



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

October 20, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 5:00 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Cromwell, Dever, and Johnson present.

EXECUTIVE SESSION:

It was then **moved by Amyx, seconded by Dever** to recess into executive session for approximately one hour for consulting with an attorney for the purpose of discussing matters which would be deemed privileged under the attorney-client relationship; and, possible acquisition of real estate. The justification for the executive session is to keep possible terms and conditions of real estate acquisition and attorney-client matters confidential at this time. Motion carried unanimously.

The Commission returned to regular session at 6:06 and recessed until 6:35.

The Commission resumed the regular session at 6:35 p.m.

RECOGNITION/PROCLAMATION/PRESENTATION:

Official signing of Friendship Agreement with Iniades, Greece as Lawrence's third Sister City

CONSENT AGENDA

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to receive the Board of Plumbers and Pipe Fitters meeting minutes of September 19, 2009; and the Public Transit Advisory Committee meeting minutes of August 11, 2009. Motion carried unanimously.



.As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to approve all claims in the amount of \$1,522,917.86. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to approve the Drinking Establishment Licenses for El Mezcal Mexican Restaurant, 1819 West 23rd; Jet Lag Lounge, 601 Florida; and Class A Club Liquor Licenses for Fraternal Order of Eagles, 1803 West 6th ; Veteran of Foreign Wars, 138 Alabama; and Retail Liquor Licenses for Alvin's Wine & Spirits, 4000 West 6th Ste: K; Hillcrest Discount Liquor, 905 Iowa; Glass House Liquor, 2301 Wakarusa Ste: C. Motion carried unanimously

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to approve the appointment of Susan Margaret Adams to the Community Development Advisory Committee to a term which would expire September 30, 2012; and Edwin Rothrock to the Traffic Safety Commission, to a term which would expire April 30, 2012. Motion carried unanimously

The City Commission reviewed the bids for The Weatherization Program 2009. The bids were:

| BIDDER | BID AMOUNT |
|---|-------------------|
| 2009 Weatherization Program - Storm Windows | |
| Airtight, Inc. | \$81,457.27 |
| Advanced Glass | \$62,846.36 |
| Jetalum | \$47,511.83 |
| Kennedy Glass | \$81,503.42 |
| 2009 Weatherization Program - Weather-Stripping of Doors | |
| Airtight, Inc. | \$5,344.80 |
| T & J Holdings | \$10,675.00 |
| Vintage/Greenmark | \$ 5,348.75 |
| 2009 Weatherization Program - Attic Insulation | |
| Airtight, Inc. | \$39,215.09 |
| Midwest Insulation | \$37,428.00 |

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to award the bids for the Weatherization Program 2009 for storm windows to Jetalum, in the amount of \$47,511.83; weather-stripping of doors to Airtight Inc., in the amount of \$5,344.80; and, attic insulation to Midwest Insulation in the amount of \$37,428. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to authorize the City Manager to enter into an agreement with Central Mechanical Construction for \$27,950, for the design, construction and installation of a heating and environmental air exchange unit in the Container Maintenance side of the S.W.A.N Building. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to authorize the Mayor to sign the Participation Agreement with KDOT committing their participation in the Bowersock Dam Stabilization project in an amount of \$100,000. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to award bid for the Master Street Tree Project to Rosehill Gardens, Inc. for \$19,000. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to adopt on first reading, Ordinance No. 8469, authorizing the possession and consumption of alcoholic beverages on Saturday, November 21, 2009 at the Lawrence Public Library from 7:00 p.m. to 10:00 p.m. as part of the Lawrence Public Library Foundation fundraiser. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to adopt Resolution No. 6866, setting a public hearing date of December 8, 2009 to discuss the condition of the fire damaged structure at 2137 Tennessee and to consider declaring the

structure unsafe and ordering its repair or removal within a specified period of time. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, authorize the City Manager to sign a Memorandum of Understanding for the Safe Winter Walkways Program. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to authorize the Mayor to sign City/State Agreement No. 148-09 for the Pedestrian/Bicycle Path-Clinton Parkway, KDOT Transportation Enhancement Project No. 23 TE-0347-01 (ARRA-T034(701), City Project No. PW0914. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, authorize the Mayor to sign the City/State Agreement No. 140-09 for New York Street Historic Brick Street Restoration, KDOT Transportation Enhancement Project No. 23 TE-0339-01 (ARRA-T033(901), City Project No. PW0913 Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Cromwell, seconded by Amyx**, to Authorize the City Manager to sign facility use agreements with the Kaw Valley Soccer Association and Lawrence Youth Football for the fields at the City operated Youth Sports Complex (formerly YSI). Motion carried unanimously. (10)

