



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

July 13, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

Bill Mitchell, Lawrence, pulled from the consent agenda for separate discussion, Charter Ordinance 40, a ballot question to the voters regarding bonds for the library and Ordinance 8544, a special election on November 2, 2010, regarding Charter Ordinance 40.

Michael Almon, Lawrence, pulled from the consent agenda for separate discussion, the project scope with Bartlett & West for Iowa Street, Yale Road to Bob Billings Parkway.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve claims to 200 vendors in the amount of \$2,429,885.57. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve the Sidewalk Dining and Hospitality license for Milton's, 920 Massachusetts. Motion carried unanimously.

The Commission reviewed bids for the 2010 Concrete Rehabilitation Program, City Bid No. PW1040, for the Public Works Department. The bids were:

VENDOR	TOTAL BID
Engineer's Estimate	\$303,000.00
R.D. Johnson Excavating	\$273,520.00
Pavers, Inc.	\$289,500.00
Sunflower Paving, Inc.	\$344,117.50
Freeman Concrete Const.	\$487,625.00



As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to award the bid to R.D. Johnson in the amount of \$273,520. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to set a bid date of July 27, 2010 for 1,425 tons of hot mix asphalt. Motion carried unanimously. (2)

The Commission reviewed bids for the Wastewater Treatment Plant HVAC Chiller Replacement, for the Utilities Department. The bids were:

VENDOR	TOTAL BID
Central Mechanical Construction Co	\$85,000.00
Van Hoecke Contracting	\$81,000.00
A & H Air Conditioning and Heating	\$74,400.00
Chaney Inc.	\$67,450

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to award the bid to Chaney Inc., in the amount of \$67,450.00; and, authorize the City Manger to execute a contract agreement. Motion carried unanimously. (3)

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, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

Ordinance No. 8538, establishing no parking along the north side of 13th Street between Oread Avenue and Louisiana Street, was read a second time. As part of the consent agenda **it was moved by Dever, seconded by Chestnut**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (5)

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

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 250 North Powerhouse Road, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the Planning Commission's recommendation to approve the rezoning and adopt on first reading, Ordinance No. 8539, rezoning (Z-3-4-10) approximately 2.61 acres from PD-[Home Improvement Center- PCD-2 with use restrictions] to PD-[Home Improvements Center- PCD-2 with use restrictions amended to include office uses], located at 2000 & 2040 West 31st Street. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the Planning Commission's recommendation to approve the rezoning and adopt on first reading, Ordinance No. 8540, rezoning (Z-4-5-10) of approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip Commercial), located at 1025-1035 North 3rd Street. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve Resolution No. 6891, ordering the improvement and authorizing the issuance of general obligation bonds for certain main trafficway improvements including, but not limited to

street construction, curing, guttering, paving, acquiring right-of-way and easements, sidewalks and pedestrian path construction, drainage improvement, installation of traffic control devices, including signs, signals, cabinets, controllers and related equipment, and all related design, engineering and inspection work, specifically for Bob Billings Parkway, from Kasold Drive to Crestline Drive, in the amount of \$1,300,000. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve Resolution No. 6892, ordering the improvement and authorizing the issuance of general obligation bonds for certain main trafficway improvements including, but not limited to street construction, curing, guttering, paving, acquiring right-of-way and easements, sidewalks and pedestrian path construction, drainage improvement, installation of traffic control devices, including signs, signals, cabinets, controllers and related equipment, and all related design, engineering and inspection work, specifically for 6th Street from Massachusetts to Folks Road, in the amount of \$900,000. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the Mayor to sign joint letter to the NRCS in support of funding for Yankee Tank Dam improvements. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the City Manager to sign an Agreement with the State of Kansas for capital and operating assistance funds in the amount of \$250,986 for the Lawrence Transit System. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to initiate a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize submittal of applications for funding of an airport gravity sewer main in the amount of \$592,762 and submittal of an application to build a twenty unit t-hangar in the amount of \$1,300,000, identifying that the T-hangar project is the priority to be funded. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the City Manager to execute the Letter of Agreement with Eisterhold Associates, Inc. for interpretive planning and design services at the Carnegie Library not to exceed \$50,000 for the Schematic Design Phase of the project. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the Mayor to execute the First Amendment to the Bauer Farm Maintenance Agreement. Motion carried unanimously. (17)

Bill Mitchell pulled from the consent agenda, Charter Ordinance 40 and Ordinance No. 8544, regarding a ballot question to voters to issue bonds for renovation and expansion of the library. He said he encouraged the City Commission to give further consideration to using the Parks and Recreation sales tax to fund at least a portion of the library expansion.

Mayor Amyx said in looking at projects considered in the past, such as the west side recreation center, because of the City's budget, that project was not being recommended this year. He said every dime has been committed to pay for the "next generations of parks" along with the current obligations pending for the ballot question.

