



DAVID L. CORLISS  
CITY MANAGER

# 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 26, 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 and Cromwell, Dever, and Johnson present.

The consideration of a sign permit for a mural installation on the north wall of the Lawrence Arts Center Building, 940 New Hampshire, as requested by the Lawrence Arts Center and as recommended by the Lawrence Cultural Arts Committee, pending approval of the Historic Resources Committee on October 25, 2010, was deferred indefinitely.

### PROCLAMATION

With Commission approval Mayor Amyx proclaimed October 31, 2010 as "Halloween Beggars Night" the month of October as "Community Planning Month"; and, recognized the American Planning Association's designation of Massachusetts "Street as a Great Street in America for 2010."

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve the City Commission meeting minutes of July 13, 2010 and September 28, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to receive meeting minutes from the Lawrence Cultural Arts Commission of September 8, 2010; the Convention and Visitors Bureau meeting of August 24, 2010; and the Parks & Recreation Advisory Board meeting minutes of October 12, 2010. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve claims to 304 vendors in the amount of \$2,789,481.56 and payroll from October 10, 2010, 2010 to October 23, 2010 in the amount of \$1,774,654.87. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve the Drinking Establishment licenses for El Mezcal, 1819 West 23<sup>rd</sup>; Encore, 1007 Massachusetts; the Granada, 1020 Massachusetts; the Class A Club, Alford Clarke Post No. 852; and the Retail Liquor License, for Glass House Liquor, 2301 Wakarusa Drive, Ste: C. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to concur with the recommendation of the Mayor and appoint Eric Dobbins, to the Lawrence Cultural Arts Commission, to a term which will expire January 31, 2011; and appoint Vice Mayor Cromwell to the Public Incentive Review Committee. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to set a bid opening date of November 16, 2010 for the 2010 Electrical Preventive Maintenance (B1059). Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to set the bid date of November 16, 2010 for the Weatherization Program 2010 at 84 addresses within the City limits of Lawrence. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to set a bid opening date of November 23, 2010, for the Kaw Water Treatment Plant Sludge Collector Drive Replacement. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to reject all bids received for Bid 1050 on September 28, 2010, authorize staff to re-bid Project UT0905CS with alternates, and set a bid date of November 16, 2010 for Bid No. B1058 Project

UT0905CS, Sanitary Sewer Main Replacement for the 1100 block of Delaware Street, the 1500 block of New Hampshire Street and the 700 block of Michigan Street. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize the City Manager to execute an Engineering Services Agreement with Professional Engineering Consultants in the amount of \$271,782 for Design Phase Engineering Services for General Wastewater Pumping Station Improvements Priority Groups I and II (UT0919CS). Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize payment of \$30,000 to reimburse Orscheln Farm & Home for access management public improvements. KDOT will reimburse the City \$25,000 for a final cost to the City of \$5,000. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize the issuance of a Request for Qualifications for an off-site health and wellness center for City employees. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize the City Manager to sign a Memorandum of Understanding for the Safe Winter Walkways Program. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize the City Manager to enter into an agreement with Kissick Construction Company and/or Bowersock Mills and Power Company or an affiliated Corporation, for the temporary use of City property on the north bank of the Kansas River for the storage of a construction crane. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize the Mayor to sign Subordination Agreements for Sandra Unfred, 828 Locust Street and Stan and Cathy Weil, 1706 Vermont. Motion carried unanimously. (10)

**CITY MANAGER'S REPORT: None**

**REGULAR AGENDA**

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

Brian Jimenez, Code Enforcement Manager, presented an update status of code compliance efforts at 1313 Haskell.

Michael Almon, Lawrence, said he was a partner of Grauerholz, the person that purchased 1313 Haskell Avenue. This house on Haskell was a part of an ongoing process in the Brook Creek Neighborhood. He said when this structure at 1313 Haskell Avenue was finally moved, that move triggered more stabilization and improvements in the neighborhood. He said structurally it was a great home and if the interior was gutted, there was a good foundation, with a well built house and from that point everything would be equivalent to what would be done to a new home. He said they appreciated the City Commission's flexibility and willingness to work with the owners.

