



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

November 9, 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.

RECOGNITION/PROCLAMATION/PRESENTATION

The City Commission received a presentation from KDHE to the Utilities Department for the Capacity Development Achievement Award.

With Commission approval Mayor Amyx proclaimed Wednesday, November 10, 2010, as "Celebrate Marine Corps Birthday"; and, the week of November 15-19, 2010, as "International Education Week".

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve City Commission meeting minutes from October 5, 2010 and October 12, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to receive minutes from the Public Transit Advisory committee meetings of February 9, 2010, March 9, 2010 and June 8, 2010; and, The Traffic Safety Commission meeting of October 4, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve claims to 188 vendors in the amount of \$3,457,199.29 and payroll from October 24, 2010 to November 6, 2010, in the amount of \$1,779,840.32. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve the Drinking Establishment Licenses for Crimson & Brews, 925 Iowa Ste: Q; Wheatfield's Bakery & Café, 904 Vermont; and, the Retail Liquor Licenses for Cork & Barrel, 2000 West 23rd; and, Cork & Barrel, 901 Mississippi. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to concur with the recommendation of the Mayor and appoint Neil Taylor and Jay Bialek to the Bicycle Advisory Committee to a term which will expire December 31, 2013; reappoint Neal Ezell and appoint Sean Reardon to the Building Code Board of Appeals to terms which will expire November 30, 2013. Motion carried unanimously.

The City Commission reviewed bids for the 2010 Cured in Place Pipe Rehabilitation Project for the Utilities Department. The bids were:

CONTRACTOR	BID AMOUNT	NOTES
Insituform Technologies USA, Inc	\$615,037.40	
SAK Construction, LLC	\$696,844.50	
Utility Maintenance Contractors, a Division of Wildcat Construction Co., Inc.	\$743,328.00	
Utility Maintenance Contractors, a Division of Wildcat Construction Co., Inc.	\$629,488.00	Alternate Bid with Exceptions Did not meet specification
I-Con Underground, LLC	No Bid	

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to award the bid and authorized the City Manager to execute a contract agreement to Insituform Technologies USA, Inc., in the amount of \$615,037.40; and, authorize the City Manager the discretion to add additional sanitary sewer mains to the project at the contract unit prices for a total contract amount not to exceed \$982,000. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to concur with the Traffic Safety Commission's recommendation to deny a request to establish "no parking" along the west side of Sawgrass Drive from 26th Terrace, North to the cul-de-sac. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to concur with the Traffic Safety Commission's recommendation to establish "no parking" along the south side of 11th Street between Kentucky Street and Tennessee Street. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to authorize the Mayor to sign the City/State Agreement for construction engineering services for Project No. PW0903, Kasold Drive, Clinton Parkway to 31st Street, Street, Storm Sewer, Waterline Improvements. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve the donation of Engine 10 (Unit 629) from the Fire and Medical Department to the Wichita Area Chapter of Pink Heals/Guardians of the Ribbon, Inc. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to receive a request from Samuel Fields for changes to the City code regarding the maximum number of dogs that an individual may keep on a premise. Motion carried unanimously. (6)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Parks and Recreation hosted the first ever "Mummy & Son" Halloween activity; The north section of the DeVictor Park trail was completed; the ARRA funded Transportation Enhancement projects were completed; This Old (Energy Efficient) House community forum was held November 2010; and, a City recertified Flood Information Brochure was distributed. (7)

REGULAR AGENDA

Receive report from Destination Management, Inc.

Danelle Tacha, Chair of Destination Management, Inc. presented the report. The DMI report stated the following:

Destination Management, Inc. (DMI)

- 501c6 organization formed in 2008 with joint cooperation of the City of Lawrence, Douglas County, the Lawrence chamber of Commerce, and Freedom's Frontier National Heritage Area (FFNHA).
- Mission: to promote tourism in Lawrence and Douglas County by focusing fiscal resources on heritage and cultural assets in an effective and collaborative manner.
- Directed by Judy Billings, DMI coordinates, prioritizes and plans for the use of resources and programming priorities for entities that contribute to the mission. These include the Lawrence Convention & Visitors Bureau, Freedom's Frontier National Heritage Area and county funding for Douglas County Historical Societies.
- Members of the Board of Trustees include Deanell Tacha, Chair, FFNHA; David Dunfield, member of FFNHA Board of Trustees; Mike Dever, Lawrence City Commission; Mike Gaughan, Douglas County Commission; Joan Golden, representative of the Lawrence Chamber of Commerce; Dave Corliss, Lawrence City Manager; and Craig Weinaug, Douglas County Administrator.

Lawrence Convention & Visitors Bureau (LCVB)

- Continues to market Lawrence and Douglas County as always including publishing of the Visitor Guide and distribution throughout the region, placement of all types of advertising, working with travel journalists, calendar listings and social media.
- Solicits conferences and meetings and provides services.
- Bids and provides service for sports events including MS150, USSSA Softball World Series, Special Olympics National Games and others.
- Organizes Tour of Lawrence.
- Provides organization and marketing assistance to local events.

Freedom's Frontier National Heritage Area (FFNHA)

- Designated by Congress in 2006 with Management Plan approval by the National Park Service in September 2010.
- Comprised of 41 counties along the Kansas-Missouri border.
- Ongoing inclusion of sites and operational focus is administered by a partnership team comprised of hundreds of volunteers who represent sites in the area.
- Stories are commemorated of events that occurred along this border in the enduring struggle for freedom.
- 501c3 status administered by a Board of Trustees and operating under a separate budget with federal dollars through the Midwest Region of the National Park Service and matched with local private and public dollars.

- Largely led by Lawrence and Douglas County efforts and funded primarily by Lawrence, Douglas County and private entities in this region.
- Full description can be found at www.freedomsfrontier.org

Douglas County Historical Society (DCHS) and Watkins Museum

- County funding for some of the principal heritage assets is administered by DMI which includes DCHS/Watkins Museum.
- County budget increased allocation in 2011 budget.
- Significant change in DCHS Board of Directors in the past year and is involved in a substantial long-term planning process with the goal of placing it in a more stable financial situation.
- Search for a new executive director is underway.
- Moving forward in a way that is consistent with the mission of Freedom's Frontier National heritage Area and the priorities of this community.

Carnegie Library

- The Lawrence City Commission has made an important investment in this facility.
- DMI, the Lawrence CVB and Freedom's Frontier National Heritage Area will office in the building.
- Designating it as the location for the offices of FFNHA and an exhibit dedicated to the heritage area will make Lawrence and Douglas County a pivotal gateway to the new area.
- The exhibit is currently being designed so that the space can be used as a flexible multi-purpose public space.
- The Carnegie building will also provide the opportunity for Lawrence to stand at the forefront of programming for FFNHA.

Mayor Amyx called for public comment.

After receiving no public comment, it was **moved by Chestnut, seconded by Cromwell**, to receive the report from Destination Management, Inc. (8)

Consider recommendation from the Traffic Safety Commission to establish no parking along the north side of Brett Drive between Berwick Way & Haversham Drive/Stowe Drive.

David Woosley, Transportation/Traffic Engineer, presented the staff report. The report stated the following:

Background

On October 4, 2010, the Traffic Safety Commission heard a request to establish NO PARKING along the north side of Brett Drive between Berwick Way & Haversham Drive/Stowe Drive. The residents who appeared indicated that the problem was with vehicles parking along both sides of the street making it difficult (and sometimes impossible) for emergency vehicles and snowplows to get through. They also indicated that the problem was caused by two single family homes that had been turned into rentals with multiple persons living in each one. They realize that this is not the best solution, but they don't see any other option at this point and winter will be here soon.

Traffic Safety Commission Action

The Traffic Safety Commission felt this was a band-aid approach, but were concerned about emergency services. A motion to recommend establishing the parking restriction was approved 6-1; the commissioner voting "no," stated he didn't feel that the restriction would help.

Action Request

It is recommended that the City Commission concur with the recommendation of the Traffic Safety Commission, if appropriate.

