



City of Lawrence

CITY MANAGER'S OFFICE

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MIKE AMYX

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

November 23, 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, and Johnson present. Commissioner Dever was absent.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Amyx proclaimed Friday, November 26, 2010 as the "Salvation Army Christmas Kettle Kick-Off Day."

Mayor Amyx said consent agenda item number 9, Resolution No. 6913, initiating eminent domain proceedings for acquisition of property interests for a stormwater improvement project located at 1710 West 7th Street, was deferred indefinitely.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve City Commission meeting minutes from October 19, 2010 and October 26, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to receive minutes from the Sustainability Advisory Board meeting minutes of September 8, 2010; the Public Health Board meeting minutes of September 20, 2010; the Planning Commission meeting minutes of October 25 – 27, 2010; and, the Human Relations Commission meeting minutes of August 19, 2010. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve claims to 282 vendors in the amount of \$2,995,904.95 and payroll from November 7, 2010 to November 20, 2010 in the amount of \$1,763,766.12. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve the Drinking Establishment licenses for Tonic, 728-730 Massachusetts Street; Kangaroo, 1200 Oread Avenue Ste: P415; and, the Retail Liquor License for Ten Ten Liquor, 1010 North 3rd. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to concur with the recommendation of the Mayor to appoint to the Community Commission on Homelessness, Cary Strong to a position that would expire December 31, 2012, and Samantha Snyder to a position that would expire December 31, 2011; and, appoint Timothy Bateman to the Sales Tax Audit Committee to a position that would expire April 30, 2013. Motion carried unanimously.

The City Commission reviewed bids for the 2010 Weatherization Program, storm windows, weather-stripping of doors and attic insulation. The bids were:

Contractors	Storm Windows B1062	Weather-Stripping of Doors B1063	Attic Insulation B1061
Airtight, Inc.	NO BID	\$4,907.02	\$41,441.87
Advanced Glass	\$40,927.75	NO BID	NO BID
Jetalum	\$49,478.60	NO BID	NO BID
Midwest Insulation	NO BID	NO BID	\$38,631.00
Tailor Made Exteriors	NO BID	NO BID	\$117,348.25
T&J Holdings	NO BID	\$6,790.00	NO BID
Ziegler Glass	\$45,945.00	\$14,995.00	NO BID
Staff Estimate	\$83,494.80	\$15,568.16	\$41,453.28

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to award the bid for storm windows to Advanced Glass, in the amount of \$40,927.75; weather-

stripping of doors to Airtight, Inc., in the amount of \$4,907.02; and, attic insulation to Midwest Insulation, in the amount of \$38,631. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve Change Order No. 1 and Final to Heavy Construction, LLC, in the amount of \$109,677.06 for the 2010 Overlay Program – Phase II. Motion carried unanimously. (2)

The Commission reviewed bids for the 2011 Coordinated Printing Bid for the City Manager’s Office. The bids were:

VENDOR	TOTAL
Printing Solutions	\$15,110.00
Pride Enterprises	\$18,035.00
Hall Printing	\$18,593.00
Mainline Printing	\$18,665.00
Printing Unlimited	\$19,931.00
Universal Manufacturing	\$19,532.80
Control Printing	\$41,805.50
Minuteman Press	\$45,414.94

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to award bid to Printing Solutions, in the amount of \$15,110. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to adopt on first reading, Ordinance No. 8596, establishing a time limit for the loading zone along the south side of 22nd Street adjacent to Schwegler School from 8 a.m. – 9 a.m. and 3 p.m. – 4 p.m., school days. Motion carried unanimously. (4)

Ordinance No. 8593, approving the Industrial Design Standards and adopting and incorporating by reference the Community Design Manual, November 2010 Edition, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (5)

Ordinance No. 8588, for Text Amendment (TA-4-5-10) to the City of Lawrence Land Development Code, Chapter 20, was read a second time. As part of the consent agenda, **it**

was moved by Chestnut, seconded by Cromwell, to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8589, establishing “no parking” along the south side of 11th Street between Kentucky and Tennessee Streets, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to approve an extension request of a formerly approved Site Plan (SP-05-34-07), for Phase II of mini-warehouse storage, located at 808 East 28th Street. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to authorize the Mayor to sign the Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds and the Request for Release of Funds and Certification on behalf of the City and Lawrence Community Shelter for Federal Earmark grant B-10-SP-KS-0239. These are the required documents to release federal funds for the acquisition of the Shelter site at 3701 Franklin Park Circle. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to receive a revised incentive application request from Plastikon Industries; and, refer the application to the Public Incentive Review Committee for recommendation. Motion carried unanimously. (10)