David Corliss, City Manager, said the City's share in 2011, for the county wide 1% sales tax, was over \$8,619,000. He said pursuant to City Commission direction and the ballot language that was included in that sales tax proposal, there was not a pledging of that sales tax funding, but a strong political commitment as to how those funds would be used. There would

be property tax reduction, in the amount of 5 mills and had historically kept that funding. He said all money that came from a sales tax had to touch the general fund and that money was kept in the general fund. There was money that went toward the operation of the City's Parks and Recreation Department of \$1,679,000 and it was transferred to the Recreation Fund.

There was money to operate the City's share of the Health Department building that was constructed as part of the sales tax in 1994. He said that building's debt was still being retired. The idea was that it was appropriate to continue to use those sales tax dollars for the operation of maintenance of that facility, much like appropriate to continue to use the sales tax money for the operation of recreation facilities.

He said when losing property tax mill levies, the City also lost motor vehicle taxes and included in the formula was the estimated amount of money lost by reducing property taxes 5 mills. The estimated revenue lost for motor vehicles was \$115,000. He said the remainder of that money was transferred to the sales tax reserve fund which was the \$2,373,185. He said the City used \$400,000 to meet the maintenance needs in the Parks and Recreation Department. He said that fueled the \$400,000 amount.

The City Commission made the decision to put some of those additional funds into street maintenance which was the \$550,000. He said the City Commission could change any of those amounts, but this was how the City historically would budget that amount.

The \$1,359,000 was the Parks and Recreation bond payment. He said they were still retiring debt for a number of the facilities initiated in the mid 1990's. He said staff hoped the revenue would continue to grow and this year, staff would be able to do some additional design work on the west side recreational facility, but he was not recommending to proceed with that project because that revenue was dramatically stagnated and the City was at the same number in 2009 for revenue even. It gave the City a balance to keep in the reserve fund of \$63,914. The reserve fund was used for unexpected maintenance requirements. There was \$100,000 in the reserve fund when the City was ready to proceed with lighting the tennis courts near the

virtual school since the tennis courts were no longer on 21st Street as part of the Lawrence High School facility. If the proceeds were used for a library project or for a Parks and Recreation project, it was staff's belief the City had to reduce other expenditures.

Commissioner Chestnut said the proposal with the 18 million dollars was at 2 mills.

Corliss said to retire \$18 million was 1.5 mills over 20 years and .5 mills was what the Library Board and Director believed would be necessary to operate a larger facility.

Commissioner Chestnut said the City was roughly at 853,000 per mill.

Corliss said yes.

Mayor Amyx said the City had obligations already committed and if the City Commission were to change commitments, the City would need to reduce expenditures somewhere else.

Mitchell said it was unfortunate the Library Board did not come to the City Commission with this idea.

Mayor Amyx said the Library Board did a good job in looking at every type of financing available, not only financing, but different layouts of the proposed library. He said the Library Board should be applauded for their work and their financing mechanism. He said the Library already brought those ideas to the City Commission and this financing was the most reasonable, financing tool.

Vice Mayor Cromwell said the comment about the Library not giving fair consideration were unfounded. Consideration was given to all sorts of different funding mechanisms for that project, including the recreation sales tax. He said the City Commission looked at the recreation sales tax and determined that financing mechanism would not be the best use of the recreation sales tax funds and there were other priorities in the community with recreational projects. He said if the City wanted to close down on the recreational centers and build a parking lot, there would be a lot of push back from the community. He said there was trade-off's for everything and funding mechanisms were carefully looked at and investigated. He said it was good to bring that concern to the City Commission's attention because sometimes the City Commission

seemingly dismissed an idea without any consideration, but that funding mechanism was given a lot of consideration a head of time.

Mitchell said he thought the sales tax option had not received enough consideration at the previous City Commission meeting.

Commissioner Chestnut said he read the 1995 sales tax initiative and when it was on the ballot. He said he admitted there was a bit of flexibility and could probably make an argument for a few of those expenditures that were now being funded out of that sales tax and whether or not to move those funds to the general fund, for instance street maintenance, but everyone knew street maintenance was underfunded. He said the way he looked at this library project was to place it on the ballot or move \$600,000 or \$800,000 out and raise the mill levy in the general fund to increase street maintenance because they were not getting more in fuel tax and were underfunded. He said it was the cleanest way to say to the public that this was an initiative and was it something the public supported without moving a lot of parts around and was confusing.

He said before Mr. Heckler had that comment last Tuesday night, he had already been studying that comment and discussed it with the folks that put that initiative together in 1995 to see if it made sense. There was some sense to the initiative, but also wanted to have an issue that the City Commission could communicate to the public and ask for public support or not. He said the City Commission probably did not articulate this initiative as well as they should have.

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, was read a second time. **It was moved by Cromwell, seconded by Dever**, to adopt the Charter ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously.(17)

Ordinance No. 8544, calling a special election on November 2, 2010 for the purpose of voting on Charter Ordinance No. 40, was read a second time. **It was moved by Cromwell,**

seconded by Dever, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. **(18)**

Michael Almon, Lawrence, pulled from the consent agenda, the addition of a 10' bicycle side path to the Iowa Street Reconstruction Project. He said he previously suggested that the City look into adding a 10' bicycle side path from 15th Street/Bob Billings, north to the Community Mercantile Grocery Store to Yale Road. He said the City Commission had the Bicycle Advisory Committee look into that idea. Unfortunately, the sequence of events did not seem to lend them selves to dovetailing how the process worked out. He said slightly over a week after that meeting, the Request for Qualifications was sent out and on May 14th, there were 6 qualification statements received already. On May 18th, the Bicycle Advisory Committee met and that very same night, the City Commission approved authorization of the obligation bonds attributing. He said things did not seem to follow sequence that would lend themselves to the bicycle facility being thoroughly considered, but there were other factors involved as well. In a memo dated May 27th, the only attachment on that memo was a generic map of the project. He said that was the map that was brought to the Bicycle Advisory Committee. The Bicycle Advisory Committee was not presented with meaningful data to make an informed choice.

He said it came down to two things at the Bicycle Advisory Committee. The main issue was that at Terrace Drive, there was a steep drop off where the right-of-way expanded and were told they had 80' of right-of-way and sometimes 90', but there was never mention made that right-of-way, at that very point and that corner property, those people were concerned with the plantings (screenings) that took years to put in. He said he did not realize all of those plantings were on City right-of-way. He said as a property owner, when he put plantings on the right-of-way, they were subject to being removed. He said he did not want to take measure unnecessarily to take their property, but it was not a point made.

The other issue brought up was since the west side was such a deep drop off with those plantings the only other place to go was the east side to expand enough room for the bicycle

trail and they were told there was a huge rock escarpment at that location and would be very expensive to remove that rock and expand the right-of-way. He said right now the Bartlett and West proposal had a 6 foot wide sidewalk designated on the west side.

He said another reason BAC was concerned was that it was staff hesitation that there were too many driveways on the side streets. He said it was not a dangerous situation for the bicyclist. He said he wanted to request that the City Commission consider expanding the scope of the project of the additional 4 feet of pavement, plus signage.

Mayor Amyx said the east side of Iowa Street was discussed and asked if Almon was suggesting that project be pulled to the east.

Almon said the project could not go to the west an additional 5 feet.

Mayor Amyx said the Commission needed to take caution with those pockets sensitive areas because some of that property in that area might fall in that category. He said he did not mind looking at the additional right-of-way, but the sensitive areas needed to be taken into considerations.

Almon said anything had to be taken as information for informed choice. He asked how much clearance between the back of curb and the 6 foot wide sidewalk. He said if it was 4 feet, it could be moved closer to the curb with a physical barrier at that one location.

Commissioner Chestnut it was probably somewhat contained in the project scope and it might be ambiguous about consideration of bicycle lanes, but agreed there was the same situation on 9th Street where they were creative and moved things around. He said 5 feet of right-of-way for a half of mile, could be prohibitively expensive.

Almon said that right-of-way was already at that location, the 160 foot wide section.

Commissioner Chestnut said the City Commission could not make decisions at this time, because no one had the details. It would be appropriate to instruct Bartlett and West to look at those consideration, but whether or not someone planted in a public right-of-way, if they had been their for 25 years, he knew the law, but needed to weigh if they wanted to cause that type

of controversy. If the City Commission tasked that consideration to Bartlett and West, hopefully they could come up with a reasonable solution. It needed to be part of the consideration.

Almon said he appreciated that comment, but reminded the City Commission that the Federal Highway just issued a memorandum in March requesting that communities give equal weight to bicycle/pedestrian facilities to automobiles. He said this particular project, in this particular location was a way to expand the bicycle network, probably would show a higher user rate being that the Community Mercantile was probably the only business in town with quite a large portion of bicyclist.

Chuck Soules, Public Works Director, said there were several issues staff needed to discuss with Barlett and West. He said Bartlett and West submitted a Request for Qualifications and gave staff a lot of ideas, but had not started yet. He said staff would have more discussion with the Bicycle Advisory Committee.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize staff to negotiate a project scope and fee for engineering services with Bartlett & West for the Iowa Street (US-59 Highway), Yale Road to Bob Billings Parkway (15th Street), Street Reconstruction and Geometric Improvements. (Project No. PW1012) Motion carried unanimously. **(19)**

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said The City of Lawrence participated in the American Recovery and Reinvestment Act through KDHE, and was awarded \$26,800 for installation of emission control equipment; The Lawrence Central Rotary (LCR) completed installation of a "Ride Lawrence" bike rack at the Farmers Market; The Wings of Freedom Tour was taking place at Lawrence Municipal Airport; the Douglas County Emergency Management Board/LEPC recognized the Lawrence Utilities Department with a 2009-2010 Preparedness

Partner Award; and, The City of Lawrence and KDOT was seeking public input for the K-10/23rd Street Bridge Project.

Mayor Amyx said regarding the K-10/23rd Street Bridge Project, he asked if there were plans in the future for public meeting rather than on-line meetings.