Mayor Amyx called for public comment:

Kevin Powell spoke in opposition to the request and the issue was lack of communication. The landlords, renters, and neighbors had no contact from anyone on the issue prior to this item being on the TSC agenda. Since this issue came up, there was significant improvement regarding congestion in that area. He said he understood the concerns about emergency services, but the concerns were unfounded. He said the neighbors had signed a petition in opposition to this request.

Dawn Crumb said they distributed invitations for a neighborhood meeting regarding this issue. She said she did not want the "no parking" signs and it would make matters worse. Having no parking on one side would lead to snow plowing only on that side.

Jared Karosic said that he was the one who instigated this issue. He said the neighbors directly involved agreed that this request was necessary. He said there were four unrelated people living across the street and they all had large vehicles. He said it was extremely hard to get out of driveways, but he was more concerned about emergency services access. He said Brett Drive had cut through traffic.

Angela Lowe said the situation had improved with the renters parking in the driveway. She said it did not seem fair to penalize the entire street for the benefit of two houses. She said with "no parking" guest had to park down the street away from the house they intended to visit.

Vice Mayor Cromwell said one of the main concerns was safety.

Woosley said a 26 foot width was a typical width for a residential street in Lawrence. He said "no parking" was not placed on those residential streets unless it became a problem where the residences request the "no parking." Apparently, the residence on Brett Drive had a problem last winter because large vehicle parking and the snow plows not being able to get through. He said he did not know if emergency services had indicated that they had any problem, but that could always occur if there were large vehicles on both sides of the street, not parked close to the curb.

Commissioner Johnson asked if that width was 26 feet, face to face.

Woosley said correct.

Commissioner Chestnut said he was apt to support the recommendation from the TSC. He agreed that this was a complaint driven Commission as far as looking at a specific situation and there were a lot of residential streets in Lawrence that were 26 feet. There was going to be a difference depending on the amount of density whether it was rental or not.

He said he went to that area on a Sunday afternoon where there were large vehicles which were a concern. He said if it took 6 days to plow that street that was a big concern. There was no doubt there were other streets in Lawrence that work fine because there were not a lot of cars in the street, but it was going to be an on-going issue with this situation that could create problems. The problem was that it just took one situation where the City could not get an emergency vehicle through and if they ended up with a 5 minute delay because the emergency vehicle had to take another route to reach its destination that was a risk he would hate to take on an emergency response. He said in this case, there had been enough correspondence and issues for surrounding neighbors and he wanted to support the recommendation.

Commissioner Dever said reading the petition, it was an accurate statement that a majority of the people that signed the petition to not restrict parking on both sides. He said he wondered if this issue had to do with the majority or about what was recognized as a safety concern.

He said the comment about the turnover in the residence and next year there might be a flip in that assessment and might be more people that were in favor of the restricted parking. He said if it was truly an issue regarding safety and access, then the City Commission needed to resolve that issue since it was brought to the City Commission to avoid any problems in the future.

Vice Mayor Cromwell said that Brett Drive was like every other residential street in Lawrence and rental turnover was every year. He said they could have the same issue all over Lawrence and that argument failed somewhat. He said it sounded as though the neighborhood was working toward a compromise and he was in favor of leaving the current parking regulation and revisit it in the future if the neighbors were unable to work out their problems.

Commissioner Johnson agreed with Vice Mayor Cromwell. He said if everyone parked perfect on that street, it left a 10 or 11 foot path to get through. He said he had not seen any complaints from the Fire/Medical Department. He said it appeared the majority of the neighborhood did not want the parking changed. He said the Commission might want to talk to City staff to see if there was an issue of getting through on that street. He said there was a short street nearby that had ample parking available, but for right now, he would like to see the neighborhood work this issue out, but if that could not be done, the issue could be revisited.

Mayor Amyx said there were two homes, in that area, causing the problem and suggested the neighbors try to work it out. He said he would direct staff to monitor this situation for 60 days and defer the item until this problem could be resolved. He said City staff would help with the neighborhood rental situation.

Moved by Dever, seconded by Johnson, to defer this item for sixty days to monitor the situation; and, reconsider this item on January 11 if there were continuing problems. Motion carried unanimously. (9)

Consider initiating a District Plan for the Inverness Park Addition area, generally located in the area south of Clinton Parkway, between Inverness Drive and Crossgate Drive, south to K-10 Highway.

Scott McCullough, Director of Planning and Development Services, presented the staff report. The report stated the following:

In response to a request from Commissioner Chestnut, this memo provides development history and options for planning several undeveloped properties in the area south of Clinton Parkway, between Inverness Drive and Crossgate Drive south to K-10 Highway. This is commonly referred to as the Getto property and was platted as Inverness Park Addition.

The proposed planning area is predominately developed with a mixture of residential uses. The residential uses include single-family, two-family, multi-family and a retirement complex. There is regulatory flood hazard area within the planning area. Much of the flood hazard area has been converted to natural areas.

Since the late 1900s, the area has been developing according to a master plan, but a number of deviations (use, density) from the original plan have been approved and constructed. The remaining undeveloped properties are found along Clinton Parkway at Inverness and Crossgate and south of W. 27th Street. The concentration of apartments in the area has led to controversy regarding the development of the remaining vacant lots along Clinton Parkway.

These are currently two development proposals for undeveloped property in the proposed planning area: Remington Square rezoning to accommodate an expansion to add additional multi-family units west of the existing development and a development proposal for the land north of the Wyndham Place retirement facility that will add 40+ 1 bedroom multi-family units under the property's existing zoning.

Development History

An annexation request for 163.46 acres was approved in 1999. The development application included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163.46 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan.

Staff Recommendation

In order to respond to the current development pattern of the area, and in order to provide guidance on future development to property owners, developers, and surrounding neighbors, it may be helpful to undertake a planning effort to produce a District Plan for the remaining undeveloped properties. If the commission finds value in this, staff recommends that the City Commission act on the following.

1. Initiate a District Plan

If initiated, a planning effort will be undertaken to provide policy guidance for the future land uses of the undeveloped ground identified in this memo within the proposed planning area. Consideration will be given to compatibility with adjoining land uses and efforts will be taken to receive input from property owners within the planning area, neighboring property owners, and other interested in this planning project. An outcome could include rezoning of one or more of the currently undeveloped properties. A District Plan is likely to take 4-6 months to complete.

2. Confirm the proposed planning area

Staff is seeking confirmation that the proposed planning area and identified undeveloped Properties are appropriate for this effort.

3. Defer action on the existing development proposals

If a District Plan is initiated, we are left to determine whether to proceed with the current applications identified in this memo. Staff recommends deferring action on the existing development proposals until the District Plan is approved.

Alternative to Staff's recommendation

1. Do not initiate a plan

Do not initiate a plan and allow the development pursuant to existing zoning or consider individual rezoning requests as they are submitted.

2. Initiate a District Plan but permit the two active applications to move forward prior to completing the plan.

Action Request

It is recommended that the City Commission concur that staff initiate a District Plan for the Inverness Park Addition, if appropriate.

Mayor Amyx called for public comment.

David Sloop spoke in support of initiating a district plan. He said things had changed since the original planning of this area and a plan was needed to satisfy the neighborhood and developer concerns.

David Hamby spoke on behalf of the owners of the developments and asked that the applications already in the process not be delayed until the completion of a plan.

David Stern spoke in support of initiating a plan and deferring action on the current developments to take a look at land use for that area. He said moving forward on Casitas might be appropriate because it was proposed to development within the current zoning. He said there were too many apartments in the area already.

Jamie Hulse spoke in support of initiating the plan and deferring action on the development applications already in the process.

Mayor Amyx said regarding Remington Square, he asked if that item would return to the Planning Commission and then to the City Commission.

McCullough said it was a rezoning request and would go the Planning and City Commissions.

Commissioner Chestnut said supporting the idea of permitting the two active applications to move forward, in no way indicated anyone was in support of it or not. He said there were several plans and could not preclude continuing to entertain applications. Those applications were being made in a process that was well documented. He said there might be some trepidation about either one of those applications at the Planning Commission and it sounded as though the Planning Commission was looking for the City Commissions direction about moving forward. He said he was thinking about differentiating between a rezoning versus the current zoning, but again, those were both legitimate process questions that a land owner could make and either be accepted or denied. He said he would like to see the process work its way through, but the district plan was critical in this area. He said he believed some of the zoning needed to be looked at and then neighbors had discussed looking at commercial zoning on either corner. He said in looking at the aerial photo, there must be 1,000 roof tops within that area and might get some appeal which might be a great way to break up the use situation and provide a land use possibility for a property owner that would be desirable. Again, he said he did not have an opinion on either one of those applications, but had to look at other applications processing through and start to point at every different initiative the City was taking on doing overlay's and nodal plans. He said they could not stop applicants from making requests.

