



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

November 3, 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 November 10, 2009, as Celebrate Marine Corps Birthday, and recognized the 10 year anniversary of the Community Health Facility.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to receive the Traffic Safety Commission meeting minutes of October 5, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to approve all claims to 363 vendors in the amount of \$3,679,593.52. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to approve the Drinking Establishment Licenses for The Mad Greek, 907 Massachusetts; Crimson & Brews, 925 Iowa Ste. Q; and the Retail Liquor License for Harper Liquor Store, 2220 Harper Street Ste. C. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to concur with the recommendation of the Mayor and appoint Sarah Harris and Jan Gaumnit to the Lawrence Cultural Arts Commission to terms which will expire November 31, 2012; and appoint



Eileen Horn, Chad Luce, and Andrea Repinsky to the Sustainability Advisory Board for terms that will expire December 31, 2013. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to set a bid opening date of November 24, 2009, for installation of new siding and insulation on the Landscape Division shop. Motion carried unanimously. (1)

Ordinance No. 8463, for Comprehensive Plan Amendment (CPA-6-3-09), to Chapter 3 to remove the "Table of Land Use Categories & Locational Criteria", was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (2)

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, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to authorize staff to negotiate an Engineering Services Agreement with Professional Engineering Consultants (PEC) for Preliminary Engineering Services for Project (UT0919CS) - General Wastewater Pumping Station Improvements. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to receive request from Shane Powers for a bicycle rickshaw business license. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to receive Downtown Lawrence, Inc., 2009 third quarter report. Motion carried unanimously. (6)

CITY MANAGER'S REPORT:

David Corliss, City Manager, said the City was awarded a Diesel Emission Reduction Grant from the Kansas Department of Health and Environment, in the amount of \$26,800; Public Works was saving money on downtown light pole replacement by cutting off deteriorated areas and re-welding the base plates; City and school officials were developing sidewalk and school crossing comprehensive plans for all 14 elementary schools outlining the need for sidewalks and school crossings; and, the Lawrence Chamber of Commerce, League of Women Voters, Douglas County and the City of Lawrence sponsored a community forum on job growth.

(7)

REGULAR AGENDA

Conduct public hearing to consider the vacation of 15' of right-of-way south of 12th Street adjoining the west 75 ft. of Lot 142 on New York Street, as requested by Cindy Suenram and Arch Naramore.

Mayor Chestnut called a public hearing on the proposed vacation of 15' of right-of-way south of 12th Street adjoining the west 75 feet of Lot 142 on New York Street.

Chuck Soules, Public Works Director, presented the staff report. He said the request for vacation was to place a fence closer to the sidewalk. All utilities and City Staff reviewed the request and had no objections. Staff had notified neighbors within 200' and no objections were received. Staff recommended approving the order of vacation.

Vice Mayor Amyx said would the fence be adjacent to the sidewalk.

Soules said he assumed the owners would place the fence approximately one foot away from the sidewalk.

Commissioner Johnson said in looking further down 12th Street, he asked if it would affect the City's right-of-way.

Soules said staff always looked at that issue, but there was 80 feet of right-of-way in that area.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Cromwell**, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Cromwell, to approve the Order of Vacation of 15' of right-of-way south of 12th Street adjoining the west 75 ft. of Lot 142 on New York Street, and authorize the Mayor to sign the vacation order. Motion carried unanimously. (8)

Receive status report for the reconstruction of Kasold Drive, 31st Street to Clinton Parkway, Project No. PW0903, KDOT Project 023 U-2231-01. Direct staff concerning road construction plans.

Chuck Soules, Director of Public Works, presented the staff report. He said approximately 100 residents attended a public meeting held on August 31st and comments were received concerning the design issues, which were:

Retaining wall versus improved site distance on vertical curve at 24th Street. Staff has looked at options to keep as much of the existing retaining wall and recreational path. However, in order to improve the vertical curve and sight distance at 24th Street the adjacent retaining wall and recreation path will need to be replaced. Several options and costs were reviewed. The blocks in the existing wall will be reused. In addition to improving the vertical sight distance, reconstructing the existing retaining wall allows us to build it outside of the horizontal sight triangles, which will additionally improve intersection safety at 24th Place and 24th Street.

Medians/Left-Turn Lane. Residents believe medians would assist people crossing the road. Medians, however, include additional curb, landscaping, maintenance, and snow removal operations are more time consuming. The recommendation is to place medians where there is not a necessity for a left-turn lane for a few hundred feet.

Traffic Control. The City Commission authorized Bartlett & West to complete two traffic control scenarios: closing Kasold or keeping open to traffic. We have discussed this with contractors and residents and there is no clear answer. This section of Kasold presents a lot of challenges if closed to traffic. There are over 400 homes on the east side of Kasold that only have Kasold as an access out of their neighborhood. Those residents would have to "cut through" the neighborhood to the west and then across Kasold on temporary (gravel) access drives to their homes. Contractors didn't know if any time or costs could be saved.