CITY MANAGER’S REPORT:

During the City Manager’s Report, David Corliss said the Planning and Development Services Department developed a 2011 Long-Range Planning Work Program; the Fire/Medical Department’s Ladder 5 was nearing completion; the Airport Master Plan was available online; and the City Commission would consider, on a future agenda, a Charter Ordinance regarding arrest powers.

Mark Thiel, Assistant Director of Public Works, presented the Public Works Department Snow Removal and Ice Control Preparedness Plan. (11)

REGULAR AGENDA

Receive comments from Dietrich Earnhart regarding sidewalks along 18th Street between Vermont and Tennessee Street.

Dietrich Earnhart, University Place Neighborhood Association, said the neighborhood association wanted to thank the City Commission and commend Shoeb Uddin, City Engineer and David Woosley, Traffic Engineer, and others for their service to the community regarding the construction of sidewalks along 18th Street between Vermont and Tennessee Street. (12)

Consider approving an amendment to the contract with Hamm's Quarry for disposal of solid waste adjusting the per ton rate of municipal solid waste delivered to \$24.50 in 2011 with an annual increase of three and a half percent (3.5%) per ton.

David Corliss, City Manager, introduced the staff report as outlined below:

The Public Works Department recommends proceeding with formalization of the amendment to current contract with Hamm's Quarry, adjusting the per ton rate of municipal solid waste delivered to \$24.50 in 2011, with an annual increase of 3.5 percent per ton.

Background information:

An agreement between Hamm, Douglas County and the City of Lawrence has been in place since December, 1992. The current rate of \$19.15 per ton for disposal of solid waste has been in effect since 1993. This includes a base rate of \$18.00 per ton and taxes of \$1.00 to the State of Kansas and \$0.15 to Douglas and Jefferson Counties for maintenance of the access road to the landfill site.

Hamm Quarry representatives met with city staff in June, and presented to the City Commission on June 22, 2010. Hamm proposed an increase in the rate to \$24.50 (\$23.35 base rate and \$1.15 in taxes), with a 3.5 percent increase per year beginning in 2012, with a minimum three year agreement.

Alternatives considered:

The City Manager requested a competitive price for landfill rate, per ton delivered, from Deffenbaugh Industries Inc., at a meeting July 14, 2010. Deffenbaugh owns and operates the Johnson County landfill. On September 2, 2010, Deffenbaugh provided a price quote of \$17.50 per ton of municipal solid waste delivered to the Johnson County Landfill, as a one year rate. Price adjustments following one year would not exceed 3.5 percent.

Analysis of alternatives:

In August, 2010, the City of Lawrence made over 1000 trips to the landfill, depositing 6011 tons of solid waste.

Hamm's Quarry is approximately 5 miles north of the city limits of Lawrence. The Johnson County landfill is between 20 and 30 miles to the east, depending on route. For the purpose of analysis, a common point was chosen at the Solid Waste yard, 1140 Haskell Avenue. From 1140 Haskell Avenue, Hamm's Quarry is 6.2 miles, and the Johnson County Landfill is 23.6 miles. The roundtrip distance to Johnson County Landfill would be an increase of 35 miles per trip.

Weights ranged from one ton per load to over 13 tons per load. The average tons per trip to the landfill by type of collection vehicle are captured below:

Unit type	Tons / trip
bulk truck Average	0.96
front loader Average	9.72
hook-lift Average	1.45
rear loader Average	9.64
roll-off Average	3.01
small packer Average	3.51
Average (all collection units)	5.67

The Fleet Manager provided historical data on fleet operations for maintenance, tires, and fuel costs. Equipment operation costs average \$2.73 per mile. Additional costs per trip for equipment only (operator not included) is \$95.55 per roundtrip if the landfill destination were Johnson County Landfill versus Hamm's Quarry, using 1140 Haskell as a common starting point.