Commissioner Johnson said a district plan was not needed. If it would have been eight years ago before the City developed in that area that was the time to develop a district plan. He said there were two applications and two projects that should work through the system. He said

what was left over was the corner of Inverness and Clinton Parkway. He said residential and commercial was planned for that area, but were shot down. He said the market brought something forward and the City had a process to work itself out. The neighbors had an opportunity to speak to that project and staff had the ability to look at that project on its merits. He said he did not want to see a district plan potentially keep things from being brought forward. He said he would like to keep things moving as well as encourage someone else that might be looking at the corner.

Commissioner Dever said he understood the desire to want to back away from planning an area this small, but there was a decent sized parcel on the southern portion and realistically there was a lot of open space and an area that had grown at fringes and now there was this land that was undeveloped in the center. He said they had been through the process of discussing how to deal with this and how to limit development to have the least impact on the existing neighbors and existing tax base. He said it would be ideal to stop the process and do this, but it was unrealistic and the City Commission should consider any applications that were on-going while this was going on, if they did approve a district plan. He said there was more land in that area that met the eye. The reason why the area had not been developed was because of the questionable future. If they could somehow solidify that future as opposed to hijacking it and do it in an expeditious fashion, they could move forward. He said the City Commission had proven it could move quickly, when it was urgent or something the Commission considered a priority, and move it so they did not tear away potentially good development for the neighbors and a positive impact on the community.

He said it was reasonable to want to have a plan because this land use had been at odds for years and changed a lot. He said he was not sure it was worth throwing in a lot of staff time for a small area of land, but he also thought it was important for the neighbors and the City had a group of vocal and active neighborhoods that wanted to protect the investment of their properties and help shape what comes to that location. He said he did not want to stop what

was going on with the existing applicants, but initiate a plan for this area so that all the view points could be looked at and redefine what this area needed to be in the future.

Vice Mayor Cromwell said he saw Commissioner Dever's point about the size of the area and bringing this issue to the City Commission at such a late juncture to plan. He said it would not take too long to come up with a plan because it was a small enough area and would give the City Commission a chance to receive input from the community. He said this process might smooth the way for some new project. He said he always liked to see projects receive expert opinion from the Planning Commission. He said he was in favor of going ahead with the district plan, but proceeding with the proposed projects.

Commissioner Johnson said he could support a district plan if someone came in with a proposal on that corner for the City Commission to consider simultaneously. He said he did not want to wait to look at a proposal before a district plan was approved.

Mayor Amyx said there might be a good plan to consider for that area, but the pressure that would add to the Planning Commission might not work.

Commissioner Chestnut said he did not have a problem with entertaining other proposals for that area. He said as this district plan kicked off in this season, he did not think there would be a lot of activity on that piece of ground between Thanksgiving and Easter. He said one corner had already been through a process and not gone through and the other corner of Crossgate and Clinton Parkway had some proposals that really did not get through the process, but were shot down. He said it was unlikely to see any kind of epiphany of any kind of proposal on those plots, until entertaining a rezoning in that area.

Mayor Amyx said if an application came forward on the corner of Inverness and Clinton Parkway during the process for a district plan, he asked if that proposal would put undue pressure on the Planning Commission.

McCullough said when the Planning Commission was doing their planning it was typically more challenging when there was an active request. He said it was a bit more efficient

process for staff and the Planning Commission with active requests, but staff would take the City Commission's direction and work through those issues. He said this was a unique plan and part of the reason for this agenda item, was demand and conversation about those properties. He said there were people looking at the City Commission's actions and discussion tonight on next steps.

Commissioner Chestnut said if the City did not have a district plan, a lot of staff time would be spent on anyone of those corners because of neighborhood involvement and comments at the Planning and City Commission levels. Regardless of what was done in that area, would take a long time to process. He said he did not want to consider those two proposals and hold everyone else out. He said there was something about inequity with property owners and did not think the City would see anything else. He said any of those undeveloped areas, knowing this was going forward, would not want to spend a lot of time, money, and effort going into a plan until they saw the outcome.

McCullough said staff would solicit input from the owners who were a major part of any plan the City did in terms of their desires and could be an option to bring forward and have a neighborhood discussion, but staff would clearly take City Commission direction as to whether to process those applications as submitted.

Moved by Dever, seconded by Chestnut, to confirm the proposed Plan area and initiate a District Plan for the Inverness Park Addition area. Motion carried unanimously. (10)

Consider approving a Maintenance Facility Lease Agreement with the University of Kansas and consifer approving an amendment to MV Contract removing the facility costs and making operational adjustments.

Robert A. Nugent, Public Transit Administrator presented the report. The report stated the following:

Background:

In August 2009, the City Commission received a status report on the coordination activities between KU and the City. One of the issues discussed during this presentation was the possibility of developing a joint transit maintenance facility for use by both entities. At the time the City/KU planning team believed that a joint transit maintenance facility was important in

order to enhance our coordination efforts which will ultimately allow for better use of our resources. Based upon the information discussed at the meeting, the City Commission agreed that it was appropriate to pursue a joint maintenance facility, and that KU should take the lead in issuing its RFP.

In February 2010 the Commission authorized the Mayor to execute a Memorandum of Understanding (MOU) with KU indicating the City's commitment to a formal lease arrangement with KU on a joint transit maintenance facility, and authorize City staff to proceed with the purchase of buses for the University with unallocated ARRA funds, and authorize the City Manager to sign a formal amendment to the contract with MV Transportation, reducing associated facility costs in the City's service contract.

The MOU set forth a variety of provisions regarding facility, one of which indicated that the City would provide \$2 million in ARRA funding toward the procurement of buses for the University. The purchase of these buses for the University allowed flexibility for the University to front the necessary capital costs for the financing of the facility. These vehicles were ordered in early 2010.

The construction of the maintenance facility is well underway and is slated to be completed in December 2010 just prior to the end of the existing MV facility lease.

Cost Compared to Current Facility Arrangement with Contracted Provider:

By entering into a lease agreement with KU for the use of a joint maintenance facility the City is projecting a significant cost savings over the next ten years of approximately \$518,000. These projections are as follows:

<u>Year</u>	<u>Current to Contractor</u>	<u>Under Lease to KU</u>	<u>Difference</u>
2011	\$192,098	\$165,462	\$26,636
2012	\$199,787	\$166,153	\$33,634
2013	\$205,634	\$166,860	\$38,774
2014	\$213,860	\$167,583	\$46,277
2015	\$222,414	\$168,324	\$54,090
2016	\$231,311	\$174,102	\$57,209
2017	\$240,563	\$180,099	\$60,464
2018	\$250,186	\$186,324	\$63,862
2019	\$260,193	\$192,785	\$67,408
2020	\$270,601	\$200,353	\$70,248
			\$518,602

In addition to these cost savings the following benefits should be experienced which are consistent with our ongoing efforts to coordinate services between KU and the City:

- Recognition for Sustainability – The new facility earned an award from the KU Center for Sustainability in recognition for creativity in addressing issues of environmental, economic, and social responsibility. The new facility was designed to meet new energy efficiency standards that are a 30% improvement over code, and includes a bioswale for improved stormwater management on the site. All furniture for the facility was collected from the KU Surplus Property Recycling program, which significantly reduces waste from

discarded furniture as well as expenses, resources, and greenhouse gas emission related to production and shipping of new furniture.