Alternative Bid for Traffic Control. An alternative bid for traffic control is not acceptable to KDOT. It would be difficult to determine how the bid would be awarded. In other words, if closing the road only generated a savings of \$5,000 and didn't save any construction time the low bid would not be acceptable. At this time we are recommending to keep the road open to traffic. The alternative design will not be pursued.

It is also recommended that left turns be restricted through the construction limits.

Utility Relocation. We continue to try to minimize all utility relocation. A force main along the curve will need to be relocated a few hundred feet to install the right-turn lane. Some adjustments for the waterline to get around storm sewer inlets will be needed. Pending the depth of the water main at 24th Street (over the hill) [the grade will be lowered to improve site distance] we may need to lower that section of waterline. We are anticipating keeping the existing street lights in place. Also, there may be some Black Hills Energy gas main relocation.

Right-of-Way/Easements. The project will, for the most part, not require any right-of-way. The exception will be on the curve to the south. Construction easements will be needed in a few places to appropriately tie in grades for maintenance.

Intersection at Clinton Parkway. Future traffic projections and intersection geometrics indicate the necessity for dual left-turn lanes. The existing median will be removed and a yellow striped area will replace the median so that in the future the second left-turn lane can be added without reconstruction. Additionally, a right turn lane will be added to the project to improve traffic flow and efficiency of the intersection.

Soules said the project was planned for a spring 2010 bid opening. The Stimulus Programs placed additional work on KDOT and strict timelines must be met or the state could lose some funding. Additionally, KDOT was not immune to the slow economy and staffing levels were down which added to the workload issues. The project was allowed to proceed to bid within four months of receiving final plans, specifications and estimates. A proposed schedule was presented to KDOT that included reviews, environmental and utility clearances that placed this project into a 2010 bid letting schedule. The project took two construction seasons which was another reason to proceed with a traffic control plan that kept traffic open to one lane in each direction.

The current estimate for this project was approximately \$6 million. The project was to be financed from the approved sales tax with KDOT contributing approximately \$1 million. Staff believed that it was appropriate to request County financial participation in the amount of \$277,715 because this intersection served both the City and unincorporated County. Douglas County had financially participated in similar projects with Lawrence and other Douglas County cities when both City and unincorporated interests were served. Additionally, Lawrence made

up a substantial portion of the County's tax base. County funds could be provided in either the 2010 or the 2011 budget year.

David Corliss, City Manager, said he wanted to be sure that discussion of street lights was on the record.

Soules said street lights would not be moved. If the lights were moved due to storm sewer or sidewalks, the light(s) would go back to its original spot and the location of those lights was video-taped.

Commissioner Dever asked about the cost and what was the benefit for adding medians through any of those areas.

Soules said he would need to defer to Bartlett and West on the costs, but some of the issues of installing medians would be paved or landscaped. The curb and gutter and landscaping would be less than 10 inches of concrete pavement. Landscaping softened the area and the aesthetics were better.

Joe Caldwell, Bartlett and West, said that from a cost perspective, grass medians would be a little lower cost. He said he would guess it would be roughly 80% of the cost of paving the center turn lane.

Commissioner Cromwell asked how this plan affected the walkability and bikeability of this section of roadway during and after the construction.

Soules said they would try to preserve the sidewalk and recreation path where possible, but part of the sidewalk and path needed to be omitted during the construction because of grading. He said during construction, sidewalks that were closed would be signed appropriately so people could make their choice before getting to that area. After construction there would be a continuous route for both pedestrians and recreation path users from Clinton Parkway to 31st to Iowa Street, instead of a gap that currently existed.

Vice Mayor Amyx said regarding Clinton Parkway Court and Yellowstone Drive, he asked if those areas allowing left hand turns would continue with those left turns and would they reuse existing materials and not try to replace existing sidewalks and paths.

Soules said they would reuse as much of the materials as they could. The retaining wall would come out and would be rebuilt using the same stone plus additional stone if required.

Vice Mayor Amyx said how much of the hill would be cut down.

Joe Caldwell, Bartlett and West, said the top of the hill would be cut down about a foot and there would be a foot of fill at the bottom of the hill near Clinton Place and Clinton Parkway court.

Vice Mayor Amyx said would that create an additional storm water problem by raising the bottom up to the East.

Caldwell said no, they would redesign the storm sewer in that sump location to work effectively.

Vice Mayor Amyx said was anything needing to done to the receiving stream to the west of Atchison Street and would there be problems created, due to additional run-off.

Caldwell said the water that was on Kasold would be picked up on Kasold, would not go down any of the side roads, and would not add to the water in the Atchison tributary. The south end would have the ditch enclosed when coming around that curve and crossing to the downstream side of the box, taking some of the load off of that box and hopefully improving the hydraulics of the stream and the crossing under Kasold.

Soules said currently, there was an open ditch around the curve that would enclose the storm sewer and Barlett and West would ensure there were no drainage issues.

Vice Mayor Amyx said he wanted to be sure this issue was addressed because of the debris in the creek.

Soules said they were also working with the subdivision to get better drainage.

Caldwell said the maintenance at the end of the open road was a nightmare at the present time.

