



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

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

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

## CITY COMMISSION

**MAYOR**  
MIKE AMYX

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

March 29, 2011

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.

## **A. PROCLAMATIONS/RECOGNITIONS**

1. Proclaimed the month of April, 2011 as Read across Lawrence Month.
2. Proclaimed the month of April, 2011 as Mathematics Awareness Month.
3. Proclaimed the week of April 4 – 10, 2011 as Public Health Week.

## **B. CONSENT AGENDA**

Consent agenda item number 7a), second and final reading of Ordinance No. 8616, was pulled from the consent agenda for a separate vote by Commissioner Chestnut.

**It was moved by Chestnut, seconded by Cromwell,** to approve the consent agenda minus item 7a). Motion carried unanimously.

1. Approved City Commission meeting minutes from 01/25/11.
2. Received minutes from various boards and commissions:

Parks & Recreation Advisory Board meeting of 03/08/11  
Sales Tax Audit Committee meeting of 09/02/10  
Public Health Board meeting of 01/24/11  
Sister Cities Advisory Board meetings of 01/12/11 and 02/09/11  
Lawrence Cultural Arts Commission meeting of 02/09/11  
Board of Zoning Appeals meeting of 02/03/11  
Historic Resources Commission meetings of 01/20/11 and 02/17/11  
Lawrence Memorial Hospital Board meeting of 02/16/11  
Community Development Advisory Committee meeting of 02/10/11



3. Approved payroll for 03/13/11-03/26/11 in the amount of \$1,803,141.48, and claims to 280 vendors in the amount of \$2,376,595.71.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for Holiday Inn, 200 McDonald Drive; Smashburger, 4801 Bauer Farm Dr., Ste: A; Jazzhaus, 926 ½ Massachusetts; Barrel House, 729 New Hampshire; The Pool Room, 925 Iowa; and, Papa Keno's Pizzeria, 1035 Massachusetts.

5. Approved appointments as recommended by the Mayor

**Board of Plumbers and Pipefitters:**

Reappointed Roy Chaney (423.0901) to a second term that will expire 04/30/14.

**Electrical Code Board of Appeals:**

Reappointed Mel Lisher (766.3319) to an additional term that will expire 03/31/14.

**Sister Cities Advisory Board:**

Reappointed Kathleen Hodge (832.1404) and Jon Josserand (843.1948) to additional terms that would expire 12/31/13.

6. Bid and purchase items:
  - a) Approved sale of surplus equipment on Gov Deals.
  - b) Rescinded Olathe Ford's previously awarded bid approved March 15, 2011. Applied local purchasing preference policy and awarded bid for two (2) half-ton pickups for the Public Works Department to Laird Noller Automotive for \$23,225 each, for a total bid of \$46,450.
  - c) Authorized purchase of a wheel loader to Murphy Tractor in the amount of \$120,590 with a guaranteed buy back option of \$107,500 at the end of three years.
  - d) Waived bidding requirements and approved the sole source rental and purchase of PMSI rental equipment and materials in the amount of \$147,071.57 and approved the use of contract labor in the amount of \$20,108 for Project PW1110, 2011 Crack Sealing Program.
  - e) Awarded bid for Project No. PW1107, LED Downtown Lighting, to Stanion Wholesale Electric in the amount of \$148,895. Approved the purchase of 15 additional units at the bid price of \$1,488.95 (\$22,334.25) for a total bid award of \$171,229.25, to maximize total grant amount available.
  - f) Awarded bid for Bid Number B1101, Project UT0922CS, Airport Area Sanitary Sewer Improvements, to the second low bidder, Schmidtlein Excavating, Inc., for \$411,033.70 and authorized the City Manager to execute the contract.
  - g) Awarded bid for Planning and Development Services contract blight mowing to Vernon's Lawn and Picture Perfect Lawns at the rate of \$35.00 per hour.
  - h) Approved the sole source purchase of five (5) Motorola MW 810 Mobile Data Computers for the Police Department from Topeka FM for \$29,064.40.