City Solid Waste operations disposed of 6011 tons of waste in the landfill in August 2010. Using August 2010 as a common base and applying the 2011 proposed rates from Hamm's Quarry and the Johnson County landfill, the City would have saved over \$42,000 in landfill fees but spent over \$95,000 additional costs in equipment expense. Without considering any labor costs or operational changes, using the Johnson County landfill would have cost an additional \$53,000 for August 2010 data.

The savings in the per ton landfill fee are not sufficient to account for the increased operational costs, even when operator time is not included. Other operational issues that would have to be evaluated are the increased number of operators and equipment that would be required for "single haul" type operations (e.g., roll-off and hook-lift). Operators who drive roll-off and hook-lift equipment will make 5 to 7 trips to the landfill per day.

The analysis completed is based on delivery of municipal solid waste to two different landfill locations. If a transfer station were available in or near the City of Lawrence, the dollar savings per ton would not be offset so far by operational costs.

Recommendation:

The Public Works Department recommends proceeding with formalization of the amendment to current contract with Hamm's Quarry, adjusting the per ton rate of municipal solid waste delivered to \$24.50.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Cromwell**, to approve an amendment to the contract with Hamm's Quarry for disposal of solid waste adjusting the per ton rate of municipal solid waste delivered to \$24.50 in 2011 with an annual increase of three and a half percent (3.5%) per ton. Motion carried unanimously.

Consider the following items related to the planned Bowersock Mills and Power Company Hydroelectric Facility:

- a) **Conduct a public hearing regarding the issuance of \$23,720,000 in Industrial Revenue Bonds on behalf of Bowersock Mills and Power Company for the purpose of financing a portion of the costs of acquiring, constructing and equipping a new hydroelectric powerhouse and all related facilities and equipment on the north bank of the Kansas River at the Bowersock Dam.**

- b) **Authorize the City Manager to execute the Ground Lease with the Bowersock Mills and Power Company for City park property located on the north side of the Kansas River immediately east of the Kansas River Bridge for the construction of a hydroelectric powerhouse in accordance with Special Use Permit SUP-3-4-10 and authorize the City Manager to execute the BMPC South Agreement concerning the lease of City park property on the south bank of the Kansas River to Bowersock Mills and Power Company.**

Mayor Amyx called a public hearing regarding the issuance of \$23,720,000 in Industrial Revenue Bonds on behalf of Bowersock Mills and Power Company.

Diane Stoddard, Assistant City Manager, presented the staff report as outlined below:

Background:

As the City Commission is aware, the Bowersock Mills and Power Company is planning a new powerhouse facility on the north side of the Kansas River at the location of the dam. Bowersock has held a number of public meetings concerning this project over the past year or so. The City of Lawrence has taken several formal steps to assist Bowersock with accessing special bond authority to assist with the financing of this project to date. However, it is key to point out that with Industrial Revenue Bond financing, the City only serves as a conduit for the financing and assumes no obligation whatsoever regarding the repayment of the bonds for the project. This type of financing, however, will assist the project with more favorable financing terms than conventional financing.

Next Steps:

The City Commission is asked to conduct a public hearing regarding the bond issuance. The first and second reading of the ordinance actually authorizing the issuance of the bonds is anticipated to be an agenda item at the December 7, 2010 City Commission meeting. The bond issuance is then anticipated to be closed prior to December 31, 2010.

Action Requested:

Conduct a public hearing on the proposed issuance of industrial revenue bonds for the Bowersock project.

Mayor Amyx called for public comment.

Sarah Hill Nelson, representing Bowersock, said she was available for questions regarding the bond issuance.

Ted Boyle, President of the North Lawrence Improvement Association, spoke in favor of the project.

Commissioner Chestnut said energy development was becoming a big issue in this State. He said he was disappointed the road map for Kansas did not mention hydro-electric. He said this was a great project.

Vice Mayor Cromwell said this was the biggest renewable energy project in the region and it was within the City limits which made it rare. On a renewable energy production capacity, Lawrence was as green as any cities in California with the completion of this project.

Mayor Amyx thanked everyone for their work on this project.

Moved by Chestnut, seconded by Cromwell, to close the public hearing. Motion carried unanimously.