Vice Mayor Amyx said the ditch on KU property off Bob Billings to the North was full, he said he did not know how anything was draining through that area. He said one day the Commission needed to seriously consider opening that area and at least getting rid of the fill.

Caldwell said as far as the RCB (Reinforced Concrete Box) under the roadway, north of where the crossing would be constructed, size improvements to that box were not being done. The creek and box would remain the same.

Vice Mayor Amyx said he was concerned about lowering the hill and raising the bottom and effect on any additional drainage to the stream to the east.

Mayor Chestnut called for public comment.

Don Gardner, 3209 Yellowstone Drive, asked if there would be right turn lanes off Kasold onto Clinton Parkway.

Soules said yes

Shannon Black, 3030 Havronne, said if any changes were being made to the ditch and would the small section of ditch be opened or completely covered.

Caldwell said the ditch on the east side of Kasold Drive, along the curve, would be filled in, but there would be a short 100' – 150' foot stretch by the curb cut that would remain as an open, gently graded swale. He said a sidewalk would be constructed where the ditch was and the storm sewer under ground would be enclosed.

Mayor Chesnutt asked what the timing was on the project.

Soules said he hoped to bid the job in early summer of 2010 and by late summer, the contractor would work through the winter months and planned on a completion date of late spring early summer in 2011.

Mayor Chestnut asked if during the winter months there would only be one lane in and out.

Soules said that depending on the weather, the contractor could continue to work through the winter.

Vice Mayor Amyx said staff and the engineers did a good job. This project was different than the project on the north half of Kasold with only twelve homes affected. He said with this project 400 homes were being affected and it was too hard to close the road.

He said there was no incentive pay for this project, unlike the project on the north half of Kasold, because this project was a KDOT project.

Soules said there was no additional incentive pay. He said KDOT preferred giving the contractor a calendar day completion date and charge the contractor after that date.

David Corliss, City Manager, said staff was asking that the City Commission confirm the conceptual plans to date. He said staff would come back to the City Commission in the spring after receiving the final plans.

KDOT was bidding the project. He said in some projects the City would bid the projects even with 100% percent KDOT participation. He said he would like direction from the City Commission to request Douglas County participation as well.

Mayor Chestnut said he would want to be sure to continue conducting public meetings, and to communicate the schedule of those meetings to the public so the community could see how the project was progressing and be informed of any modifications.

Soules said staff would have updates available on the city website and the affected residents had been sent cards with his contact information as well as the web site address. They planned to keep the website updated as the project progressed.

Unidentified woman said she wanted make sure that it was official that all of the trees would be replaced after the construction.

Soules said yes.

Moved by Amyx, seconded by Dever, to approve conceptual plans to date and authorize staff to submit a funding request to Douglas County. Motion carried unanimously.

(9)

Receive the City of Lawrence 2009 Third Quarter Report, 2009 City budget status report, and staff memo regarding 2009 City employee longevity payments

David Corliss, City Manager, presented the staff report. He said the conclusion of this report was challenging, but staff was up to the challenge and had credibility to manage expenditures without significantly reducing service levels to the community.

He said the City was challenged in revenues, this year, almost across the board in the general fund. Sales tax, interest earnings, fines from traffic and other City infractions, and other revenue sources were all below 2009 budgeted amounts. He said with the revised revenue projections of \$59,834 million, it provided for a projected surplus of \$99,107.

He said staff had good success in limiting expenditures not only this year, but in previous years. In 2005 and 2006 the city spent approximately 98% of the budget; 2007 spent 93% and; last year 94.5%. This year, almost \$2 million dollars in expenditure authority was removed from various city departments in the general fund, which brought the budget closer in alignment with resources available and guaranteed the City would come in at 96% of the budget expenditure level.

The City eliminated 3.5 staff positions in last year's budget and this year eliminated 15 non-public safety positions, and next years budget would eliminate 1.79 positions.

He said like other communities, this City had to make hard choices, including lay-offs, selective hiring freezes, deferral of equipment and other purchases, health care program alterations and limiting employee compensation growth.

He said in late fall of 2009, the City budgeted only \$24 per year of service with the hope of funding longevity at historic levels. It was a challenge for him and the entire organization to

manage its expenditures and revenues. He said he recommended the City Commission provide longevity payments to City employees, this year, at \$48.00 per year of eligible service rate.

Mayor Chestnut called for public comment

Mike McMillen, President of local IAFF, said he wanted to thank every city employee, and reiterate what the city manager stated, that every city employee did their part and worked hard to keep expenditures within budget. He felt that he had an equal responsibility to say when something was done right and thanked City Manager Corliss for showing that the employees were a priority by making this recommendation to the City Commission. He said he recommended that the City Commission follow the City Manager's recommendation and fund longevity at \$4 a month.

Mike McAtee, Chairman of LPOA, said he represented the Lawrence Police Officers Association. As Lawrence police officers and city detectives, they recognized they were city employees. He said the Lawrence Police Department knew they needed to continue providing service to the citizens of Lawrence and to be fair when it came to compensation.

