



# City of Lawrence

## CITY MANAGER'S OFFICE

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### CITY COMMISSION

**MAYOR**  
MIKE AMYX

**COMMISSIONERS**  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

June 22, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m. in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever and Johnson present.

**Moved by Dever, seconded by Cromwell,** to recess into executive session for approximately 40 minutes to discuss matters relating to employer-employee negotiations. The justification for the executive session was to keep negotiation matters confidential at the time. Motion carried unanimously.

**Moved by Cromwell, seconded by Johnson,** at 6:14 p.m. to recess into a second executive session for approximately 20 minutes for the purpose of discussion of personnel matters of nonelected personnel and for the purpose of consultation with attorneys for the body which would be deemed privileged in the attorney-client relationship. The justification for the executive session was to keep personnel matters and attorney-client matters confidential. Motion carried unanimously.

The City Commission returned to regular session at 6:35 p.m.

### **RECOGNITION/PROCLAMATION/PRESENTATION:**

The City Commission recognized Lawrence police Captain Tarik Khatib as a graduate of the 240<sup>th</sup> FBI National Academy class; and recognized Military Specialist Troy Yocum who served his country in Iraq, and was now serving his fellow veterans by tracking 7,000 miles across the United States of America, known as The Hike for our Heroes, to highlight the plight that many veterans who served so well now face both economic and social hardships.



## CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve minutes from the Hospital Board meeting of April 21, 2010; Lawrence Cultural Arts Commission Meeting of May 12, 2010; Traffic Safety Commission meeting of May 3, 2010; Sustainability Advisory Board meeting of May 12, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve claims to 309 vendors in the amount of \$3,766,043.64, and payroll from June 6, to June 19, 2010 in the amount of \$1,864,514.10. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve the Drinking Establishment License for Royal Crest Lanes, 933 Iowa St; and, the Retail Liquor License for City Wine Market, 4821 West 6<sup>th</sup>. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the Mayors recommendation and appoint Jane Husemann to the Public Transit Advisory Committee to a term that expires December 31, 2010.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to set a bid date of July 6, 2010 for the 2010 Concrete Rehabilitation Program. (City Bid No. B1040, Project No. PW1014) Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to set a bid opening date of July 13, 2010 for Gas Chromatography/Mass Spectrometer Instrument (Bid No. B1034). Motion carried unanimously. (2)

The City Commission reviewed bids for the 2010 Overlay Program, Phase 2, for the Public Works Department. (Project No. PW1006) The bids were:

VENDOR	TOTAL BID
Engineer's Estimate	\$1,449,998.20
<b>Kansas Heavy Construction</b>	<b>\$1,369,099.80</b>
R.D. Johnson Excavating	\$1,369,624.60

Bettis Asphalt & Const.	\$1,386,670.28
Little Joe's Asphalt, Inc.	\$1,436,691.40
Freeman Concrete Const.	\$1,698,800.60

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to award bid to Kansas Heavy Construction, LLC in the amount of \$1,369,099.80. Motion carried unanimously. **(3)**

The City Commission reviewed bids for one 25 ton vehicle lift for Public Works, Central Maintenance Garage. The bids were:

VENDOR	TOTAL
Myers Brothers of Kansas City	\$40,803.00
Heartland Automotive Equipment	\$45,752.00
Automotive Resources, Inc	\$54,370.00
Automotive Resources alternative bid	\$64,370.00
Mohawk Resources Ltd.	\$65,416.15
P.B. Hoidale Co. Inc.	\$71,300.90

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve purchase of one 25 ton vehicle lift for Public Works, Central maintenance Garage, from Myers Brother Equipment Co. of Kansas City in the Amount of \$40,803. Motion carried unanimously. **(4)**

The City Commission reviewed bids for leather structural firefighting boots for the Fire/Medical Department. The bids were:

Vendor	Total Bid
Casco Industries	\$25,152.90
Conrad Fire Equipment	\$25,585.00
Galls	\$25,809.00
Ed M. Feld Equipment Co.	\$26,597.50
Municipal Emergency Services	\$32,829.00

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to award bid to Casco Industries for \$25,152.90. Motion carried unanimously. (5)

The City Commission reviewed bids for the Wastewater Pump Station 04 Discharge Piping Replacement. (Bid No. B1036) The bids were:

<b>Vendor</b>	<b>Total Bid</b>
Meadows Construction	\$39,000
CAS Construction	\$25,400