CITY MANAGER'S REPORT:

During the City Manager Report, David Corliss said the Development Services Division issued 167 permits with total construction value of \$2,774,787 in September 2009; the City Commission goals statement was posted online; The Community Development Division of Development Services administered an emergency loan program that could help owner/occupants meeting income guidelines, to make home repairs; 2nd and Locust intersection update; and, the Bowersock Dam Maintenance Project would conduct geotechnical investigations. (11)

REGULAR AGENDA

Consider adopting on first reading, Ordinance No. 8470, approving a fifty-five percent (55%) tax abatement for Amarr Garage Doors beginning January 1, 2010

Roger Zalneraitis, Economic Development Coordinator/Planner, said this was an abatement that was requested and approved back in late 2003 which was contingent upon a performance agreement. This agreement was also signed in 2003 which was for an expansion of new assembly line at the Amarr plant. The expansion was underway, but was delayed because Amarr's Headquarters requested another expansion that was not eligible for abatement. He said that expansion was made and then Amarr came back to this expansion. Staff had been in discussions about moving forward to start the abatement on January 1, 2010.

He said staff looked at the performance agreement and the way the performance agreement was evaluated by past tax abatement(s) and how the company performed relative to the agreement. He said Amarr had been doing very well in terms of their requirement for investment and exceeded both their plant investment as well as their equipment investment and continued to make investments after the equipment was rolled off of property taxes in July 2006. He said Amarr was a little short as of March 2009 on their projections for employment, but their abatement had not begun at this point. Amarr had been hiring this year, but did not know if the hiring was related to the new assembly line or other places inside their facility and at the end of 2010 staff would be able to look at their employment numbers and wage structure to make an evaluation at that point, whether Amarr was at substantial compliance or things that needed to be done to become in substantial compliance.

Staff recommended granting the abatement to begin on January 1, 2010.

Vice Mayor Amyx said in the report, the 95% compliance threshold from the performance agreement was the investments that far exceeded the requirements of the performance agreement.

Zalneraitis said correct.

Vice Mayor Amyx said the employment figures might not have been met originally, but the original dollars was what took Amarr over the top.

Zalneraitis said at this point that was correct, but by the end of next year was unknown.

Commissioner Cromwell said Amarr had not completed their expansion yet and he did not know why the Commission should be surprised Amarr had not met their employment numbers.

Mayor Chestnut called for public comment.

Beth Johnson, Lawrence Chamber of Commerce, said in their workings with Amarr throughout this process of the expansion and finishing their paperwork, she said the Chamber lended their support.

Commissioner Dever said this was a catch up of more paper work and implementation of an agreement that a prior Commission put into place. He said it was great that Amarr was expanding in Lawrence opposed to other business that had chosen not to expand in our community.

Mayor Chestnut said for those that did not read the material, the figure was 19 million dollars for plant and equipment. He said the community appreciated the investment.

Moved by Amyx, seconded by Dever, to adopt on first reading, Ordinance No. 8470, approving fifty-five percent (55%) tax abatement for Amarr Garage Doors, beginning January 1, 2010. Motion carried unanimously. (12)

Consider awarding City Bid No. B09064, Project No. UT0923DS, 2009 Lawrence Municipal Airport Waterline Improvements, to R. D. Johnson Excavating Co., Inc. in the amount of \$599,901.

Chuck Soules, Director of Public Works, said the project included installation of a 12" water main to Lawrence Municipal Airport and would extend north on North 7th Street (E 1500 Road), east on HWY 24 to Airport Road, and north to the terminal. The new waterline would provide sufficient flows to meet fire needs for new businesses to develop at the airport.

The project was bid on October 13 and nine bids were received. An alternate bid included Davis-Bacon wage rates as a part of the bid in case the City wished to use Economic Development Bonds or received an EDA Grant, but that grant had not been received.

If the City was successful in receiving the EDA grant, those funds could be used for the planned airport sewer improvements. The sewer study should be forwarded to staff this month for review and presented to the City Commission before the end of the year.

The low bid was received from R. D. Johnson Excavation in an amount of \$599,901.00, but the bid did not include the Davis-Bacon wage rates. The County permit for construction along East 1500 Road required the City to repair any damage to the County road caused by this project, but anticipated that those costs/damages would not be significant. Temporary road repair was included in the bid, but if final repair was significant, the repair would be made by City staff or another contractor. The reasons for this included: 1) A difference of opinion between the City and County as to the potential extent of damage and quantifying the road repair work for the contractor to bid; 2) Waterline contractors were typically not equipped/prepared to do extensive road reconstruction; and, 3) The construction time/season for this project was not ideal for permanent pavement repairs.

Commissioner Cromwell asked about the original construction costs.

Soules said staff originally thought the construction costs would be a million dollars, but staff took a look at the project size a year or two ago and would have been on target, but the City received a large number of bid for this project because it was a good winter project.

Commissioner Dever said there was a \$790,000 engineer's estimate.

Soules said once staff started talking to the contractors and heard how things were going with the construction industry, staff revised the estimate. He said the bids were close.

Vice Mayor Amyx said that was the advantage of taking the information from the street and waterline improvements in the southeast regarding under estimation and bids.

Soules said correct.

David Corliss, City Manager, said the next step would be the sanitary sewer at the airport. Staff was still performing the concept study on sanitary sewer and hoped to have that by the end of the year.

Soules said he should be receiving the draft this week or next week.

Corliss said the Commission would receive that draft and give staff the direction on how to proceed to provide sanitary sewer out at the airport to replace the existing septic systems. Staff budgeted a total of 2 million dollars for water and sewer and Utilities had applied for an Economic Development Assistance Grant through the Federal Government, but had not heard if that application would be successful or not. There was 2 million dollars in General Obligation Bond allocation. He said if the City saved money on this project, hopefully the City would save money on the sanitary sewer and bring that project within budget. There were some people that thought it might cost more than 2 million dollars to do both, even in this climate. The sewer work was going to be more complicated and involve the pump station and force main and would be a more expensive project.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx said the City had representatives of North Lawrence Improvement Association about starting this project to the north of the airport and working back, during the construction at North 2nd Street.

Soules said that plan was discussed and North Lawrence Improvement Association just wanted that idea on record. Staff was starting at the airport and working towards town. He said when getting to 7th Street, if there was too much overlap, it would not be very long until they switched the traffic onto 2nd and Locust, but the turnpike would be closing North 7th Street for approximately 6 months. The City's project would not be at 7th Street before the Kansas Turnpike Authority closed 7th Street.

Vice Mayor Amyx said the public already made an investment in the airport and the Commission needed to be sure they were using the ground to its greatest potential without

expanding the City's limits. He said he looked at this project as an infill project rather than looking somewhere else.

Commissioner Dever said the City was fortunate because a local company won the bid.

Moved by Johnson, seconded by Cromwell, to award City Bid No. B09064 (Project No. UT0923DS) 2009 Lawrence Municipal Airport Waterline Improvements, to R.D. Johnson Excavating Co., Inc., for \$599, 901. Motion carried unanimously. **(13)**

PUBLIC COMMENT:

Dillon Medlock said many were aware of the accident of Rachel Leek and was present to put out the idea of a memorial. The memorial was called a ghost bike. The bike would be painted all white and a plaque was attached to the bike or placed near the bike. This memorial was not only for Ms. Leek, but as a reminder for a bicyclists right to fair passage. He said they were looking for a culture change and seeing an image like this was a somber image and could affect people a lot. He said they were looking for a place for the memorial for while. The memorial was portable and could be removed if construction took place or it could be placed elsewhere. He was asking the Commission to place the memorial on the agenda next week. He said he had full support of Ms. Leek's family and friends and would not cost anything unless there was some type of concrete slab for the bike.

David Corliss, City Manager, said he suggested meeting with Medlock and others in the bicycling community, outside of a Commission meeting and then present those options and ideas to the City Commission and the Commission could decide.

Medlock said he looked at the corner of 9th and Tennessee by a street pole because it was very visible.

Eric Struckhoff, Chair of the Bicycle Advisory Committee, said their committee discussed briefly the letter from Medlock via email and wanted to hear what type of progress would be made toward a permanent or temporary memorial. He said Medlock was right about the cultural change and it was a tough place to ride a bike. He said they discussed this matter in

conjunction with bicycle safety month which was May. He said the site of the accident might not be the appropriate location for a permanent memorial, but perhaps a temporary memorial at that site during the month of May. He said he wanted to thank Medlock for his initiative which was a worthwhile effort and get together for Ms. Leek and others.

Vice Mayor Amyx said the City Commission sends their condolences to friends and family. (14)

FUTURE AGENDA ITEMS:

10/27/09

CONSENT

- Approve Comprehensive Plan Amendment, CPA-6-3-09, to Chapter 3 to remove the "Table of Land Use Categories & Locational Criteria." Initiated by the Planning Commission on June 24, 2009 as part of the Annual Review of the Comprehensive Plan. Adopt on first reading, Ordinance No. 8463, for Comprehensive Plan Amendment (CPA-6-3-09), to Chapter 3 to remove the "Table of Land Use Categories & Locational Criteria." (PC Item 3; approved 9-0 on 9/21/09)
- Consider Comprehensive Plan Amendment, CPA-6-4-09, to renumber the Implementation Chapter to be 17 and reserve Chapter 13 for future use. Initiated by the Planning Commission on June 24, 2009 as part of the Annual Review of the Comprehensive Plan. Adopt on first reading, Ordinance No. 8464, for Comprehensive Plan Amendment (CPA-6-4-09), to renumber the Implementation Chapter to be 17 and reserve Chapter 13 for future use. (PC Item 4; approved 9-0 on 9/21/09)

REGULAR

- Commission and discussion and direction on Downtown issues, including regulations for panhandling, downtown planning and redevelopment, marketing and incentives for retail establishments, etc.
- Consider authorizing bidding on Carnegie Library rehabilitation at 9th and Vermont Streets.

11/03/09

- 2009 City employee longevity payments
- Third Quarter Report and 2009 City budget status report

11/17/09

- ICS Training

TBD

- Kasold, south of Clinton Parkway, Project discussion.
- 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.
- Conduct public hearing and consider approving Site Plan SP-6-26-09, and the sidewalk dining and hospitality license, for the Granada, located 1020 Massachusetts Street. Submitted by Paul Werner Architects for Granada LLC., property owner of record.

ACTIONS:

Hold a public hearing. Find that the proposed sidewalk dining and hospitality use is in the public's interest, if appropriate.

Approve Site Plan SP-6-26-09, for a sidewalk dining and hospitality area for Mike Logan, Granada LLC, d/b/a The Granada, 1020 Massachusetts Street (submitted by Paul Werner for Granada LLC, property owner of record), if appropriate.

Approve sidewalk dining and hospitality license for The Granada, 1020 Massachusetts Street, and authorize the City Manager to enter into a right-of-way agreement with the applicant, if appropriate.

Adopt on first reading, Ordinance No. 8459, allowing possession and consumption of alcoholic beverages on certain city property pursuant to The Granada Sidewalk Dining and Hospitality License, if appropriate.

COMMISSION ITEMS: None.

Moved by Dever, seconded by Cromwell, to adjourn at 7:24 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF OCTOBER 20, 2009

1. Bid – Weatherization Program 2009- Storm windows to Jetalum for \$47,511.83; Weather-Strippin to Airtight for \$5,344.80; and Attic Insulation to Midwest Insulation for \$37,428.
2. Agreement – Heating & Air for SWAN Bldg to Central Mechanical Construction for \$27,950.
3. Participation Agreement with KDOT-Bowersock Dam Stabilization \$100,000.
4. Bid – Master Street Tree project to Rosehill Gardens, Inc. for \$19,000.
5. Ordinance No. 8469 – 1st Read, Possession & Consumption of Alcohol Nov. 21 for Lawrence Public Library Foundation fundraiser.
6. Resolution No. 6866, Set public hearing, December 8, 2009, fire damaged at 2137 Tenn.
7. Memorandum of Understanding -Safe Winter Walkways Program
8. City/State Agreement No. 148-09-Pedestrian/Bicycle Path-Clinton Parkway, KDOT Transportation Enhancement Project No. 23 TE-0347-01 (ARRA-T034(701), City Project No. PW0914.
9. City/State Agreement No. 140-09-New York Street Historic Brick Street Restoration, KDOT Transportation Enhancement Project No. 23 TE-0339-01 (ARRA-T033(901), City Project No. PW0913
10. Facility use agreements-Kaw Valley Soccer Association & Lawrence Youth Football for fields at Youth Sports Complex.
11. City Manager's Report.
12. Ordinance No. 8470 – 1st Read, Amarr Garage Doors – 55% Tax Abatement, Jan 1, 2010.
13. Bid for Municipal Airport Waterline Improvements to RD Johnson for \$599,901.
14. Public Comment – Bike Memorial