In July of 2008, when this budget item was discussed and later in the approval of their MOU, three of five City Commissioners said that if the money was available and the employees provided the services that were needed with leadership provided by the City Manager, the City Commission would revisit this item and take a hard look to see if the city employees could receive longevity payments. The Lawrence Police Department met the challenge with the leadership from the City Manager and looked forward to the City Commission following the City Manager's recommendation.

He said that on a personal note, he thanked all city employees, he and his family lived in Lawrence and felt city services provided were exceptional from the top down. He said that longevity was a vital part of retention and recruitment of quality employees. A positive vote tonight would send a message to city employees that the City Commission valued their services and looked forward to their service in the future. He said when the economy improved and the

city was looking for quality employees, tonight's vote could be taken into consideration when recruiting quality officers, detectives and other City employees, that the City compensated fairly when it came to City of Lawrence employees pay.

Mayor Chestnut said he was very satisfied with the projections provided. He said budgets were important and the City needed to abide by those budgets. One of the important measures was performance, compared to prior year expenditures and looked at City departments in their general fund. He said Planning and Code Enforcement were likely to come in 5% less than what was spent in the prior year as well as Human Resources and Finance; Information Systems at 10% less; Legal Department at 5% to 10% less; and Police and Fire 3% to 5% less, which absorbed a very modest increase in wages. He said the City was delivering a high level of service for less money, which meant staff was working hard on procurement activities and everything that could be done to mitigate expenditure and provide a better use of tax dollars. He said a lot of departments would come in at expenditure levels that were equal to where they were two or three years ago.

He said he was confident the City would have a surplus in the general fund. The vast majority of the authorization for the increase in funding from \$24 to \$48 was in the general fund. He said he did not hear employees complaining about doing more with less, and thought that city employees across the board had stepped up to the plate and agreed with the comment that the Commission talked about revisiting this item. He said he felt comfortable because even with the increase in the funding, we would be in a surplus position again. He said the City started out in a hole, and had a \$3.5 million dollar deficit in 2006 in the general fund. He said the City started to work in the confines of the City's revenues and every city employee should take pride in that endeavor. He said a lot of other communities had to make extreme discussions in public safety and other places, but this City had the good fortune of not having to make those decisions because City employees were making the choice to do what could be done to help the City out. He said he was very comfortable and appreciated the recommendation.

Commissioner Johnson said he appreciated the work that had gone into the update and summary.

He said regarding the Mayor's comments, he disagreed and was not comfortable with the recommendation. He said that those who spoke made good points, and his discomfort was no reflection on staff's eagerness and willingness to work and do what was needed to take care of business. He said he knew City employees stepped up and the level of service had not dropped off, but there were tax payers and rate payers the City needed to answer to. He said the best way to do right by the employees of the City of Lawrence, during these times, was to provide jobs. He said when putting this budget together, he was told that next year was going to be even tougher and there were a lot of unknowns. He said he was not telling city employees, they were not important or not a priority, but in these times, he could not support this recommendation and borrowing from the general fund.

Vice Mayor Amyx said as one of the three Commissioners that made a decision, a year ago, during budget discussions, to change longevity from \$4 a month to \$2 a month, and it was his best guess then that the City could not fund longevity at \$4 a month. The City Commission promised to look at this item again and the City Manager as well as City staff found a way to fund at the historical amount. He said city employees were not receiving cost of living raises, the merit pool was down to 1.25 and a lot of people were not going to be compensated for their work and this was a way to take part of the sting away.

He said the day to day management of revenues that came into the city versus the expenditures going out and continuing to keep service levels at the highest levels was not a reflection on any of the City Commission, but a reflection of City staff in carrying out services. He said he applauded City staff and thanked staff for their work. He said anytime there was an accident at night, he was not a first responder; the first responder was a City employee. If there was a water main that broke in the middle of the night, it was not a City Commissioner that would respond, but a City employee. He said the City provided the best service that could be

provided the citizens deserved. He said there were a number of times the City Commission could not do things, but this was not one of those times.

Commissioner Dever said there were tax dollars and revenue that were generated by the citizens of this community which paid for all the services provided. He said the response that most communities had to deal with in the last 12-24 months was severe reductions in staff and pay, lack of raises, and lack of hiring when there were vacancies. He said the City of Lawrence started earlier than most cities and was a reason why this City was in a position to even talk about this issue. He said he was very conservative when it came to spending other people's money. He said Mayor Chestnut felt confident that the City would not need to dip into the City's "saving account" in order to pay for the increases. He said that he was not as optimistic, but trusted the Mayor's judgment, because he was an expert at financial judgments.

He said it seemed the City was making an investment in City employees by making this decision, and employees had made an investment in the city by accepting the changes that were made last July and walking away to fight another day. He said it was a difficult decision, because no one knew what happened, the rest of this year or next year. He said if he could be convinced the City would not be dipping into the reserve fund, then he would be more in supportive of this decision and would like more clarification.

