



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ROBERT CHESTNUT

**COMMISSIONERS**  
MIKE AMYX  
ARON CROMWELL  
LANCE JOHNSON  
MICHAEL DEVER

December 29, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:30 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:** None

## **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve City Commission meeting minutes from November 10, 2009, November 17, 2009, November 24, 2009 and December 1, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to receive minutes from the Sustainability Advisory Board meeting of November 11, 2009; and, the Uniform Building Code Board of Appeals meetings of October 15, 2009 and November 19, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve all claims to 277 vendors in the amount of \$1,977,654.47 and payroll from December 6, 2009 to December 19, 2009, in the amount of \$1,897,024.99. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve the Drinking Establishment Licenses for Casa Agave, 3333 Iowa; Replay Lounge, 946 Massachusetts; Jackpot Music Hall, 943 Massachusetts; the Cereal Malt Beverage Licenses for Biemer's BBQ, 2120 West 9<sup>th</sup>; Border Bandito, 1528 West 23<sup>rd</sup>; Checker's, 2300 Louisiana; Dillons Store No. 43, 1740 Massachusetts; Dillons Store No. 68, 3000 West 6<sup>th</sup>; Dillons Store No. 70, 1015 West 23<sup>rd</sup>; Dillons Store No. 9, 4701 West 6<sup>th</sup>; Eagle Bend Golf Course, 1250 East



902 Road; Eastside Tavern, 900 Pennsylvania; Fastrack Speed Way Shell, 1733 Massachusetts; Fast Trip, 71414 West 6<sup>th</sup>; Global Café, 820 Massachusetts; God Father's Pizza, 721 Wakarusa; Hy-Vee, 4020 West 6<sup>th</sup>; Hy-Vee 3504 Clinton Pkwy; Hy-Vee No. 2, 4000 West 6<sup>th</sup>; Jayhawk Food Mart, 701 West 9<sup>th</sup>; KOA Campground, 1473 Hwy 40; KWIK Shop No. 702, 1846 Massachusetts; KWIK Shop No. 718, 3440 West 6<sup>th</sup>; KWIK Shop No. 21, 845 Mississippi; KWIK Shop No. 784, 1420 Kasold; KWIK Shop No. 785, 1611 East 23<sup>rd</sup>; KWIK Shop No. 786, 4841 West 6<sup>th</sup>; Oread Inn, 1200 Oread Ave; PepperJax Grill, 947 New Hampshire; Presto Convenience No. 39, 1030 North 3<sup>rd</sup>; Presto Convenience No. 31, 1802 West 23<sup>rd</sup>; Presto Convenience No. 38, 2330 Iowa; Quicktrip No.167, 1020 East 23<sup>rd</sup>; Sam's Food Mart, 1910 Haskell Ave; St. John's Church, 1229 Vermont; Star Food Mart, 501 West 9<sup>th</sup>; Super Target, 3201 Iowa; Swansea, 1801 West 2<sup>nd</sup>; The Bull, 1344 Tennessee; Wal-Mart, 3300 Iowa; Zarco 66 No. 4, 1500 East 23<sup>rd</sup>; and Zarco 66 No. 6, 1415 West 6<sup>th</sup>; El Matador Café, 446 Locust St; Shop N Go #104, 1000 W 23<sup>rd</sup> St. Motion carried unanimously.

As part of the consent agenda **it was moved by Amyx, seconded by Cromwell**, to concur with the recommendations by the Mayor and appoint Mandy Lamb to the Lawrence Cultural Arts Commission, to a position that expires January 31, 2013; reappoint Mark Hurt to the Public Transit Advisory Committee to a position that expires December 31, 2012 and appoint Marion Huckle to a position that expires December 31, 2012; and, appoint Captain Mike Patrick as the City of Lawrence Representative for the Northeast Kansas Regional Homeland Security Council, Motion carried unanimously.