7. Adopted the following ordinance(s) on second and final reading:
  - a) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION AND VOTE. Ordinance No. 8616, for the renewal of a Special Use Permit (SUP-12-10-10) and to increase the maximum occupancy year round from 57 persons to 81 persons for Lawrence Community Shelter, located at 944 Kentucky Street/214 W. 10<sup>th</sup> Street . Approved on first reading by the City Commission (3-2) on 3/15/11. (PC Item 2; approved 6-1 on 2/23/11)
  - b) Ordinance No. 8617, for the Rezoning (Z-12-16-10) of approximately .27 acres from RM24 (Multi-Dwelling Residential) to CN1 (Inner Neighborhood Commercial), located at 313 E. 8<sup>th</sup> Street (PC Item 3; approved 7-0 on 2/23/11)
  - c) Ordinance No. 8618, for the Rezoning (Z-12-19-10) of approximately 3.47 acres from PCD (Planned Commercial Development-Monterey Center) to CN2 (Neighborhood Commercial Center), located at 4000 W. 6<sup>th</sup> Street (PC Item 4A; approved 7-0 on 2/23/11)
  - d) Ordinance No. 8619, for Special Use Permit (SP-12-9-10) for a drive through window in a retail center located at 4000 W. 6<sup>th</sup> Street. (PC Item 4B; approved on 2/23/11)
  - e) Ordinance No. 8622, amending eligibility criteria for serving as a member of the Electrical Code Board of Appeals.
8. Authorized staff to proceed with the development of an agreement with Airport Development Group, Inc. for the Wildlife Hazard Assessment at the Lawrence Municipal Airport.
9. Authorized City Manager to sign State Agreement No. 17-11 for an access opening along W. 6<sup>th</sup> Street, west of George Williams Way, for the Mercato Development.
10. Received 2010 annual report on Infrastructure and Transit Sales Taxes as approved by the Sales Tax Audit Committee on March 15, 2011.
11. Authorized the Mayor to sign a Subordination Agreement for Preston and C. Jane Hoyt, 3817 Overland Drive.
12. Authorized the City Manager to execute a License Agreement for Temporary Construction Access and Construction Staging with The Bowersock Mills & Power Company.

**It was moved by Dever, seconded by Cromwell,** to adopt on second and final reading Ordinance No. 8616, for the renewal of a Special Use Permit (SUP-12-10-10) and to increase the maximum occupancy year round from 57 persons to 81 persons for Lawrence Community

Shelter, located at 944 Kentucky Street/214 W. 10<sup>th</sup> Street. Motion carried 3-2 with Amyx and Chestnut in the negative.

**C. CITY MANAGER'S REPORT:**

Casey Toomay, Budget Manager, presented the 2010 Fourth Quarter Financial Report.

Commissioner Chestnut said water and wastewater had seen increases in costs and asked what caused that increase. He said deeper examination of that increase was warranted for the next budget cycle. He said the City was treating less water.

David Corliss, City Manager, said that the maintenance costs were not necessarily tied to the volume of water. He said the master planning process would help us understand our capital improvement and growth needs, and those things would be a focus. He said the city was paying attention to operating costs such as chemicals but maintenance costs were also a concern.

Corliss said the City had spent a lot of money on materials for water and sanitary sewer repairs when problems were found, more so than in the past. On a per capita basis, the community was not using as much water as in the past, because of weather and conservation related issues.

Vice Mayor Cromwell said the report indicated increased water sales and asked if that was true.

Corliss said yes, the City sold more water in 2010 than in 2009.

Mayor Amyx said that everyone should appreciate what city staff did in managing public funds, especially the amounts added to the fund balance over the past 4 years.

Commissioner Chestnut said that if backing out the sales tax collections, the City was up about \$1.5 million from 2008-2010 and all of that was in public safety. In terms of general government, expenditures in 2010 were less than 2008 by about \$300,000. Efficiency and a

high level of service were achieved as well as investments in public safety. Parks and Recreation also did a great job with flat expenditures even with inflation of some expenses. Transit money was built up a little bit, Solid Waste turned from a deficit to a surplus in two years which was tremendous. He said he felt honored to be associated with an organization that could do those things and he appreciated everyone's efforts.

Corliss said the golf course was an example where expenditures could be reduced but there was a necessary balance needed to not defer too much maintenance.

Commissioner Chestnut said with water and wastewater the trends were somewhat concerning and he did not want to end up with a deficit like solid waste had experienced a few years ago.

David Corliss, City Manager, presented the balance of the City Manager's Report.

**D. REGULAR AGENDA ITEMS:**

1. **Consider approving a Temporary Use of Public Right-of-Way Permit for various city streets from 7:30 a.m. to 11:00 a.m. on Sunday, April 17, 2011, for the Kansas Half Marathon, and donation of city services in support of the event.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Vice Mayor Cromwell said with the prospect of having the volunteers posted at those key intersections on Massachusetts, he asked if the police department was notified to see if that was a safer scenario.

