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City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

January 4, 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.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to receive meeting minutes from the Social Service Funding Advisory Board meeting minutes of October 28, 2010; and, the Public Health Board meeting minutes of October 18, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve claims to 176 vendors in the amount of \$1,382,764.59; payroll from December 19, 2010 to January 1, 2011, in the amount of \$1,839,979.35. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the drinking establishment licenses for Louise's West, 1307 West 7th; University Inn Econolodge Lawrence, 2222 West 6th; Wildes Chateau 24, 2412 Iowa; and, the Cereal Malt Beverage Licenses for Eastside Tavern, 900 Pennsylvania; Godfather's Pizza, 721 Wakarusa; Jayhawk Food Mart, 701 West 9th; Star Food Mart, 501 West 9th; and Pyramid Pizza, 1029 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the recommendation of the Mayor and reappoint Jane Huesmann, Derek Meier, and



Lyle Hettinger, to the Public Transit Advisory Board, to additional terms which would expire December 31, 2013. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set a bid date of January 25, 2011 for Bid No. B1103 Project UT0915KW, North Final Electrical and Kaw Well Field Electrical Improvements. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to execute a contract renewal with Marsh McBirney – Hach, for the period of January 2011 through December 2011, for data delivery services associated with the wastewater collection system's long-term flow and rainfall monitoring program in the amount of \$52,800. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize acceptance of a grant under the S.T.O.P Violence Against Women Act for the funding of a specialized detective position responsible for targeting and investigating violent crimes against women. The grant is in the amount of \$53,613 and a local match of \$17,871 is required. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to accept additional dedication of easements for Preliminary Plat, PP-6-5-10, for Riverside Business Park, a two lot subdivision containing approximately 30.527 acres, located at 2030 Packer Court. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve a request by Landplan Engineering, P.A. on behalf of DC Holdings, LC, the property owner of record of 3801 West 6th Street, for a variance from 19-214B of the City Code which states that a private sanitary sewer service line shall not be located in a City public right of way for greater than 15 feet. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the mayor to sign an amended Neighborhood Stabilization Program (NSP1) grant agreement (No.09-NSP-005) accepting an additional \$475,000 funding allotment for low to moderate income housing projects. There is no local match required for this grant funding. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the change of project phasing for the improvement of Kasold Drive (Clinton Parkway to 31st Street) and approve the change order in the amount of \$40,000 to King's Construction, Inc. Motion carried unanimously. (7)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said staff had updated the City Commission's Goal Statement with significant actions taken toward achieving those goals; KU was planning for development of a Center for Design and Research involving interdisciplinary research for current and developing energy performance systems; Parks and Recreation presented the Tom Wilkerson Teamwork Awards to:

1. **Category I (full-time employees):** Paul Baumchen, horticulturist II; Rodney Croucher, horticulture field supervisor; Brent Hill, park district #3 field supervisor; Lenny Irey, senior park and facility maintenance; Lee Ice, youth sports supervisor; and Jamie Reed, recreation center programmer.
2. **Category II (part-time employees):** Fran Hopkins, part-time aerobics instructor; Carolyn McGruder and Beverly Mumford, recreation center leaders.
3. **Category III (other groups or individuals):** Black & Veatch and Westar Energy volunteers; Fred DeVictor; David Ambler; Tom Sheely; and the City of Lawrence Utilities Department.

Also, an open house would be hosted for the Carnegie by the City of Lawrence; Code Enforcement presented the 2010 grass and weed abatement summary; and staff presented the 6th Street ITS project update. (8)

REGULAR AGENDA

Receive an update on the status of City Code compliance efforts at 1313 Haskell Avenue (deferred from 10/26/10 City Commission meeting) and consider deferring the demolition order for 60 days.

Brian Jimenez, Code Enforcement Manager, presented the staff report which read:

Background

On October 19th, 2010 staff informed the Commission that Mr. Seibel, then owner of 1313 Haskell, had not successfully fulfilled his obligation in the repair/clean up of the fifteen items identified within Resolution No. 6885 and that it was staff's opinion that the demolition order outlined in the resolution should be completed.