- Centralized Dispatch – Our current operation has two separate dispatching locations. In the new facility all dispatching will take place in the same room. This allows for much better communication between dispatch staff and provides a future opportunity for additional coordination of service between KU and the City.
- Streamlined Telephone System – Combining elements of the telephone system allows for better communication between City and KU operations as well reduce the opportunity of confusion for those calling for trips and information. This serves to improve the public's perception of transit.
- Shared Software – Using a single (common) software allows for more coordinated provision of service. Some service efficiencies may be experienced as a result. This will also provide the opportunity for the potential combining of paratransit trips in the future.
- Driver Flexibility – Operating out of a single dispatch allows for more flexibility in the assignment of drivers. This flexibility should improve the ability of the contractor to fill assignments and respond to operational situations in a short period of time. The results of this should be an improvement in service interruptions experienced by the public.
- Centralized (On-Site) Fueling – This will greatly reduce the ability of both the city and the University to control fuel prices as well as provide flexibility in fuel types (i.e. biodiesel mix).
- Bus Wash – With the new bus wash buses can be washed at a higher frequency. This improvement helps lengthen the life expectancy of vehicle body metal by reducing damages from rust. It also will greatly improve the public's perception of transit.
- Vehicle Storage and Parking – At our current location the long term storage of vehicles is done on gravel lots. These lots require considerable maintenance and make it difficult to maintain a clean fleet.
- Maintenance Work Bays – The new facility has six (6) work bays while the current facility has only two (2). The additional work bays allows for more vehicles to be worked on at any one time. It also allows for the prioritization of vehicles in order to assure enough vehicles for service rollout. The extra bays also allows for possible changes in the factors used to determine which vehicles need to be shipped out for repairs.
- Long Term Investment in Rolling Stock - Provides an opportunity to become more proactive instead of reactive in the maintenance of the fleet.
- Building Image – The new building creates a tremendous advantage in recruiting and retaining quality employees for our contractor. In the long term it provides a quality facility for future contractors.

In anticipation of changes regarding the transit facility, a provision was included in the existing agreement between the City and MV Transportation that requires MV to adjust its expenses that relate to facilities if changes occur in the facility location or ownership. In February 2010 the City received formal indication from MV quantifying the amount of reduced cost the City would recognize if we were to proceed with another facility. This formal indication only pertained to the actual fixed costs directly associated with the facility. Changes in operational costs were not able to be determined at that time due to future implementation of service changes and vehicle replacement. Since this formal indication in February service changes have been implemented and the majority of vehicles have been ordered. With these changes, and with a more complete understanding of the operational requirements needed at the future facility, we have been able to perform a more comprehensive analysis of both fixed facility and operational costs.

In order to take full advantage of the new facility we recommend operational changes pertaining to fueling and cleaning of the fleet. These operational changes are necessary due to the on-site

location for fueling and the new bus wash system that will be included at the new facility. Currently buses are being fueled by drivers. At the end of the day before the vehicles are returned to the existing operating facility drivers travel to a fueling station and to fuel buses. For the City this location is relatively close to the operating facility on Haskell. For KU buses, drivers must travel to the KU fueling station on campus which adds a considerable amount of non-productive driver time to the cost of their operation.

The new, more automated, bus wash system provides great improvement over the existing (hand wash) system. However, it makes it necessary to change the process in which we clean the buses. Considering that fueling will be on-site at the new facility MV and City and KU transit staff recommends adding two new MV maintenance utility personnel to perform this task instead of drivers. We also recommend combining this task with the process of washing and detailing the fleet.

Another operational change will be how we maintain buses. Even though the City is replacing all of the fixed route fleet in the near future there will be an increasing demand on mechanics due to the changes in the vehicle types and technologies. An example of this is the addition of hybrid vehicles and the change to smaller, more difficult to maintain vehicles to the City's fleet. Two other factors must also be considered. These are the increasing age of the KU fleet (maintenance costs are equally shared under mutual agreement) and the need to fully utilize additional work bays. Considering these factors we are recommending adding an additional MV mechanic at this time.

These additions to MV personnel, and MV's contract with both the City and KU, will be partially offset by reductions in driver costs due to the change in fueling procedures and recent changes in routing.

Transit Maintenance Facility Lease:

After construction, KU will make available to the City property located at 1260 Timberedge Road in the Timberedge Industrial Park of Lawrence Kansas for use supporting maintenance and operation of public transit services. The property is slated to be completed by approximately December 15, 2010. The facility will be built pursuant to the RFP issued by KU. The term of the City-KU lease will begin January 1, 2011 and extend for ten years.

Base rent for the Transit Maintenance and Operations Facility will be set at \$125,495 for the first five years. For years 6-10, the base will increase 4% per year. Should the lease be extended beyond year 10, the rate will adjust annually based upon the consumer price index.

In addition to the base rent the City and the University will share in certain allocated costs, such as utilities, grounds maintenance, snow removal, etc. The City's portion of these allocated costs shall be determined by a ratio derived from the average monthly mechanics hours and administrative hours spent on transit service delivery. Currently, that formula requires the City to pay 48.38% of the allocated costs.

Action Requested

Staff seeks City Commission approval of a lease agreement between KU and the City for the property located at 1260 Timberedge Road in Lawrence, Kansas for use as a maintenance and operating facility in support of public transit services and authorization of an amendment to the MV contract removing the facility costs and making operational adjustments as described.

Action Request

It is recommended that the City Commission approve a Maintenance Facility Lease Agreement with the University of Kansas, and approve an amendment to MV Contract removing the facility costs and making operation adjustments, if appropriate.

Commissioner Dever asked about the ground maintenance cost.

Nugent said most of the ground would be maintained by the University.

Commissioner Dever asked how much the City was paying for the existing facility.

Nugent said the City was paying approximately \$6,000 a year.

Commissioner Amyx asked if the City was initiating the lease.

Nugent said the City and University worked together in developing the lease.

Mayor Amyx called for public comment.

After receiving no public comment, Commissioner Dever said obviously with the new facility costs were a concern with uncapped cost. He said with the energy efficiency and the newness of the facility, there would be less cost in the event the City had to pay a monthly fee.

Mayor Amyx said the only concern he had was the above ground tanks and asked if there were any problems foreseen.

Nugent said those tanks were driven by KU and were more environmentally sensitive than most. The area had its own sump pump and if there was any type of leakage, there were sensors between the actual tanks and the pumps and it was very well protected.

Vice Mayor Cromwell said he appreciated the environmentally sensitive aspects of the building and it was a good touch that went along with the City's theme regarding busses and transportation being environmentally friendly.

Moved by Chestnut, seconded by Dever, to approve a lease agreement with the University of Kansas, and approve an amendment to MV Contract removing the facility costs and making operation adjustments. Motion carried unanimously. (11)

Receive Planning Commission recommendation regarding annexation, A-9-3-10, of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended) and consider adopting Resolution No. 6910 requesting that the Board of County Commissioners make the statutory finding as to whether the proposed annexation would not hinder or prevent the proper growth or

development of the area or of any other incorporated city. Submitted by Venture Properties, Inc., property owner of record.

Sandra Day, City-County Planner presented the staff report.

The Planning Commission forwarded a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

The Planning Commission forwarded a recommendation to the City Commission that the City Commission approve the requested annexation of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended) and subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Mayor Amyx called for public comment.

Darryl Ward said he lived adjacent to this proposed annexed area that he inherited by his parents. He said this proposed annexation threatened his idea of raising his family on a farm and he did not want to raise his family in an area surrounded by warehouses and industry. Two years ago this area had been agricultural until the 155 acre island annexation was annexed and now there was a 51 acre island annexation that was proposed across from his home. Everything that he, his parents and neighbors had worked for was at risk because someone at the Chamber of Commerce thought that area was better suited as industrial development than agriculture which placed at risk people's homes, hopes, and dreams. He said he might need to surrender his property because some businesses owners thought it might be more valuable as industrial use.

He said in the case of the 155 acre island annexation, they were told island annexations were rare and not the policy of the City or County governments and had to happen because of the development potential and the proximity to the property with the Kansas Turnpike. The

sector plan was developed and he and his neighbor's property were designated as industrial. He and his neighbors were told not to worry because the sector plan was a long-range planning document and the City was not ready to push out into the County yet and that the development was 20 years out. He said two years later, 51 acres across from his property were under consideration for annexation and rezoning to IG (Heavy industrial). The developer had no client lined up for this property.

He said he was power plant designer for Black & Veatch in Kansas City and one of his jobs was site development and site layout. He said as an industrial designer, this property was too small for proper industrial development. There was no pressing need to annex or rezone at this time and was only the desire of the developer to annex and rezone and was driving this issue before the City Commission. He asked if the City should decide when the time was right to extend services outside the City limits. The nearest water was a mile away and the nearest sewer was two miles and the Kansas Turnpike stood between this property and existing infrastructure.

He said he kept seeing maps of the area and the location of the existing utilities, but nowhere in the Planning Staff's presentation had he seen a topographic map that showed the valley of Baldwin Creek which was between this site and the existing infrastructure. He said he presented a topographic map of the Baldwin Creek area that indicated it was approximately 100 feet down into the valley of Baldwin Creek and 100 feet back up to the other side to service this property with City utilities and one mile horizontally between this site and existing water and two miles to sewer. He said 200 feet of vertical separation did not take into consideration getting on to the Kansas Turnpike which at the east end of this property was at least 20 feet below East 1000 Road.

Granting annexation and rezoning for this property at this time would increase the likelihood that his surrounding property that was currently zoned agricultural would become industrial sooner than it would naturally because one property owner in the area wanted this

property annexed even though that property owner freely admitted that there was no industrial client lined up.

The annexation of property with the neighborhood prior to the natural pace of growth placed an imposition on the property owners to use their property as they had seen fit, but in fact, hindered the proper growth and development of the area, forcing the area to develop before its time. If neighbors on 3 sides of his property petitioned for annexation and rezoning to industrial, the choices for his land were few.

In conclusion, premature annexation and development harmed the proper progress of development in this area and treaded on the free market rights of property owners in this area. He said by owning his property, he did not trample upon anyone's rights and disturbed no one. He said he strongly urged the City Commission to deny this request for annexation.

Cynthia Haines said she lived across the street from the area proposed for annexation. She said she previously sent a letter that expressed concerns about annexing land on the Farmers Turnpike and rezoning the property which was adjacent to residential property to heavy industrial. She said she did not have any additional points to make, but was available for questions.

Mayor Amyx asked if Haines' property fronted almost the entire 51 acres.

Haines said yes.

Dave Ross, President of the Scenic Riverway Community Association, said their biggest concern about the annexation was the prematurity because of infrastructure and cost issues and felt it was incompatible with staff's own definition. He said IG (General Industrial District) was generally incompatible with low intensity commercial areas. He said there were 42 residential properties within a half mile in any direction of this area.

He said he had been in Lawrence, Kansas for 35 years and had always heard of the 1,000 acres that was needed for industrial development and wondered where that amount came from. He said he contacted Myles Shocter (former City Planner with a graduate degree in

Urban Planning, planning consulted in 1980's and 1990's, and was appointed to the Lawrence Douglas County Planning Commission in 1990's) to ask about the 1,000 acres. He said Myles Shocter and an industrialist came up with the 1,000 acres and he had Shocter's permission to use his excerpts which stated: "We determined the amount of industrial acres that we were using for existing population we then looked at the likely population growth of about 2% a year and figured the amount of additional land that was required to employ those new residence. We also knew we had about 10,000 people commuting out of the City everyday for employment. We took a fraction of these, maybe 1/3 and added that acreage for those lost employees. It came out that to accommodate the new employees and to recapture some of the lost jobs from the past that we needed 1,000 acres. As to the term "industrial" that is incorrect in should have said something more like "employment center acreage." That would include traditional industrial, warehousing, office centers etc..., but not commercial development. So when we calculated the needs, we were using the acreage requirements for the array of job creations facilities that we needed. A large amount of this was set aside for low intensity office parks. This would have accommodated many of those commuters who worked to the east and west, but the big issue is "where." If we are projecting out several decades, we must plan these uses and their expensive infrastructure improvements in the major growth areas. In Douglas County this is predominately east on K-10 and south of 31st Street. It should not be a willing land owner who determines the growth of the community, but sound planning based on all factors. Major industrial growth, to the northwest will require major public investment in the wrong direction.

He said as he was thinking about the 155 acres and reviewing some of the notes and City minutes, he was reminded that Commissioner Chestnut stated that it was not the City Commission's responsibility to maximize the return for property owners.

As to their concerns about this being a domino effect down the farmer's turnpike, Commissioner Amyx asked if this was the way the City Commission wanted this corridor to look in the future when passing the baton.

Finally, both Commissioner's Amyx and Chestnut only voted in favor of the annexation and the subsequent rezoning based on the premise that no infrastructure would be promised or provided at any costs to the City. He said they asked that the City Commission deny this request and to keep his comments in mind.

Jane Eldredge, representing the property owner, said she wanted to discuss long range planning and how this request for annexation fit into the City's long range planning. As staff pointed out in their report, this annexation was compliant in every way with Horizon 2020. Over the last several years, the City had modified and improved on Chapter 7, Industrial Chapter, in Horizon 2020, more specifically there had been a series of sector plans or area plans that had plans designated for industrial office, commercial, and housing uses. This was good planning on the part of the City because it allowed people to know ahead of development what was intended for that area. As part of the sector planning, the City and County Commissions had both approved and adopted the K-10 Farmers Turnpike Sector Plan.

This plan was approved by the City in 2008 and by the County Commission in January 2009. The long range plan indicated that volunteer annexations were encouraged. The Planning Commission recommended approval of the resolution as well as the annexation. She said the property owner making the request was an adjoining residential homeowner.

Dan Brogran, Trust Company of Kansas, said his company managed assets for a landowner in the area and he advised the City Commission that their Trust Company had no reservations, whatsoever, with the proposed annexation.

Tom Kern, President, Lawrence Chamber of Commerce, asked that the City Commission follow the staff's recommendation and adopt this resolution.

Vice Mayor Cromwell said in looking at the costs associated with this infrastructure was the issue about paying rural water to services and no sewer.

David Corliss, City Manager, said staff's recommendation on the annexation was that the City would not be required to extend water and sewer to this site. Building Permit might be

issued if the City determined that water and sewer was not necessary for the use of the property. The next point of analysis was the development policy which indicated that property owners were required to pay the costs to extend City water and City sanitary sewer service to property, which was done in all development situations. In some development situations the City had received incentive requests to have that as an expense on behalf of the City. The city did not have an active development at this location. When looking at this site, in consideration of its possible use, for the Berry Plastic site, staff developed certain cost scenarios as far as extending sanitary sewer to the site following the West Baldwin Creek Sanitary Sewer that was installed, south of the turnpike. Staff engaged in discussions with both Rural Water District No. 6 and Rural Water District No. 1.

Rural Water District No. 6 had a waterline along Farmer's Turnpike. In current discussions with District 6, they had not been favorable toward wanting to provide water to industrial sites without an amendment to the City's contract. It was actually City water, but the City treated the water for Rural Water District No. 6 and they took from roughly Kasold and Lakeview Road.

He said staff also engaged in discussion with Rural Water District No. 1 which had a waterline on 1750 Road and discussed making an extension, south of the turnpike, on that waterline, up to service. He said there were different alternatives in providing water at that location, depending on the timing of development. He said there were no specific costs estimates, but looked at some of those costs to extend infrastructure based on the Berry Plastic proposal and their water needs. The waterline had a cost of approximately \$300,000 to extend and there might be other property owners that could benefit from that waterline extension.

The Sanitary Sewer line depended upon how far the City Commission wanted to take that up the watershed underneath the turnpike and further and its costs were several hundred thousand dollars well, but it would obviously benefit other properties because those properties would be able to attach to sanitary sewers service. How those costs would be broken out

between the 51 acres and others that would benefit, depended upon the timing and those general cost estimates.

One of the issues that would be discussed with water and wastewater master plan was looking at serving the areas in the Farmers Turnpike Sector Plan to see how to plan into the City's future utility infrastructure extensions.

Vice Mayor Cromwell said if that area would have fire protection.

Corliss said fire protection would depend on the City's ability to get City water service in that area because water pressure was needed in order to maximize the use of the City Fire Department. The City could provide City fire protection and did in some situations where there was adequate water pressure. For example, the City served all of Grant Township with fire protection with a pumper truck and it was possible to provide City fire service to property that did not have City water pressure as well and it depended upon the timing of the development at that location.