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to the bid to CAS Construction in the amount of \$25,400, and authorizing the City Manager to execute a contract agreement. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to waive staff estimate and award the base bid for the Comprehensive Rehabilitation project at 216 N. Minnesota Street base bid only to T & J Holdings for \$25,600. The homeowner will provide funds in excess of the program limits of \$25,000. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to adopt on first reading, Ordinance No. 8536, establishing yield signs on Pleasant Street at 4<sup>th</sup> Street. Motion carried unanimously. (8)

Ordinance No. 8354, amending sections of the City of Lawrence Code to incorporate additional restrictions contained in the Kansas Indoor Clean Air Act was read a second time. As part of the consent agenda, **it was moved by** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (9)

Ordinance No. 8530, for Text Amendment (TA-1-1-10) to the City of Lawrence Land Development Code, Chapter 20, Sections 20-201, 20-223, 20-403, 20-509, and 20-1108 of the Code of the City of Lawrence, KS to permit Bars or Lounges and other changes in the MU (Mixed Use) District was read a second time. As part of the consent agenda, **it was moved by**

to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None.  
Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the Planning Commission's recommendation to approve Text Amendment TA-7-20-09, to various sections of the City of Lawrence Land Development Code to (1) revise language in sections 20-501 and 20-1703 regarding Adaptive Reuse of Designated Historic Property, and (2) revise language in sections 20-1310 and 20-1311 regarding Written Interpretations and Appeals of Administrative Decisions. Adopt on first reading, Ordinance No. 8533 and Ordinance No. 8535, to various sections of the City of Lawrence Land Development Code regarding Adaptive Reuse of Designated Historic Property and Written Interpretations and Appeals of Administrative Decisions. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve a temporary use of right-of-way permit for the closure of the 600 block of Massachusetts Street from noon-midnight on Saturday, October 9, 2010 for the Bert Nash Dash and Bash. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to adopt on first reading, Ordinance No. 8528, allowing the possession and consumption of alcoholic liquor on the 600 block of Massachusetts from noon to midnight on Saturday, October 9, 2010 for the Bert Nash Dash and Bash. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve the donation of city services in support of the Bert Nash Dash and Bash. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the City Manager to sign a Grant Agreement with the Federal Aviation Administration for funding of the Lawrence Airport Layout Plan/Airport Master Plan. The federal government

will provide ninety-five percent (95%) funding for this project, with a local match of \$12,455. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut** to concur with the Traffic Safety Commission's recommendation and approve the establishment of no parking along the north side of 13<sup>th</sup> Street between Oread Avenue and Louisiana. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** concur with the Traffic Safety Commission's recommendation and approve the removal of stop signs on 11<sup>th</sup> Street at Indiana Street and establish stop signs on Indiana Street at 11<sup>th</sup> Street. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** to authorize binding coverage for Property/Casualty Insurance from Hartford for the insurance period of July, 1, 2010 to July 1, 2011 for a premium of \$109,924, and authorize binding coverage for Fire/Medical Auto/Professional Liability/Portable Equipment with ESIP for the insurance period of July 1, 2010 to July 1, 2011 at a premium of \$61,090, plus the associated brokerage fee of \$16,510 to Arthur J. Gallagher, for a total of \$187,524. Motion carried unanimously. (18)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** to approve submission of a grant application for \$15,000 from the Sunflower Foundation for the construction of additional concrete trails in DeVactor Park. The grant requires a \$15,000 local. Motion carried unanimously. (19)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** to approve request from the Lawrence Cultural Arts Commission to allocate \$10,000 in 2009 Cultural Arts Commission carryover funds in the Special Recreation Fund to be used for the

purpose of establishing a Downtown Lawrence Arts District and a “Final Fridays” art event in downtown, with Downtown Lawrence, Inc. administering the project. Motion carried unanimously. (20)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the City Manager to execute the First Amendment to Commercial Lease Agreement and authorize the Mayor to execute the First Amendment to the Amended and Restated Ground Lease with Riverfront, LLC. These two agreements cover Riverfront, LLC financial responsibilities to the City for the City owned parking garage and the City’s continued lease of space from Riverfront LLC for the Planning and Development Services office space. Motion carried unanimously. (21)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut** to approve the Recovery Zone Facility Bond Reallocation Agreement. Motion carried unanimously. (22)

**CITY MANAGER’S REPORT:**

During the City Manager’s Report, David Corliss reported that Planning and Legal staff had completed a memo summarizing public notification for Planning related items; the city had updated the sales tax web page to include information from the Kansas Department of Revenue that lists all taxing districts in Kansas; a new sign was dedicated at the Rotary Arboretum, 5100 West 27th Street on Tuesday, June 8; and, an affordable housing project successfully completed the Neighborhood Stabilization Program. (23)

**REGULAR AGENDA**

**Conduct public hearing to consider the vacation of unused utility easements located in Lots 1,2,3, and 4, North Lawrence Addition Number Fourteen, as requested by Foust, LLC**

Mayor Amyx called a public hearing on the proposed vacation of unused utility easement located in Lots 1, 2, 3 and 4 North Lawrence Addition Number Fourteen.

Chuck Soules, Public Works Director, said the easement was for the vacation of an unused utility easement. A minor plat consolidating Lots 1-4 in North Lawrence Addition Number Fourteen was being processed and the existing easements were unused and crossed the proposed building location. New easements, encompassing existing utilities, would be proposed.

All utilities, city staff, and property owners within 200 feet were notified and no comments were received. Staff recommended approval of the vacation.

Mayor Amyx called for public comment.

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

**Moved by Chestnut, seconded by Cromwell** to approve the order of vacation. Motion carried unanimously. (24)

**Receive public comment concerning 2011 City budget issues**

David Corliss, City Manager, said the City Commission had a link to the study session material staff provided. Last week, staff wanted to provide the Commission with new information and in some cases, lack of new information. Staff had not received the final assessed valuation numbers and did not think those numbers would deviate from the numbers staff provided the Commission in some of the fund summaries.

Staff continued to look for opportunities to cut expenditures and in some cases provided additional expenditures. Earlier, it was indicated that staff thought it was appropriate for the City Commission to reduce the funding contribution for retiree contributions and was able to reduce some equipment expenditures that staff thought other sources could be used to help throughout the budget so it was being put back at its historic levels.

He said as he indicated last week, staff remained concerned about the health care fund, and were spending down retained earnings, not inappropriately next year, but staff needed to

continue to monitor that spending because in 2012 and 2013, he did not think it was sustainable without substantial rate increases, perhaps up to 20 percent. He said his recommendation in the budget was to fund retiree contribution at its historic levels.

He said staff was continuing to work as the Mayor directed, on the requirements for whole sale water users. He said what was likely to be seen was a budget that included a number with the understanding that could change later through discussions and negotiations with those whole sale rate users. He said none of the negotiations would be concluded by the time staff provided that budget recommendation next week. He said staff had some good ideas on how to be more aggressive than selling water to whole sale customers.

He said staff had continued discussions with Hamm Quarry regarding landfill rate increases. He said landfill rate increases would be a major financing challenge for the City.

He said he wanted the public to know this was not the only opportunity to participate in the budget, but could communicate with City Commissioners at any time. Staff's goal was to proceed with that statutorily required public hearing, for the budget, that would be established July 27, 2010. The maximum mill levy would have already been set at that point and could not be increased. The mill levy could not be raised at that public hearing and could be reallocated and/or cut, but the Commission could not increase the budget amount.

Mayor Amyx asked what the recommendation was for retirees insurance.

Corliss said he recommended funding retirees insurance at the historical level where the City provided 20 percent subsidy. He said it was different than what he had earlier indicated last week and what he told other. It was \$58,000 and it continued to be an appropriate expenditure for a number of reasons.

Mayor Amyx called for public comment.

Nathan Coffman, Vice President IAFF Local 1596, said he proudly represented 114 Union Firefighters with the Douglas County Fire/Medical Department. He said he wanted to address one issue which was the proposed change in staffing at one of their stations. In the

proposed budget, a change was made to move one firefighter from the station in Baldwin to the City of Lawrence and leave one firefighter to respond from that station. He urged the City Commission to look at that recommendation closely and find other items in the budget that could be changed and leave the current staffing in place. The change not only presented a safety concern to their members, but also a reduction of level of service that was provided to the citizens they served.

Mike McAtee, Chairman of the Lawrence Police Officers Association, said their members were in support of retiree benefits in reference to City employee retirees.

He said LPOA requested that City department heads and supervisors review Resolution No. 6817, regarding employee organizations, to make sure that resolution was followed in this process and in the future.

He said taking care of retirees was an important step for the citizens of Lawrence and important for the recruitment and retention of quality employees.

Mayor Amyx said the City Commission appreciated the time and effort of this community and City employees to make sure projects that were important were considered in the budget.

(25)

**Receive staff report concerning possible amendments to the City's Community Improvement District (CID) and Transportation Development District (TDD) policies.**

Roger Zalneraitis, Economic Development Coordinator, the City Commission conducted a study session on May 24 to review the Community Improvement District (CID) resolution that was passed on May 11, 2010. Based on those discussions, the following 3 items appear appropriate for CID Policy discussion:

1. additional language related to retail;
2. a super majority vote;
3. signage at stores within CID's that collected special sales taxes.

He said the purpose of the resolution was to provide guidelines and protect the City's interests.

Mayor Amyx said the additional language related to retail that came from former Commission Highberger, was discussed in the Public Incentive Review Committee (PIRC). He asked if that information was to be forwarded to the City Commission.

Zalneraitis said the information was in the PIRC minutes.

Mayor Amyx called for public comment.

Tom Kern, President of the Lawrence Chamber of Commerce, said the real key to this question from the Chamber and the business community's perspective was why the City wanted to create a policy that would deter people or not encourage people to do business, retail and commercial development in this community. He said adding additional requirement to the CID policy could be perceived and would likely be perceived by individuals in the business community as deterrents to that type of commercial improvement.

He said he recalled that the City Manager stated there was only one job and that was to grow jobs in Lawrence and increase tax base which the Chamber had tried to do. He said they wanted policy that encouraged business development in this community and not discourage it. There was no other city in the State of Kansas that had the requirements the Commission was considering for the CID and that was indication that it was not an issue that others had brought forward and it did not appear to be an issue in other communities. There were a number of those special taxing districts. He said concerning special taxing districts, citizens in Lawrence did not particularly want to look at incentives that spread a business incentive across the entire base and CID's and TDD's provided an opportunity to provide the business incentives necessary to the users of those facilities instead of to the general taxpayers as a whole. He said with that and especially regarding retail, was a more equitable way to provide the business incentives necessary to do those improvements.

Cheryl Viccars, Block and Company, a Commercial Real Estate business, said she came to the Lawrence Market about 9 months ago. She said she heard through the retail shopping center and the real estate industries, that Lawrence was anti-growth, but had not seen that in the last nine months she had been in Lawrence. She said she talked to a number of retailers that wanted to enter Lawrence market. Anything that could be done as far as pro growth with guidelines and managed properly was a good thing. She said the incentive programs that a lot of areas were adopting could be a very positive thing with the discussion and the guidelines.

She said there was a shopping center called "The Legends" in Kansas City, Kansas, that a former employer of hers worked to create a beautify lifestyle center and those types of things were only possible with those types of benefit districts. People that were looking at it from a prospective of just sales tax and did not think of the great benefits to a community were being shortsighted on what could come to a community and change everything.

Bill Fleming, Treanor Architects, said those types of programs were very important to retailers, developers and anyone looking to do retail development in the City and wanted to emphasize that there was a sales tax, but there was also a lot of other benefits that flow to the community tax base, retail sales from outside the community being brought to town and those were the types of benefits that those districts created. The narrow focus on just this small sales tax ignored all those other benefits that were brought to this community by those developments. He said he encouraged the City Commission not to approve by a supermajority and it was not necessary and there were other process in place if someone filed a protest petition. There were other ways to make sure the community was protected through planning and zoning processes.

Hank Booth, Lawrence Chamber of Commerce, said regarding the historical significance which he grew up seeing the mall and Hillcrest Shopping Center and watched the community grow and develop. The building built back in the 1950's and 1960's, in many cases, needed extensive retro fitting in order to fit into the ideas and concepts the City received for

sustainability. There was an opportunity to refit and make those spaces full again, but if taking away the opportunity to rebuild some of the existing retail that in many cases, sat empty of an extended period of time, by giving the opportunity to the developer to bring in the resources necessary and use the CID for that development. He asked the City Commission to carefully consider putting any of those stop signs in front of developers that might like to have the incentive to recreate retail that was old.

Mayor Amyx said he brought up the idea of placing signs in certain areas for notification purposes. He said he did not understand why the public should not be notified on the costs, even if charging more than normal.

He said when the City Commission considered Transportation Development Districts he did not understand the public's concerns, until after the fact. In looking at an additional special taxing district, the Commission had the opportunity to look at the City's policy. He said the idea of special consideration, supermajority vote, and the signage was necessary, after he received public comment last month.

The additional language related to retail would be used in special situation. He said he liked the idea of signage, supermajority vote, and language for retail.

Commissioner Dever said the Commission had a lot of comments and questions regarding why the City should notify the public of this additional sales tax which was requested by the developer and not by the City. He said he tried to figure out why this was a problem because he always thought in receiving input and that it was a matter of information. The biggest concern about only posting this information on the internet and not everyone was internet savvy, web pages, and the GIS to figure out the special taxing district. He said he had done a search and had a difficult time finding examples of communities that successfully passed that type of notifications or extraordinary notice of a sales tax in an area.

He said the State of Missouri passed a law in 2007, that required any transportation development district (TDD) which was formed in the State of Missouri, to specifically posts and

displayed the rate of the sales tax imposed or increased at the cash register area. He said this law had been enforced for 3 years, and it had done away with the exuberance and verb that used those TDD's. He said he was not able to find an example of cities that were imposing this same requirement on CID's, but ultimately, those CID's were very similar. He said CID was taxation that occurred without public vote and a lot of input and could be done administered by this quasi judicial body. He said the Commission needed to consider what the intension was with the TDD's in the State a Missouri.

He said the largest retailer in the world, Wal-Mart, had a corporate policy that stated that when located in a CID, it was their policy to post that additional incremental sales tax increase.

He said the City Commission needed justification and cause for this notice and was it fair to require one set of taxing districts, but not others.

Commissioner Chestnut said the additional language seemed appropriate.

He said relative to the supermajority and signage. He said in leading this retail task force, it was obvious the City was not competition against the State of Lawrence, but Overland Park, The Legends, Topeka and others. He said he was commenting purely on the message and where the City was in looking at the competitiveness, because Kansas chose to pass it without those restrictions. He said he had concern in looking at site selections that when looking in the area, the City was adding additional requirements.

He said he was not commenting on appropriateness and thought it was good that Wal-Mart took that approach. He said he was concerned, as a governing body, if adding that requirement, they were talking about CID was something the City was not encouraging. He said it was an important "tool" in the "tool kit", particularly for redevelopment.

He said he was concerned that if the City did not encourage CID development, the City would see all the retail moving to the parameter, not the City's intent, but the impact relative to how developers were going to see what was before them and not wanting to go down that path.

He said this was a land uses issue just like any other land use issue and there were a number of those issues that required a simple majority. Again, he was questioning what the City was making a statement about how they were viewing those incentives. He said on a final development plan or a lot of the other land use issues unless there was a valid protest petition, the City required a simple majority, but yet with this, the Commission wanted to set aside a supermajority. He said the statement the City was making was making it more of a gauntlet than they would in the other planning process.

He said in discussions regarding the CID's, there were important things that were included in the policy and what they really wanted those CID's to be used for. He said it should be toward redevelopment and not new retail development. He said this was the opportunity for the City Commission to look at supporting neighborhoods, in redeveloping retail closer to those neighborhoods and not have an area such as 31<sup>st</sup> and Iowa and a few other corridors as the only retail in town and the City was migrating toward that and hoped the City could reverse that trend.

Commissioner Johnson said this was a good opportunity for economic development, but he felt like the Commission was ready to fumble the ball. It was sending a message that the Commission was not doing the right thing and not wanting new businesses. He said he agreed with Commission Chestnut on where to use a CID, but there were some opportunities. If a development went above and beyond regarding aesthetic items that might be a special circumstance the City should look at. He said he did not want to only take into consideration rehabilitation of existing buildings, but it was a great tool to use for old buildings, in-fill, and a way to take old stock and bring it up, but there were times for special circumstances.

He said he did not have any problem with the wording change suggested by former Commissioner Highberger. He said regarding the signage, it was a lot to do about nothing on both sides, but he was not in favor of that approach. He said there were ways of educating the

public and there was an open process for developments. He said Commissioner Chestnut had a great idea to place sales tax information out on the City's website.

He said regarding a supermajority vote, it was sending a message that the City was not for economic development.

Vice Mayor Cromwell said he did not think the City Commission wanted to send that message and the City Commission tried to make it clear they were interested in economic development. He said this was a tool that had its place, but was in favor of that unique language.

He said he shared the concerns about signage and communication and wondered how to treat everyone fairly because of those different taxing districts and those districts needed to be treated equally. Furthermore, this was a community that did not know what was being paid in sales tax anyway. He said he liked the idea of discussing a requirement that everyone post sales tax.