Commissioner Cromwell said he had concerns about the City's financial position. He said he also conservative when it came to spending money, but thought the City had done a great job of limiting expenses and holding the number of full-time employees down. He said he had a good level of confidence the City would be okay with the recommendation and was in favor of returning to the historic level and thought that it would take quite a bit of work to maintain that for the next year. He said he was a little reluctant to move ahead, but dove into the numbers. He said city employees had helped out with controlling the City's costs and needed to done even more so next year.

Mayor Chestnut said he looked at the general fund and of the \$196,000 in increases \$160,000 of that money was out of the general fund. The projection provided was \$59,834,000 which was optimistic and thought interest would be short about \$80,000. He said there was about \$100,000 that might not materialize. The worse case scenario would be sales tax folding another \$200,000 between now and the end of the year and was fairly extreme. He said on the expenditure side, the departments were forecasting \$59,735,000 which was 96.85%. He said in looking at the run rate, in September, it was probably going to be closer to 95% and that distance was close to \$1 million dollars.

In the last 2 years, the City came into budget right around 95%. He said he had a pretty high confidence level the City could generate enough of a variance from what was forecasted that it would cover both the shortfall and the interest, plus another \$200,000 in sales tax. He said there was enough latitude to miss a little on revenue and come in a little higher on the run rate on expenditure and be able to fund this longevity. In particular, he said he was impressed the City could deliver the level of service at expenditure levels that were levels in 2007. He said the City Commission told City employees that they were serious and City employees stepped up. He said the directors, managers, officers, captains and everyone had watched their overtime reports and met all the requirements to win the battle of expenditures at \$2,000 at a time, fighting it constantly and being cognizant. He said it was a culture City staff embraced which was not a culture when the revenues were growing at 6-8% and it was not the primary focus. He said in seeing revenues starting to decline, it was hard to change ingrained habit, but had seen it demonstrated. He said in his mind it was a pretty good return on investment and he was confident that expenditures were being reduced and giving people an incentive. He said the City Commission could continue to generate a modest surplus each year, he saw it as an opportunity.

Corliss said he agreed and staff was watching sales tax payments and were also in control of a number of capital expenditures that staff could respond to. He said in looking at

2010 projections there was a level of comfort on the revenue side, but particularly on the expenditure side where the City showed a surplus at 100% of expenditure levels. He said even if the revenue would be pessimistic in the months to come, staff would be able to control those expenditures and still have a balanced budget this year, but more importantly in 2010 as well.

Commissioner Dever said staff did a good job of providing the City Commission with documentation on what each department did to decrease their expenditures, not every department, and was why this was “one size fits all” incentive. There were departments that did not do what was needed for various reasons, perhaps not within their control. He said that overall it was a good idea and a good concept. He said he did not want to use what other cities were doing to justify this recommendation. He said the only reason this City was in this position was because city employees started years ago when it was not obvious to everyone the City would be in this position.

Mayor Chestnut said there was high probability of coming under budget. He said the worse case scenario was ending up with a \$100,000 deficit in the general fund for 2009 and over the next 3 year period the City would generate about \$800,000 in surplus. He said the thing he was most proud of in the City and its employees was the employees started with a significant deficit and in a fairly short period of time created a situation where revenue was equal to expenditures. He said he thought it was a good faith showing, and it had been good City leadership to provide that direction. He said it took 700 to 800 people to step up to the plate and decide on those \$50 or \$200 expenditures and the employees were treating it like it was their own money and if that was the culture that was being instilled in City employees, he wanted to promote that culture because it served the tax payers of this city really well.

He said the City was open 24 hours a day 7 days a week and the City had staff to respond. He said he had no idea, prior to being on the Commission and it was a rewarding experience to be a city commissioner and view that responsibility first hand. He said he felt good about the recommendation and his intuition told him there was a pretty high statistical probability

the City would come into a surplus even by funding this recommendation. He said managing expenditure levels versus the revenue was going to be important and when looking at history levels of 94.5% and 95%, it was estimated at 96.85%. He said those figures could come down and would gear us for the worse case scenario the Mayor spoke about. He thought the revenue projections, would be managed through the expenditures which was a priority over the last 2 ½ years, in being able to take those deficits down to a surplus. He said the City Commission should take some credit with the help from all of the employees. He said when starting out \$3.5 million down and raising that amount to an \$800,000 surplus that could not be done by giving things away or making bad decisions on expenditures. He said the City had its best estimates, and in the end, the City was going to be balanced which was a City Commission goal by direction of the Mayor.

Moved by Amyx, seconded by Cromwell, to approve payment of longevity to city employees at a rate of \$48 per year. Aye: Amyx, Chestnut, Cromwell, Dever. Nay: Johnson. Motion carried. (10)

Receive staff memo regarding the Carnegie building rehabilitation bid date.