Vice Mayor Cromwell asked if the City had a long range plan for a fire station near the I-70 ramp.

Corliss said no, the City did not have plans for any new fire stations.

Vice Mayor Cromwell suggested taking a look at that idea in the long range plan.

Corliss said it depended on the velocity of development. If it was proceeding at its current pace, he did not see the City building any new fire stations this decade. If the City picked up the pace in development, the City might be looking at other locations.

The value of having this property annexed and zoned was that the City could market that area through the City's economic development partners for future industrial sites. They would have those land use entitlements in place and have general ideas about how to provide service to that property, but it depended upon what would actually be built in that location as to what the City provided.

Vice Mayor Cromwell said as far as need, there was the 155 acres nearly adjacent to this proposed property and was similar in its proximity to water and sewer. He said he understood, in looking at the map, this being seen as an industrial parcel, but asked why now when the City was not ready to take its infrastructure to that location. He asked about the argument that this annexation was needed now, considering the fact the City just brought on board, hundreds of acres of industrial.

Corliss said the City needed the tax base now and the City needed to grow its revenues. When taking a look at what the City had elsewhere in the community, the City had limited options for industrial development. The Farmland property had been acquired by the City and there was a stack of demolition proposals and the City Commission would have a chance to see those proposals in the future, but it would take some time to clear that site, respond to the environmental remediation needs and put in infrastructure which provided additional locations on that side of town. Some industries and potential prospects did not want to look for a location on 23rd Street or K-10, but something that had I-70 access. When looking at locations regarding I-70, the City could look in the airport area, the northeast sector area, but had not been necessarily seen as favorable for additional industrial development. There were infrastructure needs and certainly storm water needs, adding additional impervious surface in the Pine Family area. The City was doing a few sites at the airport, but it had to be aviation related in order to grow in that location.

He said regarding the Farmers Turnpike, the City had annexed 155 acres and it changed in zoning and staff was continuing support for those actions in court because it was a very good site immediately adjacent to the turnpike. He said there could be an analogy that if trying to sell something to someone and had limited options in inventory, a person might not want to deal with that location and its challenges.

Vice Mayor Cromwell said the City only had all of those options in the last 6 months with the 155 acres.

Corliss said that statement was true. Unless the entire community was going out like for instance, acquiring Farmland, if the City wanted to buy property, then the City could control its timing as to when that property could be brought in for industrial development, otherwise, the City had to rely on property owners to make that decision and this property owner had made that request at this time.

Vice Mayor Cromwell asked about the City's industrial inventory as far as property.

Beth Johnson, Chamber of Commerce, said currently, East Hills, Farmland, Riverside Business Park and the airport were industrial properties.

Vice Mayor Cromwell said there was almost no industrial sites six months ago.

Mayor Amyx said the 155 acre site was not mentioned.

Ms. Johnson said she did not mention that site because currently that site was not listed on the Chamber's website and she had not received a proposal or a sign-off to allow the Chamber to market that property from the owner.

Mayor Amyx asked if the Chamber knew how many acres had not been signed-off with the Chamber.

Ms. Johnson said that site was all she was aware of that was zoned industrial.

Vice Mayor Cromwell said he would feel comfortable with zoning that area IL (Light Industrial) and not IG zoning (Heavy Industrial) due to its proximity to the residential and long-range plan for office/residential to the east. He asked if there was any willingness to consider the IL instead of the IG zoning.

Mayor Amyx said City Commission's direction was to adopt a resolution for a request of annexation. At this point in the process, it was the City Commission's responsibility, based on the recommendation from the Planning Commission to adopt this resolution directing this item to the Board of County Commission for their findings, under state law, to make sure this annexation would not hinder the development of the area and at that time. The City Commission would consider the annexation at a future date and it would be considered by ordinance.

Sometime in the future the City Commission would consider the rezoning requests of this property as recommended by the Planning Commission. A copy of the minutes would be provided to the Board of County Commissioners regarding this item.

Scott McCullough, Director of Planning and Development Services, said staff hoped to provide these minutes.

Mayor Amyx asked if it was appropriate to have this discussion about the zoning after it went to the County Commission.

McCullough said staff was not providing the County Commission with zoning information. If annexed, the zoning would be a City request and consideration of the zoning would likely come back to the City Commission the same night of the annexation request would be considered.

Mayor Amyx said he had a zoning question for Vice Mayor Cromwell regarding IG versus IL and its appropriateness and if it would affect the Vice Mayor's approval or denial of Resolution No. 6910.

Vice Mayor Cromwell said he had questions for the County Commission before he was willing to want this parcel in the City. He said the City Commission was not currently having discussion about the zoning, but wanted to address the developer to see if the developer would consider that question about zoning.

Mayor Amyx said it was probably not fair to have any type of what could be considered a public hearing on this item because it was not the item that was advertised to the public. The item was Resolution No. 6910, referring this item to the Board of County Commission for their findings before the City Commission could consider final annexation of this property.

Vice Mayor Cromwell said he grasped that concept, but his question still stood. He said the applicant could choose to answer his question or not.

Jane Eldredge said in making this application, the landowner was cognizant of the specific recommendations contained in the sector plan (Page 3.9). The sector plan made

specific recommendations about zoning particular parcels of land which was the area bounded by North 1800 Road on the north, I-70 on the south, E 900 Road extended on the west and E 100 Road on the east. That parcel was identified to be in the medium to high intensity industrial area. In the City's zoning code the IG is the medium to high density industrial zoning and within that zoning no commercial was allowed. That was the category reserved for the industries and businesses they did not want to get mixed up with the retail and other type of commercial. The sector plan had specific places that identified solely for industrial and not getting into mixed use and in the city code it would be found in the IL (light) industrial. A section that was near the office/research or light industrial was a neighborhood commercial center which was separate and apart from the industrial. All of that was done with a great deal of input and there were more than 15 public meetings on this issue and at least 5 drafts of the sector plan before 1 was finally recommended by the Planning Commission and adopted by the 2 governing bodies.

The in depth discussion about zoning was appropriate for a later time, but it was appropriate to point out the consistency with the application that had been made to this point.

Mayor Amyx said at this point the application was made for the IG zoning which the City Commission would consider at a later date.

Ms. Haines said in the motion, the proposed annexation would not hinder or prevent the proper growth for development of the area. She stated that within that area there had been instances where they had taken homes off the market because of their concern of heavy industrial. They were well aware the sector plan existed and was willing to compromise, but homeowners are most concerned with the value of their property which would be diminished by having the property zoned IG (Heavy Industrial) and the sector plan was not set in stone, but a suggestion.

Vice Mayor Cromwell said he was not going to get more of an answer than he was receiving and would prefer to see the zoning with this plan.

Mayor Amyx said he did not think that legally seeing those together were possible because there was a procedure. The Director of Legal Services presented the City Commission with a procedure the City Commission was required to follow by law. He said before the City Commission could take any further action on annexation, a resolution needed to be adopted sending this item to the Board of County Commissioners for their findings on development and whether it hindered growth in the area.

Toni Wheeler, Director of Legal Services, said staff was proceeding under KSA 12-520(c) which was the State statute for island annexations. In the first action the City Commission, if they deemed this action was advisable was to pass Resolution No. 6910 that was before the City Commission at this time and would be forwarded to the County Commission to convene and discuss to determine if this annexation would hinder or prevent the proper growth and development in the area or any other incorporated city located within in the County. After making those finding, the County would notify the City of their findings and the City Commission would have the opportunity then to consider an annexation ordinance. Tonight was not the City Commission's final action and would have an opportunity to consider the annexation ordinance at a future date.

Mayor Amyx said if the Board of County Commissioners were to make a finding that it would hinder the development of the area, he asked what would happen.

Wheeler said the City of Lawrence could appeal that decision, under 520(c) to the District Court and could initiate an action challenging the County Commission's finding or the City Commission could take no action and not pass an annexation ordinance.

Commissioner Chestnut said there was a lot of discussion and did not know whether to plan ahead or not. He said the City planned ahead and tried to look at 24/40 in the City's Comprehensive Plan as an industrial site and for a long time it was in the City's Comprehensive Plan for 15 years and that industrial site was found to have Class 1 and Class 2 soils and essentially moved away from that plan. When the Lecompton Interchange was constructed as

an exit to I-70, it created a corridor that was clearly going to be an identified as some type of industrial location in probably the best location in Douglas County.

He said relative to the discussion about property and the 1,000 acres, the city did not have industrial sites that were developable and he had been to at least 8 site location discussions where the City had lost because the City did not have the right site. He said that was clear since he had been on the City Commission and lost 2 or 3 opportunities because there was no right location.

The 87 acres had a lot of challenges and needed a lot of dirt work. There was a development in that area 10 years ago, but it was turned down.

The City's tax base was challenged and was rapidly approaching over 70% of the property tax being derived from residential housing. He said thinking in terms of financial considerations for the City was an unsustainable direction the City was going which was depending on a residential tax base in order to generate the level of property tax needed to have all of the amenities in this community.

There had been a significant amount of planning surrounding this location in the corridor. It came up and arose appropriately based on the annexation request for the 155 acres. He said he looked at the Planning Commission's presentation and there were approximately 17 public meetings. In the end there was no consensus, but the best they could do based on competing interest of property owners, whether residential or property owners interested in further development.

The infrastructure cost question continued to come up and there was no request for that to be made and there should be no assumption, by initiating this action with the City to go to the County or coming back for annexation, that anything had been portrayed that that annexation would be granted.

He said they were in a situation where they needed to look at what was sustainable in this community and right now, there was a lot of interest and believe it was corridor that

everyone had recognized that would have some industrial development and at some point he thought it was appropriate to move this item forward. A lot of the discussion that happened should happen at the County Commission level because the County Commission ultimately had to make that determination about the consideration of the hindrances and the wording. The County Commission had the responsibility to make that ruling and it was clearly in the County's jurisdiction.

It was an appropriate application and fits within all of the planning that had been done up to this point and he would like to move forward with Resolution No. 6910.

Commissioner Johnson said he agreed with Commissioner Chestnut.

Commissioner Dever said the City had to reach a point of wanting good paying jobs in Lawrence and needed places for businesses to grow and this was an opportunity to introduce the concept in the area. There were no perfect locations, but believed this location had been thought out for many months. He said the zoning merited discussion in the future. Overall, he was in favor of the resolution.

Vice Mayor Cromwell said he was in favor of moving forward, but made it clear that this was an industrial site. He said he had questions on the zoning which had not been answered, but the discussion would take place in the future. He said he was ready to move this item to the next step and send the resolution to the County.

Moved by Johnson, seconded by Chestnut, to receive the Planning Commission's recommendation regarding annexation, A-9-3-10, of approximately 51.13 acres located at the southwest corner of North 1800 Road (Farmer's Turnpike) and East 1000 Road (Queens Road Extended). Motion carried unanimously.

Moved by Johnson, seconded by Chestnut, to adopt Resolution No. 6910, requesting the Board of County Commissioners of Douglas County to make certain findings regarding the annexation of property pursuant to K.S.A. 12-520c. Motion carried unanimously.

Consider approving the following items relating to Water and Wastewater Master Plans

- a) **Consider authorizing 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.**

Dave Wagner, Director of Utilities presented the staff report. The project status for the Wastewater Master Plan stated the following:

Project Status

Staff have met with Burns & McDonnell and negotiated an appropriate project scope for preparation of the master plan in the amount of \$247,478. The engineering services agreement includes the base scope of services outlined above with four optional tasks selected to complete the master plan. The optional tasks are

1. Field Testing and Additional Model Calibration and Verification: This task is equivalent of the flow monitoring program that is in place in the sewer collection system. The task will provide data loggers to record pressures at various locations throughout the water distribution system. This will be used along with the SCADA data for tower levels and pump operations. The task will provide a more accurate model calibration of the water distribution system.
2. Kaw Water Treatment Plant Assessment and CIP Development: This task will focus on electrical, process, and structural reviews to develop a capital improvements and associated costs.
3. Oread Tank/Booster Pump Station Evaluation – This task will develop a preliminary concept report for the replacement of the two Oread storage tanks. It will evaluate the operation of the water distribution system without the tanks and the need for the booster station using the water model created in the project. The task is well suited for the master plan as modeling of the distribution system is a major component of the project. The report is the first step in the project to replace the Oread storage tanks and will be used to develop an rfp for design of the project.
4. Extended Period Simulation – This task will determine the water age in the water distribution system to help model total trihalomethanes and chlorine residuals. It will also evaluate pump and storage tank performance and sizing.

Negotiations resulted in a reduction of the base scope hours to prepare the master plan by incorporating reports from previously completed projects and city staff providing water rights information, diversion data and rural water district existing and future water needs. These items reduced the project costs by more than \$25,000. In addition, city staff will provide the financial strategies and rate model scenarios to determine adequate revenues and water rates to support the Capital Improvement Plan developed for the master plan.

Action Request

It is recommended that the City Commission concur with authorizing the City Manager to execute an Engineering Services Agreement in the amount of \$247,478 with Burns & McDonnell Engineering Company, Inc. for services in conjunction with the Water System Master Plan, Project UT0921MP, if appropriate.

b) Consider approving the population projections and master plan boundary for the Wastewater Master Plan following the completion of the Public Participation Process.

Following the presentation to the City Commission on May 4, staff notified various stakeholder groups of the Master Plan Project and the goal to receive input from the public on the presentation materials. A website that contained all of the presentation materials was created for the project. The stakeholders were directed to the website for the information and the ability to submit comments. In addition to the stakeholder notification, staff made presentations to the Planning Commission on May 24, 2010 and to the Board of County Commissioners on June 16, 2010.

By the middle of July, no comments had been received. The stakeholder group was notified again by email with follow-up phone calls. At the end of July one comment was received from KU Facilities Operations.

Staff met with KU to discuss their water use forecast information. While the information does not suggest modifications to the population projections, it does fall outside of the sewer flows normally associated with the population projections. The information received will be incorporated into the 2020 and 2030 scenarios as an addition to the flows associated with the population projections.

The timing of the Wakarusa Wastewater Treatment Plant (Wakarusa) is dependent on the population projections as well as information that will be developed from the master plan. A draft of the Wakarusa timing memorandum using the population projection information presented in May has concluded the population projections are appropriate for the long term of the master plan. However, for determining the timing of the near term Wakarusa Project a population projection more in line with recent growth trends is more appropriate to use.

Based on the presentations to the Planning Commission and Board of County Commissioners, input from KU, and the growth rate adjustment for the timing of the Wakarusa no further changes to the population projection information presented in May are recommended. Upon approval of the Commission, the population data will be ready for Burns & McDonnell to use in completing the master plan.

Action Request: Staff recommends approval of the master plan boundary and population projection information presented in May using the recent growth trend for the timing of the Wakarusa Project.

Jeff Kline, Burns and McDonnell, said the Wastewater Master Plan was a living document and was integrated with the City's GIS Systems which allowed the City to be continually updated with the best and most current information. The data helped in evaluating capital improvement needs, timing, updated rates, costs of service and modified the triggers as CIP needs occurred.

He said the master plan would focus on the distribution system, provided a regulatory review of the water treatment plants, and they were not looking at any process changes or any capacity evaluations.

He said they would complete the product portion of the water master plan with staff, develop the report section and submit the report for approval. He said once the hydraulic modeling was completed, then the extended period simulation could be completed and they would have their capital improvement plan, not only for the distribution system, but for Kaw Water Treatment Plant and was looking at the Oread Tank and Pump Station replacement. He said after everything was completed they would deliver the model and provide training.

The benefits of the Water Master Plan provided a road map for the improvements that the City needed in the future through 2020, 2030 and through build out. He said this plan was a living tool, could be updated continually, and the City had ownership of the plan.

Mayor Amyx asked about the life expectancy of this plan in today's world.

Kline said five to ten years without updating, beyond those years it was always demand driven.

Mayor Amyx said there would be no major process changes or planned capacity evaluations.

Kline said looking forward for the next 10 to 20 years the City had an abundance of treatment capacity.

Mayor Amyx said if there was no planned capacity evaluation, he asked if the document would indicate when to expand the Kaw Plant.

Kline said the document would indicate when the City needed more capacity at the Kaw Plant.

