



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ROBERT CHESTNUT

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

March 9, 2010

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 Wednesday, March 17 for the day of the 23<sup>rd</sup> Annual Saint Patrick's Day Parade.

KT Walsh, Lawrence, asked that consent agenda item number nine, regarding the National Endowment for the Arts Mayor's Institute on City Design grant, be removed from the consent agenda for separate discussion.

### **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve minutes from the City Commission meeting of February 2, 2010.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to receive the Community Development Advisory Committee meeting minutes of February 11, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve claims to 229 vendors in the amount of \$1,300,777.08. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to concur with the recommendation of the Mayor and appoint Chris King to the Board of Electrical Appeals, to a term which expired March 31, 2013; appoint Verlon Myers to the Contractor



Licensing Board, to a term which expired December 31, 2013; and, appoint Wayne Duncan to the Mechanical Code Board of Appeals, to a term which expired March 31, 2013.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to set a bid opening date of March 23, 2010 for the Stoneridge Tank Landscaping Project. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to authorize the City Manager to execute an Engineering Services Agreement with Burns & McDonnell in the amount of \$12,131 for Preliminary Engineering Services for Project UT0915KW – North Final Electrical and Kaw Well Field Improvements. (2)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to waive bidding requirements and approve sole source purchase of software maintenance in the amount of \$41,878.58 to GE Fanuc Intelligent Platforms, Inc., c/o Industrial Network Systems to continue the Utilities Department use of Intellution Software until March 1, 2011. (3)

Ordinance No. 8493, Special Use Permit (SUP-10-10-09) for Lawrence Community Shelter, located at 944 Kentucky Street, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the Ordinance. Aye: Amyx, Cromwell, Chestnut, Dever and Johnson. Nay: None. Motion carried unanimously. (4)

Ordinance No. 8495, allowing possession and consumption of alcoholic beverages on certain city property pursuant to Esquina's Sidewalk Dining and Hospitality License, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the Ordinance. Aye: Amyx, Cromwell, Chestnut, Dever, and Johnson. Nay: None. Motion carried unanimously. (5)

Ordinance No. 8467, redefining the term "structure" to explicitly exclude driveways and other parking areas and amending other provisions of the city's Environmental Code, was read

a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the Ordinance. Aye: Amyx, Cromwell, Chestnut, Dever, and Johnson. Nay: None. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt on first reading, Ordinance No. 8494, for rezoning (Z-12-29-09) of approximately .99 acres, located at 802 North Iowa Street, from A (Agricultural) to RS7 (Single-Dwelling Residential). Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to authorize the City Manager to sign an airport property acquisition offer with KU Endowment Association in the amount of \$31,300 and authorize the Mayor to sign project application to the FAA for property acquisition, and to sign grant agreement once written by the FAA. The FAA will pay ninety-five percent (95%) or \$29,735, with the city share of five percent (5%), or \$1,565. Motion carried unanimously. (8)

KT Walsh, representing Percolator Gallery and Vice President of the East Lawrence Neighborhood Association, said the letter to the National Endowment for the Arts Mayor's Institute on City Design was for stimulus money for an art district in Lawrence. It was a \$250,000 grant for one year and required having a City employee to manage the grant.

She said Lawrence was named by NEA as one of the top 12 cities in the United States with the largest percentage of professional artists in the workforce, but it was certainly not the largest percentage of artist making a living. She said there was very little affordable studio space, rents were high and there were other cities that did breakthrough work such as Kansas City that lowered property taxes in their arts district. There were a lot of models to look at that would help the working artist and hoped it would be a part of this grant.

In the breakdown of the budget, it talked about the Lawrence Cultural Arts Commission, contributing \$10,000 in a hard dollar match and wondered if it had been voted on because it was public money. She said it was a lot of money for one year and there was a tremendous amount proposed in that grant, but admired the fire under the person who wrote the grant. She said a comprehensive cultural plan for Lawrence had never been done, but thought it was time to do a plan for Lawrence. There were a number of people included in those meetings about the proposed grant.

She said it was also established that the employee would establish offices in the Lawrence Arts Center. The Lawrence Arts Center was a non-profit, separate, independent entity and it seemed inappropriate to have a City employee working out of the Arts Center only because the perception was that this was an Arts Center position, when in reality, was to be an inclusive position that would be looking at the Arts in the entire community.

Lastly, they had a chance to discuss this issue at the East Lawrence meeting because the proposed arts district would be to help a financially struggling neighborhood and included parts of East Lawrence. An arts district was proposed from South Park to the river along New Hampshire and Rhode Island Streets. She said there was talk about Arts District in Lawrence and there was a hot and thriving arts scene in North Lawrence, East Lawrence, Brook Creek; and Oread.

She said she had a few qualms about an imposed arts district and it was important that the neighborhoods be consulted. She said she supported the grant letter, but if they were accepted in Washington, a whole lot more people needed to be brought to the table.

Mayor Chestnut said he assumed the match would come from funds budgeted in the Lawrence Cultural Arts Commission.

Diane Stoddard, Assistant City Manager, said there was approximately \$10,000 the Lawrence Cultural Arts Commission had from their 2009 budget that was carry over money. The Outdoor Sculpture Exhibition was put on hold last year when there was some fear the State Alcohol money would be cut which would greatly affect their budget. The Cultural Arts Commission met last week and voted to allocate \$10,000 toward this proposal as cash match to leverage the grant.

Mayor Chestnut said addressing the issue of where the City employee would locate, the Lawrence Arts Center was a City building. He said he was not sure where else might be appropriate and that discussion could be had at some point. If the City was fortunate enough to get this allocation there was probably some other dialogue that needed to happen about engagement with other parts of the community.

A person said they had three short pages to cram everything they possible could into this and essentially about 3 days to put it together considering they were all volunteers with full time jobs. She said they did what they could to try and paint a broad picture. This was a pre-proposal and if they were asked to submit a full proposal their plan was to already begin collecting names and gather whoever was interested around this idea and place some meat on the skeleton laid out. She said it was intended to get their foot in the door, get the invitation to apply for those funds and build the fully conceived idea of what this would be with the buy in of all the stakeholders.

**Moved by Cromwell, seconded by Amyx,** to authorize the Mayor to sign the grant proposal submission for the National Endowment for the Arts Mayor's Institute on City Design, as recommended by the Lawrence Cultural Arts Commission and the Lawrence Arts Center. Motion carried unanimously. **(9)**

**CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss reported that the commission was provided with 2009 year end budget information; citizen support was needed for Lawrence's Google Fiber for Communities Nomination (To nominate the City of Lawrence Kansas visit [www.lawrenceks.org/googlefiber](http://www.lawrenceks.org/googlefiber)); received neighborhood complaints regarding the 12<sup>th</sup> and Haskell Recycling Center (Planning & Development Services taking the lead on investigating complaints); City Legal Staff was awaiting for the enrolled version of the Statewide smoking ban legislation; staff was working to identify opportunities to raise additional funds through sponsorship to help support Parks and Recreation; City staff met with Kaw Valley Drainage District Board of Directors to discuss drainage concerns in the Baldwin Creek Watershed; Public Works reported Winter 2009/2010 Snow Removal Expenditures; the Municipal Development Report Card Project, related to fees and processing times in the Kansas City area, indicated that Lawrence's approval times were among the shortest and fees were the lowest of the cities compared; the February Building Permit Report indicated that 157 permits were issued in February 2010, compared to 136 in 2009; several economic development policy items were added to the Future Agenda Items memo including modification to existing tax abatement language incorporating a bonus provision for high-paying jobs, a revised IRB policy for the City, and a Community Improvement District Policy for legislation passed by the State last year; The city posted its federal appropriations requests and supporting documents online at <http://www.lawrenceks.org/appropriations>; the weather allowed good progress on the 2<sup>nd</sup> and Locust and the Bowersock Dam projects; Police Officer Jim Welsh developed a GPS driven tool to electronically report potholes and could be used for malfunctioning street lights and sign damage; staff met with representatives of Zarco 66, 9<sup>th</sup> and Iowa, to discuss right-of-way landscaping changes; and, an annual report highlighted efforts by Planning and Development Services regarding customer inquires, enforcing regulations, departmental efficiencies, and processing development related applications.

Mayor Chestnut said he wanted to thank the City Manager and City staff for continuing to be expeditious in spending and the City had done a good job in continuing to have a good fiscally responsible City and to have some small surplus 3 years in row which was on the heels of a 3.5 million dollar deficit in 2006. He said staff should place on the agenda, a quarterly report of where the City was with spending and revenue and needed to have a discussion late April or early May when first quarter results were finished to look at what was happening with investment income and sales tax because those would be two shortfalls for the rest of the year and what impact that would extrapolate to for a fairly good sized hole. He said the City Manager was doing a great job of holding those things back, but it might be big enough where there needed to be some policy review and some prioritization going right into talking about year 2011. He said it would be bigger than \$100,000 and would be a good sized number.

Corliss said staff planned on having those discussions. He said there had not been a department that had not been impacted by asking City employees to do more work in situations where there were unfilled positions and not have expenditures. He said he tried to let employees know that they needed to manage expenditures, not to the City's budget or hope, but to the revenues that were coming in. He said that was going to be something that was different that they were accustomed to.

(10)

## **REGULAR AGENDA**

**Consider approving a request from the Public Health Board to amend Resolution No. 4957 and increase the Board membership from five to seven people.**

David Corliss, City Manager, said the County Commission had approved this resolution.

Dan Partridge, Director, Lawrence Douglas County Health Department, said the County Commission met 2 weeks ago to authorize the County Administrator to put together the joint resolution and the County would take a look at the resolution again, pending City Commission approval.

