



# City of Lawrence

## CITY MANAGER'S OFFICE

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### CITY COMMISSION

**MAYOR**  
MIKE AMYX

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

October 19, 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. .

### PROCLAMATION

With Commission approval Mayor Amyx proclaimed Thursday, October 21, 2010 as Lights on After School.

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve minutes from the City Commission meetings of September 21, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve claims to 203 vendors in the amount of \$1,047,057.46. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve the Drinking Establishment licenses for Jet Lag Lounge, 610 Florida; Mad Greek, 907 Massachusetts; Jefferson's, 743 Massachusetts; and Noodles and Company, 8 West 8<sup>th</sup> Street. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the recommendation of the Mayor and appoint Thomas Christie to the Board of Zoning Appeals/Sign Code Board of Appeals, to a term which will expire September 30, 2010;



and Jane Blocher to the Hospital Board to a position that will expire September 30, 2014. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to set a bid date of November 9, 2010 for the Comprehensive Rehabilitation Project at 1920 Tennessee Street. Motion carried unanimously. Motion carried unanimously. (1)

Joint City Ordinance No. 8542/County Resolution No. 10-22, for Comprehensive Plan Amendment (CPA-4-2-10) to Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans, 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. (2)

Joint City Ordinance No. 8562/County Resolution No. 10-23, for Comprehensive Plan Amendment (CPA-4-3-10) amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan, 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. (3)

Ordinance No. 8579, for the de-annexation (A-6-1-10) of approximately 2.4 acres, located at 1820 N 3<sup>rd</sup> 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. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to receive a report from Loring Henderson, Director of Lawrence Community Shelter, regarding

quarterly reporting required by conditions of approval for Special Use Permit (SUP-10-09-09).

Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to receive the 2010, 2<sup>nd</sup> and 3<sup>rd</sup> Quarter reports from Downtown Lawrence, Inc. Motion carried unanimously. (6)

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

During the City Manager's Report, Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the report. He said city staff attended the Kansas Municipalities Conference where David Corliss, City Manager, presented "Issues in Creating and Managing a Storm Water Utility" and, Jimmy Gibbs, Aquatics Manager, presented "Swimming in the Deep End: Aquatic Facility Risk Management"; an open house was held at the airport attracting aviation enthusiasts; and, the third quarter web site statistics indicated 221,448 visits from July 1 to Sept 31<sup>st</sup>. (7)

#### **REGULAR AGENDA**

##### **Receive update on the status of City Code compliance efforts at 1313 Haskell.**

Brian Jimenez, Code Enforcement Manager, gave an update on compliance efforts at 1313 Haskell Avenue as outlined below

#### **Background**

On September 28, 2010, staff presented an update to the City Commission regarding the status of the repair work/clean up that is to be completed by the October 15, 2010 deadline date that is identified in Resolution No. 6885.

Staff informed the Commission that Mr. Seibel had completed a diminutive amount of repairs to the house and detached garage and that those repairs had occurred only recently after Mr. Seibel learned that staff was going to provide an update to the Commission. The City Commission directed staff to provide a final update on October 19, 2010 and to prepare for the demolition of the structures.

Since that update, staff of Development Services has had several contacts with Mr. Seibel during the week of October 11<sup>th</sup> as he initiated contact in reference to submitting a building permit application for the construction of the porch. At the time of the writing of this memorandum, Mr. Seibel had submitted a building permit application for review on October 13,

2010 at 4:50pm. Staff will begin the review process and provide additional information to the Commission on October 19, 2010.

Furthermore, all additional work performed by Mr. Seibel since September 28, 2010, has been viewed by staff as addressing only minor items identified in Section 3 of the Resolution. The following pictures taken on October 12, 2010 identify the small changes that have occurred to the structures since September 28, 2010.

The Resolution authorizes the City to raze the two structures once the Commission reviews the progress of the repair/clean up and determines Mr. Seibel has not complied with the requirements identified in Section 3 of the Resolution.

It should be noted that staff conservatively estimates that over 100 hours have been exhausted on this property since the first code enforcement action was initiated on March 29, 2006.

### **Staff Recommendation**

Mr. Seibel has not successfully fulfilled the fifteen repair/clean up items; therefore, it is staff's professional opinion that the order outlined in Resolution No. 6885 to demolish the garage and residence should be enforced and implemented. In preparation to carry out the order of the resolution, staff has contacted three excavation companies to provide removal bids. If the commission agrees, the process to remove the structures should commence immediately.

Mayor Amyx said it was staff's opinion that the terms were not met as outlined in the resolution. He said the potential purchaser of 1313 Haskell was James Grauerholz.

Jimenez said correct.

Mayor Amyx asked if it was understood that that City Commission planned on proceeding with that resolution, but Grauerholz needed time to evaluate that property over the next week.

Grauerholz said the evaluation would take place soon. He said he hoped to save the house, depending on the condition, but wanted additional time to evaluate the home. He said Seibel made a binding contract of sale, at 1313 Haskell Avenue, to him.