James Grauerholz said that he and Seibel, owner of 1313 Haskell, signed a contract to purchase the property a week ago. He displayed pictures and drawings of what the house had originally looked like and thought the project was economically viable. He said he and his partners were requesting two weeks before giving a final decision as to whether they could clear out the structure because it was an issue and they would be grateful for any help the City could provide with roll-offs and dump fees. He said they were working with Seibel, whose intentions were the best, but who needed encouragement, guidance, and pushing to empty out that structure in order to receive bids.

Mayor Amyx said that structure definitely needed to remain in the neighborhood and appreciated the work that was being attempted.

Grauerhotz said the needling was strongly leaning toward saving that structure, but could tell the City Commission definitively in two weeks.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Dever**, to defer this item for sixty days and receive a staff report at that time. Motion carried unanimously.

(12)

**Consider approving Resolution No. 6909, a Resolution of Intent to issue \$7 million in Industrial Revenue Bonds for Plastikon Industries and schedule a meeting of the Public Incentives Review Committee (PIRC) for November 3, 2010 to consider an employee training incentive for Plastikon.**

David Corliss, City Manager, introduced the item, explained how industrial revenue bonds work, and said there was no tax abatement request associated with this project.

Mayor Amyx called for public comment.

Bob Marvis, CEO of Kansas City Development Council, said it had been a pleasure to work with the City and Chamber of Commerce. The project was important not only for Lawrence, but for the entire Kansas City region. He asked for the City Commission's support of the project.

Beth Johnson, Lawrence Chamber of Commerce, welcomed Plastikon to the community and thanked all partners who helped make that project happen.

Andrew Kovar, representing bond counsel for the project, said he was available to answer any questions regarding the project.

Gwen Klingenberg, President of the Lawrence Association of Neighborhoods, said she supported this project and this was an opportunity to get involved in the animal health corridor and also keeping KU graduates in Lawrence.

Mayor Amyx said the City Commission appreciated the work from City staff, the Chamber of Commerce, Douglas County and everyone involved in this project. He said it was an exciting time and was part of the planning process to get the ball rolling regarding growth in this community.

Commissioner Johnson said this project was a home run.

Commissioner Chestnut said he had the opportunity to visit Plastikon's corporate office in Hayward, California, a contract manufacturer in microbiology. He said it was a unique fit for that facility and went along with what was happening with Kansas University and its Pharmacy school, the investment made in the bioscience incubator, and with the expansion on Wakarusa. Building the critical mass of incubation and technology was what the community needed to do for a long time because it leveraged the power the City had with the University and the intellectual capital in the community. He said it was tremendous and would build upon itself because it was an organization that had global reach.

Commissioner Dever said he wanted to thank everyone because he thought there was never enough thanks when something came to light of all the people in the community. He said this was one of the situations where one could see the hard work and efforts of all the people involved in the process. He said there were many opportunities that came to Lawrence that no one heard about. He said the City of Lawrence was given opportunities, thanks to friends in Kansas City, the hardworking people at the Chamber of Commerce, and the team put together in Lawrence to change the attitude about the community and put in place the tools and resources to quickly act upon those types of opportunities. Although this was only one substantial opportunity, as far as major growth in industry, they had seen in the last 3 years, there had been many other opportunities that most of the community was not aware of. To see this come to light and hopefully to fruition was an example of lots of other chances that were taken and not been successful with. This was a great opportunity. Lots of people had been involved, and he wanted to thank the people for all of the other opportunities that had gone by

the wayside or had been attracted by other communities. He said he was proud to be a part of this building of a bioscience program in the community and would like to see it move forward.

Vice Mayor Cromwell said it had been a great year for bioscience in Lawrence, Kansas. He said the City had an incubator, a graduation facility, and ground at former Farmland Industries. He said this was an example of the City, the Chamber and the University working together like those entities never had before. Plastikon coming here was an example of what great things could be accomplished when everyone worked together. He said this was the first of many great successes he believed were coming because of that hard work.

