed a lot of work. The 2009 appraised value of the property and structure was \$62,800.

Paul Baumchen, neighbor in the area, said he would like to see the facility go away. He would prefer to see a lot that could be mowed or something built. He said that this item would be back in six months if action was not taken tonight.

Norma Jantz, property owner, said they were getting bids from other contractors. She said the work that was done previously was not of very good quality. The total cost that had been invested in the property is \$36,167. However, nothing in the house was finished. The contractor was told the roof and the foundation needed to be done first but neither of those was finished when they left the job. One of the contractors commented that the framing on the inside was no support to the upstairs. One of the major extra costs was framing and needed to be redone by another contractor.

She said there were a lot of details the Commission did not know as far as cost. She said they paid for the tree removal and was not considered in the list of things that were paid. She also said she was thankful for Jimenez facilitating a meeting with the contractor because he was tough to talk to and very threatening. It ended up that he did not have any solutions for their questions. However, they paid him \$26,466 and when the contractor asked for more

money, they stated that more details were needed. The contractor brought in receipts for materials and he had purchased over \$1,000 worth of tools and would take that amount off, but had not seen that \$1,000 taken off.

Also, they gave the contractor permission to charge \$2,157 worth of materials to their account so the \$3,095 was his share of the materials. He said the contractor's total amount at that time was \$24,723.

She said at the meeting with Jimenez, he wanted to talk about the time log. An employee of the contractor calculated the hours. A change order was never supplied to the owners. The issue has to go to court to work this out because she did not see where they owed the extra money.

She said she would like to see the house completed. They were hoping it would be further along and approved by the City. Jimenez said that the property owner had six months from the day the work stopped for the building permit to run out, but that date was November 1st. She also said a new contractor looked at the structure and the work was inferior.

Commissioner Johnson said if Jantz had the financial resources to finish that structure.

Jantz said that Jimenez only cared that the outside was finished. They were repairing the outside now and working on the inside as they could. She said that was what the neighbors were concerned about.

Vice Mayor Amyx said Staff has spent many hours on this project. Whether or not she had the finances to bring the structure could be brought up to code was the question right now. The Commission could order that they put up \$55,000 plus other improvements. However, he did not see how they could proceed. The issues with the contractor were something that had nothing to do with the governing body. Their goal was to make sure the structure was safe and secure.

Jantz said with the amount of money they invested, they were going to finish the project.

Vice Mayor Amyx said if Jantz wanted to put in escrow, the amount of money the Commission believed was necessary, to complete the project.

Jantz said yes but who would manage that escrow.

Vice Mayor Amyx said Jimenez.

Jantz asked how it worked when contractors were switched.

Mayor Chestnut said Staff could work through the logistics. However, the City had a process that was a fair process to do so.

Jantz said she felt they did not owe the contractor any more money.

Vice Mayor Dever said the Commission's job was to protect the interest of the community and the neighbors. The best interest of the community was that the Commission oversees the safe completion of the repairs so there was no longer an eye sore or a safety hazard in the community. There had not been enough progress in the time period that was allotted. He said everyone believed it was in the best interest of the neighborhood to have an occupied building, to be paying taxes and providing some value to the community. A boarded up building was better than the current condition but the structure was still not producing a neighborhood quality.

Jantz said she was hoping the structure would be more finished for the amount they paid.

Vice Mayor Dever said she the property owners had spent a lot of money on this project and would hate to see her lose that investment. However, their job was to order the structure to be demolished or take an active role in sure this project was completed.

Vice Mayor Amyx asked if the Commission had the ability to order an amount of money be placed in an escrow account and direct Staff to carry out whatever had to happen to ensure that the property was rehabbed within six months.

Corliss said yes.

Commissioner Cromwell said the City had a pending lawsuit from a contractor so this item was tied up in court and would take more than \$55,000 in escrow.

David Corliss, City Manager, said as a stay of the demolition, staff could enter into a contract with the current property owners in which the property owner could escrow a reasonable amount of money to comply with the law. The City would handle that money in such a way that when the contractor completed and the City had inspected, the money would be released to the contractor with appropriate release to the property owner. There would be a separate action to collect or somehow mediate the issue of what was owed by the previous contract work. That lien could be executed through the courts. He said he could accomplish their goal, which was to get the building safe and ultimately restored. The mechanics lien would need to work itself out. The foreclosure would require the individuals that acquired the property to bring it up to standards.

Commissioner Cromwell said the potential for foreclosure and the previous work history would come back and haunt the City if taking the project on.

Sutton said the foreclosure petition was done and signed.