Mayor Amyx said in a week an agreement would be made as to what was needed immediately as well as a work plan, if the house remained.

Grauerholz said his concept was to move as quickly as possible to rehabilitate the home or let the home go. He said he would work with City staff closely and cooperatively.

Jimenez said he would most likely coordinate the efforts with Grauerholz.

Scott McCullough, Planning and Development Services Director, said the discussion of a one week deferral was that staff received that information approximately 2 hours ago. If the City Commission desired to entertain the proposal in delaying the demolishing of the structures, he asked that staff and Grauerholz be given some time to understand the scope of the project. The structure had deteriorated more in the 5 months City staff had to seek remedy. Water and elements were entering into the structure because of a roof opening. He said staff wanted to make sure the purchaser understood the scope of the project to repair that structure. He said they might come to agree that the structure needed to be demolished and come back with information to the City Commission about whether the City or the owner should implement that demolition. Again, he said this was late information to City staff and staff needed time to wrap their heads around this situation to find out what options were available. He said staff agreed it was a significant change on the property and if that was worthy of altering the decisions of the past, then staff was available to implement the change but suggested the City Commission grant staff at least a week to help with that process.

Mayor Amyx said this City Commission had been fair in making sure housing stock, whenever possible, could be saved.

Vice Mayor Cromwell said he appreciated someone stepping forward to help make an attempt to preserve housing stock.

Mayor Amyx called for public comment.

Craig Comstock, property owner at 1315 Haskell Avenue, said he appreciated if the City Commission could help in this matter and not demolish the structure at 1313 Haskell Avenue.

**Moved by Cromwell, seconded by Dever,** to defer for one week receipt of a status update on code compliance issues at 1313 Haskell. (8)

**PUBLIC COMMENT:**

Donald Southard said he wrote a proposal for housing and care for people in the community.

- 10/26/10
  - Receive presentation from the APA designating Massachusetts Street as a “Great Street in America”.
  - City Auditor will present the Performance Audit: Police Administrative Bureau – Identifying Potential Audit Topics.
  - City Auditor will present memo on Preventing “Cramming”.
- November
  - Receive status report on LCS relocation efforts.
- 11/02/10
  - Receive extension requests to the following formally approved items. Submitted by Allen Belot, property owner of record.
    - Prairie Wind Final Development Plan, FDP-08-05-06, for 17 dwelling units on 2.59 acres for a density of 6.56 units/acre. Approved by Planning Commission on September 25, 2006.
    - Prairie Wind Final Plat, PF-08-22-06, a one-lot subdivision approved by the Planning Commission on September 25, 2006. Dedications were accepted by City Commission on October 10, 2006 and a 6 month extension request was approved by Planning Commission on September 24, 2007.
- 11/09/10
  - Receive report from Destination Management, Inc.
  - Discussion on overtime policy and update on time and attendance.
- 11/16/10
  - Conduct public hearing to review the condition of the dilapidated structures at 1200 Pennsylvania and to consider declaring the structures unsafe and ordering the repair or removal within a specified period of time.
  - Distance restriction waiver hearing for off premises CMB license for Presto, 602 W. 9<sup>th</sup> Street.
- TBD
  - Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.
  - Receive Lawrence Human Relations Commission gender identity report.
  - Ordinance No. 8565, establishing a Community Improvement District (CID) at 23<sup>rd</sup> and Ousdahl Streets.
  - Consider approving Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10)

ACTION: Approve Comprehensive Plan Amendment (CPA-2008-7), if appropriate.

  - Consider Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10)

- Approve scope of improvements for Iowa Street, Project PW1012, Iowa Street (US-59 Highway ), Irving Hill Road to Yale Road, Street Reconstruction and Geometric Improvements
- Consider changes to sidewalk dining requirements.

**COMMISSION ITEMS:**

**Moved by Chestnut, seconded by Johnson,** to adjourn at 7:56 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan Douglass, City Clerk

### **CITY COMMISSION MEETING OF OCTOBER 19, 2010**

1. Bid Date Set – Comprehensive Rehab Project, 1920 Tenn for Nov 9, 2010.
2. Ordinance 8542/County Resolution – 2<sup>nd</sup> Read, CPA-4-2-10, Chapter 13, process for plans.
3. Ordinance 8562/County Resolution – 2<sup>nd</sup> Read, CPA-4-3-10, K-10 & Farmer's Turnpike Plan.
4. Ordinance 8579 – 2<sup>nd</sup> Read, De-Annex (A-6-1-10), 2.4 acres, 1820 N 3<sup>rd</sup>, 18-12-20E.
5. Lawrence Community Shelter – 4<sup>th</sup> Quarter Report for SUP-10-09-09.
6. Downtown Lawrence Inc. – 2<sup>nd</sup> & 3<sup>rd</sup> Quarter Report for 2010.
7. City Manager's Report.
8. Update Status Report – 1313 Haskell Avenue compliance efforts.