Douglass said no, that discussion only took place early that afternoon. He said the police department would like to keep those intersection closed but were very professional at managing those races as directed by the City Commission.

Vice Mayor Cromwell said the differential was between 9:30 a.m. and 11:00 a.m.

Douglass said the police department indicated that keeping the intersection closed until 11:00 a.m. would be a sufficient time.

Mayor Amyx said in keeping those intersections closed, he asked if staff had heard from any of the churches or businesses along those areas.

Douglass said the race organizers had discussions with Downtown Lawrence Inc., and probably a few of the business downtown that might be open, but he had not heard directly regarding that matter.

Ryan Robinson, Kansas Half Marathon, said they were looking at taking the race downtown this year. He said they were confident that they would be completely out of downtown by 10:00 a.m. The last runner, if applying that 15 minute mile per pace, that would put that marathon to end at 9:15 a.m. He said 4 of the closed intersections would have metal barricades and could be out of the area within 20 minutes. He said they would wait to get a call from the police department that day on when to pull the barricades, but again, were more than confident they could be completely done by 10:00 a.m.

Mayor Amyx asked if the race ended at 11<sup>th</sup> Street.

Robinson said it turned around before 11<sup>th</sup> Street and 11th Street would still remain open.

Mayor Amyx asked about the idea of using New Hampshire Street.

Robinson said realistically using New Hampshire Street would take away the allure of running on Massachusetts Street. The feed back received from out of town guests was to run part of the race on Massachusetts Street.

He said last year there were around 1900 runners from almost 34 states and planned for the same amount this year. He said it had become a staple of a Spring event in Lawrence, Kansas and they wanted to show-off downtown Lawrence.

Mayor Amyx called for public comment.

After receiving no public comment, Mayor Amyx said the City Commission was also being asked to donate City services in support of this event which was estimated at \$10,000.

Douglass said correct. Staff tracked the costs for those types of events. He said the ½ marathon 2 years ago, costs were a little over \$9500. Last year was a marathon and most likely the comparison 2 years ago was more accurate in terms of staff time.

Mayor Amyx asked if guest tax were being used to cover those costs.

David Corliss, City Manager, said staff had tracked expenses on this event and similar events through the year and made a recommendation to the City Commission toward the end of the year about transferring funds from guest tax funds back to the general fund in recognition of the general fund support for those special events, unless otherwise directed. He said this event was a great event and getting people to come to Lawrence from out of town meant additional revenue to this community, hopefully.

Commissioner Dever said the amount of time requested for this event was okay if the planner/coordinator thought that 45 minutes was a good buffer. He said when getting past the hour of 10:00 a.m., it seemed to impact the downtown a little more. He said if the City Commission wanted to be extra cautious, the Commission should go with the public safety recommendation.

Commissioner Chestnut concurred.

Vice Mayor Cromwell also concurred. He said if running down Massachusetts Street on Sunday morning at 8:00 a.m. that was the time to run down that street. He said being out of the area by 10:00 a.m., would not impact too much.

**It was moved by Chestnut, seconded by Dever,** to approve a Temporary Use of Public Right-of-Way Permit for various city streets from 7:30 a.m. to 11:00 a.m., including the closure of a portion of Massachusetts Street from 7:30 a.m. – 10:00 a.m. on Sunday, April 17, 2011, for the Kansas Half Marathon, and donation of city services in support of the event. Motion carried unanimously.

2. **Consider adopting on first and second reading, Ordinance No. 8624, prohibiting the possession of glass bottles or glass containers in the Downtown District during specified hours during the final four weekend, April 2 – April 5, 2011.**

REGULAR AGENDA ITEM NUMBER 2 WAS REMOVED FROM THE AGENDA PRIOR TO THE MEETING.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

David Corliss, City Manager, outlined potential future agenda items.

**G: COMMISSION ITEMS:**

Mayor Amyx said he had been asked about the possibility of stabilizing the bank of the creek at Atchison using the concrete removed from the Kasold Project.

Corliss said he would look into that and report back to the Commission.

**H: CALENDAR:**

Corliss reviewed calendar items.

**I: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

**Moved by Dever, seconded by Chestnut,** to adjourn at 7:35 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk