



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

July 6, 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 60 minutes to discuss 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 is to keep personnel matters and attorney-client matters confidential. Motion carried unanimously.

The Commission returned to regular session at 6:28 p.m. Mayor Amyx read the following statement: "The City Commission received a complaint concerning comments made by City Manager, David Corliss, at the June 10th, Health Care Committee meeting. After receiving the complaints, the Mayor requested that the City Attorney conduct an investigation of the complaints and conduct a thorough, independent review. The City Attorney engaged the services of Steve McAllister, former Dean of the Kansas University School of Law, to investigate the matter as an unbiased, outside observer. Numerous individuals were interviewed, some were at the meeting, some were not, and the City Manager was also interviewed. The results of the McAllister report have been provided to each member of the City Commission. The report will be released to the complainants and the public on Wednesday."

Moved by Chestnut, seconded by Cromwell, to authorize the Mayor to release the report from the special investigator on Wednesday afternoon at 1:30 p.m. in the City Commission chambers. Motion carried unanimously.



The City Commission took a short break until 6:35 p.m.

The regular meeting resumed in the City Commission Room at 6:35 p.m.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Amyx proclaimed the week of July 12 through 18, 2010 to be National Therapeutic Recreation Week; and, the month of July as Parks and Recreation Month.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to receive the Public Health Board meeting minutes of April 19, 2010; Planning Commission meeting minutes of May 24, and May 26, 2010; Hospital Board meeting minutes of May 19, 2010; Parks & Recreation Advisory Board meeting minutes of June 8, 2010; Aviation Advisory Board meeting minutes of May 19, 2010; Mental Health Board meeting minutes of May 25, 2010; Board of Plumbers and Pipe Fitters meeting minutes of May 19, 2010 Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve claims to 271 vendors in the amount of \$3,515,066.98 and payroll from June 20, 2010 to July 3, 2010, in the amount of \$1,877,751.85. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the Drinking Establishment license for The Sandbar, 17 East 8th Street; On The Border Mexican Café, 3080 Iowa Street; KOKORO, 601 Kasold Ste. D102 & 103; the Retail Liquor License for Ray's Liquor Warehouse, 1215 West 6th Street; and the Sidewalk Dining and Hospitality License for Southern Cuisine, 1008 Massachusetts and Angler's Seafood House, 1006 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set a bid opening date of July 27, 2010, for Bid No. B1043 for 12" Class 50 Ductile Iron Pipe, Fire Hydrants, Valves, Pipe Fittings and Meter Parts. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set bid date of July 20, 2010 for City Bid No. B1042, Project No. PW0929, 2009 Sidewalk Gap Program. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set bid date of July 20, 2010 for weatherization and repairs including replacement of siding, windows, and HVAC and installation of attic insulation at 1520 Haskell Ave., Boys and Girls Club. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve payment of \$22,724.85 to RD Johnson for emergency forcemain repairs at Pump Station 32. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the purchase of asphalt paving material to repair the roads in Oak Hill Cemetery for \$30,000. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve Change Order No. 3 for Fairfield East Addition No. 1, Exchange Place and Fairfield Street for street, storm sewer, and waterline improvements in the amount of \$4,000. This is one hundred percent (100%) special assessment benefit district cost. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the sole source purchase of "Tech Crete" concrete patching materials and rental of application equipment in the amount of \$61,470. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt on first reading, Ordinance No. 8537, removing stop signs on 11th Street at Indiana Street and establishing stop signs on Indiana Street at 11th Street; establishing a multi-way stop at the intersection of 11th Street and Louisiana Street, and establishing a multi-way stop at the intersection of 11th Street (East Leg) and Mississippi Street subject to reconstruction of the private driveway on the west leg of the intersection. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt on first reading, Ordinance No. 8538, establishing no parking along the north side of 13th Street between Oread Avenue and Louisiana Street. Motion carried unanimously. (9)

Ordinance No. 8536, establishing yield signs on Pleasant Street at 4th Street was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (10)

Ordinance No. 8533, regarding various sections of the City of Lawrence Land Development Code regarding Adaptive Reuse of Designated Historic Property, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (11)

Ordinance No. 8535, regarding various sections of the City of Lawrence Land Development Code regarding Written Interpretations and Appeals of Administrative Decisions was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (12)

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 was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the Planning Commission's recommendation to 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. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt on first reading, Ordinance No. 8541, for 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. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the Planning Commission's recommendations to approve the Final Plat (PF-4-3-10), for Bauer Farm, a one lot residential subdivision containing approximately 4.9 acres, located at 4700 W 6th St. Submitted by Landplan Engineering, for Free State Group, LLC, Free State Holdings, Inc, and Bauer Farms Residential, LLC, property owner of record; and, accept the dedication of easements and rights-of-way subject to the following conditions:

1. Recordation of revised maintenance agreement prior to the recording of the Final Plat with the Register of Deeds Office;
2. Provision of a revised Master Street Tree Plan and graphic which includes street trees for the street right-of-way being shown along the west property line on the Preliminary Development Plan. A note may be added to the street tree plan clarifying the status of the street to the west;
3. Provision of a revised final plat with the following changes:
 - a. Planning Commission chairperson signature blank updated to 'Charles Blaser'.
 - b. Dimensions of the access break on Overland Drive included on the plat.
4. Provision of the following fees and documentation:
 - a. Recording fees made payable to the Douglas County Register of Deeds.

- b. Street sign fees as determined by the City Traffic Engineer.
- 5. Pinning of lots in accordance with Section 20-811(g)(8) of the Subdivision Regulations.
- 6. Submission of public improvement plans prior to the recording of the Final Plat with the Register of Deeds Office.

Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to execute a Scope for Services with George K. Baum & Company for financial advisory services related to the refinancing of the City's water State Revolving Loans at a cost not to exceed \$35,000. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to execute a lease agreement with Willow Domestic Violence Center (WDVC) for office space in the City owned building located at 1920 Moodie Road. Motion carried unanimously. (18)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize City Manager to execute contracts for the acquisition of 547 Maple Street and 500 Blk. #5 (the vacant parcel immediately north of 547 Maple) for a total amount of \$115,000 for future construction of the Maple Street Pump Station. Motion carried unanimously. (19)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss reported that 15-minute parking meters were installed in Downtown Lawrence; the East 23rd Street construction (KLINK Project) began July 6th; the 23rd Street bridge replacement project was programmed for 2012 construction; a 2010 Legislative summary was prepared by League of Municipalities; Toni Wheeler, Director of Legal Department was elected secretary of City Attorneys Association of Kansas (CAAK); Utilities staff and program was showcased in *Opflow*, a national publication put out by the American Water Works Association; Lawrence named as one of the "America's best college towns" to visit by MSNBC.com; City Clerk, Human Resources and Risk Management became

part of the City Manager's Office. In addition, City Clerk forms were redesigned to promote ease of use by Mike Coffey, Software Specialist, and a web-based version was being developed by Eric Gruber, eGov Coordinator (20)

REGULAR AGENDA

Receive presentation and public comment regarding placing the Lawrence Public Library expansion project referendum on a future ballot. Consider adopting on first reading, Charter Ordinance No. 40, authorizing the November 2, 2010 ballot question to the voters of Lawrence concerning authority to issue up to \$18,000,000 in general obligation bonds for the renovation and expansion of the library and related parking facilities and Ordinance No. 8544, calling a special election on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40 and adopt Resolution No. 6893, authorizing the publication of a notice of special election on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40. Adoption of a charter ordinance requires a supermajority, or at least 4 affirmative votes.

David Corliss, City Manager, said Gilmore and Bell, the City's bond counsel, was involved in preparation of those documents.

He said the City did not adopt Charter Ordinances often, but the key was that it required 4 votes. Most Charter Ordinances the City Commission would consider adopting had an opportunity for a protest period and if there was a successful protest, then it had to be stopped or placed on a ballot. In this case, this public library project would simply be placed on the November 2nd ballot with no protest period.

Steve Clark, Gould Evans Architects, said the needs for a new public library were the following:

"The current library is 39 years old, built in 1972 when the population of Lawrence was half its current size, and circulation was one quarter of what it is today.

The children's room is one of the most popular areas of the library but lack of space limits programming and requires books to be displayed on adult height shelving.

Demand for public meeting rooms goes unmet. Last year the Library turned away 200 meeting room requests.

The Library is not meeting the current standards for accreditation providing only one-third of the public access computers required.

"Back room" library functions are outdated and out of space challenging the ability to provide good customer service.

Parking is inadequate, particularly during the summer when the outdoor pool is open.”

He said the solution to the problems were the following:

“20,000 additional new square feet and renovation of existing spaces towards improvement of every major area of the library.

Double the size of the children's area allowing space for age appropriate shelving and a child specific programming and activity area.

Double the size of the community meeting rooms allowing for more appropriately sized rooms to be offered to the public.

Add 100 new public access computers

More space for popular display of books, seating and reading areas, and other materials
Improved energy efficiency, health and safety improvements (LEED building)

New systems for materials management/check out

Double the current amount of parking.”

Mike Machell, Chair of the Lawrence Pubic Library Board of Trustees, said demand for library services continued to increase significantly, despite the availability of alternative sources of information, such as the internet. In fact, the library circulation increased 11 percent from 2008 to 2009 and in the last 10 years, jumped 124 percent.

On June 1, 2010, the library logged its busiest day ever with nearly 8,000 items checked out in a single day. The board carefully considered what those trends meant to the community today and in the future and the proposed plans adequately met those needs. This was the right time to move forward on expansion plans. It was not often that there were public projects with the potential to benefit so many across the community. In the City of Lawrence for example, 70 percent of the City's residents were registered library patrons.

In the past, public projects had provided an economic benefit to the community. Despite the soft economy, the library and expansion renovation project presented an opportunity to benefit local workers and businesses. Aside from that, many people rely on information,

computer classes, networking opportunities and public computer access that the library offered in order to find a job or start a new business.

Although some taxpayers might express reservations in actuality their ability to provide services to those patrons might ultimately result in a positive impact to the community's tax base.

Expansion at their current site was the right decision for the community. The library was firmly committed to being a destination site anchored in Downtown Lawrence. In addition to expanding the children's area, providing additional computers and increasing meeting space availability, the architect's plans anticipated the library would be a venue to host public events, both inside and outside the library. Moreover, those plans addressed the joint parking requirements for the library, the pool and the Senior Center.

The input received from the community was overwhelmingly positive and they anticipated strong, broad based support across the community for this measure. They were confident that if voters were given the opportunity to approve an expansion for the library, they would do so. They respectfully requested City Commission support to give voters that opportunity.

Mayor Amyx asked if the design of the building close to what the library would look like.

Clark said they worked with a large steering committee to come up with those plans and the committee addressed the needs identified. If the library project passed in November, there would be a design committee and the design could be modified based on that group, moving forward.

Mayor Amyx said several people asked that question and thought they were getting close in number of square foot increase.

Mayor Amyx called for public comment.

Dickie Heckler said he liked the design concept with the lighting which resembled Johnson County Library. The Library was a wonderful resource for adults and children and was

a place people visited with some degree of frequency. There were a mountain of books for parents to read to their children, and if wanting to know who was cutting corners on appliances, cameras or cars there was always plenty of consumer reports to satisfy curiosity. The Library was also a great resource for the musicals of yesteryears.

The city should always maintain its existing resources and did not want the Library to become a victim of demolition by neglect, as it was too valuable to the community. He said he voted "Yes" to the library project, but wanted to introduce a fiscally responsible approach, and a taxpayer friendly proposal. The options he was going to present were options the city could live with and there would be no need to increase any taxes.

He said he proposed that the one cent sales tax that was passed in 1995 be considered as a source for funding for the rebuilding of the library. That particular sales tax could generate up to \$14,036,301 as of 2009 and would be more in better years. The City portion of a one cent County sales tax could generate up to \$8,609,331 as of 2009 and would be more in better years. Together, the two amounts came to a combined total of \$22,645,672 and again, would be more in better years. He suggested using a portion of that to fund our library reconstruction and consider using 10% of that money annually to fund the library over the next 10 years. He said his choice was the following:

- A) Use 10% of the \$22,645,672 which was an annual contribution of \$2,264,567.20 for 10 years and would pay off the project
- B) Consider just using the 1995 city sales tax which provided \$1,403,630.10 for 15 years.

He said allow the taxpayer to decide to pay for the library project and how much the community should be donating in a 10 or 15 year period, or perhaps consider 5% of the \$22 million instead of 10%, which would string out the payments, but the money would be available and the library project would be paid off without increasing taxes of any sort.

He said his least desirable choice was increasing personal property tax, but would vote “yes” anyway. There were other options more fiscally responsible.