David Corliss, City Manager, said the City would probably not be looking at plant capacity expansion within the next 5 to 10 years. He said not only did the City have great water

capacity to treat water needs of the community and wholesale customers for the next 5 to 15 years further out. The Master Plan would focus on the distribution needs which were substantial.

Mike Lawless, Assistant Director of Utilities, gave an update on the Wastewater Master Plan and population projections. He had not received any comments, via email, or at any meetings. KU had projections for west campus and main campus and looked to see how that fit in with the population projections. Staff did not feel there was any need to change population projections from earlier, but modify the flows based on square footage that KU provided.

Staff looked at the Wakarusa Wastewater Plant timing, linear population projections and extrapolated that out as a first look at when that facility was needed. The memo pointed out that sometime between now and the next 2 to 3 years, the City needed to start looking at moving forward on the Wakarusa facility.

Commissioner Chestnut said much like the Water System Master Plan, the population projections that were in a fluid situation that the data could be adjusted and readjusted. He said staff was not putting together, on the Waste Water Master Plan, a static plan was going to be cast in stone.

Lawless said correct. Staff was taking a snapshot based on that population projection at 2020, 2030, and ultimate build out. The Master Plan would have a trigger point that when a flow reached a certain percent or point and growth slowed down, than the CIP project that was indentified for that area would be pushed into the future. If development picked back up and suddenly growth doubled, that moved that project to a closer turn.

Commissioner Chestnut said staff was looking for direction as far as this set of data points, but in 18 months from now, depending on what happened to the economy a whole new set of data could be used and revised. He said the City was not committing itself to a long term trajectory of some type of commitment that could not be reversed.

Lawless said no. Staff was looking for direction from the City Commission about if the boundary area identified was appropriate. He said the population projections were the best staff

could do for now and would like to move forward, knowing that adjustment could be made, in terms of projects as development slowed down or picked up.

Commissioner Dever said regarding the memorandum from Burns and McDonald, he was confused by the chart on page 4 regarding growth trends. He said he had a hard time understanding why they were using historical dates based on projections that were inaccurate.

Lawless said staff looked at the need for the Wakarusa Plant in two different fashions. The first was the design of the existing plant had a population design of 100,000 people and wanted to have the new plant on-line before it was needed.

Commissioner Dever said he understood, but why were numbers not changed to reflect the current 2010 estimates and revise out from that date.

Lawless said if they strictly based it on the design population of the existing plant and did not look at pollutant loadings or any other fashion it was indicating that design needed to start in the year 2010, but staff was not recommending that start date. The other option was based on pollutant loadings and what the plant had actually seen. Based on what was actually coming into the plant, staff believed the plant design was about 105,000 people. He said it was staff's recommendation to look at the pollutant loading as the trigger for the design or as their basis for starting the design of the Wakarusa facility.

Commissioner Dever asked if that was the conclusion of the memo staff drafted.

Lawless said yes. He said staff needed to make the memo clear.

Corliss said growing the community had been a topic of discussion and if they had been too conservative with the growth trend, using the pollutant loading base, staff needed to get started in 2012. One of the items the City Commission would be dealing with in 2011 was different ways to look at starting this major capital investment that would require rate increases and substantial commitment from the City Commission and the community. The community continued to grow and was up 130 single family building permits this year. He said the City needed to make a judgment when to proceed with this facility and thought it was likely sometime

next year in starting the rate case and rate base for that facility and did not want to be late or too early.

Commissioner Dever said he wanted to make sure people understood why this was a better approach to design.

Mayor Amyx said he was confused about the pollutant loading base and the plant design needing to happen when the population reached 105,000, but the report indicated the Wakarusa Plant needed to be scheduled on-line when the population reached 103, 000.

Lawless said they were trying to have a buffer between 105,000 and 103,000.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Johnson, seconded by Cromwell**, to authorize the City Manager to execute an Engineering Services Agreement in the amount of \$247,478 with Burns & McDonnell Engineering Company, Inc. for services in conjunction with the Water System Master Plan, Project UT0921MP . Motion carried unanimously. **(14)**

Moved by Johnson, seconded by Chestnut, to approve the population projections and master plan boundary for the Wastewater Master Plan following the completion of the Public Participation Process. Motion carried unanimously. **(15)**

PUBLIC COMMENT:

Jim Mullins, Americans for Prosperity, said he had comments regarding the bond election on the library. First, the ballot was confusing and for the future there needed to be an explanation of the bond issue portion; second, the utility billing insert which he understood was paid for by the library and tax payer dollars, and if there were any additional costs for the insertion; third, even though the vote was 55-45, there were 45% of the population that had concerns; and, fourth, he didn't think the plan met the needs of the entire community.

Mayor Amyx asked the City Manager to prepare responses on who paid for the insert. Mullins asked why taxpayers were paying for the insert.

Corliss said the City had the ability to provide informational brochures. He said staff followed the law and could provide information about a referendum.

Mayor Amyx said 5 years ago the City Commission had the opportunity to go through a number of plans regarding the library. An RFP was distributed and four different proposals for the library were received. The question was asking the public what they wanted to do with the future of the library, the election was held last Tuesday, and a decision was made.

FUTURE AGENDA ITEMS:

11/16/10

CONSENT

- Approve a Text Amendment, TA-4-5-10, to various sections of the City of Lawrence Land Development Code, Chapter 20, in relation to the Commercial Design Standards and approve and to add reference to the proposed Industrial Design Standards. *Initiated by Planning Commission on 4/26/10. Adopt on first reading, Ordinance No. 8588, for Text Amendment (TA-4-5-10) to the City of Lawrence Land Development Code, Chapter 20. (PC Item 8; approved 8-0 on 10/27/10)*
- Approve health insurance stop loss agreement for 2011.

REGULAR

- Reconsider a Text Amendment, TA-4-4-10, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403, and potentially other sections of the Code, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10. Approved 6-4 by Planning Commission on 6/23/10. City Commission returned to Planning Commission on 8/3/10. Deferred by Planning Commission on 9/20/10. Adopt on first reading, Ordinance No. 8543, for Text Amendment (TA-4-4-10) to the City of Lawrence Land Development Code, Chapter 20, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. (PC Item 4; approved 7-1 on 10/27/10)*
- Public hearing regarding Industrial Revenue Bonds for Plastikon Industries.
- 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. 9th Street.
- Discussion on overtime policy and update on time and attendance.
- Receive third quarter financial report and consider authorizing longevity payments.

11/23/10

CONSENT

- Approve extension request of formerly approved Site Plan, SP-05-34-07, for phase II of mini-warehouse storage, located at 808 E. 28th Street.

REGULAR

- Conduct a public hearing and consider adopting on first reading, an Ordinance authorizing the issuance of \$23.72 million in industrial revenue bonds for the Bowersock Mills and Power Company project.

12/07/10

- Adopt on second reading, an ordinance authorizing the issuance of \$23.72 million in industrial revenue bonds for the Bowersock Mills and Power Company project.
- Consider approval of Industrial Revenue Bonds and employee training incentive for Plastikon Industries.

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 23rd 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. [Ordinance No. 8580](#)

Moved by Chestnut, seconded by Dever, to adjourn at 10:21 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 9, 2010

1. Bid – 2010 Cured in Place Pipe Rehab project to Insituform for 615,037.40
2. TSC – Deny no parking, for W side of Sawgrass from 26th Terr, N to Cul-de-sac
3. TSC – no parking, S of 11th between KY & TN
4. Agreement – Kasold Dr, Clinton Pkwy to 31st, Street, Storm Sewer & Waterline (PPW0903)
5. Donation – Eng 10 (Unit 629) to the ICT Area Chapter of Pink Heals/Guardians
6. City Code - Max No. of dogs on premise
7. City Manager's Report
8. Destination Mgmt Report
9. TSC – No parking, N of Brett between Berwick & Haversham/Stowe
10. District Plan for Inverness Park Add.
11. Maintenance Facility Lease Agreement – KU , amend MV Contract.
12. Planning commission recommendation tor Annex (A-9-3-10)
13. Resolution 6910 - Annex – A-9-3-10
14. Eng svc agreement – Water Sys Master Plan Project UT0921MP
15. Wastewater Master Plan – Public Participation Process