Commissioner Dever said he liked the idea of informing the community what they were paying and whether that was via sign or via pre or post transaction attempt at notification was a fair middle ground. Trying to make it more difficult to use those tools was not his intention. He said the tools were created to help spur economic development as an opportunity to try and stimulate positive infill and positive development that exceeded to went beyond that which could be done normally. He said why create a rule if it was going to do anything to diminish that. He said he was not in the favor of creating rules that would diminish the use of a tool that was created by the State of Kansas to develop. Rather than mess with this tool, he would not create a resolution in the City if that would help spur the use of this development. He said he did not want to create more ordinances and about the concept of needing to weigh in on this matter any further than the state. If the city was weighing in, he asked if it sent a message to people that wanted to come to this community that the City was more difficult to do business because the City would have adopted a higher set of standards to use those tools. The concept of sending a

message to people about Lawrence being difficult, the City was already doing that by creating a subset of rules by which a developer needed to follow in order to use the tool in this community or even think about using this tool before coming to the City Commission. He said in the absence of ideas the City Commission created to help make it better for Lawrence, he was in favor of making it simple to use and by a supermajority, he did not think it created a simple approach and made it more difficult. He said he did not want to send that message.

As far as additional language, he did not have any problem using the language that was put forth and “exceptionally” and “unique” could be interpreted in many ways, but it was important to use those words in their true spirit, if adopting that language.

As far as notification, he tried to give everyone some information as to what other people were doing. It was difficult to ask one taxing group to do something and not expecting other special taxation groups to do the same. It leveled the playing field and created less than an appearance of unfairness. He said he liked the idea of a uniform approach to all special districts and to make it simpler by asking people to post the sales tax rate across the board.

Mayor Amyx said the supermajority concept was not a good idea to follow and should strike that idea. He said he suggested working on the additional language related to the retail. He said all they had to do was come to a decision on this signage. He said he liked the idea of notification on sales tax rates. He suggested a small ad hoc group to come to some agreement on signage. He said consumers had the right to know their tax rates.

Commissioner Johnson said if the Commission was going to require one district to post sales tax then all district should post sales tax. He said he suggested making it voluntary, and people voted with their dollar and this was about the businesses.

He said concerning transparency, most businesses were for that concept, it was when the government started regulating, giving the businesses a negative message.

Commissioner Chestnut said as far a sales tax, it was kind of a unique idea. He said he would like to know, not so much in Lawrence, but other communities.

Kern said he was encouraged by the conversation and would be happy to explore a number of options. He said Vice Mayor Cromwell had brought up an interesting concept of trying to treat everyone the same because Lawrence had a number of different taxing districts in Lawrence besides TDD's, CID's and TIFF's. The entire hospitality industry was another taxing district. When walking into a hotel in Kansas, a consumer paid a sales tax, bed tax of 6 percent and that information was not posted. He said he did not want to send a message through a signage that sent a negative message to someone.

Another concept that had been discussed was the idea of placing that information on the sales tax receipt which could be easily done through computer software of cash register's and everyone could identify the taxes.

David Corliss, City Manager, said there was one pending application which was the 23<sup>rd</sup> Street, Ousdahl area and asked if the City Commission wished to wait and hear that application until the policy was changed.

Mayor Amyx said the policy was already in place and the application could be placed on a future agenda under the current policy.

Corliss said it was also the Commission's direction to wait to make the change on the "unique" and "exceptional" to the resolution, until proceeding to the issue of notification.

Mayor Amyx said everything could be done at the same time. (26)

**Consider a request to establish a multi-way stop at the intersection of 11<sup>th</sup> Street and Louisiana.**

David Woosley, Transportation/Traffic Engineer, said this request was approved by the Traffic Safety Commission on a split vote of 5-2 vote. The traffic counts, taking into consideration, vehicles only were not sufficient to require an all-way stop at that location, but there were a large number of pedestrians that crossed that intersection and that could be added in to take into consideration the needs. He said TSC felt that was sufficient enough to warrant an all-way stop at that location.

There were some concerns expressed with the hill on both sides, snow plows in the winter as well as other large vehicles, particularly passenger cars that had standard transmissions. Overall, the TSC felt there was a need to provide safety in that area. It was currently an all way stop at that location and was a temporary installation to handle the detour traffic around the construction site of the Oread Hotel, about eighteen months ago. The signs were in place and should stay in place.

Mayor Amyx asked about the ice and snow in the winter and what types of problems had happened at that location.

Woosley said at that particular location, there was no accident history at this location for the time period the City had records. He said there was a potential with the number of students that had to cross at that location, but no history at this point.

Chuck Soules, Public Works Director, said 11<sup>th</sup> Street was on Public Works priority 1 route.

Mayor Amyx called for public comment.

Jennifer Wamelink, Associate Director for Residence Life in the Department of Student Housing at Kansas University, said she was present to reiterate their support for the multi-way stop and the TSC request that a multi-way stop remain at that intersection. Again, they were responsible for the safety of 600 to 700 currently predominately, freshman women that lived in that complex and it was their primary route from that residence hall complex to Jayhawk Boulevard. She said they supported maintaining that multi-way stop.