David Corliss, City Manager, presented the staff report. He said as part of the 2010 City budget, the City Commission adopted Charter Ordinance No. 39 on August 18, 2009 which increased the City's transient guest tax from 5% to 6%. As part of the plan, staff would like to proceed with rehabilitation of the Carnegie. The bottom section would be used for the headquarters for the Lawrence Convention and Visitors Bureau. Also, Destination Management Inc., which was the umbrella organization the City/County and Chamber were directing and now had a contract with Freedom's Frontier National Heritage Area which was the National Park Service Area. The top floor would be available for exhibits and general public use for receptions, reunions, public meetings, etc.

The 2010 Budget outline for the project was:

\$50,000 per year from guest tax funds for 10 years	\$500,000
Remaining funds from previously issued debt for the rehabilitation available for project	451,210
Save America's Treasures Grant (NPS funded)	98,768
Estimated value of sale of tax credit	75,000
Capital improvement reserve funds	350,000
Guest Tax funds currently available	100,000

Resources proposed for project: \$1,574,978

Commissioner Cromwell said he had heard rumor the old design was not up to date with the current change in code, to make it as energy efficient as possible.

David Dunfield, project architect, said, the rumor was incorrect. The addition of the building was designed at a very high energy efficiency standard, and was checked using the software from the Department of Energy, checking building designs against various energy codes and met the standard, plus 19%. He said the Carnegie was not an inefficient building nor was it an elaborate building. The addition was added to provide access and restrooms and to bring the building up to current standards and it did that in an energy efficient manner.

Mayor Chestnut said if the remaining funds on the issued debt were notes right now.

Corliss said those remaining funds were bonds proceeds.

Mayor Chestnut said those were bond proceeds, the City was already servicing debt.

Corliss said correct. He said previous Commissions had already authorized the design work and that was when the City issued \$600,000 of debt issuance, and the original notes were rolled into bond issues.

Mayor Chestnut said the City Commission was actually authorizing \$1.574 million, less \$450,000 because that was previously encumbered for this specific project.

Corliss said correct, he said the City would not be able to issue debt for this project again. It was a Federal income tax law requirement which stated that a project could not retire and issue debt on the project again.

Mayor Chestnut said the \$100,000 was in the guest tax reserve fund.

Vice Mayor Amyx said regarding the \$451,000, he asked if the City was paying interest payments the last 2 years.

Commissioner Dever said how the number was arrived at, that the debt was issued to.

Corliss said he did not recall, but said he thought it was an estimate at the time for the next phase of the project. He said it fed into the City's debt budget at that time which was a 2005-2006 debt budget.

He asked when Dunfield's firm was authorized to perform the design work.

Dunfield said the contract was dated 2005.

Corliss said 2005 was when the City issued the notes and that was the project estimate at that time. However, that amount was not what was taken to do the project.

Commissioner Dever said the project had not increased much and it was a different project and dollar.

Corliss said at that time staff was not sure of the solution for the site. The best historic solution was to construct this addition for restrooms and access.

Vice Mayor Amyx said the \$149,000 spent from the \$600,000 proceeds from the original bond passed for this building, the design firm was paid and the building was secured.

Dunfield said in the 1st phase of that contract \$400,000 worth of design work was completed which included window replacement, masonry repairs, new roof and insulation, basically working on the building envelope to stabilizing the structure so that as the process went on, the building would not deteriorate.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx said staff found a way to pay for the renovations of a building that obviously had been a very important part of this community. He said he thought there was a way to restore this building and get the downtown building back into production.

Commissioner Dever said staff had done a good job of finding the funds for this project as well as the purpose for Freedoms Frontier Headquarters someday. The funding was always tough and found the money re-distributing guest tax funds. He said only so much could be done before the building started to decay.

Commissioner Cromwell said he was happy about this project and a lot of people in the community had asked about the Carnegie Building. He said the City was going to do something with that structure and add to the usefulness of this historic structure and house a center for historical tourism downtown. He said it was wonderful this project could be done in these hard times, but found a way to get the project completed.

Commissioner Johnson agreed it was a great project, a good investment for the community, and was in support of the project.

Mayor Chestnut said the Commission made a conscience decision to dedicated funds and it was tough to balance the day to day of funds and revenue and expenses when going through lean budget years. He said the Carnegie was clearly part of the infrastructure downtown, and if passing for too long, this asset would deteriorate beyond repair. The Commission saw fit to protect this structure 4 or 5 years ago and it was time to restore the Carnegie.

Vice Mayor Amyx said the Commission discussed demolition by neglect, at times, and asked the community not to let structures deteriorate by neglect and now the Commission was discussing a potential City owned structure and its deterioration.

Moved by Dever, seconded by Cromwell, to direct staff to set a bid date for the Carnegie building rehabilitation. Motion carried unanimously. (11)

Consider setting a bid date of December 1, 2009 for Bid No. B09067, Project UT0810DS Phase 1 of 2008 – 2009 Watermain Replacement Program; Iowa Street, University Street, Orchard Lane, Yale Road and Westdale Road. Receive interim staff report on waterman condition assessment

David Corliss, City Manager, said that previously Phillip Ciesielsk, Assistant Director of Utilities, had briefed the City Commission of a watermain with significant structural integrity issues. He said staff needed to brief the Commission on watermain condition assessments.