Additionally, the Commission was informed that there was a substantial development that staff had recently become aware of that involved Mr. Seibel coming to the decision to sell the property to the ownership group, Haskell Row Partners, which is led by James Grauerholz and Michael Almon. Staff told the Commission that Mr. Grauerholz was in attendance to provide additional information regarding the contract for sale and would be able to answer any questions that the Commission may have regarding this development.

Mr. Grauerholz stated it was Haskell Row Partners' intent to save the house if possible, however; he did acknowledge that demolition was still a potential outcome if they determined the rehabilitation of the house was not financially feasible. Mr. Grauerholz stated he had a binding contract for sale that Mr. Seibel had signed and that he was asking for additional time to determine the full scope of the house's deterioration. The Commission agreed to defer the demolition order one week to enable Mr. Grauerholz and Mr. Almon more time to look at the feasibility of the rehabilitation.

On October 26, 2010, staff presented an update to the Commission informing them that staff met with Mr. Grauerholz, Mr. Almon, and their colleagues on October 21st to complete an interior inspection of the structures to determine the severity of the deterioration. It was acknowledged that a complete cost analysis for the rehab may take additional time which would ultimately determine if the group would proceed with attempting to save the house. A major obstacle was the amount of Mr. Seibel's personal items stored throughout the first floor of the house which prevented easy access to complete a full cost estimate. Due to these circumstances, staff recommended that the Commission grant Mr. Grauerholz and Mr. Almon 60 days to complete the contract for sale and determine if they would be able to rehab the house successfully. The Commission unanimously voted to grant Haskell Row Partners 60 days to purchase the property and come up with a plan to either remove or rehabilitate the structures.

Recent Events

In mid November, staff began to hear from Mr. Grauerholz that Mr. Seibel wanted to cancel the contract for sale. For the next several weeks, staff was in weekly contact with Mr. Grauerholz and Mr. Almon as they continued to provide updates of their efforts to purchase the property.

On December 23rd, staff was informed by Mr. Almon that Haskell Row Partners completed the purchase of the property. The resistance to the sale by Mr. Seibel was unforeseen, essentially putting the project in the same place it was on October 19, 2010 in that Haskell Row Partners just assumed control of the property.

On December 28th, Mr. Grauerholz contacted staff to discuss the purchase of the property. Mr. Grauerholz reiterated to staff that Haskell Row Partners spent the vast majority of their time and

resources during the last two months on attempting to complete the purchase of the property as well as attempting to have Mr. Seibel remove all of his personal belongings from within the house and detached garage. He believes the challenging part is over and the ownership group can now focus on moving forward with the rehabilitation.

Mr. Grauerholz believes they may be contractually obligated to grant Mr. Seibel 30 days to remove his personal belongings. Once that time has elapsed, the ownership group will then turn their attention to the rehabilitation of the house. He and other ownership members will be meeting during the evening of the 28th to discuss their plan of action that will be presented to the City Commission on January 4, 2011. Soon after, he anticipates the ownership group will meet with staff to create a short list of items that need to be completed promptly to make the house safe.

Staff's Recommendation

Receive this staff update and the update from Haskell Row Partners' ownership members at the City Commission meeting. Staff assumes the new owners will need time to determine the best course of action and recommends deferring the demolition order for 60 days to permit the owners to make substantial progress on the items outlined in Resolution No. 6885 or to demolish the building if found to be necessary.

Michael Almon, Haskell Row Partners, said they hoped to be much more methodical in addressing this property. Their purpose was for the benefit of their neighborhood and did not expect to get anything out of this endeavor personally, but it would be nice if they did. He said all 4 partners in Haskell Row Partners were members of Brookcreek Neighborhood and would work closely with each other.

In the past 70 days, they spend all of their effort trying to acquire the property and hoped as it progressed through time that things would fall into place and the previous owner would be engaged in removing personal property, which the previous owner agreed to and wanted to change his mind.

He said within 5 days of purchase, they met and laid out their plan very tentative and generalized. He said they had presented the previous owner's attorney a conditional agreement and gave the owner an additional 30 days to remove his property as part of a carrot to get the owner to sign. He said it would be March 4th, when they would retain absolute control of that property. He said one way or another they would get that building cleaned out.

Beyond that clean up, they were trying to line up finance with other people in the community who had expressed interest. They established a bank account in the name of Haskell ROW Partners. Also, insurance was secured and locks were changed. He said they planned to talk to architects in the next couple of weeks, potential contractors and builders, for designs and estimates. He said their target date for construction was March 2011.

He said they understood that they were subject to the demolition order, but hoped the City Commission would defer and the deferral request was for 60 days. Right now, their schedule was more than 60 days, but could live with those days for now. He said they wanted to make sure the City knew how they were progressing.

Jenna Coker, Haskell Row Partners, said she hoped the City Commission would give Haskell Row Partners a chance. She said one of the goals in the Brookcreek Neighborhood was to do something about the run down properties.

She said it was dangerous to walk through that property and hoped the previous owner would remove his personal belongings.

James Grauerholz, Haskell Row Partners, said they would work closely with City staff to figure out the short list of repairs at this time. He said they would be back before the City Commission with a plan.

Mayor Amyx thanked Haskell Row Partners for coming forward at the last minute and willing to take on this project.

He said the previous owner should be commended for moving the building.

He said the City Commission had dealt with several projects, like this project, over the past couple of years and the Commission believed housing stock should be saved and preserved. He said at the same time, the City had regulations in place, such as looking at neighboring properties and safe conditions.

He said he also wanted to thank City staff for working with property owners that have home in disrepair and would like feedback if anyone had suggestions on how to deal with those types of properties.

Commissioner Johnson said this item was a great example of stepping up and making a commitment.

Vice Mayor Cromwell said without the intervention of Haskell Row Partners, the house would have been bulldozed. It needed to happen because the neighborhood was suffering and the only way to take care of this item was by demolition order because it sometimes took a fire under someone's feet to make that person move. He said

Moved by Johnson, seconded by Chestnut, to defer the demolition order for 60 days.
Motion carried unanimously. (9)

The revised request from MD Management Inc., for the formation of a Community Improvement District at 23rd and Ousdahl was deferred. 10)

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

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| 01/11/11 | <ul style="list-style-type: none">· 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. <i>This item was continued from the 11/09/10 City Commission Meeting for 60 days.</i>· Receive request from Airport Advisory Board to construct new T-Hangers. |
| TBD | <ul style="list-style-type: none">· Consider new overtime policy no later than February 15.· Receive proposed 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)· Receive proposed 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)· Receive <u>staff memo</u> 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.
- Consider changes to sidewalk dining requirements.
- 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.
- 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) Deferred by City Commission on 11/16/10.*
- Consider Text Amendment, TA-6-8-10, to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10. Adopt on first reading, Ordinance No. 8605, for Text Amendment (TA-6-8-10) to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District. (PC Item 3; approved 6-3 on 12/13/10)*
- Reconsider Text Amendment, TA-6-17-09, to various sections of the City of Lawrence Land Development Code to review standards related to “Boarding House” and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. Adopt on first reading, Ordinance No. 8606, for Text Amendment (TA-6-17-09) to various sections of the City of Lawrence Land Development Code to review standards related to “Boarding House” and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. (PC Item 4; approved 8-1 on 12/13/10)*

Moved by Chestnut, seconded by Johnson to adjourn at 7:15 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF JANUARY 4, 2011

1. Bid Date – N Final & Kaw Well Field Electrical Improvements, Jan 25th.
2. Contract – Data delivery services with Marsh McBirney, Wastewater Collections System.
3. Grant – S.T.O.P, Violence Against Women Act, for \$53,613, local match \$17,871.
4. Prelim Plat – PP-6-5-10, Riverside Business Park, 30.527 acres, 2030 Packer Ct.
5. Variance – private sanitary sewer line, 3801 W 6th.
6. Grant Agreement – Neighborhood Stabilization Program, \$475,000 allotment for moderate income housing projects.
7. Kasold Drive change order and construction phasing
8. City Manager's Report.
9. Compliance efforts - 1313 Haskell Avenue.
10. CID at 23rd and Ousdahl, MD Mgmt. - Deferred