Mark Witt, Captain at KU Public Safety, said they wanted to state their support for the multi-stops at both 11<sup>th</sup> and Mississippi, and 11<sup>th</sup> and Louisiana.

**Moved by Cromwell, seconded by Dever** to approve request to establish a multi-way stop at the intersection of 11<sup>th</sup> Street and Louisiana Street. Motion carried unanimously. (27)

**Consider a request to establish a multi-way stop at the intersection of 11<sup>th</sup> Street (east leg) and Mississippi Street subject to reconstruction of the private driveway on the west leg of the intersection.**

David Woosley, Transportation/Traffic Engineer, said 11<sup>th</sup> Street and Mississippi Street were classified as collector streets. This was for the east leg of 11<sup>th</sup> Street. When adding in the traffic that enters and exist the driveway on the west leg of that intersection, then it did meet the minimum requirements, traffic wise for consideration of a multi-way stop. That had been in place for a little over 18 months and put in place to help with the traffic flow and detours around the construction of the Oread Hotel.

There was a concern about the actual location of the stop sign for southbound traffic because of the wide throat on that private driveway going into the KU parking lot, that stop sign was currently about 60 feet south of the intersection. He said people tended to miss that stop sign, especially when coming down 11<sup>th</sup> Street from the west, and making a right turn.

He said representatives from the University at the TSC meeting, indicated they would be willing to reconstruct the throat of that driveway so the stop sign could be installed up closer to the intersection where it was more visible and a place that the motoring public would expect to see a stop sign if it were in place.

Mayor Amyx called for public comment.

Peg Livingood, Office of Design and Construction Management at the University of Kansas, said representatives of KU appeared before the TSC several weeks in support of this proposal and were present to reiterate their support for the proposal. She said this was passed by the TSC on the contingency that KU made the necessary improvements to the curb line. She said KU had agreed to do that and the project was in the design phase. They anticipated completion of construction prior to the start of the fall semester.

Mayor Amyx asked if the new driveway lined up with the street across.

Livingood said they would maintain the current alignment and make the improvements to the Mississippi Street curb line. Currently it flared when turning into the parking lot entrance and would be brought back out to the existing curb line and have the necessary turning radius.

**Moved by Chestnut, seconded by Johnson** to approve request to establish a multi-way stop at the intersection of 11<sup>th</sup> Street (east leg) and Mississippi Street subject to reconstruction of the private driveway on the west leg of the intersection. Motion carried unanimously. **(28)**

**PUBLIC COMMENT: None**  
**FUTURE AGENDA ITEMS:**

07/06/10

**REGULAR AGENDA:**

- Receive public comment on proposed Library expansion referendum. Consider adoption of Charter Ordinance placing item on November 2010 ballot.

**ACTION:** Receive public comment and direct staff as appropriate.

- Consider authorizing a Resolution of Intent to issue up to \$18,000,000 in Qualified Energy Conservation Bonds and/or state allocated Recovery Zone Facility Bonds, with conditions, for Bowersock Mill & Power Company's hydro power plant.
- Discussion of landfill rates.

**CONSENT AGENDA:**

- Approve Special Use Permit, SUP-3-4-10, for the construction of the North Bowersock Mills & Powerhouse, Utility and Service, Major, located at 1000 Powerhouse North Road. Submitted by Bowersock Mills & Power Company, property owner of record. Adopt on first reading, Ordinance No. 8529, for Special Use Permit (SUP-3-4-10) for the construction of the North Bowersock Mills & Powerhouse, Utility and Service, Major, located at 1000 Powerhouse North Road. (PC Item 1; approved 7-0 on 5/25/10)
- Approve Text Amendment, TA-4-6-10, to the City of Lawrence Land Development Code, Chapter 20, Article 12 to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.

07/27/10

- Public hearing on 2011 City Manager's Recommended Budget and adoption of Ordinance on first reading.

08/03/10

- 2011 City Manager's Recommended Budget adopted on second reading.

November

- Receive status report on LCS relocation efforts.

TBD

- Receive status update on the property at 331 Johnson Avenue on violation of City Code Sections 9-6011 (A) and (C). Receive additional code enforcement information as directed by the City Commission. Authorize staff to proceed with enforcement actions if appropriate.