Chuck Soules, Public Works Director, said there had already been a couple of public meeting. He said KDOT was receiving final comments and were ready to start right-of-way acquisition. He said they met with Haskell Indian Nation University, Kansas University, and had a least 2 open meetings and had talked to several of the property owners. He said there might be a public meeting when getting closer to construction to explain to people how to maneuver through the detour. (20)

REGULAR AGENDA

Receive briefing from Hamm Quarry, Inc., concerning proposed landfill rates for 2011 and beyond.

Charlie Sedlock, Hamm Companies, presented a power point on the history and what happened to their industry in terms of costs. The power point contained background and general information; pricing; contract status; Agreement/Section 11; Lawrence Annual Tonnage; Population vs. Tons Disposed; Population vs. Tons Projection; Total Landfill Tonnage-Region; Changes in Operating Costs; Site Improvement Costs; Examples of Cost Escalation; PPI & Tonnage; Fuel Costs; Cost of Living Adjustment (COLA) Comparison CPI; Cost of Living Adjustment (COLA) Comparison – PPI; Landfill Fee Analogues; 2011 Price Per Ton; Budget: Disposal Component; Residential Rate Modeling; Future Discussions on sustainability; and a conclusion.

Mayor Amyx asked about the Agreement/ Section 11 with Hamm Quarry.

Sedlock said Hamm Companies had provided notice and had met with City staff. He said the agreement provided for a 6 month notification period before the pricing would go into effect.

Mayor Amyx asked how the County was involved.

David Corliss, City Manager, said under State law counties were the units that were required to have solid waste management plans. He said Douglas County and Jefferson County had a combined plan and the city had been participatory in those decisions as well. Those counties did not have a separate contract with Hamm. He said the County Administrator, Craig Weinaug, had attended those meetings and understood the City would have an important say because it drove the City's Sanitation Division rate component as well. He said the counties were being kept advised of the discussions and staff was still researching other issues. He said staff looked at whether or not it might be possible to phase it in and Sedlock had provided an alternative scenario in which staff studied and involved financing upfront costs.

The CPI would be for the five year agreement.

Sedlock said correct.

Mayor Amyx called for public comment.

After receiving no public comment, Mayor Amyx said he hated to see prices go up, but understood there was a responsibility to carry out functions.

Commissioner Chestnut said he understood the 5 year contract would have a 3 ½ percent escalator each year. He said it was called a cost of living adjustment, but it was not being compared to the cost of living because it was fixed. He said it was just an escalator to get back market rate and help the City go back through the transition.

Corliss said that was a fair comment. He said they talked about whether or not they wanted it to go to a certain index and PPI. It was probably better to some extent to have that certainty in some of those costs.

Commissioner Chestnut said he wanted to have that clarified for his own benefit. He said the PPI this year was working for the City because it was down.

Commissioner Dever said it was important to understand the cost for tipping fees in relationship to the City's solid waste budget. He said he had been concerned the solid waste

rates would change and said he rang the bell and the rates changed. He said fortunately, the City had a reasonable landfill operator with good quality infrastructure and the City was dealing with a fair situation to compare to other negotiations that might take place. He said at least they were dealing with a fair situation to compare to other negotiations that might take place, but the Commission needed to continue to consider other options for landfill disposal. He said everyone realized that those things had a useful life and everyone would want to extend the useful life as much as possible. If the City could get into a business where it was actively recycling and other things, but this was one step to solidify one of their best customers which would be the City and hopefully shore up the future with a continual decrease in the quantities dumped in the landfill.

Commissioner Chestnut said Hamm had been an excellent vendor for the City and when the City was going through the transition with solid waste and leadership, it was a great opportunity for the City to get with Hamm Companies and understand best practices because Hamm obviously did a lot of business with a lot of different communities and the City could benefit.

Vice Mayor Cromwell said the graph in the power point presentation, showing the reduction in the tonnage, the City was tipping in the landfill, was immediately needed on the City's Website, touting the City's greenness. He said he wondered about the lack of construction debris was responsible and how much was recycling. He said there were a lot of the questions that could not be answered at this time. He said regardless, that percentage reduction was something that needed to be shouted from the roof tops. He said that was the type of statistic that could help attract green businesses to town. He said it was an economic development issue. (22)

Consider authorizing publication of the 2011 Budget Summary and establishing July 27, 2010 as the public hearing date.

David Corliss, City Manager, said the City Commission was establishing July 27, 2010 as the statutorily required public hearing date to receive public comment and consider adoption of the City's 2011 Budget. He said the City Commission was directing the City Clerk, to publish a budget summary that set the maximum expenditure levels and the maximum mill levy for 2011 and that number after publication cannot be increased, but the number could be decreased. He said the City Commission would be receiving the recommended budget and establishing July 27, 2010 as the public hearing date.

Commissioner Chestnut said in Water and Wastewater, the City Clerk would be publishing Option1 and solid waste was 7 ½ percent.

Corliss said yes, for maximum expenditure authority.

Commissioner Chestnut said the Memorandum of Understanding was not completed, but asked if the City Manager was fairly confident there was not a significant amount of exposure.

Corliss said he believed that was correct, funds were placed in the budget where staff believed, based upon their conversations with the Union Representatives and other expenditures throughout the entire budget.

Mayor Amyx said regarding the rate increases and the scenarios that would be published for discussion, this did not mean a raise would happen, but could only happen once the City Commission had that discussion and the City Commission approved whatever ordinance was necessary calling for those raises.

Corliss said correct. He said he understood the full City Commission asked for challenges regarding the sanitation rates, somewhat with the landfill, but primarily the 2 percent, the \$150,000 in additional revenue costs. He said there was continued discussion about utility expenditures, not disagreeing about the capital needs, but savings on the operations and maintenance side to provide additional revenue within the existing rate structure. He said that

was some of the information staff had to work on in the next 10 days before posting the information for the hearing on July 27, 2010.

Mayor Amyx said the recommendation on the ambulance for the City of Baldwin and the City was going to follow the Inter-local Agreement with Douglas County.

Corliss said absolutely, there was never any intent to do that, but the agreement provided that the City would provide ambulance service station with one paramedic per shift. He said when staff asked the Fire Chief for recommendations on possible cost cutting items, the Fire Chief pointed out there were two paramedics at that location and wanted to know if they wanted to cut that back. He said he did not know if that would be possible, but that item needed to be looked at to see if there could be a savings the City could achieve. He said clearly, the City of Lawrence was not going to violate that agreement. He said they had never talked about reducing the number of people in the Fire/Medical Department, but that discussion needed to take place.

Mayor Amyx suggested staff talk to other communities about participating as another part of another agreement.

Corliss said absolutely.

Mayor Amyx said in tight budget times, the Commission had to look at every possible scenario. He said City Commission and City staff was doing everything to cover its bases.

Corliss said staff had looked hard to make sure the City did not have a mill levy increase for 2011. He said a lot of hard choices were made, but the City Commission had not seen most of those hard choices because staff was able to work out efficiencies and reduce a number of different expenditures. He said he was presenting policy items, such as this item to make decisions on, but staff substantially reduced expenditures throughout the organization. He said when he discussed the transmittal letter he did not spend much time talking about the organization being down 10 positions and were not talking about reducing any services anywhere else in the organization. He said he was particularly proud, for example, for the work

the Parks and Recreation Department had done and had taken a lot of loss of staff. The community continued to look great and downtown looked spectacular in many fashions as far as some of the flower beds and continued to provide great services. He said he was not trying to lobby for all those types of issues, but staff was looking for any opportunities to reduce expenditures. If those expenditures involved policy items, the City Commission would make those decisions. He said the City was not going to reduce services that impacted the community unless the City Commission directed that decision. He said with this situation, the Fire Chief brought it to staff's attention about having ambulance service with one paramedic. He said they might or might not want to reduce staffing for ambulance service.

Mayor Amyx called for public comment.

After receiving no public comment, Commissioner Johnson said he had questions about hard decisions and hard choices. He said he did not mention it in the study session, but he had questions about personnel. He said what decision was made to allow for increase in pay for staffing. He said the challenge was put out to look at non-personnel expenditures and cut at that point. He said he asked why that was immune and why not look at that. He said he was looking at spending reserve funds, and asked why they were not looking at the \$917,000 in additional pay increases, 1.6 million dollars in overtime, longevity pay which was 2.7 million dollars. He struggled with talking about wants and needs and how the staff had to make those tough decisions and that staff did all it could, but he challenged that staff had not done everything it could. He said he realized he might be in the minority in thinking that way, but he still struggled with staff saying they did everything they could. He asked why the Division Manager's or Department heads were not challenged with reducing pay. He said they had discussed getting more efficient with overtime, but what was the incentive if there was never a pay consequence.

Corliss said he would be happy to give his philosophy on those questions, but clearly staff was making a transition from his recommended budget to the City Commission's budget

and the Commission had that ability. He said in his view point, the way staff tried to construct the budget, was meeting all the City's needs and look to see if there was any opportunity for compensation increases which was done this year, probably to the detriment of staff's dealings to some extent with employees because those employees did not know what was going on, but that was his issue and not the City Commission's.

He said he believed compensation increases were appropriate for 2011 for three main reasons and one reason was that City staff was working hard because the City was down in staffing which he thought was a valid point. He said staff was still providing those great services in the community. He said he mentioned Parks and Recreation that was taking on Burroughs's Creek and the Carnegie Library, and were down in staff. He said staff continued to provide very good service.

The other rational was that they were going to be asking employees to provide additional resources for health care. He said he did not know if it was a premium increase or some mix on the plan design, but it was about 5 percent additional coming from employees. He said he was recommending the 1.5 percent merit pool, but not all employees would receive any raise and there would be a few that would be challenged with improvement plans, but everyone else would be eligible for a merit pool. He said he thought it was an appropriate philosophy for this organization that money follows merit. If the City reduced staffing through layoff, the City could put resources somewhere else on priorities, but he had not been told by Commissioners. He said he had been continually challenged by the City Commission to try to make the organization more efficient and staff continued to look for ways everyday to do that. He staff spent less money in 2009 than 2008 and was continuing to look for ways to try to cut cost and stretch tax dollars further.

He said a number of other organizations had been laying-off. The City Manager's Office was seeing all the other City Manager's recommended budgets and a number of those recommendations were following a very similar philosophy to not having, in some cases,

compensation increases and other cities were. Some cities were looking at furloughs and layoffs, other cities did not need to, and it was all over the board as far as what other cities would do with mill levy increases. He said staff would change accordingly on what the City Commission recommended. Staff thought they could effectively manage the budget, and come in at 97% of the expenditure level in the general fund and not spend in excess of revenues, with existing staff, but it would be a challenge.

He said he appreciated those comments and Commissioner Johnson was consistent in expressing those comments, not only publicly, but privately.

Mayor Amyx said the City Commission would have discussions regarding the Memorandum's of Understanding and also had the final decision on the City's budget. He said the City Commission directed staff to make recommendation regarding the City's budget. He said when considering other governing bodies and what they faced, he thanked City staff for their hard work regarding the budget. He said the City was going to adopt a budget that did not require a mill levy increase and still carry out all of the great services provided to the community. He said he was proud of serving on the City Commission with his fellow Commissioners and proud of City staff.

Commissioner Cromwell said he toggled with some of Commissioner Johnson's issues. In the last 3 years, the City Commission did a good job with flattening in some declining revenue and the per capita spending went dramatically. He said there was always that balance between incenting and making sure the 750 or 760 employees were engaged in trying to provide the highest level of service and doing it at an efficient cost. He said at some point, the recession would end and the grass would start to look greener in a lot of places. He said the City Commission should show their commitment to the employees, during the most difficult times.

He said the City Commission might reach a point where they needed to look at some structural changes because the City was continuing to maintain with what it had. He said over the last couple of years, the City benchmarked on water, sewer, and solid waste rates.

He said a couple of years ago the City Commission had a challenge with longevity. The Commission found out it was an important part of employee compensation, but it was always a discretionary item. If longevity was adopted into the budget, every December, the City Commission had the authority to decide to move forward and some of that decision would depend on the revenue picture.

Vice Mayor Cromwell said the City was running up against efficiency walls with the way the City Commission was approaching this item and might need to look at some structural and policy changes and how some of the departments were organized.

He said the City needed to also needed to take a broader look at duplicating services in various areas which was the next level of efficiency. It was not easy to get different City Departments working together sometimes and to take it out broader would be a real challenge.

He said he wanted to take a look at rate structure and was the City charging the right amount to the right people at the right time with the right products. He said there was a lot of work to be done and was not something that would be completely done this year. He said when talking about lean times versus times of plenty, even when it was complete sunshine and property values were increasing at 10 percent a year, the City needed an efficient organization. He said luckily the ground work had been set for years and the City was not scrambling for survival. He said there were communities struggling with basic services, but the City of Lawrence was not and it gave the City an opportunity to look at other things and plan for the future, when the economy improved, the City would be in the position to reap the rewards because the City would be running a more efficient.

In conclusion, he was pleased not to raise the mill levy. He was not happy about the utility increase, but he was prepared to vote on the suggested maximum because he was sure he did not want to go over that number.

Commissioner Dever said he wanted to publically acknowledge Lance's comments about personnel. He said that was a line he had been thinking about for a long time and how to

do better with the resources, especially a few years ago when the concept of finding money was first started because it was not coming in any longer. He said City employees appreciated what they had and when all the talk was taking place about how the employee would be compensated and the way business was being done, staff found ways to cut other expenditures in order for the City to take care of its human capital in the City's organization. He said coming from a private organization, their organization had not seen raises in years and it was tough to go about the process of approving raises for other people. He said the people that worked for public organizations, sacrifice by the level of pay or perhaps the level of advancement, or to reap the benefits of a private enterprise and needed to be awarded. He said the thing that put him over the edge was the cost of health insurance. He said when adding in the costs to the benefits, it was a marginal improvements. He said he also thought the Commission was rewarding those employees for finding efficiencies because employees were challenged. He said the City need to continue to look at nickels and dimes and carry that idea on into the future. He said if this continued another year, and all the efficiencies were found, next year might be different. He said he would not like to see increase in utility rates, but for maximum budget staff had done a great job and the community was lucky to have the City staff.

Commissioner Johnson said by no means was he saying anything bad about the leadership of the City. He said staff did a great job on the budget and he was good with approving the budget as provided.

Commissioner Chestnut said the City had to hold the line on utility rates and mitigate rates on solid waste, but not eliminate completely, given what was happening with landfill costs going up \$600,000.

Mayor Amyx said he still wanted to defer maintenance issues and asked what effect, by not making those improvements, it would have.

Corliss said it was 30 million dollar utility and did not want people to think that if the City did not raise rates, the City was not going to fix things. He said he gathered 2 people and came

up with a lay-off plan, six weeks ago because he was not sure what was happening with accessed valuation. He said he had been hardened by information about accessed valuation and staff had looked at some larger issues and pleased added too much to where the City was at. He said he had received good direction on what to do in the next 10 days for those two major enterprise funds and staff would meet or beat the City Commission's expectations.