Moved by Cromwell, seconded by Chestnut, to approve the issuance of \$23,720,000 in Industrial Revenue Bonds on behalf of Bowersock Mills and Power Company for the purpose of financing a portion of the costs of acquiring, constructing, and equipping a new hydroelectric powerhouse and all related facilities and equipment on the north bank of the Kansas River at the Bowersock Dam. Motion carried unanimously. **(14)**

Toni Wheeler, Legal Director, presented the staff report regarding a ground Lease with the Bowersock Mills and Power Company which read:

On July 6, 2010, the City Commission approved Ordinance No. 8529, Special Use Permit (SUP-3-4-10), for the construction of a hydroelectric powerhouse on the north bank of the Kansas River by the Bowersock Mills and Power Company ("Bowersock"). One of the terms of the special use permit is the approval of a lease agreement with the City for the use of city-owned property.

The City and Bowersock have a long history of cooperation. The City has leased real property to Bowersock for its use in the operation of the existing hydroelectric power plant located on the south bank of the Kansas River. The City and Bowersock are also parties to an Agreement addressing the Bowersock Dam and its operation and maintenance. These agreements have been modified and extended with City Commission approval through the years.

There are two documents for the City Commission's consideration. The first document is a new agreement that leases City property to Bowersock for its construction of the power plant on the north bank of the river in accordance with SUP-3-4-10. The second agreement clarifies the legal description of the real estate on the south bank of the river that is the subject of earlier agreements. It also expands the leased premises to include the area known as Bowersock Park as well as land immediately west of the park. A brief summary of each agreement follows.

GROUND LEASE FOR NORTH HYDROELECTRIC POWERHOUSE

Term. The term of the lease begins upon execution and expires on April 5, 2077. This lease is coterminous with the existing agreements between the City and Bowersock for the use of City property on the south side of the river. If however, Bowersock is unable to secure financing for the project and does not obtain a building permit within 18 months after the execution of the agreement, the lease may be terminated by the City. There is an option to extend the lease for an additional 20-year term.

Rent and Taxes. The lease rate is \$10.00 per year for the term of the lease. Bowersock will be responsible for all taxes that accrue against the leased property as a result of the lease or the use of the leased premises.

Use of Premises. Bowersock shall use the City property only for the construction, operation and maintenance of a hydroelectric powerhouse on the north bank of the Kansas River in accordance with Special Use permit No. SUP-3-4-10. If Bowersock uses the leased premises for other uses without the City's consent, the City has the authority to cancel the lease subject to a mortgagee's right to correct the matter.

Levee Protection. There are a number of provisions that require Bowersock to comply with the laws and regulations designed to protect the levee. Bowersock agrees to seek and obtain the necessary permits and approvals for construction and operation from the U.S. Army Corps of Engineers and related entities. Bowersock further agrees to be bound to regulations now in place and those enacted after the execution of the Lease related to the levee, as well as other laws and regulations applicable to the leased premises. Bowersock is also required to prevent erosion or failure of the levee on the leased premises and will indemnify and hold harmless the City for erosion or levee failure that is attributed to Bowersock.

Access. Access is granted to the leased premises through City roads and land but the City is not required to provide access to the site on property that the city does not own or control. The City agrees it will not dispose of any of its property or vacate any easements or rights-of way that destroys Bowersock's reasonable access to the leased premises.

Assignment. Bowersock may assign, transfer or sublet the leased premises or improvements to the leased premises during the term of the lease as long as the assignee, transferee or subleasee is subject to the terms of the lease.

Mortgage Rights. The lease permits Bowersock to mortgage its interest in the improvements and the lease. Bowersock, however, is expressly prohibited from mortgaging or pledging the City's fee simple title to the leased premises. These provisions are necessary for Bowersock to obtain the financing necessary for the project. If Bowersock defaults on the lease the mortgagee shall have the right to perform under the terms of the lease and remedy any default.

Insurance and Liability. To address liability and insurance concerns, Bowersock assumes all risks and expenses for the lease premises and indemnifies and holds the City harmless for the use and occupancy of the lease premises excluding the City's own negligence or wrongdoing. Bowersock is required to provide comprehensive commercial general liability insurance, workers compensation insurance, fire, damage, and "builders risk" insurance for the duration of the lease.

Costs and Expenses. Bowersock is solely responsible for the cost and expense of constructing and maintaining the hydroelectric powerhouse including the cost of utilities and services to the site. The City is not obligated to make any improvements to the site and Bowersock is responsible for the leased premises upon execution of the lease. Bowersock is also responsible for the repairs and maintenance of the leased premises.

The lease contains additional standard lease provisions pertaining to default, notice, and governing law, among others.