**ACTION:** Direct staff as appropriate

- 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.
- Approve Special Use Permit, SUP-3-4-10, for the construction of the North Bowersock Mills & Powerhouse, Utility and Service, Major, located at 1000 Powerhouse North Road. Submitted by Bowersock Mills & Power Company, property owner of record. Adopt on first reading, Ordinance No. 8529, for Special Use Permit (SUP-3-4-10) for the construction of the North Bowersock Mills & Powerhouse, Utility and Service, Major, located at 1000 Powerhouse North Road. (PC Item 1; approved 7-0 on 5/25/10)
- Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.
- Receive request from Lowe's for formation of a Community Improvement District (CID).
- Receive request from Lawrence 1714, LLC, Lawrence 23 Ousdahl, LLC, and Got-Mor, LLC for formation of a Community Improvement District (CID) near 23<sup>rd</sup> and Ousdahl Streets. This item was deferred from the May 18, 2010 City Commission Meeting.

**COMMISSION ITEMS:**

**Moved by Chestnut, seconded by Cromwell** to adjourn at 8:02 p.m. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Mike Amyx, Mayor

**ATTEST:**

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

## **CITY COMMISSION MEETING OF June 22, 2010**

1. Bid date, July 6, 2010 - B1040, Project No. PW1014, 2010 Concrete Rehabilitation Program
2. Bid opening, July 13, 2010 -Bid No. B1034; Gas Chromatography/Mass Spectrometer Instrument
3. Bid - PW1006, 2010 Overlay Program, Phase 2; Kansas Heavy Const, LLC - \$1,369,099.80.
4. Purchase one 25 ton vehicle lift for Public Works, from Myers Brother Equipment Co. \$40,803.
5. Bid - leather structural firefighting boots - Casco Industries for \$25,152.90.
6. Bid B1036-Wastewater Pump Station 04 Discharge Piping Replacement - CAS Const. - \$25,400.00 - contract agreement
7. Base bid - Comprehensive Rehab project -216 N. Minnesota - T & J Holdings \$25,600
8. 1<sup>st</sup> Read Ord.8536, establishing yield signs on Pleasant Street at 4<sup>th</sup> Street
9. 2<sup>nd</sup> Read Ord 8354, amend sections of City Code - Kansas Indoor Clean Air Act
10. 2<sup>nd</sup> Read Ord. 8530-TA-1-1-10 Land Development Code, Chapter 20, Sections 20-201, 20-223, 20-403, 20-509, & 20-1108-permit Bars/Lounges & other changes in MU District.
11. 1<sup>st</sup> Read Ord. 8533 & 8535-TA-7-20-09 - Land Development Code – sec. 20-501 & 20-1703 Adaptive Reuse of Designated Historic Property, (2) sec.20-1310 & 20-131-Written Interpretations & Appeals of Administrative Decisions.
12. ROW –close-600 blk Mass, 12pm-12am, October 9, 2010 - Bert Nash Dash & Bash.
13. 1st Read Ord. 8528, allowing possession & consumption of alcoholic liquor on the 600 blk of Mass. 12pm-12am October 9, 2010 for the Bert Nash Dash & Bash.
14. Donation of city services - Bert Nash Dash & Bash
15. Grant Agreement -Federal Aviation-funding Lawrence Airport Layout Plan/Airport Master Plan.
16. Approve no parking along north side of 13<sup>th</sup> between Oread and Louisiana
17. Remove stop signs on 11<sup>th</sup> at Indiana - establish stop signs on Indiana at 11<sup>th</sup>
18. Property/Casualty Ins.- Hartford - 7/1/10 -7/1/11 - \$109,924, & binding coverage - Fire/Medical Auto/Professional Liability/Portable Equipment with ESIP 7/1/10 - 7/1/11 \$61,090, + fees of \$16,510 to Arthur J. Gallagher, for a total of \$187,524.
19. Grant application - \$15,000 - Sunflower Foundation-additional concrete trails- DeVictor Park
20. \$10,000-09 Cultural Arts funds-Downtown Lawrence Arts District “Final Fridays” art event
21. First Amendment - Amended and Restated Ground Lease with Riverfront, LLC.
22. Recovery Zone Facility Bond Reallocation Agreement
23. City Managers Report

24. Public hearing - vacation utility easements - Lots 1,2,3, and 4, N. Lawrence Addition 14
25. Public Comment- City 2011 budget
26. Staff report \* amendments to the City's Community Improvement District (CID) & Transportation Development District (TDD) policies
27. Establish multi-way stop - intersection of 11<sup>th</sup> & Louisiana
28. Establish multi-way stop - intersection of 11<sup>th</sup> (east leg) & Mississippi –reconstruction private driveway west leg of intersection.