Philip Ciesielsk, Assistant Director of Utilities, said along with BG Consultants the City designed a project that replaced the existing 10" cast iron watermain that ran south, from Engle Road to Iowa and up along Iowa to 9th Street. He said that area had experienced a number of breaks and those breaks had become more frequent over the last 18 to 24 months. He said they also had the Ductile Iron Pipe Research Association do some investigative borings in that area and found the metal was very corroded.

In addition, they would be replacing similar vintage 4" cast iron pipe along Orchard Lane, and currently that pipe had a number of breaks and was seeping.

He said further North, on Westdale and Yale, there were two watermain that dead end and was taking the opportunity, as part of this project, to bring Yale Road across Iowa and tie it into the new 12" main, bringing Westdale up and tying into the extension of Yale Road for better connectivity in that area as well as a little relief from pressure to the line on Iowa. He said the project design was completed and all the permits from KDOT were received for the US 59 corridor and had obtained adequate right-of-way and easement along Orchard Lane.

The method of construction along Engle Road and Iowa would be a combination of open trench and bore construction, depending on the location. A number of trees would be bored, and open cut several sections and the southern area was behind the curb, moving north and the right-of-way was more crowded and end up in the curb line, north of Harvard Road so curb and gutter would be removed and replaced and the section along Orchard Lane, Westdale and Yale would be bored in place and would be selective excavations on Orchard Lane to reconnect services and provide some relief holes.

A bid date of December 1 was anticipated with 80 days of construction, assuming the contractor did those projects sequentially. Given the fact winter was near and the possibility of

adverse weather during construction, the amount of work would be limited on closures on Iowa Street and University Road. He said the contractor would be required to completely install the new watermain, reconnect services and that section on-line before demobilization and move to the next segment. There would be a lane closed along Iowa and southbound open all the time, and would be down to one lane for short periods of time on Northbound Iowa. He said this would help to limit the number of cross streets that could be blocked at any one time.

He said a public meeting took place with the residents and all notification requirements had been delivered.

Vice Mayor Amyx said on Oxford, Stratford and University Drive, the ramps were already poured and asked if those ramps would be retained and bored.

Ciesielsk said the areas where concrete work for the sidewalk program was performed would be avoided as much as possible. The Yale and Harvard intersections would be opened and cut providing the replacement with concrete from the right-of-way line back along the curb returns at the request of Public Works.

Vice Mayor Amyx asked if Iowa Street would be cut.

Ciesielsk said they would be cutting Iowa Street crossing Harvard and Yale, but the east/west crossings at Yale and Orchard would be bored.

Vice Mayor Amyx said the 10' cast iron would be replaced by the 12' ductile iron pipe and asked about the difference between "cast" and "ductile."

Ciesielsk said that both pipes were a ferrous iron material and were susceptible to corrosion. The biggest difference was that the ductile iron pipe had a carbon component that made it a more malleable, softer and bendable than cast iron pipe. He said the existing pipe was installed without any type corrosion protection or isolation from the native soil. The replacement of the ductile iron would be wrapped with a polyethylene encasement which was like a heavy duty trash bag and produce a barrier between the outer iron of the pipe and the soil. They would wrap the ductile iron pipe with a polyethylene casement that would provide a

barrier between the outer iron of the pipe and the soil, serving as a passive corrosion protective measure. It would be embedded in sand where the pipe actually laid and backfilled, and in some areas flowable fill would be required.

Vice Mayor Amyx said what type of history was on the use of this sleeve or collar.

Ciesielsk said before he started with the City, there was a thought not to use the polyethylene casement and had since redrafted their standards to include as a requirement for ductile iron pipe installation. He said staff gathered data from the NRCS Soil Service, and found that a vast majority of the soils in Douglas County and the City of Lawrence, were corrosive via sulfates and PH to iron pipes. He said it was part of their standard specifications to take protective measures with regard to ductile iron pipe. The other pipe components of the project would be PVC and had a standard that pipes larger than 12" be ductile iron pipe. Typically, those pipes were on the larger grid and were installed in right-of-ways, such as on Iowa Street, Kasold, 6th or 9th Streets where there were a lot of activities from other utilities. He said that ductile iron pipe was a more durable, more forgiving material, in case someone digging next to it or boring horizontally, there was a better chance of the iron pipe surviving versus the plastic PVC.

Corliss said Ciesielsk might want to discuss the project schedule because supposedly there was less traffic in the summer.

Ciesielsk said mild winters were being banked on because of the year round construction season for the last 3 or 4 years. He said staff had placed controls on the contractors to limit the amount that could be opened up. If staff saw a window of inclement weather approaching, the controls would be in place. He said cold weather would not affect pipe installation as much as spring rain and trenches full of water. He said there were measures in place to avoid any extended delays.

He said they were looking at a completion date of March 12 should the construction be sequential. He said they hoped the contractor would be fairly aggressive and use multiple crews

to mobilize more than one location at once to cut the construction time down. He said he wanted to take advantage of the current bidding environment and not delay until spring or summer. He said they had put the measures in place to keep the contractor on task and to have the ability to get them out of the way should there be an extended period of inclement weather, where could not work.