Diane Grantlow, Chair of the Friends of the Lawrence Public Library, said the Friends wanted to thank the Commissioners for continued support of the community library by the City’s yearly funding and individual support for fundraisers, held to supplement the library budget.

The Friends of the Lawrence Public Library was a membership organization of more than 600 individuals and families who supported the library by raising funds through semi annual book sales and supporting the library with other volunteer efforts. Each year, their organization raised approximately \$70,000 to help library programs and had been around as long as the present library building which was almost 40 years. There were many volunteers that worked all year long on the library’s behalf and were supporting the library’s expansion.

The Friends wanted to encourage the City Commission to place the concept of an expanded downtown library building on the November ballot. The library provided a place where everyone was welcomed to utilize books, music, videos, computers and magazines. The library helped individuals with tax information, business enterprise, computer learning and genealogy, just to name a few of the many activities that took place everyday. All those activities were available free to everyone.

The Friends of the Lawrence Public Library hoped the City Commission would vote to place the needed library expansion on the ballot in November and commit to promoting its passage so that Lawrence could have a library that provided for the community’s present and future growth.

Thomas Howe, Chair of the Public Library Foundation, said their library foundation encouraged the support for the bond issue. The Public Library Foundation believed that a strong and vital library was a key piece to any community. The Lawrence Public Library was currently out dated. He said the Foundation had appreciated the Commission’s support in the

past and looked forward to their support for this particular issue. The Library Foundation was willing and able to do what they needed to do in order to help this come to pass.

Alice Ann Johnston, Co-Chair of The Citizens Committee, Vote "Yes" for the Library, to advocate for the renovation and expansion of the library and the adjoining parking lot. The number of members of this committee kept growing and now had 92 members on their steering committee. She said this was a grass roots effort in order to save the project and have the library project on the ballot in November.

If the City Commission with the renovation and expansion of the library, their committee was poised to immediately start working. A letter would be mailed promptly, asking citizens for funding for the community library, informing the citizens about this project, through the fall season. A website was designed, to help inform the community. A great community deserved a great library and she respectfully asked that the City Commission give the committee the opportunity to prove their mission.

Gwen Klingenberg, President of the Lawrence Association of Neighborhoods, said they voted unanimously to support the bond issue for all of the good reasons that had already come up and would come up.

Mayor Amyx said the City Commission was provided a considerable amount of information from the Library and others regarding the library expansion project which included a wide array of ideas. He said the City Commission's strong commitment was to keep property taxes at an affordable level. He said it was time to make a decision about the Lawrence Public Library expansion downtown, along with additional parking in that area. He said this was probably the last time the community would see an expansion of the downtown library. He said right now, the money was affordable for this library project, to provide library services to this community. He said he looked forward to being involved in this campaign.

Commissioner Chestnut said there were seven state wide studies, on the economic impact of public libraries and great communities provided great amenities. He said the City

Commission was trying to be responsible with the taxpayer money and it was time to expand the library.

Commissioner Cromwell said that it was a fantastic journey coming up with designs and solutions. The outpouring of public support was tremendous and the library was to be commended for what they did with what they had. The amount of people using the library had grown even more so than the population, and the uses of the library had changed. Now was the time for expansion, because the city and library was fiscally responsible, they were now in a position to put the issue in front of the people to see if the community agreed that this was where the community's money should be spent.

Commissioner Dever said he wanted to thank Vice Mayor Cromwell for his efforts on the project. The community had a fine library, but this community had outgrown it. He said the library expansion was a good compromise of great proportion because it provided what people were looking for without breaking the bank.

He said placing the library expansion on the ballot was a tremendous idea and was the right idea for this project. He said the citizens of Lawrence had shown they were willing to support things that were the common good of the community and he had every faith that the library expansion project would be supported and passed and was in favor of this project.

Commissioner Johnson said he wanted to thank Vice Mayor Cromwell and the Library staff and board. He said the library expansion project fit the community's plan. The community was in challenging times, but the community needed look forward and plant seeds for this community for many years to come. He said he was in favor of putting the library expansion project to the voters and letting the voters decide.

Mayor Amyx said he wanted to thank everyone helping on this community project.

Commissioner Cromwell said Commissioner Johnson was also involved in the public plaza aspect with fantastic ideas.

Moved by Cromwell, seconded by Johnson, to receive public comment and adopt on first reading, Charter Ordinance No. 40 authorizing the November 2, 2010 ballot question to the voters of Lawrence concerning authority to issue up to \$18,000,000 in general obligation bonds for the renovation and expansion of the library and related parking facilities. Motion carried unanimously. (21)

Moved by Cromwell, seconded by Johnson, to adopt Resolution No. 6893, authorizing the publication of a notice of special election on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40. Motion carried unanimously. (22)

Moved by Cromwell, seconded by Johnson, to adopt Ordinance No. 8544, on first reading, calling a special election on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40. Motion carried unanimously. (23)

Consider authorizing staff to approve a temporary use of right-of-way permit for the closure of portions of Oread Avenue, 12th Street and Indiana Street on various dates in the fall of 2010 for the Oread Hotel street parties

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report. He said Thomas Fritzel, Oread Inn, LLC had applied for a temporary use of right-of-way permit for the use of portions of the right-of-way around the hotel for block parties on home football games. The events would feature live music, food and beverage, vendors and other activities. The applicant had requested permission to allow the sale, possession and consumption of alcoholic on the right-of-way. He said because the area was within 400 feet of a church, a distance restriction waiver hearing was required and a 30 day notice was given to the church and the hearing was scheduled for July 27th. The City Commission's only action, at this time, was to consider the use of right-of-way. The applicant would like to consider those two items separately in order to begin in depth planning of the events.

The applicant proposed keeping the streets open to busses, emergency vehicles and local traffic. Staff from the City Managers Office, Police, and the Public Works Department met

with the applicant and recommended total closure of the streets believing it was easier for the applicant and city to manage. The University of Kansas was opposed to the closure of the streets, but not to the event itself as long as the streets stayed opened. After further conversations with the applicant, the applicant was willing and able to hold all activities on the areas of the right-of-way between the property line and the outside edge of the parallel parking spots along Oread which allowed the streets to remain open. He said if the city wanted to require barricades or crowd control fencing to keep pedestrians from leaving the sidewalk area of the right-of-way into the street area of the right-of-way, the applicant was able to accommodate those types of requests and it would satisfy public safety concerns as well as KU's concerns regarding leaving the street opened.