The City Commission reviewed bids for the New York Street, 9<sup>th</sup> Street to 12<sup>th</sup> Street – Brick Street Reconstruction, for the Public Works Department. The bids were:

BIDDER	AMOUNT
Engineer's Estimate	\$976,917.50
R.D. Johnson	\$576,842.00
King's Construction Co.	\$607,762.16

MEGA Industries Corp.	\$693,169.50
VF Anderson Builders	\$723,578.00

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to award bid for the New York Street, 9<sup>th</sup> Street to 12<sup>th</sup> Street – Brick Street Reconstruction to R.D. Johnson Excavating, in the amount of \$576,842. This project is 100% ARRA funded with no local match. Motion carried unanimously. **(1)**

The City Commission reviewed bids for the Clinton Parkway Shared-Use Paths, for the Public Works Department. The bids were:

BIDDER	BASE BID	Alternate 'A'	Alternate 'B'	TOTAL
Engineer's Estimate	\$633,850.00	\$216,046.00	\$147,692.00	\$997,588.00
R.D. Johnson Excavating	\$499,087.50	\$219,390.30	\$149,705.90	\$868,183.70
Graybeal Construction	\$499,446.46	\$214,413.26	\$153,335.52	\$867,195.24
Miller Paving and Construction	\$499,649.30	\$194,895.00	\$139,949.80	\$834,494.10
Kansas Heavy Construction	\$520,624.30	\$213,288.80	\$153,883.80	\$887,796.90
MEGA Industries Corp.	\$522,874.00	\$199,496.00	\$139,591.00	\$861,961.00
Pavers, Inc.	\$549,114.59	\$210,771.70	\$147,314.46	\$907,200.75
H.B. Construction, Inc.	\$551,215.24	\$220,721.55	\$150,654.05	\$922,590.84
Emery Sapp & Sons, Inc.	\$553,726.60	\$220,173.75	\$161,321.60	\$935,221.95
King's Construction	\$568,486.29	\$229,250.87	\$157,165.34	\$954,902.50
VF Anderson Builders	\$648,062.00	\$274,017.00	\$199,688.00	\$1,121,767.00

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to award bid for the Clinton Parkway Shared-Use Paths, to R.D. Johnson Excavating, in the amount of \$868,183.70, paid with \$800,750 ARRA funds and \$67,433.70 City reserve funds. Motion carried unanimously. **(2)**

The City Commission reviewed bids for the PBI truck body for the Police Department. The bids were:

BIDDER	AMOUNT
Brown Specialty Vehicles	\$128,344.00
Maintenance Custom Bodies	\$164,800.00

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to award bid for the PBI truck body for the Police Department to Brown Specialty Vehicles in the amount of \$128,344. This purchase is 100% grant funded with no local match. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve Change Order No. 1 and Final to R.D. Johnson Excavating Co., Inc. in the amount of \$259,524.72 for the 2009 Overlay Program Phase 2. This change order completes the 2009 overlay program, which remained within its approved budget. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize the purchase of server licenses necessary for the Innoprise ERP implementation for Software House International, Inc., off the State of Kansas contract in the amount of \$22,450. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to award bid for comprehensive rehabilitation of 3507 West 10<sup>th</sup> St. to Schmidt Contracting in the amount of \$13,609. Motion carried unanimously. (6)

The City Commission reviewed bids for comprehensive rehabilitation of 818 Maple Street, the bids were:

BIDDER	BASE BID
Schmidt Contracting	\$14,915.00
T & J Holdings, Inc.	\$14,275.00
Design Build Services	\$13,530.00
Staff Estimate	\$13,340.00

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to waive staff estimate and award bid for comprehensive rehabilitation of 818 Maple Street to Design Build Services in the amount of \$13,530. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize the City Manager to execute Addendum No. 1 to Lease Agreement between the City of Lawrence and Pine Family Farms partnership to lease ground at the Lawrence Municipal Airport. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize staff to negotiate an Engineering Service Agreement with Burns & McDonnell for the North Final Electrical and KAW Well field Electrical Improvements. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to receive Lawrence Freenet 2<sup>nd</sup> and 3<sup>rd</sup> quarter 2009 reports. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize the Mayor to sign a letter of support for the Convention and Visitors Bureau and University of Kansas bid to host the 2012 Kansas Shrine Bowl in Lawrence. Motion carried unanimously. (11)

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, Chuck Soules, Public Works Director, said regarding the recent snow event, he appreciated everyone in the Street Division. He said the Street Division began snow removal December 24<sup>th</sup>, working through the holiday, and were currently working on snow removal on the side streets. He said R.D. Johnson Excavating, and the City's Parks and Recreation Department helped out tremendously.