Moved by Chestnut, seconded by Cromwell to authorize publication of the 2011 Budget Summary and establish July 27, 2010 as the public hearing date. Motion carried unanimously. (23)

Receive staff report on statutes governing primary elections for office of City Commissioner and direct staff as appropriate

David Corliss, City Manager, said Toni Wheeler, Director of Legal Services, drafted a memorandum which read:

In 2008, at the request of the County Clerks' Association, the Kansas Legislature amended the primary elections law in an effort to reduce the instances in which primary elections are required to be held. The amendment has been subject to differing interpretations and may have created some unintended consequences. See the attached article in the Kansas Government Journal from June, 2009.

Upon consultation with the Secretary of State's Office and the Douglas County Clerk, it was determined under the amended primary election law that a primary election for Lawrence City Commission was not required to be held in 2009 because fewer than ten (10) candidates filed for the office. Under the prior statutory language, a primary election for City Commission would have been held if seven (7) or more persons filed for the office of city commissioner. A table of recent City Commission elections is provided below:

Year	Number of Candidates	Primary Election held?
2009	8	No
2007	9	Yes
2005	9	Yes
2003	11	Yes

When a primary election is required for the city commission election, the City reimburses Douglas County for all or a portion of the direct expenses of the primary election. If no other local offices require a primary election, the city reimburses Douglas County for all of the primary election's direct expenses. If another local office, i.e. USD 497 School Board, also requires a primary election, then the City and the school board share the cost of the primary election. (See K.S.A. 25-2201.) A table showing the costs to the city for past primary elections is provided below:

Year	No. of City Commission Candidates	Primary Election held?	Actual Cost to City	Did USD hold a primary?
2009	8	No	\$0	No
2007	9	Yes	\$34,263	No
2005	9	Yes	\$27,548	No
2003	11	Yes	\$12,055	Yes

The recommended 2011 budget for the City Clerk's office has \$34,000.00 budgeted for a primary

election in the event a primary election is required for the 2011 City Commission election.

Because the statutes governing primary elections for local office are non-uniform, Kansas cities may use a charter ordinance to exempt the city from all or a part of an enactment and may provide substitute or additional provisions on the same subject. Passing a charter ordinance requires adherence to special procedures for charter ordinances set forth in Article 12, Section 5 of the *Kansas Constitution*. Briefly, the procedures include (1) titling the ordinance as a charter ordinance; (2) designating the specific legislative enactment that the charter ordinance is making inapplicable to the city and including the substitute or additional provisions; (3) passing the charter ordinance by a two-thirds vote of the members-elect of the governing body of the city (four commissioners must vote in favor of it); (4) publishing the charter ordinance once each week for two consecutive weeks in the official city newspaper; (5) waiting for a 60-day period after final publication before the ordinance is effective to allow for a protest petition; and (6) recording the charter ordinance by the city clerk and filing a certified copy with the Secretary of State.

It is appropriate for the City Commission to consider whether changes to primary election laws for city commission elections are warranted. The City Commission has three options available to it. First, it can take no action and continue to operate under the current interpretation that a primary election is not required to be held unless ten (10) or more candidates file for the office of City Commissioner; or (2) adopt a charter ordinance eliminating the holding of primary elections altogether; or (3) adopt a charter ordinance that provides provisions that contain the language in the primary election law that existed prior to the 2008 amendments. The effect of this charter ordinance will be to require a primary election if seven (7) or more candidates file for the office of City Commissioner.

Action Requested: Direct staff as appropriate.

Current Law:

25-2108a

Chapter 25.--ELECTIONS

Article 21.--CITY ELECTIONS

25-2108a. Time of primary elections; no primary, when. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.

(b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

History: L. 1976, ch. 186, § 1; L. 1982, ch. 157, § 5; L. 2008, ch. 165, § 3; July 1.

Prior to 2008 Amendments:

25-2108a

Chapter 25.--ELECTIONS

Article 21.--CITY ELECTIONS

25-2108a. Time of primary elections; no primary, when. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.

(b) No primary election of city officers shall be held unless by holding such primary one (1) or more persons will be eliminated as candidates for office. In the event there are not more than two (2) candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

Mayor Amyx said it worked well going back to the way primary elections were held. He said it was important for voters to have the opportunity to meet candidates. At the last public election forum, the forum lasted too long and the candidates did not have the opportunity to meet the voters.

Commissioner Johnson said he did not run under the old way and all he had was his recent experience a year ago. He said there were a lot of candidates and it seemed a lot of people were used to the old system and did not pay attention. He said there was a cost, but it was a small cost to get the vote right.

Vice Mayor Cromwell said that change was needed.

Commissioner Dever said if the community felt the election process needed to be changed and engage more with the candidates, then the system need to be fixed and made better. He said he was in favor of going back to the old election process.

Commissioner Chestnut said it would be good to have the League of Women Voters and the people that host the forums weigh in on this type of election process. He said he knew the difference between the primary and the general election and the level of answering questions went up significantly because the candidates went down to 6 candidates.