If Commission authorized staff to issue a right-of-way permit, the City required submission of a site layout plan to be reviewed and approved by the Fire & Medical Department prior to issuance of the permit to insure access to all water supply and structures in the area, but the applicant did not have a site plan ready to cover that amount of detail at this time.

Mayor Amyx asked if staff did not have the final layout plan.

Douglass said the applicant did not yet know where they would place the tents for food and vendors.

Mayor Amyx asked what the layout plan would look like, if the applicant was not closing the street.

Douglass said the map the applicant submitted showed the area of the right-of-way utilized for activities would be between the property line and the street side edge of the parallel parking spaces along Oread. He said there would be no activities in the street, in the lanes of traffic and the same situation along a certain area on 12th Street. Under this scenario, the applicant could leave the streets open and keep pedestrians on the grass, and parking place area.

Tim Homburg, NSPJ Architects, representing the applicant, said the site plan was a point in time as to the conversations with the University, local homeowners and property owners adjacent to the area affected. He said the site plan reflected the views and feelings of those most closely associated with the property. The site plan described where most activities would occur. He said along 12th Street to Mississippi, there would be no vendor tents or live entertainment, but would be utilized for pedestrians to mingle in that area. The applicant wanted to create a destination point to enjoy a family atmosphere before games and the natural succession toward the football stadium down 12th Street and utilizing the stairs directed people down to Mississippi Street.

As requested by the city, they sent out acquiescence letters regarding the proposed activities to all adjacent neighbors. He said they received responses back from approximately 50% of the people and had conversations with those people to address the majority of their concerns regarding the site plan. Allowing the traffic to go through was a concession and could make the area pedestrian friendly.

Mayor Amyx called for public comment.

Jeff Weinberg, Assistant to the Chancellor, said that since the University was aware of the first proposal, the university was unalterably opposed to closing Oread Avenue, 12th and Indiana Streets, with the exception of the Hancock Historic District. He said over the last three or four months a positive conversation with the hotel and the architectural firm took place, arriving at an agreement to allow University events to continue, which meant, the Alumni Association major events had use of their parking lot and the ability to move cars in and out of the Mississippi Street parking garage during football games. That traffic could move down Oread Avenue, 12th and Indiana Streets. He said it was good to hear that City staff believed it was possible to keep those streets open, which was the University's initial position all along.

Carol Von Tersch, property owner in the area of the Oread Hotel, said she was unclear in that the drawing of the map showed the 700 block completely blocked off and she did not know how to get back and forth to her home. If she wanted to entertain, she did not know how her guest would get to her home or park. In the past, on occasion, she sold parking spaces on a contract bases, in her driveway, and did not know whether she could continue to sell those spaces.

She said early on, she supported the Oread Hotel because the capital investment was good for the Oread neighborhood. During the planning process, the project grew substantially, and initially, there was no discussion of bars that would cater to an adult university crowd, but now had a bar called "The Cave" in the Oread Hotel. She said during the planning she thought she was going to be able to get rid of the bar and The Crossing at the top of the hill, but what she got instead was a bar that was open until 2:00 a.m. instead of 12:00 a.m. She said she wanted the hotel to be a success, but also wanted assurance that she and her guest were going to be able to get back and forth to her home and the fire department and ambulance service could get to her location if needed. She said she would like to have those questions answered.

Rob Farha, proprietor of The Wheel, said in the 1970's when John Wooden, owner of The Wheel, was before the City Commission because of massive amounts of alcohol in the Streets at 14th and Ohio. He said the solution was containment in a fenced area, known as the beer garden. He said he understood the concept and idea of the Oread Hotel, but his issue was with the sale of alcohol, unless the City Commission was willing for other areas, such as 14th and Ohio, to sell alcohol out in the street.

He said he worked vigorously for 13 years with the police department to keep the alcohol confined to the fenced area and not out in the streets, but found that people walked up and down the hill to do their tailgating.

He said obviously, there was personal interest, with more alcohol being sold because the Oread Hotel had 6 or 7 bars plus thousands of feet of patio space to sell alcohol. He said he would wait to see the outcome and possibly pursue options for 14th and Ohio.

Susan Davis, property owner in the area of the Oread Hotel, said she was confused if there would or would not be activity on her block. The request was for a blanket use of public right-of-way and suggested granting a one time use to see the outcome of the event. She said her neighborhood was very concerned about emergency vehicles and their street needed access because there was no other way to get to her house except for the top of the hill. She asked the City Commission not to close the street or give a blanket use of right-of-way and see how the event pans out.

Larry Maxey said he went downtown last week with a new resident of Lawrence intending to show off Lawrence's thriving downtown. He said they parked about 2/3 of block North of Teller's on Massachusetts and while walking to his destination, to his dismay, he found 5 or 6 empty store fronts. He said downtown Lawrence was like a rain forest, it required preservation and like a rain forest, when a rain forest was gone, it was gone forever.

He said the people at the Oread Hotel were going to be kind of high end economic types and would be looking for something to do on the day of the game. One of the things those types of people had traditionally done was to go downtown and shopped. It had traditionally been a very big day for downtown Lawrence merchants. He said if the City subsidized more activities around the hotel, it eliminated the option of shopping. He said it seemed the City was supporting one element of the economy, namely the hotel, and not supporting other elements of the economy, namely downtown.

Debbie Milks, resident of the Oread Neighborhood, said she came to this late and had not received a letter of acquiescence. She lived at the corner of 10th & Ohio, a couple of blocks from the scenario. When she first read about the proposed events, she thought the Oread Hotel was nuts.

She attended the first meetings of the Oread Hotel and assured the residence that they were a class organization and was not going to be a wild bar or impinge on the neighborhood. She said as she had seen the dominos falling, this event was the biggest fall. The City closed the street in downtown Lawrence once or twice a year for a party and East Lawrence closed the street for their neighborhood party once a year and she could understand, but the City did not need an alternative downtown and certainly did not need the alternate downtown in the Oread neighborhood. She said she strenuously objected to those events in all shapes and forms.

Gannon Buckner, future tenant in the Oread neighborhood, said his concern was the late night activities. He said he was in the marching band and had to be up fairly early in the morning for practice and by the time he was done with the game he was exhausted and turned in early for a college student. It was a concern that the noise would be too intrusive. Also, the parking at his future place to live was behind a residence so it would be completely blocked off from the street and had no means to park other than at the KU lots or on the street.

He said he did not understand why the Oread could not host the party with its own accommodations as it was rather large and had at least two ballrooms, terraces, decks, patios and it had The Cave. He said he did not see the point in shutting off the areas the public could use for an event that could be held within the building.

Nancy Longhurst, General Manager of the Oread, said the Oread Hotel wanted to host a community event and be supportive of the University and the football team. She said they would continue to work with the neighborhood.

Mayor Amyx asked how many people the Oread Hotel was preparing for at those events.

Longhurst said she was hoping for several hundred people.

Mayor Amyx asked if the events were going to last from 7 a.m. to midnight.

Tim Homburg said he needed to clarify the blanket statements made in the acquiescence letters. He said in looking at a football schedule, every game was “to be determined” and he could not pin down that time, which was the point of the broad scope.

Also stated in the letter of acquiescent, pursuant to each event, the Oread Hotel would send out a more specific time schedule on tailgating two or three hours before hand and nothing happening afterwards because it would be late in the evening. Music would not be happening after the games because once the crowd cleared out the ownership of the Oread would begin focusing activities toward the inside of the hotel in the later evening hours. The events were more of a tailgating type of atmosphere, pre game and family activities and would not be a party that started at 6:00 a.m. He said for instance, if a game started at 1:00 p.m., activities would start two to three hours before hand and after the game, one or two hours, activities would occur and then would clear out. Once the game dates were pinned down, then they would have a tighter focus on the time line of when activities happened.

Mayor Amyx said that the City Commission’s responsibility was to understand exactly what the site plan and footprint would look like and the issue of access for those who lived in the area and determine the hours of operation. He said he suggested the applicant bring back to the City Commission a site plan that indicated the exact footprint and how the residents would access their properties.

Homburg said discussion had taken place that if residents needed assistance getting in or out, Oread Hotel staff would be stationed at inlets around the event area and helping or allowing residents to come and go to their properties. The entire street would not be blocked; there would be a barricade over a portion of the street that warned people of an event in progress, but not necessarily saying they were forbidden from entering into the event area.

Mayor Amyx said the neighbors would have access to their properties, and that needed to be shown on the site plan. He said the bottom line was it all had to work together or it would not work at all.

Commissioner Chestnut said when there were several neighbors that did not know what was going on, especially those neighbors adjacent, it needed to be readdressed. He said it was important to place boundaries of when the activities would start and stop, because a lot of people depended on off-street parking.

Homburg said a more defined picture was needed for everyone and what was the City Commission's thought on "opening" versus "closing" the street. Staff's recommendation did not necessarily mesh with the site plan the Oread Hotel presented.

Mayor Amyx said it was important the street remained open. He said his main concern was emergency vehicle access.

Vice Mayor Cromwell said he agreed that the street needed to remain open. He said the first event needed to be reviewed and if planning to move activities indoors after the game, he did not understand why the Oread Hotel's requested was until midnight. He said there were questions that obviously needed clarification.

Commissioner Chestnut said discussion took place regarding Oread staff monitoring public right-of-way area, but had a concern about 12th Street being a fairly large area where alcohol would be temporarily allowed. He found it difficult to imagine policing an area that large off of the hotel property. He said "in" and "around" the hotel area, adjacent to the property seemed to be reasonable, but in getting further away from the site it seemed challenges could be presented. He said significant staffing would be needed. He said the owner of The Wheel, worked on an on-going basis with law enforcement in controlling activity at The Wheel and suggested the police way in on Oread Hotel's proposal and make recommendations.

Douglass said Sgt. Monroe, Police Department, often coordinated the bigger events and met with the applicant last week and that the police department was comfortable with the Oread staff providing unarmed private security. It would be the Hotel's responsibility under their Alcohol Beverage Control license to control the inflow and outflow of alcohol.

Homburg said they discussed having at the ingress and egress event areas, trash cans and staff monitoring those areas to make sure alcohol did not leave that premise.

Davis said on the site plan it said there would be no activity on the 700 block of West 12th Street, but during the conversation it seemed there would be a lot of activity with no alcohol on their street. She said the neighborhood was assured no activity on their street and the neighborhood agreed and was glad she was present to speak up. There were people that went to school at KU during the weekend and accessed the University for academics and those students would like access too.

Scott Valentine, Food and Beverage Director for Olivia Collections, said that last year for the downtown bike race over the 4th of July, a permit was obtained to expand their liquor license out into the street and had a community party, hired a band and had hot dogs, hamburgers and also sold some alcoholic beverages. He said the event was successful in controlling the perimeter to that event. People were stationed at all access points in and out of the event with trash cans and staff monitoring those areas to make sure no alcohol left the perimeter. He said that event was successful and he knew they could be successful at future events as well.

Mayor Amyx said the City Commission needed to look at the exact site plan, discuss hours of operation, what was acceptable and where those activities would be located before and after those game days, and that the roadway stay open if that was the consensus of the City Commission.

Moved by Chestnut, seconded by Dever, to defer consideration of a temporary use of right-of-way permit for the closure of portions of Oread Avenue, 12th Street, and Indiana Street, on various dates in the fall of 2010, for Oread Hotel street parties. Motion carried unanimously.

(24)

Consider approving 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

Consider a Resolution of Intent to Issue up to \$18,000,000 in Qualified Energy Conservation Bonds and/or Recovery Zone Facility Bonds for Bowersock Mills and Power Company's Proposed Hydroelectric Power Plant and consider authorizing the City Manager to execute an Engagement Letter with Gilmore & Bell to serve as the City's bond counsel.

Consider authorizing the Mayor to sign a letter encouraging Westar power purchase from the Bowersock Mills and Power Company.

Amy Brown, Planner, presented the staff report. She said the item was for consideration of a special use permit and the associated ordinance for the construction of a new hydroelectric plant on the north side of the Kansas River, east of the Kansas River Bridge.

The powerhouse was considered to be part of the utility and serve as a major use group. That use group accommodated power generation plants through the Special Use Permit in the OS (Open Space) zoning district.

Generally, the building would contain four levels, the largest having a footprint of approximately 6500 square feet and the building would have access using the current access road that ran underneath the Kansas River Bridge that was most recently used for the dam project. In addition to the building and access road, the proposal included some off-site improvements, including a fishing deck and canoe portages on either side of the bridge. She showed a map and site plan of the Bowersock area.

She said previously the Board of Zoning Appeals granted a variance from the floodplain standards regarding non-residential development. In addition, the applicant needed to enter into a lease agreement with the City for the use of the City owned property and obtain a Floodplain Development Permit which was a condition of the Special Use Permit, noted in the staff report.

She said another item for clarification was that the building address was correctly addressed to be 250 North Powerhouse Road as opposed to what was noted in the staff report. She said that corrected address was reflected in the ordinance before the City Commission.

The Planning Commission approved this item unanimously on May 25th, and staff recommended approval of this special use permit for the construction of the north Bowersock Mills and Power Company Powerhouse, based upon the findings and conditions presented in the staff report.

Mayor Amyx asked if the proposed building was four stories.

Brown said approximately and would start where the water flowed over the turbines was the top.

Sarah Hill Nelson, representing the Bowersock Mills and Power Company, said her company appreciated the Secretary of the Energy statement regarding hydroelectric power on existing dams. She said incremental hydro, was an exciting potential for energy development for the United States because there were over 70 gig watts of additional, incremental, hydro that was able to be developed in the United States which was over one hundred coal fired power plants, or 70 nuclear power plants and Bowersock was a little head of the curve in adding additional energy production at an existing dam.

Bowersock had been a fixture in this community for a long time and had been generating hydropower on the Kansas River since it was mechanical power in 1874 this was the first producer that was part of the Bowersock team which was called the Douglas County Mills.

Bowersock had been an important feature in the community because they provided energy to this community which allowed the community to grow into an industrial center at the turn of the century and it was her great, great grandfather, J.D. Bowersock that was able to make the dam hold and build up the project. She said they had been working on this project for a long time.

As far as the general project timeline and how Bowersock fit into renewable energy in the State and were certified "Low Impact" in 2005 and were the 15th in the nation to receive that certification. There were only 53 hydro power plants in the United States that had the certification. It was an honor and was difficult to receive certification and meant that Bowersock

was considered to be making every effort possible to be environmentally friendly. No hydro plant was “no” impact, but Bowersock was “low impact” and that involved State Fish Wildlife, Federal Fish and Wildlife, and all the different non governmental organizations that weigh in on issues like the Friends of the Kaw or the Sierra Club.

She said their proposed expanded operation would produce about 33 million kilowatt hours a year and that was enough to power annually, approximately 45 hundred homes.

Bowersock had worked with the City of Lawrence for many years in maintaining the dam and had a very positive public/private partnership and the Bowersock Dam protected 50 percent of the City’s water supply on a daily basis and provided recreation for the community and supported bridge infrastructure and also provided appropriate mill pond for the Weststar Energy Center up river.

As far as the timeline the proposed Special Use Permit on this agenda, was a key milestone and requested that the City serve as the issuer for development bonds for Bowersock to finance the project in the fall and would anticipate receiving their license from the Federal Energy Regulatory Commission and that was a long and very thorough process and required working with all of the different State and Federal agencies that had to approve a project of this nature. They believed a December 1st date for receiving their license was a solid goal. She said if they were able to achieve receiving their license, bonds would be issued in the month of December and possibly initiated construction before the end of the year. If they were able to begin construction before the end of 2010, they would anticipate beginning commercial operation in August of 2012.

She showed pictures of the Bowersock Dam area. She said the top of the levee was about 830 feet msl (Mean sea level) and the top floor was right at 830 feet, the floor of the top floor. She said they made plans for a fishing deck and improved pedestrian access down to that lower level so people could access the river in a safe place. One of the challenges was that Bowersock was preventing fishing and pedestrian access to the dam in places that were not

safe. Bowersock felt the construction of the new plant would make the dam a safer and more attractive place to recreate and make it better for pedestrians by providing a safe path.

She said upstream from the two bridges was a canoe portage and was specifically and strictly for taking canoes out and there would be a kiosk at that location of very strict warning that that was not for access to the river, but only egress and for canoeing if coming down to walk their canoes around and put the canoes in below the powerhouse by the fishing deck. There were two ways pedestrians could get down to that area. She said it was a steeper path that went straight down to the river or pedestrians could follow the road that was appropriate for Bowersock and City traffic, but people could walk down that road to access the river.

She said they felt optimistic about this project and had quite a few more hurdles and were working on their Power Purchase Agreement with different options. They were still working on the building with engineers and construction team to build a building that was attractive and was going to be a beautiful landmark for the City of Lawrence and could afford to build and fund.

She said although they had so many hurdles left on a project, there was amazing support from the community for this project and everyone had been incredibly professional and helpful. The Neighborhood Improvement Association, particularly North Lawrence, Friends of the Kaw, and Sierra Club. She said they were looking forward to kicking this project off.

Mayor Amyx called for public comment.

Hank Booth, Lawrence Chamber of Commerce, said the Lawrence Chamber of Commerce supported the project in providing hydro electric in this manner with the Kaw River which was an important part of State history.

Vice Mayor Cromwell said he wanted everyone to understand just how amazing this project was for this community. He said this community being a green community would be a selling feature when talking about green jobs coming to Lawrence. He said it was private enterprise that was doing everything and it was Bowersock that should receive credit, but the

City still claimed the Bowersock because it was an important part of this City. He said the City would avoid an equivalent to 13 thousand tons of CO² per year which was amazing. He said the location of Bowersock Powerplant was a great reminder of the importance this community placed on that type of socially and environmentally responsible project.

Commissioner Dever said this was a lot of hard work from many. He said the time and environment was right for something like this to move forward. He said if there was anything the City could do, he would be in favor.

Commissioner Chestnut said he supported the project. He said one point of clarification was the project would be financed by Industrial Revenue Bonds which would be repaid solely from revenues derived from Bowersock and would not constitute a general obligation to the City. He said they were using a vehicle to assist Bowersock and that was an important point to make.

Obviously, energy was a huge issue nationally and would be for decades and this was a start. He said he appreciated, in particular, the discussion about how to maximize hydro power and the City could be certainly blazing the trail.

Commissioner Johnson said he wanted to thank Bowersock for making this investment and City staff for their efforts related to this project.

Mayor Amyx said the City Commission had the opportunity to hear the history of Bowersock Dam and the continued development of that dam. Nelson had picked up the ball and helped take the Bowersock to the next level and the City Commission appreciated Nelson's entire family's investment.

Moved by Dever, seconded by Cromwell, to approve the 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. Motion carried unanimously. **(25)**

Moved by Dever, seconded by Cromwell, to adopt on first reading, Ordinance No. 8529, providing for a special use permit with respect to certain property within the City of Lawrence, Douglas County, Kansas, located on the north side of the Kansas River, just east of

the Kansas River Bridge, commonly known as 250 North Powerhouse Road. Motion carried unanimously. (26)

David Corliss, City Manager, said this project was different than the 18 million dollar project that the City Commission was asking voters to approve in November in that this project did not have any City obligation, but it was a significant project.

Diane Stoddard, Assistant City Manager, said the resolution was a resolution of intent to issue bonds. There was an update to the City Commission's agenda, at the request of Bowersock, regarding the ceiling amount and Bowersock requested up to 19 million dollars. Those bonds would be issued by the City in the form of Industrial Revenue Bonds and was a fairly standard mechanism where the City served as the conduit for the bond transaction because the bonds could not be issued by the private company. This would enable Bowersock to access funding and financing for its project, at a lower interest rate that the project could get through traditional financing. There was a couple of acronyms, in the City Commission's memo regarding a couple types of Industrial Revenue Bonds financing that Bowersock was trying to access through this process which was made possible through recent recovery efforts that the country had been involved with.

She said Bowersock had already received an allocation of the qualified energy conservation bonds and there were several more steps Bowersock needed to provide to receive part of a statewide allocation of the recovery facility zone bonds from the State.

This was the first step and a resolution of intent did not bind the City to actually issue the bonds because there were several steps that needed to take place after this resolution was considered by the City Commission and including, Bowersock needed to put in place a purchaser for the bonds so the bonds could be purchased or adequately marketed.

This project would meet the City's recently adopted Industrial Revenue Bond Policy which discussed things such as environmental sustainability and general economic development for the community. Bowersock had paid its required \$1,000 application fee and

would be responsible for all principle and interest payments on the bonds as well as the issuance costs of the bonds. Staff believed this transaction would create no liability for the City.

Mayor Amyx said any time there was an issuance of industrial revenue bonds, there was always a question as to the responsibility of the City taxpayer and what needed to be paid back on the notes, once those bonds were issued. He said there was not an obligation by the City and was the responsibility of, in this case, the property owners/developer of the Bowersock Project. He said this financing would not count against the City's bonding power. The protection was the collateral of the powerplant.

Stoddard said yes and the bond holders would receive the principle and interest payments from the company and Bowersock's assets would be held as the collateral for the project.

David Corliss, City Manager, said one of the instruments was a "No Fee Lease". The City owned some of the property associated with the levee and would be seen on a future consent agenda. He said staff had discussions with City's Bond Council in that the City might own some of the property where some of the Bowersock facility was located such as a road, but did not impact the Industrial Revenue Bond structure.

Commissioner Cromwell said bond wise, in the event of default he asked if the City's rating would be affected.

Gina Riekhof, Gilmore and Bell, said because the City's credit was not pledged for repayment of the bonds, bond holders would not be entitled to look to the City of Lawrence for repayment and thus the City's rating should not be impacted, at all, if there were a default.

Mayor Amyx asked if Riekhof had ever been involved that there was a default and a city's bond rate did change.

Riekhof said she had not been involved in a default situation where ratings had changed. The cities where she had been involved regarding defaults had not had ratings and there had not been a rating to decline. As a follow up, if the default was an indicator of some larger

problem with the business community or the financial strength of industry, generally in the community, then it could have an impact on the way rating agencies looked at the community in general, but that would be some larger global problem the rating agencies would be looking at as opposed to a specific isolated incident with a single business.

After receiving no public comment, **it was moved by Chestnut, seconded by Dever** to adopt Resolution No. 6890, indicating the intent of the City of Lawrence to issue up to \$19,000,000 in Qualified Energy Conservation Bonds and Recovery Zone Facility Bonds for Bowersock Mills and Power Company's proposed Hydroelectric Power Plant and authorize the City Manager to sign an engagement letter with Gilmore & Bell as the City's bond counsel. Motion carried unanimously. **(27)**

David Corliss, City Manager, said Sarah Hill Nelson, Bowersock, asked that the City Commission authorize the Mayor to sign a letter to proceed to encourage Westar to be a power purchaser from Bowersock Mills and Power Company.

Moved by Cromwell, seconded by Dever, to authorize the Mayor to sign a letter encouraging Westar power purchase from the Bowersock Mills and Power Company. Motion carried unanimously. **(28)**

Receive Performance Audit: Financial Indicators report from the City Auditor

Michael Eglinski, City Auditor, presented the staff report. He said his report was based on the City's financial statements and looked at a total of seven years of the financial data with two types of analysis which were how the City's indicators had changed over that period and compare to medians. The idea was to put this data into context to make it easier to understand. He said he picked out the format from the Government Accounting Standards Board and hoped to help a user read those fairly complicated, hard to understand, statements.

He said the report was divided into two parts, the first part dealt with governmental activities (City Government) which was tax supported and provided police, fire, public works and other governmental entities. The other side was the business activities which were the things

that were mainly supported by user fees. In Lawrence, those were primarily water, sewer, and solid waste, but also included parking, stormwater, and golf.

He said the financial position measure was for the government activities and the median was based on 16 cities that were similar in population, demographics, and income. Lawrence level was comparable to the median which was good. There was a little bit of decline over the last few years which were largely reflecting the recession, but this measure was in good shape. He said this was a measure of the City's ability to maintain the provision of government services.

He added one new indicator this year which was a measure of the age of the City's capital. In the financial statement capital was primarily infrastructure, buildings and equipment like vehicles. He said the graph indicated both on the government side and the business activity side, the City was trending up which meant the City's assets were getting older over time. He said being below the median was good which meant compared to the other communities, that he looked at the City's capital assets were a little younger and with capital, young was generally good because the assets would not need to be replaced soon or spend as much on maintenance.

The City was above the median for the position indicator on business side in terms of the City's ability to maintain the business services. There had been a substantial decrease again related largely to the recession.

He said the most dramatic indicator in the report was the steep decline and the City was well below the median with how resources were growing in the business activities. Those were primarily water, sewer and solid waste. He said this was showing that the City were struggling a fair amount, and that drought drop was dramatic.

Commissioner Chestnut said in 2009, it included some of the enterprise funds, which included water and it was a wet year and wondered how much was influenced when looking at the data.

Eglinski said the water sales had not been as good as the City would have liked which was that program revenue had not been growing as fast as in the past. Last year when reviewing water sales, there were 3 years in a row that sales were not good as the city anticipated, largely because it was wet in the summer and not as hot.

Also, expenses had been growing faster in the last couple of years. One particular type of expense was that interest expensed had been higher than in previous years. On the revenue side, the City had not received investment returns that the City previously had. The transfers out from the enterprise funds had grown quite a bit. Those things together, were stressing the enterprise operations.

He said he looked at the smaller operations and compared how in Lawrence, those operations were performing, compared to 15 other cities. It was not all 16 cities and some would not have solid waste or golf, but if those cities did have those amenities, he added those cities in. He said it showed how much of the charges for service as a percent of the expenses. In Lawrence, last year, basically the solid waste department broke even, but in the other communities it tended to do a little better last year. In parking, the City did not cover its expenses as well as some other communities, but over all, the communities. In golf, the City covered more expenses than any other communities. He said the report gave an idea of how the City was performing compared to some of the other communities.

Mayor Amyx asked if 10% percent, for golf, was what the City was not covering in the City's principal and interest payment.

Eglinski said yes, most of the difference was based on the cost of the course and that was true in most of the communities.

Eglinski said the transfers were a big change from 2006 to 2007 which was part of what was going on in the enterprise side of the report. He said he recommended a policy to guide those transferred that spelled out the logic and ensure there was sound financial reasoning. He said Wichita, Kansas, had decided to treat their enterprise operations as if it was a private

business somewhat and had a franchise fee for their water and sewer. He said Wichita had a way to calculate property tax levy for the enterprise operations as well to cover some of the public safety costs, not the general administrative costs.

Commissioner Chestnut said there had been significant improvement in revenue expense matching in sold waste department and Eglinski indicated in a previous audit, some of the trends and appreciated the efforts.

Mayor Amyx said he appreciated the work by Eglinski, City Manager, and City Staff with sound recommendations.

Moved by Chestnut, seconded by Cromwell, to receive the report. Motion carried unanimously. **(29)**

PUBLIC COMMENT: None
FUTURE AGENDA ITEMS:

- 07/13/10
 - Receive request from John McGrew, Outside for a Better Inside, for a discussion about a wellness campus, complete with pond and walking trail.
 - Discussion of landfill rates.
 - Discuss primary election options.
 - Establish proposed 2011 maximum budget expenditures for budget hearing publication.
 - 07/27/10
 - Public hearing on 2011 City Manager's Recommended Budget and adoption of Ordinance on first reading.
 - Public hearing on a distance restriction waiver request for the sale, possession and consumption of alcohol at the Oread Hotel block parties.
 - **Consider approving Management Plan for Lawrence Community Shelter, located at 3701 Franklin Park Circle. Per conditions of SUP-1-3-10, the Management Plan must be approved by a supermajority vote.**
- ACTION: Approve Management Plan for Lawrence Community Shelter, located at 3701 Franklin Park Circle, if appropriate.**
- 08/03/10
 - 2011 City Manager's Recommended Budget adopted on second reading.
 - 10/12/10
 - Receive presentation from Westar Energy on the Smart Grid program.

- 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.
 - 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 23rd and Ousdahl Streets. This item was deferred from the May 18, 2010 City Commission Meeting.

Moved by Chestnut, seconded by Cromwell, to adjourn at 8:58 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF July 6, 2010

1. Bid Date– (B1043) - 12 Ductile Iron Pipe, Fire Hydrants, Valves, Pipe Fittings & Meter Parts, July 27.
2. Bid Date – (B1042) PW0929, 2009 Sidewalk Gap Program, July 20.
3. Bid Date – Weatherization, 1520 Haskell Ave., Boys and Girls Club, July 20.
4. Pump Station 32 – Forcemain repairs to RD Johnson for \$22,724.85.
5. Asphalt paving material to repair the roads in Oak Hill Cemetery for \$30,000
6. Change Order. 3 - Fairfield East Addition No. 1, Exchange Pl. & Fairfield St.-SSS & waterline \$4,000.
7. Sole Source Purchase - Patching materials & equipment to Tech Crete - \$61,470.
8. Ordinance 8537 – 1st Read, Remove stop signs 11th at Indiana & estab. stop signs on Indiana. at 11th; multi-way stop-at 11th & Louisiana & 11th (East Leg) & Miss
9. Ordinance 8538 – 1st Read, No parking, N. side of 13th St. between Oread & Louisiana.
10. Ordinance 8536 – 2nd Read, Yield signs, Pleasant St. at 4th.
11. Ordinance 8533 – 2nd Read, City Land Development Code - Historic Property.
12. Ordinance 8535 – 2nd Read, City Land Development Code – Written Interpretations.
13. Ordinance 8528 – 2nd Read, Consume & Possess alcoholic liquor - 600 Blk Mass. 12pm–12am, Oct. 9, 2010-Bert Nash Dash and Bash
14. Text Amendment – (TA-4-6-10) City Land Development Code, Chapter 20, Article 12 - reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.
15. Ordinance 8541 – 1st Read, Floodplain Overlay (TA-4-6-10) 2010 effective dates.
16. Bauer Farm Final Plat (PF-4-3-10) Bauer Farm, 4.9 acres, 4700 W 6th St.
17. Bauer Farm Scope for Services-George K. Baum & Company - advisory services - refinancing City's Water State Revolving Loans - not to exceed \$35,000.
18. Lease agreement -Willow Domestic Violence Center-office space, 1920 Moodie Road.
19. Maple St. Pump Station Contract – Acquisition of 547 Maple.
20. City Managers Report
21. Charter Ordinance 40 – 1st Read, ballot question-\$18,000,000 GO bonds/renovation/expansion of library/parking facilities
22. Resolution 6893 – Publication notice-special election voting Charter Ord. 40, Nov 2nd.
23. Ordinance 8544 – Calling Special Election, Nov 2nd.

24. ROW- Oread Ave, 12th St. & Indiana St.-various dates - fall 2010, Oread Hotel street parties.
25. Special Use Permit (SUP-3-4-10), Bowersock Mills, 1000 Powerhouse N Rd.
26. Ordinance 8529 – 1st Read, SUP, N side of KS River, E of KS River Bridge, Bowersock Mills.
27. Resolution 6890 - Energy Conservation & Recovery Zone Facility Bonds - Bowersock Mills, sign engagement letter w/Gilmore & Bell.
28. Letter -Westar power purchase from the Bowersock Mills & Power Company
29. Performance Audit