Mark Thiel, Assistant Public Works Director, said he wanted to mirror Soules' comments. He said City employees vacation schedules were cancelled, but he did not hear any complaints from staff which was commendable. He said he wanted to also compliment the Facility Maintenance Operation staff for their part in the snow removal from City garages and sidewalks.

Tom Orzulak, Street Division Manager, said staff was still working within the neighborhoods and had put in a lot of hard work, despite complaints received by the public. It

was difficult working in the neighborhoods because vehicles were parked on the streets, particularly, cul-de-sacs. He said a decision was made to keep the main streets open. He said currently, crews were scheduled for today at midnight and staff would plan on 24 hour shifts. He said staff was sent home at 8:00 on December 28<sup>th</sup> to allow for some time off.

Mayor Chestnut said the Commission received complaints about staff getting to neighborhood streets, but it was probably safe to say that City crews had 24 extra hours of work on the arterials and collector streets.

Orzulak said all the main roads needed to stay open and then staff tried to remove snow from the secondary roads. He said crews started plowing Wednesday at midnight continuously until Saturday morning. He said it did not stop snowing until Saturday around midnight and was when staff started plowing in the neighborhoods. He said in a City situation there were probably 1200 intersections and every time plowing a street, the intersection needed to be cleaned. No matter how the snow was removed, it was a challenge and it took a while with the amount of snow Lawrence received.

Commissioner Dever said about a month ago, Orzulak put together a snow removal plan and submitted the plan to the City. In that plan, the type of equipment and how much material the City had on hand, was highlighted. He said was there a way to discuss how much of the equipment was on the road in this type of event.

Orzulak said 16 pieces of equipment were on the road at all times and 39 staff members where shifts were split in half. He said there were 4 spare types of equipment. If a piece of equipment broke, the Maintenance Department would repair the piece and whoever was driving that piece of equipment would get into a spare. He said the snow event was supplemented with people from R.D. Johnson because it was more than staff could handle.

Commissioner Dever said if there was any incidents where the equipment itself was not able to move because he could not imagine all those equipment moving in all terrain.

Orzulak said there were trucks stuck in snow drifts and one piece of equipment went down one of the steepest streets sideways and was stuck. He said motor graders were stuck and time was lost when those types of events happen. He said they spent a lot of time yesterday, out west where there was a lot of open space and high winds. Drifts were 8 feet deep and staff had to use rented loaders to dig out, for example, Queens Road. Staff spent 5 hours yesterday going a quarter of a mile just to get that roadway open. He said in getting into an area where the snow was so deep, a choice needed to be made in utilizing staff for things that could be done and those open areas were put off until the end. Unfortunately, some people get stuck, but staff tried to do as much as they could and go and do the open area later. It happened in neighborhoods too. He said people had all their vehicles parked on the street and one path was made and those people would go to work and call the City because the street was not done and staff had to go back to clean up.

Corliss said after any major event staff took a look at what was needed to improve whether it was equipment and staffing, communications, and try to continue. He said this was a substantial event and staff responded the best they could with the resources the City had.

Vice Mayor Amyx said staff, working in the Street Department, called into work to see what work was needed and wanted to thank staff.

Commissioner Dever said there were things that needed to be worked but those were the details, and staff did a great job in the big picture.

Vice Mayor Amyx said the City placed a lot of snow on sidewalks and complaints were being received by the City, but it was going to be impossible for some folks to remove the snow and the City needed to deal with that issue in a rational way.

Corliss said Code Enforcement that would be responding to those complaints would be able to quickly decipher whether or not that snow was put on the sidewalk by the City or whether or not someone was not being attentive to those responsibilities. Also, there would be a wide berth of discretion regarding whether or not the City would be giving citations

immediately, but the City would work with property owners. He said with a large event like this, staff would provide more time. (12)

**REGULAR AGENDA: None**

**PUBLIC COMMENT:**

Madeleine Sewing said she hesitated to make a comment because a lot of people wanted to concentrate on the positive aspects that were demonstrated by the City and their personnel, based on a standard of excellence she had seen demonstrated in the last ten years which was impressive. Everyone wanted to keep the positive efforts going by giving compliments and lauding what was truly a good effort, but it lacked the conservation and delegation of the actual resources of Lawrence and unfortunately due to the nature of this storm the city was taken by surprise.