Corliss said staff would draft an ordinance and see who sponsored those forums. He said the Mayor could pick a date to place the ordinance on the agenda and could go from that point.

Mayor Amyx called for public comment.

Hank Booth said the Lawrence Voter Coalition came together with a number of groups that put those forums together and bringing those groups together along with the Neighborhood Associations for this discussion would be important. He said he would like to see it cut down to 3 or 4 major discussions, prior to the primary or the general, however it set up, but to make sure they had as many of those partners together.

Moved by Cromwell, seconded by Dever to direct staff to draft an ordinance for public discussion and consideration in August, and engage stakeholder groups for that discussion. Motion carried unanimously. **(24)**

PUBLIC COMMENT:

Saunny Scott, Lawrence, said she attempted to attend the Coalition of Homeless Concerns this morning but the meeting did not proceed because a quorum was not present. She expressed concern that efforts were being made to kill the coalition because vacancies were not being filled.

Mayor Amyx said it was becoming difficult to get someone to serve on the Coalition of Homeless Concerns and did not know if other organizations were meeting this need. He said this item needed to be discussed by the City Commission to see where they needed to go with the coalition.

Hubbard Collinsworth, Lawrence, said he shared Scott's concerns and also felt the Lawrence Journal World should cover concerns that were raised, and thanked the City Commission for their work.

- 07/20/10 · Receive report from County/City Sustainability Coordinator on work plan.
- 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.

 - Receive request from John McGrew, Outside for a Better Inside, for a discussion about a wellness campus, complete with pond and walking trail.
- 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 · Consider approving Text Amendment, **TA-12-27-07**, to various sections of the City of Lawrence Land Development Code, Chapter 20, to revise the Protection Standards for Environmentally Sensitive Areas, to provide more precise definitions, and to include incentives for protection of sensitive lands beyond that required by Code. (PC Item 5; approved 8-0-1 on 6/21/10)
 - Consider approving Text Amendment, **TA-4-4-10**, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10.* Adopt on first reading, **Ordinance No. 8543**, for Text Amendment (TA-4-4-10) to the City of Lawrence Land Development Code, Chapter 20,

Section 20-403 to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. (PC item 6; approved 6-4 on 6/23/10)

- 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.
- 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 8:31 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF A JULY 13, 2010

1. Bid – 2010 Concrete Rehab (PW1040) to R.D. Johnson for \$273,520.
2. Bid Date - 1,425 tons of hot mix asphalt, July 27th.
3. Bid - Wastewater Treatment Plant HVAC Chiller Replacement to Chaney Inc. for \$67,450
4. Ordinance 8537 – 2nd Read, remove stop sign 11th & Indiana, establish stop at 11th & Louisiana, multi-way stop at 11th & Mississippi
5. Ordinance 8538 - 2nd Read, no parking North side of 13th between Oread Ave. & Louisiana St.
6. Ordinance 8541 – 2nd Read, (TA-4-6-10) 2010 effective dates, Floodplain Overlay District Maps & related regulations changes.
7. Charter Ordinance 40 - 2nd Read, Ballot question, up to \$18,000.00 in GO bonds for renovation & expansion of library & parking, Nov 2nd.
8. Ordinance 8544 - 2nd Read, special election voting on Charter Ord. 40, Nov 2nd.
9. Ordinance 8529, 2nd Read SUP 3-4-10, N. Bowersock Mills & Powerhouse, Utility & Service,
10. Ordinance 8539 – 1st Read, Rezone (Z-3-4-10) 2.61 acres, PD to PD amend to include office uses, 2000 & 2040 W. 31st.
11. Ordinance 8540 – 1st Read, Rezone (Z-4-5-10), 11.99 acres from PCD-1 to CS, 1025-1035 N. 3rd St.
12. Project scope & fee - Engineering services with Bartlett & West, Street Reconstruction & improvement. (Iowa St, Yale to Bob Billings)
13. Resolution No. 6891 – GO Bonds -Bob Billings Pkwy - from Kasold Drive to Crestline Drive, in the amount of \$1,300,000.
14. Resolution No. 6892 - GO Bonds - 6th Street from Massachusetts to Folks Road, in the amount of \$900,000.
15. Letter to NRCS supporting funding for Yankee Tank Dam improvements
16. Transit Agreement - State of KS, capital & operating assistance, \$250,986.
17. Text Amendment - Land Dev. Code, Ch. 20 Art. 6 Section 20-601, increase max. dwelling units per acre in RM32 district.
18. Airport Funding - gravity sewer main \$592,762 & 20 unit t-hangar \$1,300,000.
19. Letter of Agreement – Planning & Design of Carnegie Library to Eisterhold Assoc for \$50,000.
20. First Amendment - Bauer Farm Maintenance Agreement
21. City Manager's Report

22. Landfill rates for 2011 & beyond, Hamm Quarry.
23. 2011 Budget Summary - Public hearing date, July 27th.
24. Primary elections for office of City Commissioner.