This year, the community could look back to a number of successes that had been building for a number of years and that it was a good time to look back and appreciate all the hard work and cooperation that had gone into this project. Here was an example of good paying jobs in our community that was a result of all that hard work, and with all the bad news in the economy he said it was important to recognize there were good things happening in Lawrence. The unemployment rate was reasonable considering the times and there were successes that were coming and were working very hard day and night to make sure that those successes continued.

**Moved by Johnson, seconded by Chestnut,** to adopt Resolution No. 6909, a Resolution of Intent to issue \$7 million in Industrial Revenue Bonds for Plastikon Industries and schedule a meeting of the Public Incentives Review Committee (PIRC) for 4:00 p.m. November 3, 2010 to consider an employee training incentive for Plastikon. Motion carried unanimously.

(13)

**Consider adopting on first reading, Ordinance No. 8572, adopting the International Fire Code, 2009 Edition; Ordinance No. 8583, adopting by reference an amended Chapter V, Article 1 of the City Code, the International Building Code, 2009 Edition, the International Fuel Gas Code, 2009 Edition, the International Energy Conservation Code, 2009 Edition, and the International Existing Building Code, 2009 Edition; Ordinance No. 8584, adopting the International Residential Code, 2009 Edition; Ordinance No. 8585, adopting the International Plumbing Code, 2009 Edition; and Ordinance No. 8586, adopting the International Mechanical Code, 2009 Edition.**

Barry Walthall, Building Codes Administrator, presented the staff report. He said that the proposed adoption of the 2009 International Building Code provided for continued improvements in the codes, increasing safety and performance. New codes included provisions for increased energy conservation and according to the International Code Council, construct in accordance with the 2009 Codes, resulted in 8% to 10% better energy performance than construction under the current 2006 codes. There were also provisions to allow greater flexibility and potentially reduced costs for wall bracing and foundation anchorage of residential structures.

The 2009 Codes were updated from the 2006 Codes that the City adopted that were effective since January 1, 2008. He said the implementation of the International Codes had been very successful and had positively impacted the community in a variety of ways. The community had benefited from the adoption of energy conservation standards for both residential and commercial buildings that had improved performance and reduced energy consumption. Prior to adoption of the International Code, the City had no enforceable energy conservation standards for construction. He said those designers and contractors had embraced the new standards and had done an excellent job.

Designers, contractors and trade workers benefit from the integrated set of codes whether coming from out of town to work in Lawrence or for the Lawrence based businesses going elsewhere to work. Knowledge of the International Codes enabled the ability to design and build to standards that most were familiar with.

High quality continued education for contractors and workers presented by nationally recognized instructors and based on the integrated code series had been readily available since 2005 and locally since 2007. He said an extra benefit of being able to bring the nationally recognized instructors to Lawrence had been the ability to have builders and inspectors attend the same training and share dialog about how the codes were to be applied.



Prior to 2008 the building code governed all new construction and renovation within the city which was a challenge for everyone to pick out the pieces of the code that applied to residential construction compared with the provisions governing commercial construction.

Steve Blanchard, Chair of Fire Code Board of Appeals, said he was present to answer questions.

Mayor Amy called for public comment.

Bobbie Flory, Lawrence Homebuilders Association, said LHBA overall, supported the adoption of 2009 International Codes because it was important to stay with the current cycle. She said they could work with city staff if there were future issues that were unforeseen.

Mayor Amyx asked if Flory had figured the cost of a home as a result of the 2009 International Codes.

Flory said it was difficult to answer that question because of the economic climate. She said LHBA had not put a number locally to the increase, for example the new energy requirements. The housing market was in flux over the last couple of years since the codes were adopted. She said there were a lot of communities in Kansas that did not have codes, but there were some communities that did not adopt the energy code and was a tremendous benefit to the residence of this community because Lawrence was more energy efficient. The City's minimum standards were so much higher than a lot of the housing stock in other areas of Kansas and in the Country.