Vice Mayor Amyx asked if the University of Kansas appointee was going to be ex officio without voting powers.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Cromwell**, to approve request from the Public Health Board and adopt Resolution No. 6878, repealing Resolution No. 4957, and increasing the Board membership from five to seven people. Motion carried unanimously. (11)

**Receive request for the establishment of fifteen minute parking meters downtown.**

David Corliss, City Manager, said last year staff made a number of changes to the downtown parking system in response to budget challenges in the City's parking fund and at the request of Downtown Lawrence Inc., regarding some of their interest as well. It was always good to be reminded that the parking fund was fairly self sustaining and public resources were placed into repaving and parking lots, but the actual operation of the parking system, parking control officers, and maintenance of the meters paid for itself. He said they did it not for revenue generation, but in order to provide parking for downtown businesses with the desire to have shorter term parking in the spine of downtown Massachusetts Street, to encourage longer term parkers to park elsewhere.

He said if the City Commission desired to proceed with this request, staff could execute this process which would take a couple of months. He said the City was not increasing parking control officers and the fact there was a 15 minute meter did not mean the City would be watching at that 16 minute to be able to respond.

Mayor Chestnut called for public comment.

Chris Lowery, Meritrust Credit Union, said he was not representing his Credit Union. He said one of the first things from their members coming in was questions about accessibility to their establishment, and other businesses in that area. He said he spoke to businesses in that



area and found out there was a proposal last summer for 20 minute meters two in each block. He said he asked the City Manager what it would take for the City Commission to re-evaluate this proposal and the City Manager suggested a test drive. He said they drafted the proposal and asked that the City Commission test it out. He said some of the business were very much in favor of the proposal, but found a little bit of opposition.

Commissioner Dever asked about the reasons for the opposition.

Lowery said some of the business owners did their own studies and wanted to get rid of the meters all together which was their opposition. He said some of the business owners were upset with other businesses owners for allowing their employees to use the meters. He said he wanted it to go on record that they paid for parking in a separate lot and did not use the street.

Bob Schumm, downtown business owners, said he was part of the committee last summer that studied the parking issues at the request of the City Manager. He said that parking study was presented at four different meetings downtown and had a number of components which one component was to increase the price of parking by twenty-five cents per half hour on Massachusetts Street, increasing the meter time to 6:00 p.m. in the evening. He said they were trying to come up with a comprehensive package that worked for downtown. One of the planks of this proposal was a short-term pickup and drop-off zone and it was envisioned after a lot of discussion that there should be 4 on each block, two in the middle of the block, and two at the north end so that there were 2 at each intersection and 2 of the middle of each block so that wherever a person parked, that person would be within a half block of where that person was trying to go.

He said in their meeting, it was very well accepted and only one entity was not in favor, but was neutral. There were a number of businesses that would benefit as well as the consumer. He said the reason why so many merchants were in favor was because there was an application for this with regard to their businesses and it made the parking system a little bit more user friendly.

There was precedent for short term parking in the community and was used quite frequently at K.U. Downtown more recently, was a 15 minute drop-off zone next to the drug store on 8<sup>th</sup> Street because of a problem with people picking up prescriptions and not having a drive through window.

He said he encouraged the City Commission to look at this proposal to see if it would work for the downtown merchants for a year. He said where the idea came from was when the water system was being rebuilt in the 900 block parking garage and on the east side there was no alley entrance at that time and they had to put in 15 minute meters for people who were making deliveries to the businesses in that area and it worked well because the spaces turned over quickly and there was always a space to get in and out of.

Mayor Amyx said the proposal was for 2, fifteen minute meters on each side, but from what Shumm stated, it sounded like more than those 2 meters.

Shumm said the original proposal was 4 spaces on each block, 2 at midpoint, and 2 at the north end of the block.

Hubbard Collinsworth, Lawrence, said if staff would alert the public of the new ordinance and that this proposal, proposed a very short timed meter.

Jane Pennington, Downtown Lawrence Inc., said DLI supported the proposal.

David Holroyd, Lawrence, asked how the City was going to monitor those meters. He said it seemed there would be a lot of free 15 minute parking.

Mayor Chestnut said it was stated that the police patrol would not be changed, but the point was well taken. He said he guessed there would be self enforcement and people would be conscious that the meter expired.

Holroyd asked about the charge on those meters. He said the fee should be expensive because it was a privilege.

Corliss said the 15 minute meters would be painted and thought appropriate signage was needed so that someone pulling into that particular metered space would know exactly

what the rules were for it use. He said what was proposed was 25 cents for 15 minutes, but that amount could be changed within reason. There as also a \$5.00 fine.

Mayor Chestnut asked how many 15 minute metered spots per block.

Corliss said the proposal was 4 per block, 2 fifteen minute meters on each side of the block.

Commissioner Cromwell said there were already handicapped spots in the middle of the blocks.

Corliss said the City was averaging about 37 spaces including disabled accessible spots per side of the street.

Vice Mayor Amyx said he thought this was not a good idea. He said the goal was to bring as many people to the downtown area. He said he received his share of comments raised from downtown business owners. The \$5.00 fine was ridiculous for those meters in the downtown area.

Commissioner Johnson said he shared Vice Mayor Amyx's concerns and comments which was his first reaction, but as he thought more about this item and looked at all the signatures, he thought he might be missing something. He said he was in support of the downtown businesses and DLI, Inc. and thought DLI had a good handle on what the businesses and customers wanted. He said Vice Mayor Amyx said parking was a premium and he agreed, but if it was a premium then people should pay for that 15 minute parking privilege. He said he did not have a problem having a higher fine. He said he would be okay taking the businesses direction and trying it.

Vice Mayor Amyx said the cost of parking was doubled last year and raised the fine. He said they already taken some of the short term meters downtown just by the action that was taken last summer.

Commissioner Johnsons said he could not disagree with the number and knew it was increased quite a bit, but he still heard a lot of comments about not finding parking downtown. He said it was a great luxury to drive up and park in front of a store.

Commissioner Dever said the administration of this fifteen minute parking meant each meter had to be marked and appropriately clear to parkers. He said there would also need to be a different envelope to pay the fine and the parking enforcement had to most likely need to program the devices to charge a different rate. There were a lot of different changes at that level where he thought to try it out might be the way to go, but not change any of the fines or fees associated and have parking enforcement staff note if people were adhering to the 15 minute time line. He said he saw this request as an administrative headache initially, especially if it was only temporary. He said he saw the need and saw meters like this in other cities and had used those meters in the past, but the fines and fees would be greater. He said he was willing to try anything to help people get in and out of the spaces. He said \$5.00 was a lot and the rates were already raised. If this was going to be an experiment, he suggested trying the spots out, mark those spots and see how the turnover went and monitor it using existing staff and received feedback from the downtown merchants to see what they thought.

Commissioner Cromwell said part of the charm downtown was walking around downtown and not necessarily pulling up right next to the place a person needed to go. On the other hand, he had a big barbeque where he needed to pick up some food a few months ago and was a little less great fun to walk a block with that amount of food. He said he shared the concerns about the fee changing and reprogramming which amounted to a test. He said he also worried about taking away that long term parking and did not think the fee structure should change during the trial run.

Mayor Chestnut said if the City went to 15 minute meters regardless of whether or not the fees were changed, the meters would need to be reprogrammed anyway. He said they took a shot at this last year with raising rates and it made sense. He said when talking about long-

term parking, there were a lot of other lots and if looking at being downtown for any period of time, he said he never parked on Massachusetts Street and parked in the two hour lots on Vermont or New Hampshire. He said it made sense to raise the fees on those particular meters because they needed to be reprogrammed anyway and the 25 cents for 15 minutes would not have an impact. He said it did not make sense to raise the fine only because the City ended up spending more with printing up new tickets and there were logistical issues that introduced another level of complexity and did not seem to be necessary. It made sense to go to 25 cents for 15 minutes with 4 meters per block. The placement was a discussion that was needed for a uniform approach, but wondered if a section would be taken out by having all of those handicapped spots. He said they needed to work with some of the merchants to talk about the placement. He said it made sense for a place in the middle and at the end of the block so that all the merchants had equal access to those limited spaces.

He said he knew the Vice Mayor concerns, but out of the total number of spaces, they would not be taking out a lot. He said the more they were helping people that the intent was to generate velocity on spaces on Massachusetts and would like for everyone to park for free on some of the other lots and on top deck of the parking garage for free for 10 hours. It was probably not a big expense to reprogram, repaint and figure out signage. He said he agreed the City Commission would hear some hostility on occasion because it was new, but people would learn where those spots were located.

Commissioner Dever said there was going to be that one behavior that was going to be obnoxious which was people pulling in thinking it was open and needed to reverse and pull out which would obstruct traffic. He said that would be a learned behavior just like the handicapped spots. He said it was congestion already and was one thing he did not look forward to as far as the learning curve because it would make traffic flow even worse for awhile.

Mayor Chestnut said he supported staff recommendation except for the higher fine and it would be nice to talk about placement. There were traffic flow issues that staff could have input.

Corliss said the ordinance was not prepared, but if it was the Commission's direction was to proceed, the Commission would give staff the outline of that ordinance and staff could come back with a map on proposed designated locations and share it with interested stakeholders and place it on the City Commission's agenda for consideration.

Mayor Chestnut said 4 of those 15 metered spaces per block, placement to be determined based on looking at the handicapped slots, not raising the fine above \$3.00 and leaving it the same, 25 cents per 15 minutes, reprogramming, and then talk about the color when looking at the ordinance. He said during this time there could be discussions with DLI and other merchants to talk about the placement as well as getting traffic staff involved in the interim because there was disruption. One disruption was the traffic coming off of 6<sup>th</sup> Street that headed down toward 11<sup>th</sup> Street which tended to cue up a lot and hopefully that would not be an issue.

Corliss asked if it was the desire of the majority of the City Commission to have it uniform for every block or at a different place in the block.

Mayor Chestnut said he thought it should be uniform because if it was not uniform people would be guessing.

Commissioner Dever said unless traffic staff indicated to the Commission there was some other reason not to bottleneck the street.

Mayor Chestnut said between 10<sup>th</sup> and 11<sup>th</sup> Street as well as 6<sup>th</sup> and 7<sup>th</sup> Streets, there were more curb cuts to handle and could potentially create some other issues.

Vice Mayor Amyx asked if the Mayor would consider the side streets similar to the street by Round Corner Drug store.

Mayor Chestnut said it was a good idea.

Commissioner Dever said traffic would be off of Massachusetts Street and would not be messing with the flow of traffic.

Mayor Chestnut said the only issue with it not being on Massachusetts was that it might not treat some merchants uniformly.

Schumm said to think of the short term parking space as being more efficient than a long term space. There was going to be multiple turnovers and could accommodate more parkers than an hour and half length of time, secondly, it was a convenience to the shopper rather than a necessity to the merchant. He said in looking at the traffic, the traffic moved up and down Massachusetts. He said the traffic was designed for the people who were shopping on Massachusetts Street. The original concept was the through traffic went around the outside of New Hampshire and Vermont and Massachusetts Street was designed to be a parking lot with a through mode of transportation through it and was why it was 20 mph on Massachusetts Street and 30 mph around the outside except for some spots. He said in talking about traffic disruption of pulling in and out, there could be all kinds of crazy maneuvers trying to get to a 15 minute parking spot. Several times in the day, people made U-turns on Massachusetts Street to try and catch on the other side because there was a space open. The point of confusion and conflict was a real point. If moving those spaces off of Massachusetts Street, some of the purpose would be defeated.

Mayor Chestnut said a map would be nice because it would bring to light some of the issues.

Schumm said another good point was to have a regular interval so people knew where they were and the uniformity of fairness to the merchants.

Commissioner Dever said discussion could take place with some of the other lots behind Massachusetts Street in metered lots.

Corliss said there were meters on the east side of New Hampshire and west side of Vermont.

Commissioner Dever said he did not know if it mattered, but a lot of times those lots that were not metered, did not get turned over and were fined. The areas that did have meters, if having an option, it might be fair to have them on the back side.

Corliss said staff would provide a map and a couple of different draft ordinances, one on Massachusetts and one on side street and the City Commission could make additional comment. (12)

**Consider an appeal of Historic Resources Commission's Denial of Certificate of Appropriateness for 4253 E. 19<sup>th</sup> Street (DR-8-98-09) and 1926 Learnard Avenue (DR-8-99-09).**

Lynne Braddock Zollner, Historic Resources Administrator, said this was for a Certificate of Appropriateness review. If the Certificate of Appropriateness was appealed to the City Commission, the City Commission heard this appeal denovo which the property took on its own life and the Commission could look at the standard and guidelines to make a determination.

This was for new construction at the corner of 19<sup>th</sup> and Learnard and was located within the environs of the Zinn-Burrough's house which was listed only on the Lawrence Register of Historic Places and was only a certificate of appropriateness review and did not include a State Law review so there were no feasible and prudent alternatives.

The Historic Resources Commission originally approved this application on September 17, 2009 and the approval had conditions where the applicant worked with the Architectural Review Committee on the final design of the new structures and also on the placement of the structures. The conditions of approval could not be met and the applicant and Architectural Review Committee could not come to consensus so the project went back to the Historic Resources Commission.

The HRC determined the project did not meet the guidelines and standards that were associated with this project. Those standards and guidelines and the environs for the Zinn-Burrough's House were included in the Commission's packet to make a determination.



The HRC also looked at the environs definition when a property was listed on the Lawrence Register of Historic Places. The City Commission had requested that all those properties have a very specific definition to go along with that listing to identify what projects would be reviewed by whom and to what extent. The HRC felt this proposed project did not meet the qualifiers in the environs definition for the Zinn-Burrough's house.

One of the things in the environs definition was that it talked about this being in a residential neighborhood. This property did fit into the multiple property thematic context for the history of Lawrence talking about when getting further to the south and started to develop there were large family lots that were often divided and subdivided to create more housing available for new construction. She said this proposal did follow that historic trend.

She said the specific standards for Review and Design Criteria applicable to this application included the following:

- The least stringent evaluation is applied to the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness should be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district.
- Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;
- The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed.
- Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.
- The design for new construction shall be sensitive to and take into account the special characteristics that the district is established to protect.
- Consideration may include, but should not be limited to, building scale, height, orientation, site coverage, spatial separation from other buildings, facade and window patterns, entrance and porch size and general design, materials, textures, color, architectural details, roof forms, emphasis on horizontal or vertical elements, walls, fences, landscaping, and other features deemed appropriate by the Commission.
- New buildings need not duplicate older styles of architecture but must be compatible with the architecture within the district. Styles of architecture will be controlled only to insure that their exterior design, materials, and color are in harmony with neighboring structures.

The Commission Options were:

- A. Affirm the HRC denial of the Certificate of Appropriateness as the proposed project does not meet the applicable standards and guidelines and will significantly encroach on, damage, or destroy the landmark Zinn-Burroughs House. This action will uphold the HRC determination and a building permit for this proposal cannot be issued. There is no limitation on successive applications. The applicant may submit a new request at any time.
- B. Approve the Certificate of Appropriateness with conditions or modifications. This action will overturn the HRC determination. The City Commission may add conditions or modifications to the proposal to help achieve the applicable standards and guidelines or to mitigate the impact of the proposed project on the landmark property and its environs. Appropriate conditions or modifications could be:
  - 1. Reorient the structure for 1926 Learnard so that it is perpendicular or parallel to Learnard. This was one of the biggest concerns for the Commission as the pattern of the environs is structure orientation to the streets in a perpendicular or parallel pattern.
  - 2. If the structure cannot be oriented in a compatible position, the structure could be placed closer to the east and south property lines to reduce the visual impact on the Zinn-Burroughs House. (Similar to option presented by applicant with adjustment to the southeast.)
  - 3. Divide the parking area for the two duplexes. This will minimize the “parking lot” effect that is in the direct line of site from the Zinn-Burroughs House.
  - 4. Recess the parking area so that it is not in front of the proposed structures. Even if the parking area is not divided, moving the parking to the east as much as possible will reduce the impact.
  - 5. Provide landscaping and retaining wall/fencing in natural materials to reduce the impact of the parking area.
- C. Approve the Certificate of Appropriateness for the proposed project. This action will overturn the HRC determination. A building permit may be issued as soon as the other project items are complete (utilities design/approval, floodplain development permit, and review for building code compliance).

Mayor Chestnut called for public comment.

James Grauerholz, Lawrence, said this hearing was denovo which meant they could open all previous findings, but asked if that meant that the July 2005 Historic Landmark Designation was of for grabs.

Corliss said that was a law decision.

Grauerhotz said he was from Coffeerville Kansas and asked what name came up when thinking about that city. He said the answer was the Daltons and the Daltons were not role models or upstanding citizens, but the entire town’s museum was the Dalton defenders museum.

He said he would like to clarify this process and Jim Hemphill's letter of February 5<sup>th</sup>, hurt his feelings, but he was not going to address the remarks about Burrough's, his father. The letter indicated that the architect placed the buildings, at their request, instructions to preserve the trees, have a minimum of pavement, present and attractive appearance from Learnard Street and provided access to the unplatted land occupied by a historic cow barn which was rezoned, a year ago, to RM12D, although completely landlocked. He said the point was that this was not an application for two duplexes, but an application for three duplexes and the City was making it possible for all three of those duplexes to access the City street system through a 12 foot opening onto a local street that was in fact was conspicuously absent of sidewalk and width.

He said vocal opposition of this project came from the manager's of Burrough's estate, but that was not right because he did not oppose this project, duplexes or anything else, except the brutal placement of a giant parking lot on the banks and the refusal to consider any other point of view or suggestion. He said he did not care if there was a duplex in the back lot, but it should be designed for traffic on those flagged lots.

Dennis Brown, President, Lawrence Preservation Alliance and LPA's longtime liaison to the Historic Resources Commission, said he would like to assure the City Commissioners that the HRC members and the Historic Resources Administrator worked hard to balance the standards with the needs of each applicant, in a friendly, civil, and non-capricious manner. If a compromise could be reached that met the standards as well as the needs of the applicant, they would work very hard to find it. The two member of the Architectural Review Committee, which worked with applicants to resolve specific design aspects, the full Commission found troubling were very amiable people. The public process on this agenda item to date had been civil and fair.

Tim Windholz, applicant for this property, was trying to appeal the decision that was made. He said they spent a lot of time working on this project and submitted their drawings to

the Commission and in September, was given a conditional approval if working with the Architectural Review Committee which was a little cumbersome. He said this was very difficult property to develop. The property was in a floodplain, the building was required to have a minimum elevation to meet all the criteria for the floodway. The placement of the parking the architect drew up was in front of the building, but to move the parking to the back pushed the buildings to the front and pushes the buildings into the floodway and he did not want to develop property in the floodway.

The criteria for the HRC encroachment upon the environs of the listed properties, was very subjective consideration. The points they were trying to make with their property, the way it was drawn up, minimized the paving that went into an already wet low lying area, salvaged some of the big trees that had been at that location for 30 years and were at that location when Burrough's lived at that location.

He said with the vision from the front porch from the Burrough's house, when Burrough's lived there that creek was unimproved, overgrown with elm trees, and did not think the property could be seen at that time because of the trees growing in the creek bed. It had changed dramatically when the channel was redone.

He said their plan met their needs and hoped to build buildings that were compatible with the neighborhood. They had property at that location for many years and did their best to take care of that property as well as leasing to qualified tenants that took care of the area and did not cause problems with the neighbors.

He said he was appealing to the City Commission with this project and hoped the Commission could find a way to help meet their goals with this project without adversely affecting any of the properties in the neighborhood.

Commissioner Johnson asked why the building could not be orientated perpendicular or parallel.

Windholz said to be parallel to the street it would not fit because the lot was obtrusively angled and would not work. To turn it completely around, the way the Architectural Review Committee was leading, was that it placed it behind an existing structure and added a little more paving. He said it hid the building on a flag lot and when looking to plat those lots many years ago, they were discouraging that for that very reason, flag lots. He said the biggest reason was that emergency responders could not find a building sometimes. Anytime a building could be built with a nicer street frontage than hiding it behind another building was advantageous for public safety for those tenants. He said in that regard, it might be more important than a lot of the other aspects of the floodway.

Hubbard Collinsworth, Lawrence, said how many existing trees would be sacrificed to this project and could the building width or design save additional trees.

Mayor Chestnut said he did not know if they had that answer.

Windholz said he would be losing some of those trees by paving. Granted, the City made him replace street trees when he had a job and he would be replacing.

Michael Almon, Lawrence, resident of Brookcreek Neighborhood, said he was a member of the Burrough's Creek Corridor Plan Committee. He said the corridor committee worked on a plan that was very multi faceted. It would be a mistake to think about the Burrough's Creek Corridor Plan as one of a trail or a liner park exclusively. The original committee envisioned and proposed that some plan be developed that would accomplish 1) a means to unite the neighborhoods, Barker, Brookcreek, and East Lawrence Neighborhoods. The Plan Committee developed the Linear Park, the trail within that Linear Park and look at the various zoning within that previously rail corridor in a way that removed the wedge factor between the neighborhoods and provide a uniting factor. The plan stated:

"Purpose of the Burroughs Creek Corridor Plan was to provide guidelines for the use of the abandoned railroad corridor as a linear park including incorporation of a recreational trail. The plans purposes also, to emphasize residential development and appropriate neighborhood

friendly reuse of under utilized industrial and commercial sites.” He said that was to get a handle on the industrial zoned commercially used properties that were slowly being abandoned because there was no more railroad. The idea in the plan was that they be reused in a way that was residentially favorable and supportive of the neighborhoods. He said for instance, it stated to encourage new residential friendly development.

As far as the proposal for the two duplexes, ultimately potentially three duplexes, he found it as a property that was very difficult to develop and was sure that being a creative developer, they looked at all the angles and worked through the various agencies. He said trying to get the numbers to work was the basic point to any development and encumbered by floodplain, there was very little area on that plot available for development. He said he had to maximize the numbers on the remaining area available which meant getting higher density zoning. He said Windholtz had misapplied the principles of the Burroughs Creek Corridor Plan to support his proposal. He said that property was rezoned to make the numbers work to put duplexes and get a higher return on the smaller square footage of property. He said that was a reasonable thing for a developer to do. However, the developer used the section in the recommendations of the plan, Chapter 3, first part being Linear Park and Recreation trail and the second part was a residential development and neighborhood appropriate commercial and industrial adaptive reuse.

It was recommended the zoning be modified, where needed, to be consistent with the existing use. That was the justification from the plan that would justify the developer up-zoning from a lower density to a higher density. The entire purpose of the plan was for industrial and commercial properties to be down zoned to a lower intensity. He said for the developer using the section of the plan to bolster his process was a misuse of the plan, but that being said, there was another section of the plan that was of equal importance and everyone in the committee found it important to include which was Section D under Part 2 of the Residential Friendly Developments, within the context of Residential Friendly Developments, protecting historic sites

and character. If they were really going to evaluate the proposal in the context of the Burroughs Creek Plan, that section protected historic sites and character was something that Windholtz did not elude to and only cherry picked the sections in the plan he thought would support the proposal.

He said he wanted to point out that Windholtz was very creative, used areas for location of the structures, positioning of the structures, location of pavement and was the only efficient way, physically, to do that, but did not conform with the plan.

One factor that he noticed was one of the conditions from the HRC was the location of the structures appropriately in relation to the Zinn-Burroughs house. The driveway entrance was a structure, it was not just the buildings, the parking lot was a structure and the City was considering changing the definition of pavement, not to be a structure, but as this had gone through the works, that pavement was a structure. The location of that entrance being a structure directly across the street in full visibility, the eastern section of the historic 250 feet area, the frontage was not a front to the Zinn-Burroughs House and was the most visible part of this entire development. It was not only a visible part, but the traffic in and out day and day out was going to be another visible front to the Zinn-Burroughs House. That particular structure was the worst part of this entire plan. Why the pavement entrance was moved from 19<sup>th</sup> Street, for all of the development onto Learnard which ultimately would support a third duplex at some point, most likely if the numbers were really going to work, but did not know why and should have been removed from that location.

Melinda Henderson, a resident of the Barker Neighborhood, said initially she was somewhat concerned about the rezoning, primarily because of what she had seen happen in other neighborhoods with the RMD12 Duplex and parking issues, including stacked parking. There were other duplexes along that street, but when looking at this property, it was clear that it was in the floodplain. She said Windholtz referred to the area as wet and low lying area and

sometimes wondered if they were trying to fit a square peg into a round hole to accommodate a development.

She said from Hemphill's letter of February 15<sup>th</sup>, the letter stated "we are now to the point that they must derive some income to help with real estate taxes which had increased over \$800 a year. She said she wanted to point out it was not the City's job or the neighborhood's job to make a rezoning feasible for a developer. She said she would not go into the incredibly offensive parts of letter that dealt with Burroughs himself, but did want it to go on record that she found the letter incredibly offensive.

She said when she read through the HRC memorandum, Lynne Zollner, Historic Resource Administrator, did a great job detailing the issues and pointing out the alternatives could be.

She said she understood that originally, there would be an entrance off of 19<sup>th</sup> Street and by the time this issue came before the HRC, that entrance was gone and she was not sure how that happened. She said she totally agreed with all of the parking coming off of Learnard being inappropriate. She said a lot of the property was in the floodplain and needed a floodplain development permit and she did not think this was an appropriate location to try to construct two or three duplexes. As a neighbor and someone who wanted to follow the guidelines set out, regarding the Burroughs Creek Plan, she would ask that the City Commission uphold the HRC's recommendation to deny the appeal, go back to the drawing board, and see if they could come up with something that might work in that location.

Gwen Klingenberg, President, Lawrence Association of Neighborhoods, said they voted unanimously to support the HRC denial of the appeal. According to policy, neighborhood plans should protect elements of importance to neighborhoods, historic character, and promote infill development sensitive to the historic context.

She said she had concerns about the drainage issue and the applicant already stated that it rained a lot and if putting in a lot of impervious driveway, it would make the drainage



worse. She said it really did not follow the character to the neighborhood, but her biggest concern was if the property was so hard to building, perhaps it should not be built upon. She said green spaces were required by code and since the applicant had done everything he could to accommodate the rules, the rules needed to stand and might need to question whether this property was buildable.

Phillip Hine, neighbor in the area of Burroughs Creek, said like many of the neighbors in the area he saw it flood in the spring. He said he would like to speak in support of the HRC determination to deny the permit.

James Carpenter, northwest corner of 19th and Learnard, said that area did flood. The house on the southeast corner was an island, every time there was a heavy rain. Last June, after all of those improvements, when there was 4 inches of rain, the water was flooding the street again and coming up through the storm sewers and was up against the pile dirt that the applicant wanted to build upon. The entire field flooded, but when digging the channel deeper, they piled the dirt up and raised it for a section to building on. At the same time, for some reason, this concrete apron was put in to the south of the bridge leading to know where and had been at that location for years and was where the applicant wanted to connect the driveway to and agreed that was a wrong place for a driveway. He said he urged the City Commission to uphold to the findings or the HRD and deny this appeal and let the findings from the board stand. He said he also agreed that it should be considered going off of 19<sup>th</sup> Street, putting it across the floodplain would cause problems. If looking at the bridge today, a large crack was in the dirt right next to Learnard where the land was starting to slide into the creek. He said putting more impervious surface, especially with the amount of parking needed to duplexes in that area was absurd, considering all the problems he had seen over the years. He said he urged the City Commission to deny the appeal and uphold the previous findings.

Tim Windholz said he had a land locked lot that was unplatted with no street access or utilities and asked if he could place a duplex on that property.

Scott McCullough, Planning and Development Services Director, said there was no way to do that today without platting, and variances from access restrictions.

Windholz said in his opinion that had been a horse lot for a hundred years. At one time a circus crew housed their animals on that lot. As far as the floodway, it was a wet location, but their planning and plat required a minimum building elevation that would be 3 feet higher than the duplex that he owned at 1930-1932 Learnard for 15 years and never had it flood the residence. He said he had water in the crawl spaces, but anyone along Burroughs Creek probably had that waster in their crawl space with the heavy rains.

As far as the amount of impervious surface, it was a small percentage of the 1 acre they were looking to develop and might be covering 6,000 to 7,000 square feet and conversely this duplex at 1930-1932 Learnard was on a 6500 foot lot with its building sidewalks, and gravel parking although it was an impervious surface which was nice, but code would not let him to that.

He said the Learnard Street access had been there forever because that was the access to that property. He said the Planning Department urged them to bring the traffic off of Learnard and not dump the data onto a minor arterial street, 19<sup>th</sup> Street, which was already. He said they followed the Planning Departments lead on access points.

Ted Boyle, President North Lawrence Improvement Association, said he had been the president for the last 14 years and heard comments from the developers. He said he knew what happened when developers came in and build in a flood prone or floodplain area. He said water ran downhill and the more rocks thrown in the pond, the deeper the water became. The people downstream, from this development, should be leery about how deep the water would get. The North Lawrence residents and North Lawrence Improvement Association always believed that there should be no development in the floodplain and floodway. He said they supported the Barker Neighborhood and hoped the City Commission would deny this request.

Grauerholz said after the improvements, the culvert widens the access. He said he appreciated and respected Windholtz and appreciated all the members of that family that he had known and appreciated his points about the old historic cow barn. If they did not plan on developing it, then he should have no objections to stipulating that as part of this appeal.

**Moved by Amyx, seconded by Johnson,** to close the public hearing. Motion carried unanimously.

Commissioner Johnson asked if the zoning was already in place for this use.

Mayor Chesnut said yes. He said there was a large discussion about the uses.

Vice Mayor Amyx asked if Carpenter's extension at the Board of Zoning Appeals Board of zoning of Appeals was because he was in the environs.

Carpenter said yes.

Vice Mayor Amyx asked if the 19th Street access was recommended on Learnard versus 19th Street.

McCullough said it was staff's preference of the two spots coming off of 19<sup>th</sup> or Learnard, but those were not the only issues, there was the issue of that driveway existed and seemed reasonable to take advantage of that curb cut. Also, the impact when taking into account the floodplain impact, there was no encroachment into the floodplain to the south off Learnard versus what could be on 19<sup>th</sup> Street, depending on where the driveway was best suited. He said through the design process, they encouraged that access point versus 19<sup>th</sup> Street. It was not that it was ruled out necessarily, but staff's preference.

Vice Mayor Amyx asked if there was enough room to put a driveway into 19<sup>th</sup> Street.

McCullough said he understood there was enough room, but the structure of the driveway was not an issue with the Historic Resource Commission. The issues for the HRC were up on the property as the parking area and homes were laid out.

Vice Mayor Amyx asked Zollner to address the City Commission's responsibilities and considerations.

Zollner said the City Commission was charged with either issuing a Certificate of Appropriateness with or without any type of modifications or conditions or denying a Certificate of Appropriateness. Those three choices were outlined in the memo and staff gave the City Commission five issues discussed at the HRC meeting as things that might modify the application so that it met both the applicant's goals and the standards and guidelines for review.

Mayor Chestnut said unlike some other situation where if there was a denial that it was important the applicant could resubmit a request at any time. In other words, it was not like a denial of a rezoning where it was done for a year.

Commission Dever said when he was looking over some of the materials he was struck by a letter dated November 12, 2009, where the applicant submitted two plans with different building orientations and parking lot orientations. In listening to public comment and some of the issues that were stated, there were two plans. One plan split the parking between the lots and asked what was wrong with that plan.

Zollner said those were the plans that were submitted to the architectural review committee and actually did work with the plan on the left and were still really concerned about the building orientation because of the characteristic of the neighborhood of the parallel or perpendicular buildings and ultimately the applicant, although he submitted this proposal, this was not his proposal and he wanted to stick with the original proposal.

Commissioner Dever said he heard about the mass of the parking lot being in one area in plain site of the historic location and talked about building in the floodplain and there were a lot of issues that were thrown up. It seemed that the proposal hid the structure behind another existing structure as well as vegetation and moved all of the development out of the 100 year if not the 500 year flood plain. He said from a historical perspective, he asked what was wrong with that proposal.

Zollner said again it would be the building orientation, but it was because it was pulled back more to the south and was not as encroaching or as significant and if there were landscaping to try to buffer that parking area, that design solution could work.

Commissioner Dever said Zollner mentioned turning the building at a right angle instead of being at a 45 degree angle on the lot.

Zollner said correct.

Commissioner Dever said the applicant's statement was that it was harder to see from the road, but it looked like it could be done, unless there were some lot line restrictions by rotating the structure.

Zollner said the concern was being able to see the structure from the road and trees that were on the lot.

Someone said it did put the parking right over a utility easement and the utility department would not like that layout. Their original plan had a 25 foot section of paving crossing over to the north duplex for those parking spaces and minimized covering up those utility easements.

Commissioner Dever asked about the utility lines.

Someone said there was an 8 inch sanitary sewer that served the properties to the east as well as those properties right on the lot line.

Commissioner Johnson said moving that parking back did not necessarily change the rotation of the building which he did not see why they could not move the southern row of parking down to the southeast, rotate the building so that the building was perpendicular to the street and move it up somewhat. By doing that, the building would be perpendicular to the street, moved parking behind the building and if there was landscaping provided to buffer the drive that would take care of 90% of what the HRC had a problem with.

Mayor Chestnut said HRC had asked to rule on one submission which was not the submission Commissioner Johnson just discussed. He said there was some bouncing around

in trying to please everyone which sometimes was difficult in the City of Lawrence, but agreed that Commissioner Johnson's scenario was feasible.

Commissioner Dever said he appreciated the neighbors concerns about developing in that area and it was always difficult when taking away pervious and placing in impervious pavement. He said he would argue that this was leaving a large portion of the site undeveloped with was required based on that it flooded readily and part of the area had a creek that ran through. Based on the square footage of the lot, 10 or 15 percent of the actual land area was being paved and that was small. He appreciated the problems with flooding and the downstream effects, but was not sure this impact was going to be any less than what a single family residence would be built to justify the cost associated with the lot. He said he did not see this as being highly intrusive on the water run-off given the amount of land available for the water to seep into. He said the site was going to be developed at some point in time and it was adjacent to a heavily developed area. He said the developer had done a good job at trying to work around this historic structure and would be open to discuss movement of the plan, but also wanted to respect the HRC opinion on the historic property and do everything they could to mitigate any effect.

Mayor Chestnut said he was sensing a deferral. He said their options were not to take one plan out and insert another plan. He said the desire was to provide input and refer this plan back to the HRC, the applicant, City staff, and utilities to work out. He said he was concerned about bouncing around between City departments and needed a consensus.

McCullough said staff had talked a lot about this process and staff did not have a good practice about this process. The code looked for a decision by the City Commission within 30 days of the appeal being brought to the City Commission, but it did not say what that decision had to be. The direction could be to work out issues and bring the plan back to the City Commission at a later date for final approval. He said it could be appropriate to give the

applicant direction on what might win City Commission approval and go back to the drawing board and bring back in a few weeks to see where this project stood.

Mayor Chestnut said that was his preference, but there was a trade-off between orientation and trees and that was tough because he did not want to take out 15 inch diameter trees

McCullough said he would not put a lot of weight on the easement issue because the plan presented had some of that covered up in any event.

Vice Mayor Amyx said in discussing the rezoning of this particular piece of property and the horse barn, he asked if it was discussed that the area would be a two lot subdivision. He asked if Windholtz had any problem with language that would take that out of the equation.

Windholtz said no.

Vice Mayor Amyx said that was important because the horse barn was going to be taken out of the equation and made it part of the development to protect the environs that way there were only two lots and two duplexes and all they needed to figure out was the parking, sewer easement, and landscaping, to make the HRC happy.

Commissioner Dever said there were calculations on the original site plan on the area that was impervious which was like 25% of the site and asked if there were calculations for the other proposed plans.

McCullough said staff could check on those calculations, in the event anything met the City Code for lot coverage and flood plain issues.

Mayor Chestnut said the consensus was to refer this back to the HRC with some instructions about the horse barn and maintaining that area as a two lot development, working on the impervious structure and getting utilities involved to make sure utilities were happy and also discuss the building orientation and the trade-off between that and trees. He said he appreciated the public safety issue and police and fire needed to know that area especially if there was a new surface coming off of Learnard Avenue.

McCollough said another topic discussed at the HRC meeting was about mitigating the parking areas through either landscaping, versus off-scaping and if the City Commission had some direction to provide, it might be helpful.

Mayor Chestnut said it was going to be that battle between the number of spaces that were required, the impervious surface covered, landscaping, the orientation of the building and the trees.

Commissioner Diver asked if the Mayor was implying pervious pavement.

McCollough said he was thinking of the aesthetic impact from the Burroughs house when looking across and whether vehicles were seen or a nice architecturally, articulated, 3 to 4 foot high landscape wall with landscaping in front of it and if it could mitigate some of those aesthetic and visual issues.

Commissioner Dever said as well as placement.

Vice Mayor Amyx said the pictures the City Commission received from the Burroughs House looking east, it was hard to visualize, in a vacant field where those buildings were actually going to be. He said it was going to be hard to try to guess what the parking was going to look like from the east.

**Moved by Dever, seconded by Cromwell,** to refer back to the Historic Resources Commission for their March 25 meeting and bring back for City Commission consideration on April 6 or as soon as possible. Motion carried unanimously (13)

The City Commission recessed at 8:50.

**Receive public comment on proposed Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan and consider placement on a future agenda Ordinance No. 8496, for Comprehensive Plan Amendment.**

After returning from recess at 9:00, Scott McCullough, Planning and Development Services Director, said the plan was not a document that rezoned property, did not establish code, City law, and zoning standards, but guided the governing body, Historic Resources



Commission and other Commission's on land use approvals, expenditure of funds in the neighborhood in terms of grants, support for grants, programs, and other policy matters.

The original Oread Plan was adopted in 1979 and was set up with assumptions, goals and policies, and typically things neighborhood plans contained. Since then, the neighborhood boundaries had changed as well as the composition of the planning area.

He said this plan was initiated by the Planning Commission in January 2009 and to date there had be 12 public meetings, including 3 public meetings with the neighborhoods and stakeholders which included mailings to over 500 different property owners and groups. There was one Joint HRC/PC work session and 4 additional Planning Commission and HRC meetings as well. There was their typical list serve with approximately 75 users and did some substantial web postings throughout the process.

In the new plan, highlighting the current land use summary of the entire planning area it was important to note some highlights that 31% of the area was single dwelling residential, the next highest category was the multi-dwelling residential duplex and note that congregate living made up approximately 7% of the neighborhood.

Some of the top discussion points were zoning conflicts with parking standards, landlord neglect, preserving historic structures, the behavior of some of the land uses throughout the area, the desire to bring families into the neighborhood and discussed originally about down-zoning areas to encourage that, to reinforce diversity of uses and structures, parking and infrastructure uses in the neighborhood.

Ultimately the plan laid out 4 goals. The plan, on top of the goals, put forth polices and actual implementation strategies to get at the goal. There was one goal for land use, preservation and infrastructure and neighborhood atmosphere, all created with a lot of input by the public and eventually filtered through the Planning Commission and HRC.

The polices included maintaining and stabilizing concentrations of owner/occupied housing, create overlay districts to get at some of the standards that would make development

and redevelopment compatible in the different sections of the neighborhood, that the development should respect the historic integrity of the neighborhood and other policies.

A summary of implementation strategies included reviewing the development code to get at some of the goals. Right now the City had an active text amendment for congregate living; addressed, to some degree, dumpster standards in the area; and a future item to look at was changing the code to allow detached dwellings permitted by right in multi-dwelling zoning district based on certain standards likely.

Other implementation strategies the public and Planning Commission supported were expansion of the rental registration program in the area, bolstering codes to address blight and demolition by neglect, conducting a historic survey of the entire neighborhood and others.

He said in staff's opinion, the Commission's approval of this plan endorsed all of the goals and policies and implementation steps. Practically speaking, a lot of those things became future agenda items to look at the nuts and bolts and whether or not it was valuable at that time, but generally speaking this plan should endorse the future decisions about what programs to take up.

At the heart of this neighborhood plan was a strategy to get at some of the compatibility issues through overlay districts. Staff determined there should be 5 overlay districts because there were 5 different mini neighborhoods within Oread Neighborhood. Districts 1-3 were conservation overlay districts and 4 and 5 were historic district overlays. Those districts could do some of the same things which address some of those issues which were lot sizes for duplex and parking requirements, bulk, mass, and scale, all of those things the development code, citywide, was a blunt instrument and wanted some refined tools in this particular neighborhood.

The overlay districts along with the policy statements and future land use map would help guide decisions about redevelopment, new development, and different programs that would be brought to the City Commission in the future.

Mayor Chestnut asked McCullough to summarize the overlay districts and the impact on existing structures. He said there was concern about what that had for existing uses.

McCullough said the development code today had an article devoted to legal non-conforming uses. If a non-conforming use was legal when it was approved, but through a series of code amendments had become non-conforming, but remained legal, if it was damaged passed 60% of its cost to restore versus the fair market value, then that use had to come into compliance with the code. The idea was that uses in structure developments that were constructed under one set of zoning code were amortized over the life of the zoning codes and the life of that structure to come into compliance with the new codes. He said it was very standard and covered all of the uses and structures in the City of Lawrence. There had been discussion and desire by some through discussing this process and the boarding house process a desire to single out certain uses that allowed those to go on perpetually, regardless of whether or not they went past the 60% damaged threshold or not. Staff had not fully addressed that discussion in the neighborhood plan and had become a larger discussion in the boarding house text amendment and generally, they would likely find staff supportive of that City-wide, encompassing all of the uses standard that would amortize any use that did not comply into the new development, once it hit that higher threshold of damage. He said there were no solutions, but that was how he would frame the discussion.

Mayor Chestnut said regarding the existing land use map, he asked if there were any non-conforming uses.

McCullough said he was sure there were non-conforming uses. Any single dwelling structure used as single-dwelling use was non-conforming to the RM32 standards today.

Vice Mayor Amyx said there was a question about the boundaries of the Oread Neighborhood and whether a certain property was included. He said it was staff's recommendation to exclude the area that was covered by the downtown district. He asked if

Watt's property was included in another neighborhood and was it the City Commission's responsibility to set, ultimately, those boundaries.

McCullough said it was staff's responsibility to set those boundaries and there was discussion at the Planning Commission's level on Watt's property as well as the downtown area. Regarding Watt's property the Planning Commission recommended this boundary.

Mayor Chestnut called for public comment.

Beth Meyers said she lived in Lawrence for 33 years and during that time she had not lived in the Oread Neighborhood. During the time she lived in Lawrence, she had known landlords that had maintained their properties impeccably. She had also known people who lived in apartment that were not maintained, much less impeccably. Student apartments and residences, especially interior code enforcement, was done mostly by request or complaint. Students were loath to complain because students fear, either being evicted and no where to go, or their rents were being raised, even though it had been constrained at different times.

In the past 5 years when she supervised people that predominantly lived in the Oread Neighborhood as a supervisor at News TV Crews, she saw an unheated sleeping porch with single pane windows that was termed a bedroom for purposes of rental and the apartment rented as such; space heaters plugged into aging outlets that also connected to light switches that were the old push button that were not 20 amp; not enough outlets in older homes and apartments for electronics used today including microwave ovens, flat screen TV's, multiple computers, toaster ovens, indoor grills, and bread makers; a roof that leaked to the point a ceiling caved in.

Students, many from other areas, who had no idea of existing laws and codes in Lawrence were held hostage by landlords who state to maintain their property would mean charging rents the students could not then afford.

An article, by Sally Tidwell, in the Lawrence Journal World of February 28<sup>th</sup>, addressed safety issues that had been increasing in the Oread Neighborhood. Tidwell said “We are the one’s wandering back and forth from our dilapidated student housing to computer labs on campus.” The notion that the Oread Neighborhood consisted of dilapidated student housing was the worst kept secret on the planet. She said she supported the Oread Neighborhood Association original plan and did not need to go back and reinvent the wheel. Many of the concerns were addressed by that plan. The neighborhood’s owners/occupiers worked together with some of the local landlords and other to keep the neighborhood attractive and safe for students and permanent residence. The unforeseen way in which they were ousted and which absentee landlords brought students in because they had residents of the neighborhood, indicated a group that was not interested in working with permanent residents or at least not working well with those residents. Not to mention, that a woeful lack of any meaningful code reinforcement of student apartments in the Oread Neighborhood for decades would not be made better by allowing the in-perpetuity designation for boarding houses that would be kept going on an on.

She said from a safety standpoint alone, making the Oread Neighborhood even more densely populated with what was mostly an impermanent group seemed a bad decision on its face. Students would be gone in a few years and had no on-going interest in preserving the coherence and preservation of the neighborhood. Absentee landlords also had no vested interest in preserving the neighborhood as a cohesive unit. Some were notoriously hard to reach at all. The fact that so many of the student apartments would not pass codes and the students afraid of eviction or rent increased did not complain about bad conditions, did not bowed well for the neighborhood either. She said the safety issue was more prevalent and discussed another article in the paper.

The concerns she brought forward were addressed by the Comprehensive Oread Neighborhood Plan and she asked the City Commission to keep the Oread Neighborhood a true

neighborhood with a mix of rentals and owner/occupied homes and not to make it a non-conforming in-perpetuity use or rescind City wide regulations on what then had to conform with City code.

Rose Fevurly said her children who attended KU lived in the Oread neighborhood and thought the neighborhood was the greatest because they did not need to drive and it was convenient.

She said she agreed there were some houses that were run down, but that was not the majority. The landlord and owners of residents that she had met the last 7 years had been hard working people and the landlords and students cared about their neighborhoods.

She said she was asking the City Commission not to take any action on this plan until there was new leadership, time and opportunity to work with the designers of the plan to see what could be done to make it the best for Lawrence. She asked the City Commission to table this plan in order to have time to transition, consider the view points of everyone, and come back at a later date.

Mayor Chestnut said the City Commission was not taking any action at this time and the City had a public process and the discussions relative to the Oread Neighborhood Association and their governance was not the City Commission's agenda. How the bylaws were governed and the election, there was a protocol, but it was important to not that the public process the City ran as far as approving comprehensive plan amendments was completely separate. He said the City Commission appreciated the input of the Oread Neighborhood Association along with every other stakeholder in the community.

Dennis Brown, Lawrence Preservation Alliance, said LPA had been participating in the development process of this plan and was coming to the City Commission a better plan with the hard work from staff and community members. If the City Commission could approve the four changes that were submitted in their written comments, LPA thought the City Commission should pass this plan, although they had concerns with how the process went forward. There

first two changes were not substantive, but meant more to tighten up the language regarding the goals of educating owners of properties listed on state or national registers of historic places about federal and state tax credit programs that were available. The third change involved adding another potential tool to the tool box regarding the goal of stabilizing owner/occupancy which had been a main area of focus for LPA in analyzing this plan. The goal was necessary and strongly stated in this document, but in their estimation the list of proposed actions was weak.

LPA supported mixed use in the Oread Neighborhood, but were convinced the owner/occupant use would, within the next decade, cease to exist totally, driven out by the array of income producing uses if the City did not act to reverse the trend. There were two things he wanted to make clear regarding that statement. First, the percentage of owner occupancy to income producing uses was going to be less in the Oread than other neighborhoods due to its location next to the University. Current estimates of owner occupancy in this neighborhood range from 10 to 20%, but whatever percentage was espoused virtually everyone would agree that percentage was declining. In a staff report to the Planning Commission last fall on boarding houses, staff studied 21 boarding house conversions, 5 of those were converted from single-family residences which did not include recent conversions of single-family to rental houses. He asked how many years did they need to go back in the Oread neighborhood to indentify 5 rental houses converted to single-family.

LPA believed the goal should be to stabilize existing percentage of owner/occupancy or increase it slightly. Standing back and letting existing market forces drive out all remaining owner/occupancy from Oread would be a big mistake for this neighborhood.

Second, they believed that an incentive approach and probably a combination approaches in selected areas was the best way to achieve goals of increasing owner/occupancy.

Their final suggested change to this plan was to be added to the high density overlay, general elements list nearest the University congregate living rehabilitation of existing single-lot residential structures. If there was a place for congregate living change over in the Oread neighborhood, it was in the proposed high density, nearest the University. They would prefer this to proposals for multi-lot tear downs of historic structures for replacement with monolithic structures. Less restrictive parking requirements for congregate living rehabilitations within the high density overlay, would also be acceptable. In all other areas of the City, LPA believed that parking requirements for congregate living should be same as apartment houses one space, for one bedroom. If an applicant would wish to attempt to deviate from that, they believed they should initiate the Special Use process for their particular project.

He said they did have concern that the process to develop design guidelines, for the 5 urban conversation overlay district proposed in that plan was not suggested. He said who could initiate the action and could guide lines be considered for one or a few overlays, or do they all need to be considered at the same time. He asked the City Commission to ask staff those questions when making their comments. There needed to be City involvement in developing those guidelines, including a Commissioner who believed owner/occupancy was a legitimate use and the mix of uses for the Oread neighborhood and perhaps an assistant City Manager, as well.

He said without follow through on design guidelines, the hard work that had gone into this plan would be a much less meaningful exercise.

Gwen Klingenberg, President, Lawrence Associations of Neighborhoods, said LAN voted unanimously to support this plan, minus a couple of issues that had been sent back to the Planning Commission. Their policy stated that because home ownership was an essential factor which stabilized neighborhood quality, residential zoning should preserve and encourage homeownership and this plan did.



What was really important, was after the dust settled from all the apartments and boarding house approval and find out that the increase in rental vacancy had increase significantly again, this plan allowed for taking the single-family homes that had been converted to apartments or boarding houses and give them the option to return back to single-family homes for the neighborhood. This plan protected those homes as well as affordable housing in the area and was supported 100% by the LAN.

Candice Davis said it had been 14 months that they had worked on this plan. Their neighborhood coordinator of the former ONA, sent out quarterly newsletters that were very explicit about how to participate. Along with their newsletters and City communications, people had many opportunities to become involved. She said their interest was to stabilize and improve the neighborhood and allow for a variety of living opportunities.

Elise Higgins, Community Affairs Director for Student Government at KU, said the plan before the City Commission was excellent and comprehensive and urged the City Commission to delay passage of this Comprehensive Plan amendment until the new Oread Neighborhood Board had the opportunity to meet and discuss any changes or modifications. She said the ONA was only one of many stakeholders that was involved in this process, but argued they were significant stakeholder and deserved to have some input into the plan before it became part of City governance.

Some changes that were examples of what the new ONA might want to include was placing more emphasis on enforcement of any congregate living policy and making neglected boarding houses safer, especially in the interior. She said she encouraged more input from students who were invested in their homes and neighborhood. She said despite their differences about the role of student housing in the Oread Neighborhood, they did share the common goal of safe and healthy neighborhoods.

Steven Watts, Lawrence, said he was annoyed that he had to attend the meeting because he had been sending the City Commission emails, but no return email. In fact, some

of his emails were being deleted before they had even been read. He said he was a stakeholder in this process and yet, he had been excluded from this process. The property he owned had been in his family and he owned the property since 1984 and owned by his grandmother in the early 1950's.

He said he needed to understand why Edgehill Road was excluded from the entire boundary. The boundaries of the Oread Neighborhood Association were fully separate from the boundaries of the Oread Neighborhood Plan. The City of Lawrence had time and time again told him that the City could not get involved in the Oread Neighborhood Association's politics, but he did not happen to accept that view point, but taken as a given, did not mean the boundary that the City established for the Oread Neighborhood Plan had to mirror almost part and parcel with what the Oread Neighborhood Association had set for boundaries which he believed would be changed as a result of the most recent Board of Directors Election. He said there were no new or old Oread Neighborhood Association. The Oread Neighborhood Association that existed now was the same ONA that had participants in this plan, but it was not the same group of people. Now people had woken up and were in the board seats of the ONA. He said with respect to this plan, he believed it was prudent for the City Commission to defer action on anything in the plan and send it back to the Planning Commission which he was also compelled to go hat in hand, only to learn in the next months meeting that his character was maligned in public even though he was not present to address that issue. This was a ridiculous process to compel citizens to come hat in hand to the City Commission when the Commission had the emails, the information and the data.

Irrespective, he would like to see Edgehill Road included in the Oread neighborhood plan which he believed was going to the Community Development Block Grant people with HUD, so that more community development block grant monies could be brought into the City of Lawrence which was the real reason the City was working on a plan. Finally, in the statistics given, it did not say one wits end about the number of owner/occupied dwellings. The fact that

Oread neighborhood was a family neighborhood was a myth and has never been dominated by owner/occupied dwellings and would always be a student ghetto.

Ted Boyle, President, North Lawrence Improvement Association and member of LAN, said he lived in Lawrence all his life and knew the Oread neighborhood better than most people. He said he had seen Oread transpire from single-family resident to multi-type student dwellings and most of the time single-family residences were pushed out economically by people that had invested into larger homes and lease those homes out. He said there was room for that type of rentals and housing, but there was a place for single-family residential and homeowner. There had been a lot of work put into the Oread Neighborhood Plan and it should be placed on a future agenda. He said this process had been going on for approximately a year and all of a sudden there was a last charge to change this plan and thought they should have come forward a long time ago if they wanted this plan changed, instead of the last minute.

David Holroyd said the existing land use might be somewhat misleading to think that certain areas had less density now because in the past, they were higher. For example, the 1200 block of Louisiana, the north end was a parking lot and wondered in the plan if it allowed for those historical uses to come back because everyone seemed to be in agreement that they wanted congregate living or more density near the university.

There had been talk about owner/occupied homes. He said Wilma Miller owned the Oread Apartments across from the new hotel and if she was alive today, with her resources, she would have very well have converted those apartments to condominiums. This idea that a home had to be big house was not necessary true because there were homeowners at Hobbs Taylor.

He said he asked if Chad Lawhorn, LJW reporter, would give facts in the newspaper about what the zoning was when it was RD and what uses were allowed.

Rick Cupper, Oread Neighborhood, said he was part of the new group of the ONA and considered himself an excellent landlord. He said the landlords had done more for the Oread

area than anyone and their properties were magnificent. Those landlords did not just offer quality housing for students at the university but superlative living arrangements for students. He said the Oread Neighborhood was not a slum and if left to the designs of the people he knew, it could be a magnificent area 10 years from now. There was a lot of good in the new Oread plan, but the people that he was now a part of would like to take some time to look at this plan and provide input into this plan.

A woman said because a lot of time had been spent on this plan, it was worth investing a little more time and giving an opportunity for those who were not very familiar with the process to understand it better. She said she dared to say that the vast majority of individuals did not understand the concept of overlay. She said she respectfully requests that this proposal be returned to the Planning Commission so all key stakeholders have an opportunity to digest and understand the plan regardless of their past error of not coming forward.

Tom Fevurly said a lot of people had done a lot of hard work and there were a lot of good points about the proposed plan to consider. He said the homeowners of those properties did want to make it look better.

Marci Francisco a resident and landlord in the Oread neighborhood said she participated in the development of the plan in 1979. She said it was not a plan for a developing neighborhood, but a plan for a very historic already developed neighborhood. She said they had repeatedly said they appreciated the mixed use in the neighborhood, but it was hard to make a single zoning category where an area that encouraged mixed use and it intended to encourage development to the maximum that use allowed.

She said for years she talked about an original townsite ordinance and was hoping in the last development of the City's regulations that the original townsite could be part of that and the entire struggle over the new zoning regulations was too difficult and was putt off into this opportunity for overlay districts. The overlay districts that were envisioned in that plan was the first time their neighborhood would have a chance to look at the development of things that

would work much like subdivision regulations, but instead of regulations that were designed for wider and narrower lots, they could talk about what were the appropriate setbacks for the 50 X 117 foot lots throughout the neighborhood and could address the concerns about alley access and other issue that were particular to her neighborhood.

Vice Mayor Amyx said it was important to understand the legal process. He said he suggested within the next month, establishing some type of study session to begin process on this issue.

Mayor Chestnut said this discussion had been going on a long time as far as non-conforming uses and trying to get things into compliance and the mix. He said working together was the only way to solve this issue and everyone had rights in this discussion.

He said it was relevant to talk about design guidelines and that might be part of the study session and how it was introduced into the process. He said the zoning in the area was a matrix that was hard to understand and at the study session they could discuss moving from the old to the new zoning code and get input on what impact that might have had on insurance and lending. It was less about what was reality, what was lack of information on how it was clarified to help people understand where it came from and where it went to. He said regardless there were some challenges on insurance and lending because mixed use brought and a comprehensive plan could help with some of that and define clarity. He said it would be good that staff go through what impact the adoption of a comprehensive plan would have.

The public process, if what was told was true, the City had notified several people, several times, about this issue. Whether people were or were not participating in the ONA six months ago or nine months ago, he was somewhat hesitant to refer this back to the Planning Commission because a lot of people that received notices did not respond.

The Vice Mayor had suggestions about discussing what this meant, some of the impacts, what it did to zoning, where the zoning went and some of those things because the

Commission received some correspondence and a lot of the correspondence were that they did not understand what this was going to do.

He said he would encourage staff to collectively put together public comment and come up with a set of questions or answers to help alleviate some of the lack of understanding.

Commissioner Cromwell said this was not the end and were looking at action items and was an on-going process in the development of this unique area and the overlay district would be critical. He said this plan was well written and had great background on the history and challenges of the neighborhood.

Commissioner Dever said they spent a long time building this plan and there was no sense in reinventing the wheel, but welcomed final discussions and to make sure everyone was included.

Mayor Chestnut asked how long it would take staff to digest all of this information.

McCullough said from earlier conversation, it sounded as though they were several weeks out. He said staff could put together a presentation in 4 to 5 weeks out to address some of those issues. (14)

**Consider approving revisions to the 2010 Comprehensive Street Maintenance Program to include reprioritization of the \$850,000 previously approved for Kasold Drive (W. 5<sup>th</sup> Terrace to Peterson Road) for arterial street rehabilitation maintenance.**

**Discuss possible improvements, options and funding scenarios for Iowa Street from approximately Yale Road to Irving Hill Road and authorize staff to conduct public meetings to discuss possible improvements, including adding a center turn lane on Iowa Street from Harvard Road to approximately 300 feet south of University Drive.**

David Corliss, City Manager, said the City Commission approved the 2010 Street Maintenance Program. As staff looked at the significant damage to City streets from the winter weather he was recommending changing some of the priorities established. He said he understood the Commission's desire and direction to put all of the budget resources toward street maintenance which was being done. What he was recommending was to scale back on planned improvements to Kasold, north of west 5<sup>th</sup> Terrance or Trail Road and instead

reprioritize that funding for streets listed in the report. He said related to that was staff's desire to present to the City Commission the need for improvements on Iowa Street from Yale Road to Irving Hill Road.

He said one of the key issues was whether or not a 5<sup>th</sup> lane was needed on that street and staff had consistently recommended that 5<sup>th</sup> lane, but previous Commissions did not want to proceed primarily because of concerns that neighbors had expressed. He said staff saw this as one of their next major projects.

Mayor Chestnut said staff was reallocating mostly lane miles. He said some of the diversion on sidewalks and beautification was nice, but the lane miles were where staff was focused.

Corliss said the city was scaling back on street reconstruction and putting it in basic maintenance.

Chuck Soules, Director of Public Works, said there were still issues with Kasold Drive and would do the prep work for next year. He said staff was asking for a reprioritization of those monies to do some of that major work.

On Iowa Street between Yale and University there had been significant pavement failures and there were over 30,000 vehicles a day traveling north and south on that section of Iowa. The Street Department, last summer, did several significant repairs in tearing out the base and digging out the subgrade and replaced, coming back up with pavement. This was overlayed in 2006

Vice Mayor Amyx asked about the mixture of asphalt and was it recycled material.

Soules said staff had used recycled material, but tended to use it on the base.

Vice Mayor Amyx said there was a question about the blend of the asphalt.

Soules said staff did use recycled material, but did not know about that particular location.

He said there was also the issue of the left turn lane and in the last two years there were over 60 accidents in that corridor. He said staff wanted to present this project to the Commission and receive direction to begin discussions on the turn lane.

Vice Mayor Amyx said regarding the road improvement from Monterey to Folks Road on 6<sup>th</sup> Street, he asked if that was the stretch of road for a left turn lane.

Soules said it was west and was not going all the way to Folks Road.

Corliss said that was the one piece of 6<sup>th</sup> Street that did not have a 5<sup>th</sup> lane.

Soule said with this patch contract staff was anticipating getting started with hot mix which gave better patching abilities.

Mayor Chestnut called for public comment.

Robert Lewis, Lawrence, said he went out on Stratford to Iowa to turn either right or left using Iowa and a person had to be a jack rabbit and watch traffic very closely. He said this was a safety issue and trying to turn left onto Stratford or University, a person would be amazed during rush hour how many cars would be backed up waiting on a person to turn left. He said a 5<sup>th</sup> lane was needed.

Hubbard Collinsworth, Lawrence, said they had been reading about funding issues being cut out and other areas of the State and asked if the City had lost any additional funding for current projects and was the City trying to keep options open.

Mayor Chestnut said they were trying to keep options open, but the city had not lost anything. Whether the City did not get things that were submitted for was hard to say.

Commissioner Amyx said they had to start this process on the 5<sup>th</sup> lane because of the accident rate.

**Moved by Dever, seconded by Cromwell to** authorize revisions to the 2010 Comprehensive Street Maintenance Program, and authorize staff to conduct public meetings to discuss possible improvements, including adding a center turn lane on Iowa Street from Harvard Road to approximately 300 feet south of University Drive. Motion carried unanimously. **(15)**



**Receive report from City Auditor on test of purchase card transaction.**

Michael Eglinski, City Auditor, presented the staff report. He said employees were authorized to make small purchases and were issued a credit card to charge those purchases for transactions under \$1,000. The main benefit was to reduce administrative costs and allowed for purchases to be made quickly.

A year ago he looked at how the City's overall process for the use of purchase cards matched up against some recommended practices and found that generally the city's approach was good. In this project, he looked at a small number of transactions and followed through on if they complied with city policy. For the most part they did, but there were some split purchases that were occurring which was when a card holder would purchase something over \$1,000, making it as 2 transactions and got around some of the requirement the City had otherwise.

One of the issues in the previous audit was that a lot of employees who had cards, when retiring from the City or left City employment, the City was not cancelling those cards in a timely manner and he took a look to see if that was improved upon and it was.

He said he came across a side issue for recommendation which was the use of the rewards cards where certain vendors, when making a purchase, credit was received for their own account for a rebate or discounts on future purchases. The City's policy did not address those reward cards and the City needed to be clear about whether employees could make a City purchase and get credit onto their own rewards cards and was something that probably should not be allowed and there were a few vendors where the City might be purchasing enough that the city should try to receive credit to a City's reward card.

The recommendation was for the City Manager work with vendors.

He said the really key control role was the cardholder's direct supervisor who reviewed each purchase to ensure the purchase was an appropriate purchase and the City received the

item and that the price was reasonable. He said when looking at transactions, he saw supervisors were reviewing those purchases and if reviewing carefully, that was a good control.

Commissioner Dever asked how many transactions were selected and how it was relative.

Eglinski said he picked those transactions by focusing on ten transactions where he pulled the transactions and go out in the field and talk to the people. He said he decided to focus on departments that had a lot of cards and/or a lot of purchases and there were 3 or 4 departments that had a lot more use of those cards than other department's which wer Utilities, Public Works, Police and Fire/Medical. The sample was not a random sample and he tried to pick out transactions that were the kind of things that were fairly common.

Commission Dever asked if there were red flags.

Eglinski said he pulled a couple of transactions that were close to \$1,000 specifically because it happened those were split purchases.

Corliss said Eglinski might want to look at a larger random sample. He said he went through claims and had questions, but did not look at all purchases in dept and a random sample was good.

Commissioner Dever asked if Eglinski could get that data electronically and come up with a random pattern to select transactions which would be fair.

Eglinski said a common audit approach was to do some analysis of all the transactions and identify areas that appear to be problems as opposed to a random sample.

Mayor Chestnut said he respected Eglinski's opinion, but respectfully disagreed that this was a random sample. He said this was targeted at indentifying. He said he found that cardholder more likely to accept and follow a rule when understanding the reason for the rule. When talking about spending money, he was not particularly concerned about their understanding of the reason for the rule. Financial polices were setup for compliance and not setup for understanding. He said they needed to start figuring out if there were consequences

to behavior on some of those issues when people were purposely skirting the approval chain. He asked what generated that comment.

Eglinski said he heard that some people would characterize the limit as red tape indicating they viewed it as red tape and there was research that when people start viewing rules as red tape as opposed to understanding the logic compliance was not as good. It was important that supervisors were able to articulate to an employee if they come across an issue to say why the policy was in place.

Corliss said it was constant education. He said he wanted to know how frequently it was being overlooked.

Mayor Chestnut said when finding those split purchases, he asked about the consequences.

Corliss said he would start with the department head and sometimes they have a rationalization that was not a legitimate excuse. If it was appropriate, the City would discipline.

Mayor Chestnut said in some instances that was what needed to happen and City employees needed to understand it was not a matter accepting a rule.

Commissioner Dever said there limits were relative to other places. Employees needed to understand when splitting purchases they were circumventing a rule, but also might be foregoing savings by purchasing larger quantities.

Eglinski said the City required quotes over \$1,000. He said Finance did some of the analytical review, looking for issues.

Commissioner Dever asked how many transactions the City had in one month.

Eglinski said the data from 2008 indicated 1.6 million and the average purchase was around \$100.00.

Corliss said the City spent 2.1 million last year.

Corliss said staff would provide information about the discipline.

Commissioner Cromwell asked if Finance was regularly analyzing credit card purchases to make sure departments were purchasing appropriate things.

Eglinski said the supervisor was the key control.

Mayor Chestnut said a lot this flowed through to the budgets. He said he would guess there were some maintenance or expense categories where the lions share of all that came through purchase cards.

Eglinski said some really good cardholders were doing really good documentations.

Mayor Chestnut called for public comment.

After receiving no public comment, it was moved by **Amyx, seconded by Dever**, to receive report from City Auditor on test of purchase card transaction. Motion carried unanimously. (16)

#### **PUBLIC COMMENT:**

Hubbard Collinsworth said that on April 1<sup>st</sup> the cold weather ordinance governing rules for Lawrence Community Shelter drops back down.

He said there would be 3 members on the Community Commission on Homelessness open on June 30<sup>th</sup> and if there were responses from the community for members to sit on that organization, he would like to see those materials.

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

- 03/23/10
  - Conduct study session 4:00 p.m. Review of City goals statement
  - Conduct study session 5:00 p.m. Review status of possible City acquisition of former Farmland nitrogen facility property
  - Approve extension request for Site Plan (SP-06-51-06) for Joyce Construction, located at 912 N. Iowa Street.
- 03/30/10
  - Consider approval of street closures and city services in support of the Tour of Lawrence bicycle event to be held July 2-4, 2010.
- 04/13/10
  - State of the City Address and Mayoral Elections.
  - Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 3701 Franklin Park Circle.

- May/June        ·        Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.
- November        ·        Receive status report on LCS relocation efforts.
- TBD                ·        Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.
- Receive Lawrence Human Relations Commission gender identity report.

**COMMISSION ITEMS:**

**Moved by Amyx, seconded by Johnson** to adjourn at 11:00 p.m.    Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Robert Chestnut, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF March 9, 2010**

1. Bid Date Set - Stoneridge Tank Landscaping Project, Mar 23.
2. Engineering Services Agreement – N Final Electrical & Kaw Well Field Improvements to Burns & McDonnell for \$12,131. (UT0915KW)
3. Sole source purchase – Utilities Dept – to FE Fanuc Intelligent Platforms Inc. for \$41,878.58 until March 1, 2011.
4. Ordinance 8493 – 2<sup>nd</sup> Read, Special Use Permit (SUP-10-10-09) Lawrence Community Shelter, 944 Kentucky St.
5. Ordinance 8495 – 2<sup>nd</sup> Read, Alcoholic beverages in Esquina's sidewalk dining and hospitality area.
6. Ordinance 8467 – 2<sup>nd</sup> Read, Redefine term "structure" exclude driveways & other parking areas, amend Environmental Code.
7. Ordinance 8494 – 1<sup>st</sup> Read, rezone (Z-12-29-09) .99 acre, 802 N Iowa, A to RS7
8. Airport property acquisition - KU Endowment for \$31,300; sign application to the FAA for property acquisition, sign grant agreement.
9. National Endowment for the Arts Mayor's Institute on City Design.
10. City Manager's Report.
11. Resolution 6878 - repeal Res 4957, increase Board membership from 5 to 7 people.
12. 15 minute parking meters downtown.
13. HRC - Denial of Certificate of Appropriateness, 4253 E. 19<sup>th</sup> (DR-8-98-09) & 1926 Learnard Ave (DR-8-99-09).
14. Comprehensive Plan (CPA-2-1-09) – Oread Neighborhood Plan
15. 2010 Comprehensive Street Maintenance Program – arterial street rehab.
16. Improvements, options and funding scenarios for Iowa from Yale to Irving Hill.
17. City Auditor Report - on test of purchase card transaction.