Mayor Chestnut said, regardless of what happened in the courts that would take its due process. From the City's standpoints, they needed to move down the pathway of what the City Code dictated and then attorneys representing the plaintiff would need to intervene. He said he wanted to be more expeditious and wanted to order the removal of the structure by the 26th or have an agreement that the money be escrowed.

Corliss said that was reasonable. The property owner might need to get an injunction to keep the City from demolishing the property, which was appropriate. He said that was alright and it was part of the process to get this issue cleaned up. The City was involved in this issue because of the City's interest in making sure the structure was safe. If having that in place, they could move toward having this issue resolved.

Commissioner Cromwell said that any type of court action would tie up the demolition or the rehab. This process did not need to be drug out any longer. It was a ridiculous amount of time the Commission and the neighbors had to deal with this property. If they were going to go into the rehab business of this property, then he asked if the court action made it worse.

Corliss said it could be.

Mayor Chestnut said certainly, someone that had a mechanic's lean was going to try and move forward. He would make the argument, if the appraisal was anywhere close the land value exceeded that of the mechanics lean. A court might say just demolish the structure now and repossess the land. He said the City Commission could not anticipate what was going to happen and he wanted to move forward with the City's process.

Commissioner Cromwell said he was trying to figure out what would be the better path, demolish it or getting into the renovation business.

Mayor Chestnut said the City would not be in the renovation business by escrowing. It was putting aside money and was in good faith for the property owner in saying they would get it done. He said he agreed there could be other permutations to that.

Commissioner Cromwell said he thought the City would be managing the escrow.

Corliss said to some extent the City was managing the escrow, if the money was put into escrow, staff would recommend the structure could be rehabilitated and put back to good use. The issue with the mechanics lien would work itself out.

Vice Mayor Amyx said the process had already started.

Mayor Chestnut asked if Cromwell had hesitation about stepping into a hole.

Commissioner Cromwell said the action the Commission took needed to make sure it took care of this problem. The violations started in 2002 and had countless appearances at the City Commission meeting.

Jantz said she did not understand the September 26th date.

Mayor Chestnut said Staff would clarify that issue.

Jantz said she tried to discuss their problems with Jimenez, but walked out when he saw she had a log of time.

Mayor Chestnut asked when the building permit was issued and what was the process.

Jimenez said the building permit was issued February 11th. The inspection on March 30th was the only documented work that was completed and inspected. So it was based on the last activity, inspection wise. There was work done after that, but it was always looked at from the most recent inspection history and knocked it out at 180 days per code.

Scott McCullough, Director of Planning and Development Services, said in the City Commission's original order, they asked Jimenez to monitor this case and Jimenez had done a great job. Staff identified there had been work stoppage with no clear indication that it would be completed and staff was within their ability to bring this issue to the Commission without the six months expiring.

Jimenez said some of his comments were taken out of context regarding that he only cared about the exterior. What was told to the property owners was that the exterior would make the neighborhood happy and then the owners could move to the inside. He said it was never discussed when the building permit was pulled to only work on the exterior.

Commissioner Cromwell said Jimenez developed a cost estimate and had access to the interior of the home. He asked if there were any major foundation/framing issues.

Jimenez said it was substantially repaired. He said he did not go down into the basement area. There were additional wall studs, but guessed there would be additional framing somewhere along the lines.

Commissioner Cromwell asked if that was in the current cost estimate.

Jimenez said no. The first floors most southern room had some of the ceiling coming down and until the ceiling was taken down it might be hard to tell what was there until someone looked in that space.

Commissioner Johnson said they needed to be confident that the escrowed money would take care of the structure, safety and health issues. He said the City had been more than patient and the Staff had done a great job. He said he wondered if the financial resources were available to take it to another direction. If they were, then that could create a win for everybody so he was willing to go the escrow route. He said he did not have any faith and if the City did not control it, then it would not get done due to the track record. He said he was interest in hearing about the hybrid approach.

Vice Mayor Amyx said the Mayor's idea of the hybrid approach was a good idea and a demolition date had to put into place. If an agreement could be worked out between the City and property owner then that was great. He said it had taken a substantial amount of staff time. He said he wanted to put the date in place of September 26th for an agreement to be reached, if not, the demolition order would be invoked.

Commissioner Cromwell said he could go along with that idea. He said he would rather see \$55,000 spent on the property and have a home. When considering the money invested in and product out, it was better than knocking the structure over. He said he liked the timeline and said they were moving along.

Jantz asked why the structure was not inspected during April and May.

Mayor Chestnut said the City had been exceedingly patient in the process for a long period of time. They had gotten down to a point that they know a substantial amount of money that needed to be spent and the City wanted to see that money put up front to complete this project. What the Commission was trying to design was something they could spend City resources administering this to avoid situations like the one with the current contractor. At this point, he was sensing a consensus to enter into an agreement within the next ten days or take the structure down.

Jantz said the worked stopped around May 1st, and asked if that date could be used.

Mayor Chestnut said the Planning and Development Services Director felt comfortable the City Commission was working within the framework of the Code.

Jantz said since they had this experience with the present contractor as far as paying the contractor, she asked who would inspect the work.

Mayor Chestnut said he did not have those details. There was a process and the Commission needed to make their decision and staff needed to get in touch with the owners as soon as possible to get an agreement drafted.

Jantz asked for a few more days.

Mayor Chestnut said it was plenty of time and the Staff would be available as early as tomorrow.

Vice Mayor Amyx said he suggested the owners contact the City Manager's Office immediately.

He said the only request for an inspection was on March 30th.

Jimenez said yes.

Mayor Amyx said if staff inspected by request of the contractor.

Jimenez said yes, at the request of the contractor and there was going to be additional inspections throughout the process, but those inspections never were scheduled because the project stopped.

Moved by Amyx, seconded by Johnson, to order the structure at 617 w 4th Street be removed by September 26, 2009 or that an appropriate agreement be executed by that date to place in escrow with the City the amount of \$55,000 with an appropriate timeline for completing the rehabilitation of the structure. Motion carried unanimously. (10)

Consider initiating the special use permit and rezoning applications as requested by the Lawrence Community Shelter and authorizing the Director of Planning and Development Services to determine the appropriate zoning district for the rezoning application, associated with the proposed Lawrence Community Shelter location, 2176 East 23rd Street.

Scott McCullough, Director of Planning and Development Services, presented the staff report. He said this was a request to initiate SUP and rezoning actions on a site at the Lawrence Community Shelter (LCS) was actively seeking to purchase. The total area was approximately 2.65 acres. A portion of that area had been in the city for some time zoned commercial strip. There was also a northern portion of that 2.65 acres that was currently part of the Farmland Industries property, which was recently annexed into the City, but maintained its County zoning designations of I1 and A as the property owners had not yet had an opportunity to rezone the area to a more appropriate City zoning district.

He said the desire for this amount of land was to establish a campus that fulfilled part of the Community Commission on Homelessness' vision for providing service to the community's homeless population. The packet included a letter from Price Banks, applicant's attorney, requesting the City Commission initiate an application for SUP and any other land use action necessary to continue with their plans.

He said LCS had begun negotiations to purchase both properties. They did not have owner authorization to purchase one piece of property and were seeking the Commission's initiation. Then staff could get the SUP and any rezoning from the County District to the City District going through the public hearing process. The LCS has provided the remainder of the application, the site plan, the management plan, and the operation plan to get to the Planning Commission in November. There was a minor error in the legal description in the letter provided by Banks, but it had been corrected as of yesterday.

Staff believed it was permissible for the City to initiate the SUP and rezoning applications. He said he would like to remind the Commission that it did not constitute prejudgment of the merits of the application by simply initiating the request. It still needed to undergo all of the public hearing processes that SUP and rezoning would entail. He said staff requested the City Commission initiate the SUP and rezoning applications requested by the LCS and to authorize the Director of Planning and Development Services to determine the

appropriate zoning district for the rezoning application. This would mainly be the property to the north.

Mayor Chestnut called for public comment.

Price Banks said his letter that he drafted should be sufficient and asked if the Commission had any questions.

Vice Mayor Amyx said there was no prejudgment and that it was a simple initiation. Those things had been done in the past and it made sense to start the process.

Commissioner Johnson said he was contacted from one of the businesses around that location. He said he encouraged the LCS to reach out to the businesses in the area. He said he was not telling LCS to get their permission, but attempt to address their concerns.

Loring Henderson, Director of the Lawrence Community Shelter, said he met with the adjacent property owner to the west and gave him a copy of the management plan. He said he was going to organize with other businesses and neighbors and they would get together.

Commissioner Cromwell said he was glad to see this project move forward during the planning phase.

Mayor Dever said it was great to move forward and hoped the process went smoothly from this point.

Mayor Chestnut said he appreciated Staff's work and the representative's work from the LCS to work quickly to identify the size of the project. The community could see how things were evolving and get behind the effort. That was the important part and was conceptual now, and at least, the neighbors would be informed.

Moved by Dever, seconded by Cromwell, to initiate the special use permit and rezoning applications as requested by the Lawrence Community Shelter and authorize the Director of Planning and Development Services to determine the appropriate zoning district for the rezoning application. Motion carried unanimously. **(11)**

At the applicant's request, the public hearing to consider approving Site Plan SP-6-26-09, and the sidewalk dining and hospitality license, for the Granada, located 1020 Massachusetts Street, was deferred. (12)

Receive a six month follow-up report from the City Auditor

Michael Eglinski, City Auditor, presented the staff report. He said the code required that follow up was done six months after making audit recommendations and report back to the Commission. He said he basically asked management what they had done to implement the recommendations. He said he then reviewed what management had done and characterize it as implemented or in progress. If recommendations had been implemented, he would ask that the City Commission agree and the recommendations would be closed and did not need to follow up in the future.

The update covered two different reports. One was the small purchases, which was a lot about the Visa purchasing cards, and the other was the pavement measurement system audit. Of the ten recommendations, seven were implemented and three recommendations were in progress. The recommendation about the backup policy would be implemented on September 16th.

To characterize all ten of those recommendations it significantly strengthened some of the controls over small purchases and insured the data on the condition of the streets were up to date. By keeping that data up to date, it would give much better information to plan in the future.

He said 63% of the streets were completed about a week ago and now up to 70%.

Also, there was training of how to use the purchase cards. Finance set up an online quiz that everybody who had the cards had to take a test and pass. It was a good reminder of the rules and gave a record so people could be held accountable.

Vice Mayor Amyx said he appreciated Eglinski's work as well as Staff's work in implementing those recommendations.

Corliss said there were a few people that needed a reminder. It was also not an easy quiz that they thought up. He said it was also a great opportunity to test a new method of educating people in the workforce. Staff would continue to use testing as a mean to get the word out.

Eglinski said that it was Finance's idea and it was a really creative idea. He said he did not have a card, but took the test and passed, but it was tough.

Corliss said it was a good process and he appreciated Eglinski's comment on those things.

Mayor Chestnut said a lot of the progress the City was making was not necessarily transparent to employees, but it was the smaller things that were happening. Like the back-up policy with information systems, those were things that could have a significant event if it was not followed up on. He said he appreciated the scope because Eglinski touched on a lot of areas.

Mayor Chestnut called for public comment.

After receiving no public comment, the City Commission received the report. **(13)**

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

9/22/09 City/County/School District study session beginning at 4:00 p.m.

CONSENT AGENDA

- 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. (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. (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. (PC Item 11; approved 8-0 on 8/24/09)

- Adopt on first reading, Ordinance No. 8453, for Text Amendments (TA-4-4-09), to various sections of the City of Lawrence Land Development Code to address implementation issues regarding Parking Standards; (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; (TA-6-15-09), to Article 10 of the City of Lawrence Land Development Code to amend standards for landscape plans.
- Adopt on second and final reading Ordinance No. 8387, for the Rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip).

REGULAR AGENDA

- Ordinance concerning the Economic Development Board structure and composition.
- | | |
|----------|--|
| 09/29/09 | · City Commission Meeting canceled – fifth Tuesday |
| 10/6/09 | <ul style="list-style-type: none"> · 4:30 study session briefing from KDOT · Commission discussion and direction on review of City Parks and Recreation needs and facilities |
| 11/05/09 | · 2009 Employee Service Awards. |
| TBD | <ul style="list-style-type: none"> · 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 with comments from SAB · 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. · Staff report regarding potential annexation of Westar Energy Center. · Discussion of non-tobacco user affidavit and smoking cessation programs for city employees. |

COMMISSION ITEMS: None.

Moved by Dever, seconded by Amyx, to adjourn at 8:16 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF SEPTEMBER 15, 2009

1. Surplus Equipment – Info Systems & Utilities on Gov Deals.
2. Benefit District Change Order – Overland- Queens to Stoneridge, RD Johnson for \$104,433.15.
3. Waste Water Treatment Plant – Vacuum Svcs to Reddi Services for \$19,686.23.
4. Ordinance No. 8458 – 2nd Read, “No Parking” S side of 13th from 300’ E of Oregon to 300’ W of Oregon.
5. Annexation – Request for 34.38 acres S of Kasold Dr/W 31st & Atchison Way.
6. Special Use Permit – SUP-4-3-09, 603 Tennessee Bed & Breakfast.
7. Mortgage Release – Merz, 1417 Pennsylvania.
8. Signs of Community Interest – Amtrak at BNSF Depot.
9. City Manager’s Report.
10. Status Update - 617 W 4th
11. Initiate SUP & Rezoning – Lawrence Community Shelter, 2176 E 23rd.
12. Deferred Site Plan – (SP-6-26-09) sidewalk dining for The Granada, 1020 Mass.
13. City Auditor Report – 6 month follow-up.