Rich Barr, Fire Marshall, said adoption of the International Fire Code assured that structures met minimum standards for fire fighter safety and for fire protection systems and safe storage and use of hazardous materials. This document was also a design document because someone could not build a structure unless it had fire department access, a water supply, and required fire protection systems. He said the Maintenance Code allowed the Fire Department to inspect existing buildings routinely to determine if a building met a minimum standard.

Mayor Amyx said on a furniture store classification, he asked if that was retroactive.

Barr said no, it was not retroactive and was a new provision placed in the code. He said existing furniture stores with upholstered furniture would be allowed to remain because those were built, according to the code, in effect at the time. New furniture stores were required to be sprinkled.

Commissioner Dever asked about the impact on the additional fire sprinklers on multi-family dwellings, sited in the code and how would water services, pressure, and the ability for the existing lines to hook in and provide an adequate level of service.

Barr said that the ISO (International Organization for Standardization) was one regulatory mechanism that evaluated fire protection and cities' infrastructure for water supplies as well as emergency communications. He said they were rated at an ISO Class 2 and 40% of that rating was because of water supply. He said he believed the water supply in this City was extremely good, with the addition of the 1.5 million gallon elevated water tank on Highway 40. He said that when they required buildings to sprinkle because there was not enough water or not enough pressure it was typically because the buildings were very large or constructed a certain way that made them more prone to having a fire. He said when requiring 8,000 gallons a minute out of a hydrant, it was impossible. The code alternative was to sprinkle the building which reduced the fire flow requirement by 75% and only needed to supply 2,000 gallons per minute which was very common within the City.

Commissioner Dever said when moving the sprinkler requirement into a residential type facility where perhaps it was at the end of the line, he said he was more concerned about the cost associated with the pressure, increases that might be required in order to serve the new sprinklers that would be equipped in the additional multi-family dwellings in the code. Because of where they were located, he wondered if the pressure and service level were high enough to be effective in sprinkling those buildings.

Barr said typically yes, but if, for example, there was adequate volume, on the end of a line and the pressure dropped, then part of the installation of the sprinkler system might include a fire pump in order to boost the pressure. He said development on New Hampshire Street would most likely require fire pump, not because of inadequate water, but because it had to go seven stories and had to use hydra pressure. He said there were mechanisms as long as the water volume was present to boost the pressure.

Mayor Amyx asked about the requirement for a 4 or 8- plex building that was in the system, but had not pulled a building permit and would the building need to be sprinkled under the new code. He said the City Commission approved a number of projects that probably had not pulled a permit and could ask for extensions.

Barr said that January 1, of 2008 when the 2006 International Codes went into effect. At that point and time residential occupancy, triplexes and above, 3 units or more were required to be sprinkled if they were new. Anything since January 1, 2008 that had come in as a plan review or as a significant renovation was already required to be sprinkled.

Mayor Amyx said the word “optional” was used in the code in reference to the sprinkling system.

Walthall said the biggest change on the requirements for sprinkler systems with the 2009 codes had to do with International Residential Code. He said one or two family dwellings which included townhouses or by definition, attached units that were 3 or more units. With the 2009 Residential code all dwelling were required to be sprinkled. The recommendation of the Building Codes Board of Appeals, which staff concurred, was that the sprinkler systems become an optional element for the one or two family dwellings, but become mandatory for the townhouse, which were 3 or more units.

**Moved by Cromwell, seconded by Dever,** to adopt on first reading, Ordinance No. 8572, adopting the International Fire Code, 2009 Edition. Motion carried unanimously. **(14)**

**Moved by Cromwell, seconded by Dever,** to adopt on first reading, Ordinance No. 8583, adopting by reference an amended Chapter V, Article 1 of the City Code, the International Building Code, 2009 Edition, the International Fuel Gas Code, 2009 Edition, the International Energy Conservation Code, 2009 Edition, and the International Existing Building Code, 2009 Edition. Motion carried unanimously. (15)