EXISTING POWER PLANT AGREEMENT

This agreement clarifies the legal description of the real estate on the south bank of the river that is the subject of earlier agreements. The agreement also authorizes Bowersock to mortgage its interest in the improvements and the lease for the property on the south side of river. Finally, it expands the leased premises to include the area known as Bowersock Park as well as land immediately west of the park.

Bowersock Park. As part of this Agreement, Bowersock will have the right to use and control the additional land, including Bowersock Park and the land west of it. Currently, Bowersock's south cable tower sits on part of the property. As part of the lease agreement, Bowersock will assume all maintenance of the added land, will pay any property taxes assessed against it, and will indemnify and hold the City harmless from claims arising from damage or injury in or on the land caused by Bowersock's acts, omissions and negligence. A photograph of the park and maps of the additional land are attached. Parks and Recreation staff report Bowersock Park it is not widely used by members of the public. Its location is not conducive to high use. It is surrounded on the north by the power plant and on the south by railroad tracks.

Action Requested: Authorize the City Manager to execute the Ground Lease with the Bowersock Mills and Power Company for City property located on the north side of the Kansas River immediately east of the Kansas River Bridge for the construction of a hydroelectric powerhouse in accordance with Special Use Permit SUP-3-4-10, if appropriate. Authorize the City Manager to execute the BMPC South Agreement concerning the lease of City property on the south bank of the Kansas River to Bowersock Mills and Power Company, if appropriate.

Mayor Amyx asked how the City obtained that piece of property.

Wheeler said Parks and Recreation Department stated that property was hardly used by the public and was not very accessible. She said she did not know how the property was obtained.

David Corliss, City Manager, said there was a long history to this property.

Commissioner Chestnut said the ground lease indicated that if the lessee failed to obtain financing and a building permit within 18 months of the execution date which seemed aggressive, he asked if that was a reasonable timeframe. He said if the lessee was getting close to that 18 month timeframe, he asked how the process would work.

Wheeler said staff believed the 18 months was reasonable and shared the agreement with Bowersock, who did not request any changes. If Bowersock needed an extension, a provision was provided that allowed staff to make amendments to that agreement.

Mayor Amyx asked about the maintenance on the property.

Wheeler said Bowersock would continue to maintain the property and if the property went into a state of disrepair, staff could notify Bowersock to respond.

Evan Ice, Attorney for Bowersock, said that the City owned the property about 1860 and leased it to Orlando Darling. In 1977 the City and Bowersock, acquired Darling's interests in the lease and came to an agreement regarding the property to deed it to the City. Part of this action was to clarify the status of that land.

In several weeks the bond documents and lease documents would be back on the City Commission's agenda and in 20 years, hopefully it would be rolled into one ground lease. One of the most significant issues for Bowersock was finding investors for the industrial revenue bonds.

Sarah Hill Nelson, Bowersock, said that all the work and the partnerships should be recognized, and that she was amazed by the hours and effort that Toni Wheeler, Diane Stoddard and other City departments put into this project, and that the city had been remarkable working with the tight timelines of the project. She said the bonds had to be closed by the end of

the year and then getting permission to construct from FERC was the next step, and that construction on the north side of the dam could begin near the end of the year.

Moved by Chestnut, seconded by Cromwell, to authorize the City Manager to execute the Ground Lease with the Bowersock Mills and Power Company for City park property located on the north side of the Kansas River immediately east of the Kansas River Bridge for the construction of a hydroelectric powerhouse in accordance with Special Use Permit SUP-3-4-10 and authorize the City Manager to execute the BMPC South Agreement concerning the lease of City park property on the south bank of the Kansas River to Bowersock Mills and Power Company. Motion carried unanimously. (15)

Consider authorizing the City Manager and a contract negotiation team to negotiate a contract for architectural services with Gould Evans Associates for the library expansion and renovation project. (The Library Board of Trustees will meet earlier on November 23, 2010 to consider forwarding this recommendation to the City Commission.)

David Corliss, City Manager, presented the staff report as outlined below:

Background:

On March 17, 2010, the Lawrence Public Library issued a request for qualifications (RFP) for library expansion and remodeling project architectural services. The RFP outlined the library's interest in retaining a Project Architect, with initial services limited to the development of an early concept design in support of referendum development. Three local architectural firm responses were received, and on April 8, 2010 City staff, two City Commissioners, Library Board members and Library staff conducted interviews. Gould Evans Associates was selected on the basis of their RFP response and the interviews.

Given the successful outcome of the November 2, 2010 library referendum, the City, in consultation with the Library Board and Library staff, now plans to enter into a contract with Gould Evan Associates, which would continue its role as Project Architect for the development of design and construction plans and documentation, and to negotiate the scope of services and appropriate compensation with this firm.

Contract Negotiation Team and Timeline:

We suggest that the contract negotiation team be chaired by the City Manager, and that the following, additional team members be included: Vice-Mayor Aron Cromwell, a City of Lawrence Legal Services staff member, Library Board member Deborah Thompson, and the Library Director. We propose a deadline for development of the architectural design services contract of Friday, December 17, 2010, in order to provide time for contract review and approval by the Library Board of Trustees at their December 20, 2010 meeting, then review and approval by the City Commission at its January 4, 2011 meeting.

Bond Resolution:

A draft bond resolution authorizing the \$18 million project has been prepared and will be considered by the City Commission concurrent with the proposed contract.

Michael Machell, Library Board of Directors, said that the board recommended that City Commission authorize the City Manager and a contract negotiation team to negotiate a contract for architectural services with Gould Evans Associates for the library expansion and renovation project.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Cromwell, seconded by Chestnut**, to authorize the City Manager and a contract negotiation team to negotiate a contract for architectural services with Gould Evans Associates for the library expansion and renovation project. Motion carried unanimously. (16)

Consider adopting on first reading, Ordinance No. 8587, adopting the International Property Maintenance Code, 2009 Edition.

Brian Jimenez, Code Enforcement Manager, presented the staff report as outlined below:

Background

In 2007, the Development Services Department initiated the review of the 2006 International Code Council (ICC) series of codes which included the International Property Maintenance Code. The adoption of the 2006 International family of "I" codes became effective on January 1, 2008.

The 2006 International Property Maintenance Code was adopted with amendments to replace the 1997 Uniform Housing Code which had been the City's adopted code that regulated minimum interior standards for structures. The Uniform Housing Code became obsolete when the City adopted the International family of codes as the International Property Maintenance Code references other "I" codes throughout the code.

The Property Maintenance Code and the Environmental Code are the City's two enforcement ordinances to regulate minimum standards for all residential and non-residential properties located throughout the City.

The Property Maintenance Code specifically constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.

The greater part of the Property Maintenance Code focuses on minimum code requirements for the exterior and interior of structures. Section 302, exterior property areas, is somewhat limited in scope regarding exterior storage, trash issues, weeds and inoperable vehicles. These categories are addressed appropriately in the Environmental Code and Weed Code.

The Environmental Code is a standalone ordinance that does not reference any state or national code entity regarding property maintenance conditions. The Code regulates exterior conditions by setting the minimum standards for yards/porches as well as addressing vehicles that are inoperable, not currently registered or parked in violation of the Code. Furthermore, the Code regulates trash and trash container standards. It should be noted that the Code does address minimum standards for exterior conditions of a structure; however, the scope pales in comparison to the 2009 International Property Maintenance Code's relevant code sections.

Review Process

The Community Development Advisory Committee (CDAC) is the hearing board for appeals for the Environmental Code and the Property Maintenance Code; therefore, the 2009 International Property Maintenance Code with amendments was presented to the Committee for their review.

The Community Development Advisory Committee and staff have completed the review of the 2009 International Property Maintenance Code and recommend the adoption of the Property Maintenance Code, Ordinance No. 8587, to correspond with the adoption of the family of "I" codes that were adopted by the City Commission on November 2, 2010.

Code Changes

There are several notable code changes in the 2009 International Property Maintenance Code as well as several code sections where staff amended the code to address challenges that staff experiences in enforcing minimum standards for structures and premises. Below are some of the highlights.