She said she lived in the Ironwoods Townhome Development and on December 26th, her friends from Ottawa that owned a four-wheel drive vehicle had to abandon their vehicle at Wakarusa Drive and hike  $\frac{3}{4}$  of a mile. She said she worked in Topeka and her boss understood she tried to get her vehicle out of the driveway. She said roughly 48 hours after efforts had been started she heard statements that all the roads were clear and people were getting out. She said she did not think that was the picture they were seeing west of Wakarusa. There were a lot of attempts being made because of the redoing of the areas that had been drifted and no assessment had been made on a City-wide area of where snow had not been touched in this community. Around 10 am, that day, she saw one plow go down Legends Drive with a sand truck behind.

She said she had seen snow removal done differently in Lawrence than ever in Kansas City and other places. She said in this community trucks were clubbed together in a group where in other cities, trucks were sent out immediately after snow fell.

She said she knew there was a reduction in the budget based on speculation of global warming and believed that it was a Monty Python burlesque method of attempting to remedy a



budget situation that was not appropriate. Global warming was not that specific of a theory to reduce resources that people depended on.

She said at any rate, her friends got her car in her garage and she gave her boss 14 hours notice and was covered. She said she was a nurse at the Veterans Administration in Topeka and she had to go to her supervisor on Wednesday and explain what happened in Lawrence. One of the best ways was to present to the City leaders, the situation that she faced and why she was not able to get in while everyone and his brother was driving up K-10. She said she wrote a short summary for the City Manager of her dilemma. She said there was sprawl in this community and did not know if there was a lack of a tax base or what the problem was, but she was sure she was understating it and ignorant of its causes. She said she needed to make this statement to this body to explain her absence to her superiors.

She said she hoped to obtain a copy of the minutes to show her boss when she went into work. She said the streets were now in lovely shape and had no complaints about the continuing effort, but more of a question of how the emergency was handled at its height.

(13)

#### **FUTURE AGENDA ITEMS:**

- |          |  |
|----------|--|
| 01/05/10 | ▪ Executive Session on Property Acquisition  |
|          | ▪ Authorize City Manager to execute lease with Lawrence Douglas County Bioscience Authority on West Labs Building                                      |
| 01/12/10 | ▪ Bond sale and authorizations related to acquisition of West Labs Building  |
| 01/26/10 | ▪ Public Hearing – Vacation of easements in Briarwood Addition.  |
| 02/09/10 | ▪ Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 23 <sup>rd</sup> Street. |
| 02/16/10 | ▪ Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP extension at 944 Kentucky.                          |
| TBD      | ▪ Receive 2010 Lawrence Municipal Airport Sanitary Sewer Study Draft Report.   |

- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties.
- Receive city auditor's comparison of accumulated infrastructure depreciation ratio for Lawrence and similar communities.
- ICS Training. DGCO Emergency Management Memo
- Recycling report with comments from SAB
- Downtown Task Force consideration

**COMMISSION ITEMS:**

**Moved by Amyx, seconded by Dever,** to adjourn at 7:10 p.m. Motion carried unanimously.

**APPROVED:**

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Robert Chestnut, Mayor

**ATTEST:**

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Jonathan Douglass, City Clerk

## **CITY COMMISSION MEETING OF DECEMBER 29, 2009**

1. Award Bid - New York St.– Brick Street Reconstruction to R.D. Johnson Excavating-\$576,842
2. Award Bid-Parkway Shared-Use Paths, to R.D. Johnson Excavating, - \$868,183.70
3. Award Bid-PBI truck body for the Police Department-Brown Specialty Vehicles- \$128,344.
4. Change Order #1, 2009 Overlay Program Phase 2 - R.D. Johnson Excavating- \$259,524.72
5. Authorize purchase of server licenses- Software House International, Inc., - \$22,450
6. Award Bid-rehabilitation-3507 W.10<sup>th</sup> St.-Schmidt Contracting-\$13,609
7. Award Bid-rehabilitation of 818 Maple- Design Build Services - \$13,530
8. Addendum-Lease Agreement-City & Pine Family Farms-lease ground at Lawrence Airport
9. Service agreement-Burns & McDonnell-N. Final Electrical & KAW Well Improvements
10. Lawrence Freenet 2<sup>nd</sup> & 3<sup>rd</sup> quarter reports
11. Sign support letter-Convention & Visitor Bureau-KU - 2010 Shrine Bowl in Lawrence
12. City Manager's Report
13. Public Comment – Snow Removal