**Moved by Cromwell, seconded by Dever,** to adopt on first reading, Ordinance No. 8584, adopting the International Residential Code, 2009 Edition. Motion carried unanimously. (16)

**Moved by Cromwell, seconded by Dever,** to adopt on first reading, Ordinance No. 8585, adopting the International Plumbing Code, 2009 Edition. Motion carried unanimously. (17)

**Moved by Cromwell, seconded by Dever,** to adopt on first reading, Ordinance No. 8586, adopting the International Mechanical Code, 2009 Edition. Motion carried unanimously. (18)

**Receive the following items from the City Auditor.**

- a) **Presentation on the Performance Audit: Police Administrative Bureau – Identifying Potential Audit Topics.**
- b) **Receive City Auditor staff memo on telephone billing practices**

Michael Eglinski, City Auditor, presented the Police Administrative Bureau Performance Audit report.

The administrative bureau of the Lawrence Police Department provided a range of services, including: animal and parking control, property and evidence, information systems, records, professional accountability, training, school and neighborhood resource officers and financial management. Many of the bureau's services supported police patrol and investigation functions. The bureau's budget totaled about \$3.9 million and the department as a whole totaled about \$15.3 million.

Ten areas of consideration for future performance audit work were: Managing shared services and facilities; ensuring adequate facilities and equipment; ensuring continuity of information technology; recruiting and training law enforcement personnel; managing work load; serving internal customers; handling complaints; measuring and reporting on performance; managing costs; safeguarding property and evidence.

Eglinski said for the next audit plan, he would incorporate 1 or more of those ten areas for a future performance audit work plan, but he was comfortable with any other topics the City Commission desired.

David Corliss, City Manager, said Eglinski had done a great job and it was his opinion that the issue of work load was particularly valuable to the department, to the city organization and to him as he made recommendations to the City Commission about where to place resources and whether or not the City was employing all the best practices regarding workload.

The issue of performance measurements was something where value was seen in other departments. The Police Department provided some performance measurements, but that department had data and other challenges.

The issue of professional accountability was something he thought was very important. He said he had strong faith in the Police Department, but also knew that the transparency and accountability that the community expected was not his word but rather something the community could see.

Those three topics were the topics that Eglinski placed in his report as the top three topics. Those three were ambitious projects that would have immediate benefit to the city organization and the community.

He said in response to Eglinski's report, he learned a few things, for example, that the Police Department kept the City of Eudora's records and he needed to find out whether written responsibilities and understandings were needed. He said the City did records for Douglas County. Also, Eglinski pointed out that the City did not have memorandums of understanding for all of the City's school resource officer functions.

He said he appreciated Eglinski's work and he would be presenting a report to the City Commission because it was good management.

Mayor Amyx called for public comment.

Laura Routh, Lawrence, said that she and others had significant complaints about the Police Department in the course of 6 years and had gone nowhere. So long as the Police Department collects and reports on their own complaints, the process was suspect. Their model did not offer transparency or accountability. The Police Department's complaint process should be fully audited and at the top of the list.

She said effective community policing required collaboration and trust and neither would occur if the department's long standing propensity for secrecy was upheld. The auditor's examination and recommendations regarding the Police Departments complaint procedure were badly needed.

She said she encouraged the City Commission to direct the auditor to further examine the Police Department's use of resources. In the 7 years that she had lived in Lawrence and paid taxes, she had seen the department's budget increase significantly and had not seen an open examination and discussion of the department's performance. She said it was not unreasonable for the citizens to expect that the Police Department be held to the same standard of accountability that was held with every other City department.

Mayor Amyx said in response to Routh's comments there would always be questions about the outcome to any complaint process. He said he and the other members of the Commission, along with the Chief and the City Manager took seriously, concerns about the Police Department. He said Routh needed to rely on the City Commission, the City Manager's Office and the Chief of Police as to work that was being done. He said he believed the City had a top notch department and individuals that worked in the Police Department and all other departments did a tremendous job. He said he did not know what her discussions had been with the Police Chief and the department as far as transparency and Routh's expectations, but he appreciated her comments, and would take that concern as a potential audit topic.