- (Section 108.1.5) Dangerous structures or premises.
This code section is new to the 2009 IPMC. There are now eleven categories that clearly describe conditions that declare a structure or premises to be dangerous. This new language will provide valuable and descriptive code language for staff to reference when determining whether a structure or premises is dangerous.
- (Section 108.2.1) Authority to disconnect service utilities.
In case of emergency, where necessary, the code section provides the ability to eliminate an immediate hazard to life or property or when such utility connection has been made without approval.
- (Section 108.6) Abatement methods.
This code section is new to the 2009 IPMC and has replaced 108.6 (Declaration) which identified three options to abate substandard building code violations. The new code section incorporates the three existing options to abate violations of an unsafe building, premises or equipment.
- Section 110.1 Demolition (General)
There is new language to address situations where a structure has had a cessation of normal construction for a period of one year. In this scenario, the code official shall order the owner of the structure to demolish and remove such structure or board up until

future repair. Boarding the building up for future repair shall not extend beyond 180 days, unless approved by the building official.

Structures that do not meet the criteria for demolition are not affected by this new language. Additionally, Section 110.1.1 (Boarding Standard) has been added to address the aesthetics of the boarding up of structures.

- Section 302.2 (Grading and Drainage)
New language implemented to address storm water runoff and the storage of soil, gravel, and mulch.
- Section 304 (Exterior Structure) 304.1.1 Unsafe Conditions
This section is new to the 2009 IPMC. The code section identifies 13 categories of unsafe conditions regarding the exterior elements of a structure that will assist staff significantly in addressing dilapidated structures.
- Section 304.7 (Roofs and Drainage)
Incorporated language to address roof water and water from intermittent sources from discharging at a point closer than five feet to any adjoining property line nor in a manner that creates a public nuisance.
- Section 304.19 (Fences)
New code section to specifically address deteriorated fences.
- Section 305 (Interior Structure) 305.1.1 (Unsafe Conditions)
This section is new to the 2009 IPMC. The code section identifies 6 categories of conditions that yield the interior of a structure to be unsafe.
- Section 306.1.1 Component Serviceability (Unsafe Conditions)
New code section that identifies 6 components of a structure and equipment with respective sub categories outlining unsafe conditions for each category respectively.
- Section 309.3 Infestation (Single Occupant)
Amendment to code language specifies extermination responsibility is that of the tenants after 30 days of occupancy.
- Section 604.3.1 Abatement of electrical hazards associated with water exposure
Section 604.3.1.1 Electrical Equipment
The provisions of this section govern the repair and replacement of electrical systems and equipment that have been exposed to water. There are 18 exceptions for equipment that can be replaced.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Johnson**, to adopt on first reading, Ordinance No. 8587, adopting the International Maintenance Code, 2009 Edition. Motion carried 4-0. (17)

Consider approving funding recommendations from the Social Services Advisory Board.

Casey Toomay, Budget Manager, presented the staff report as outlined below:

Background

Earlier this year, the City Commission created the Social Service Funding Advisory Board. The purpose of this board is to review all applications for social service funding received as part of the annual budget process. Prior to the creation of this board, the Special Alcohol Advisory Board reviewed applications for special alcohol funding, but no formal group reviewed applications for general operating funds.

Due to the timing of the creation of the new Board, however, it was not possible for the Board to meet in time to make funding recommendations prior to adoption of the 2011 budget. Instead, the City Commission adopted budgets in both the General Operating Fund and Special Alcohol Fund that assumed level funding for social service agencies. The Commission directed the Board to come back with recommendations on how to allocate the dollar amounts adopted in the budget.

Board Recommendation

The Board met on October 28, 2010. At their meeting, they reviewed the applications for funding and made the following recommendations:

- No alcohol funds should be awarded to the Ballard Center as they did not apply for alcohol funds for 2011.
- First Step House should be awarded the amount of their request, which was less than the amount they received in 2010.
- All other agencies should be awarded the same level of funding they received in 2010.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Cromwell, seconded by Chestnut**, to approve funding as recommended from the Social Services Advisory Board.

Motion carried unanimously.

(18)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

- 12/07/10
- Adopt on first and second reading, ordinances authorizing the issuance of \$23.72 million in industrial revenue bonds for the Bowersock Mills and Power Company project and approximately \$10 million in hospital revenue bonds for Lawrence Memorial Hospital project.
 - Reconsider a Text Amendment, TA-06-12-08, to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08.* Adopt on first reading, Ordinance No. 8317, for Text Amendment (TA-06-12-08) to Section 20-810 of the Subdivision

Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 to provide definitions of terms related to environmentally sensitive lands. (PC Item 2; approved 8-0 on 10/25/10)

ACTION: Approve Text Amendment (TA-06-12-08) and adopt on first reading, Ordinance No. 8317, if appropriate.

- Consider approving a recommendation from the Traffic Safety Commission to establish an all-way stop at the intersection of 11th Street and Indiana Street. (TSC Item 2; approved 6-2 on 11/01/10)

ACTION: Approve recommendation from the Traffic Safety Commission to establish an all-way stop at the intersection of 11th Street and Indiana Street, if appropriate.

- Consider approving a recommendation from the Traffic Safety Commission to establish Rhode Island Street between 7th Street and 8th Street to a two-way street and to retain the partial diverter at 7th Street (TSC Item 3; approved 7-1 on 11/01/10).

ACTION: Approve recommendation from the Traffic Safety Commission to establish Rhode Island Street, between 7th and 8th Streets, to a two-way street and to retain the partial diverter at 7th Street, if appropriate.

12/14/10

CONSENT:

Approve Comprehensive Plan Amendment, CPA-3-1-10, to Horizon 2020 for an update to Chapter 8 – Transportation. *Initiated by Planning Commission on 2/22/10.* Adopt on first reading, Ordinance No. 8590, for Comprehensive Plan Amendment (CPA-3-1-10) to Horizon 2020 for an update to Chapter 8 – Transportation. (PC Item 3; approved 9-0 on 9/20/10)

REGULAR:

- Consider Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. Adopt on first reading, Ordinance No. 8591, for 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)

ACTION: Approve Amendment (CPA-6-5-09) and adopt on first reading, Ordinance No. 8591, if appropriate.

- Consider approving Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. Adopt on first reading, Ordinance No. 8592, for 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) and adopt on first reading, Ordinance No. 8592, if appropriate.

12/28/10 · City Commission meeting will start at 9:00 a.m. and consist of bill paying items and consent agenda items only.

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.

· 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.

· **Consider approving the Farmland Demolition Plan.**

· **Consider the recommended 2011 Pavement Maintenance Plan.**

· **2011 Legislative Priority Statement.**

· Menu of options for sanitation and recycling services.

· Charter ordinance regarding arrest powers.

· Consider issuing an RFP for a strategic retail study, and direct staff to develop a report on stand-alone databases, if appropriate.

· Receive a staff report on the currently IBP zoned property and consider 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 District.

2011

01/11/11 · Consider recommendation from the Traffic Safety Commission to establish no parking along the north side of Brett Drive, between Berwick Way and Haversham Drive/Stowe Drive, approved 6-1. *This item was continued from the 11/09/10 City Commission Meeting for 60 days.*

TBD · Receive update on the status of City Code compliance efforts at 1313 Haskell Avenue (deferred from 10/26/10 City Commission meeting).

· **Consider new overtime policy no later than February 15.**

Moved by Chestnut, seconded by Johnson to adjourn 7:55 p.m. Motion carried
unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 23, 2010

1. Bid – Weatherization Program - Storm Windows to Advanced Glass for \$40,927.75; weather stripping to Airtight Inc., for \$4,907.02; & attic insulation to Midwest Insulation, for \$38,631.
2. Changer Order No. 1 & Final – 2010 Overlay Program to Heavy Construction for \$109,677.06.
3. 2011 Coordinated Printing Bid – Printing Solutions for \$15,110.
4. Ordinance 8596 – 1st Read, loading zone, S side of 22nd adjacent to Schwegler School, 8am to 9am & 3 pm to 4 pm school days.
5. Ordinance 8593 – 2nd Read, Industrial Design Standards.
6. Ordinance 8588 – 2nd Read, TA-4-5-10.
7. Ordinance 8589 – 2nd Read, “No Parking” S side of 11th between Kentucky and Tenn.
8. Extension Request – (SP-05-34-07) Phase II, mini-warehouse storage, 808 E 28th.
8. Lawrence Community Shelter – FONSI, Notice of Intent to Request Release of Funds.
10. Plastikon Industries – IRB revised incentive application.
11. City Manager’s Report.
12. Sidewalks – 18th between VT & Tenn.
13. Solid Waste – contract with Hamm’s Quarry.
14. Bowersock – Issuance of IRB for \$23,720,000.
15. Bowersock – Ground Lease.
16. Library – Architectural Svs to Gould Evans Associates.
17. Ordinance 8587 – Int’l Property Maintenance Code, 2009 Edition.
18. Social Services Advisory Board.