Commissioner Dever said there was piping that was in need of repair.

Ciesielsk said there were breaks along Iowa in the colder months, and hoped to get a good start in December and knock out most of the pipe along Iowa before experiencing subsequent breaks.

Commissioner Dever said what about restoration and would the grassy right of way area be impacted where it was hard to replace this time of year.

Ciesielsk said they were at back of curb along a good section of Iowa, a lot of that was under the area where of the future sidewalk or bore it. He said there might need to be a contract open for some restoration activities taking place in the spring. He said again, Yale, Westdale and Orchard Lane, were wholesale lengths that would be bored and had an opening at either end to pipe in and pipe out, and have the equipment as well as the small excavation to reconnect the services so there would most likely need to be some restoration in the spring.

Commissioner Dever said what about the pouring of new surface materials at that time and was that kind of dicey in winter weather.

Ciesielsk said they might need to do some locations of temporary and that requirement was still there, in either respect the contractor had to open that area to traffic before moving to the next one.

Mayor Chestnut said keeping in touch with law enforcement and KU, because of the impact on basketball.

Ciesielsk said the contractor would be following the use of right-of-way permit application and keeping folks informed not only through those channels but through direct contact.

He said limiting the left turn across south bound Iowa would be done to eliminate grid lock or stacking.

Ciesielsk said staff was working on an assessment method for the watermain. He said an assessment method was used for sanitary sewer which could be done with a camera while it was active, whereas, the watermain was a little more problematic.

He said staff needed to make sure there was accurate data within the GIS system regarding pipe material, pipe age, diameter and break history. He said main break data was captured back to 1998 and also gone through systematically and looked at each watermain within the GIS system to be sure we had the correct background information. He said the soils data overlay was added as well as other important data.

Corliss said there were older lines that were very important, in particular, coming out of the KAW Plant, from the late 1800.

Ciesielsk said there was one original transmission mains out of the KAW Plant which was a 16" cast iron pipe that dates back to 1886. To date, the pipe had been fairly reliable, but it was a pipe that staff was looking at. The other transmission main that came out of the KAW Plant would go North through North Lawrence and then back down around the east side of town and gave a redundant transmission main that the master plan allowed to take that 1886 main out of service and replace it with distribution piping in that area versus the transmission pipe.

Vice Mayor Amyx said regarding those 13 miles worth of finished water transmission mains, he asked what type of streets those mains went down.

He said one of the mains was a water line to the Clinton Water Treatment Plant, from the dam to the water treatment plant which was about 3 miles. One went through 8th and Kentucky, and went down significant streets. He said there were pipes from the 1950's around the KAW Plant.

Commissioner Dever said if there was a map that showed the types of materials of the waterline.

Ciesielski said staff could provide that material information.

Commissioner Dever said if the soils information was overlaid on the map.

Ciesielski said yes.

Commissioner Dever suggested changing the legend to match because some people might want to know what their water was being transmitted in.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Cromwell**, to set bid date of December 1, 2009 for Bid No. B09067, Project UT0810DS Phase 1 of 2008 – 2009 Watermain Replacement Program; Iowa Street, University Street, Orchard Lane, Yale Road and Westdale Road. Motion carried unanimously. (12)

PUBLIC COMMENT:

FUTURE AGENDA ITEMS:

- | | | |
|----------|---|---|
| 11/17/09 | · | ICS Training. <u>DGCO Emergency Management Memo</u> |
| 12/08/09 | · | Resolution establishing the Lawrence-Douglas County Joint 2010 Census Complete Count Committee |
| TBD | · | 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. |
| | · | Follow-up to 10/27/09 Commission discussion of Downtown issues, |

including regulations for panhandling, downtown planning and redevelopment, marketing and incentives for retail establishments and related issues.

· 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. Staff Report Staff Memo Site Plan Site Plan Elevations

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:

Moved by Johnson, seconded by Cromwell, to adjourn at 9:08 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 3, 2009

1. Bid - Landscape Division Shop – new siding, Nov 24th.
2. Ordinance No. 8463 – 2nd Read - CPA-6-3-09, Chapter 3, Table of Land Use Categories & Locational Criteria
3. Ordinance No. 8464 – 2nd Read - CPA-6-4-09, renumber Chapter 17 & reserve Chapter 13 for future use.
4. Engineering Services Agreement - Professional Engineering Consultants for Project UT0919CS, General Water Pumping Station Improvements.
5. Bicycle rickshaw business license – Shane Powers
6. Downtown Lawrence Inc. - 2009 third quarter report.
7. City Manager's Report.
8. Vacation – 15' of ROW , S of 12th on NY Street.
9. Status Report – Kasold, 31st to Clinton (PW0903)
10. 2009 3rd Quarter Report – Budget Report & Longevity Payments.
11. Carnegie Bldg rehab bid date discussion.
12. 2008-2009 Watermain Replacement Program, Iowa, University St, Orchard LN Yale Rd & Westdale R.