Commissioner Chestnut said regarding complaints, he agreed with the Mayor and one of the issues was that perception was reality sometimes as far as trying to figure out how to create

a process that might have the public understand better about how complaints were handled. He said he thought this was a good opportunity to look at that concern and invite any ideas as long as it did not compromise investigation in control of the City's process.

Insuring continuity of information technology was something that had not been discussed but if they were not paying attention, could be a whole lot of problem in a hurry. He said he wanted to remind everyone that KDHE in the last month shut down for about three weeks. He said in Eglinski's comments one of the things highlighted was no formal plan of transition for information technology or continuity which caused pause and should be addressed. He said it was an area that everyone could not be too careful about because that technology was depended upon and drove what everyone did everyday.

He said the work load issue and performance measures were other topics. He said regarding performance measures, they needed to decide how to derive at those performance measures and who had input in that process. If those performance measures were self driven, then he asked if those measures were meeting the needs of the expectations of what people were looking at as far as what was defined as performance.

Vice Mayor Cromwell said there were plenty of topics and all those topics needed to be addressed. He said he had a great deal of confidence in that what the auditor did not address, the Police Department and City Manager's Office was taking a look at some other items on the list. He said there was always room for improvement, even with the City's fantastic Police Department.

Michael Eglinski, City Auditor, presented a report on telephone billing practices as outlined below:

The city should strengthen controls to prevent "cramming." Cramming happens when a company adds a charge to the city's phone bill for a service the city didn't order, agree to, or use. Several charges on recent telephone bills appear to be cramming. The City Manager should contact the companies that placed the charges, ask for explanation for the charges, cancel the services, and request adjustments for any incorrect charges. The City Manager should also take steps to reduce the likelihood of cramming: request a bill block on third-party charges to the city's account, provide city staff with information about how to reduce cramming,

and review monthly bills to look for cramming in the future. If appropriate, the City Manager should file a complaint with the Federal Trade Commission.

The City Manager has begun to address the recommendations.

The city appears to have been charged for some services that weren't ordered, agreed to or used. The services appear as charges on the city's phone bill. The charges include items such as: voice message monthly fee, webhosting service, PC tech, and efax monthly service. None of the charges were through the city's telephone provider. The monthly charges for these services ranged from \$8.00 to \$49.95.

Staff in the Information Systems, Parks and Recreation, Public Works and Fire/Medical departments had no knowledge of the charges associated with the phone numbers identified as possible cramming charges.

### **What is cramming?**

Cramming happens when a company adds a charge to a phone bill for a service the customer didn't order, agree to, or use. Crammers rely on confusing telephone bills to trick consumers into paying for services they didn't authorize or receive.

### **What to do if you've been crammed?**

Call the company that charged for the services, ask for an explanation, and request an adjustment for any incorrect charges. Contact the telephone company, explain your concerns, and ask for the procedure to remove incorrect charges. Sources: Federal Trade Commission and Federal Communications Commission

### **Recommendations**

The City Auditor recommends that the City Manager:

1. Contact the companies that placed charges on the most recent phone bill, ask for an explanation of the charges, cancel the services, and request an adjustment for any incorrect charges.
2. Request a bill block on third-party charges to the city's account.
3. Provide city staff with information on preventing cramming.
4. Review monthly bills to look for cramming in the future.

The City Manager should consider filing formal complaints, such as with the FTC, if appropriate.

### **Scope, method and objectives**

The City Auditor designed this performance audit to determine if the city had been billed for charges consistent with cramming and, if so, to identify steps to prevent cramming.

The City Auditor reviewed phone bills for April and December of 2009; and July, August and September 2010. The auditor interviewed city staff in the Information Systems, Fire/Medical, Parks and Recreation, and Public Works departments. The auditor reviewed literature from the Federal Communications Commission, Federal Trade Commission, and the Kansas Citizens Utility Ratepayers Board.



The City Auditor conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. The City Auditor believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives. The City Auditor provided the City Manager with a draft of the report on October 6, 2010. Management provided a response on October 8, 2010. The response is summarized below.

### **Management Response**

Management has begun working to strengthen controls to prevent cramming. Management plans to meet with a telephone company representative to discuss the issue. In addition, the Information Services Department will:

- make a list of all of the city's phone accounts to be sure all accounts have all been reviewed.
- identify questionable billing and third party billing to be researched
- contact each of these companies to cease the activity and document the process.
- research what other cities are doing to monitor and prevent this type of activity.
- discuss within our department what steps need to be taken to prevent this type of activity in the future.
- review what communications need to be sent to educate the City staff to help prevent this problem.
- inform the City Auditor and City Manager of the results

Mayor Amyx called for public comment.

After receiving no public comment, Mayor Amyx said that the audits were good but that assistance from the public in these matters was essential to make sure that the performance of all departments continued to be at the top level.

### **PUBLIC COMMENT:**

Michael Tanner made comments regarding Halloween. He said in the past there were areas where lights were shut off in certain designated areas for display of products that glow in the dark and asked if the lights were going to be off this year.

Mayor Amyx said with the number of businesses that participated in the Trick or Treating he thought they would not shut lights off.

### **FUTURE AGENDA ITEMS:**

- |          |   |
|----------|---|
| November | • Receive status report on LCS relocation efforts.  |
| 11/02/10 | • Receive extension requests to the following formerly approved items.<br>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.
- Authorize the City Manager to execute an Engineering Services Agreement in the amount of \$247,748 with Burns & McDonnell Engineering Company, Inc. for services in conjunction with the Water System Master Plan, Project UT0921MP.
- Approve the population projections and master plan boundary for the Wastewater Master Plan following the completion of the Public Participation Process.

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.

**Moved by Chestnut, seconded by Dever,** to adjourn at 8:22 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk

**CITY COMMISSION MEETING OF OCTOBER 26, 2010**

1. Bid date – Nov 16, 2010, 2010 Electrical Preventive Maintenance (B1049)
2. Bid Date – Nov 16, 2010, Weatherization Program, 84 addresses.
3. Bid Date – Nov 23, 2010, Kaw Water Treatment Plant Sludge Collector Dr. Replacement. – 1<sup>st</sup> Read, CPA-4-2-10, Chapter 13, process for plans.
4. Bid – reject on Sept 28, rebid UT0905CS, set bid date for Nov 16, sanitary sewer replacement at 1100 block of Delaware & 1500 block of New Hamp.
5. Engineering Services Agreement – General Wastewater Pumping Station UT0919CS, with Professional Engineering Consultants for \$271,782.
6. Access Mgmt Public Improvements – Orscheln Farm & Home for \$30,000, KDOT reimburse City \$25,000.
7. RFQ – Off-site health & Wellness Center for City Employees.
8. DEFERRED Sign Permit mural installation – Arts Center, 940 New Hamp.
9. Memo of Understanding – Safe Winter Walkways Program.
10. City property for construction crane, Kissick Construction Co &/or Bowersock Mills.
11. Subordination Agreements – Unfred – 828 Locust & Weil at 1706 Vermont.
12. Compliance Issues – 1313 Haskell Ave.
13. Resolution 6909 – Resolution of Intent, 7 million, IRB Plastikon.
14. Ordinance 8572 – 1<sup>st</sup> Read, 2009 Int'l Fire Code.

15. Ordinance 8583 – 1<sup>st</sup> Read, 2009 Int'l Bldg Code; 2009 Int'l Fuel Gas Code; 2009 Int'l Energy; and 2009 Int'l Existing Bldg. Code.
16. Ordinance 8584 – 1<sup>st</sup> Read, 2009 Int'l Residential Code.
17. Ordinance 8585 - 1<sup>st</sup> Read, Int'l Plumbing Code.
18. Ordinance 8586 – 1<sup>st</sup> Read, Int'l Mechanical Code.
19. Police Performance Audit, Telephone Billing Practices