



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

May 10, 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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. RECOGNITION/PROCLAMATIONS/RECOGNITIONS

1. Proclaimed the week of May 15 – 21, 2011 as Police Week and Sunday, May 15, 2011 as Peace Officer's Memorial Day.
2. Proclaimed the week of May 15 – 21, 2011 as Public Works Week.
3. Proclaimed the month of May, 2011 as Mental Health Month.
4. Recognized the Lawrence Cultural Arts Commission 2011 Grant Award Recipients.

CONSENT AGENDA

Commissioner Dever asked that consent agenda item number 5, first reading of Ordinance No. 8621, approving a franchise agreement for telecommunications services with NextG Networks of Illinois, be removed for separate discussion.

It was moved by Amyx, seconded by Carter, to approve the consent agenda as below, with the exception of item number 5. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Parks & Recreation Advisory Board meeting of 04/19/11
Historic Resources Commission meeting of 03/17/11
Board of Zoning Appeals meeting of 03/03/11
Convention & Visitors Bureau Advisory Board meeting of 02/23/11



2. Approved claims to 180 vendors in the amount of \$2,650,358.46 and payroll from April 24, 2011 to May 7, 2011, in the amount of \$1,789,857.58.
3. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for Genovese, 941 Massachusetts; Set'em up Jacks, 1800 East 23rd Ste: G; and the Retail Liquor License for Mom and Pops Liquor, 1906 Massachusetts.
4. Bid and purchased items:
 - a) Set bid date of June 7th, 2011 for the Comprehensive Rehabilitation Program at 2209 Princeton Boulevard.
 - b) Set bid date of May 24, 2011 for City Bid No. B1130, Project No. PW1020, Bob Billings Parkway, Kasold Drive to Crestline Drive (westbound only), Complete Pavement Reconstruction.
 - c) Awarded the bids for Comprehensive Rehabilitation Projects as follows:
 - i) 2336 Louisiana Street - Awarded the Base Bid and Alternate #1 to Natural Breeze Remodeling for a total of \$24,660.
 - ii) 1415 W. 2nd Terrace – Waived staff estimate and awarded the Base Bid only to T & J Holdings, Inc. for a total of \$23,670.
 - d) Awarded bid for Project No. PW1112, 6th Street, Folks Road to Monterey Way, Geometric Improvements, Milling, Overlay, Pavement Marking to R. D. Johnson Excavating Co., Inc. in the amount of \$630,112.90.
 - e) Awarded bid for Project No. PW1109, City Bid No. 1122, 2011 Downtown, Miscellaneous Concrete Repairs to R. D. Johnson Excavating Co., Inc. in the amount of \$150,655.70 and adopted Resolution No. 6923, authorizing the issuance of General Obligation Bonds for main traffic-way improvements.
5. REMOVED FOR SEPARATE DISCUSSION. Adopted on first reading, Ordinance No. 8621, approving a franchise agreement for telecommunications services with NextG Networks of Illinois.
6. Approved Text Amendment, TA-2-2-11, to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow Active Recreation as a Special Use in the IG (General Industrial) District. *Initiated by City Commission on 3/1/11.* Adopted on first reading, Ordinance No. 8631, for a Text Amendment (TA-2-2-11) to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow Active Recreation as a Special Use in the IG (General Industrial) District. (PC Item 3; approved 9-0 on 4/25/11)
7. Approved Special Use Permit, SUP-2-1-11, for the use of Active Recreation, located at 940 E 28th Street. Submitted by Barber Emerson, L.C., for JDS Kansas, L.C., property owner of record. Adopted on first reading, Ordinance No. 8632, for a Special Use Permit (SUP-2-1-11) for the use of Active Recreation, located at 940 E 28th Street. (PC Item 4; approved 9-0 on 4/25/11)

8. Authorized binding of Police Officer Liability, Public Official Liability, and Employment Practices Liability insurance with Lexington Insurance for \$75,253.
9. Approved free parking on Massachusetts Street from 6th Street to 11th Street and on the 100 blocks of East and West 7th, 8th, 9th, 10th, and 11th streets on Tuesday, June 14 for a Lawrence GiveBack event.
10. Approved as signs of community interest, a request from the Douglas County Extension Master Gardeners' 2011 Garden Tour for signs to be placed in various rights-of-way from June 3 – June 5, 2011, contingent on adjacent property owner permission.

Amyx asked whether the ordinance for the NextG franchise was similar to others we have with franchises.

Corliss said yes, but asked Legal staff to comment.

Toni Wheeler, Director of Legal Services, said it was substantially similar to other franchises, with slight differences in definitions.

Dever asked about the fee for placement of equipment on city owned poles, fixtures, etc, and how it was arrived at and how it would be applied in the future.

Wheeler said this was the first time a franchisee had requested that, and that they did not plan to install on city fixtures initially. The franchisee said the fee was fair and comparable to other cities.

Dever asked if Lawrence Freenet had equipment on any city poles.

Wheeler said yes. They are paying less than the amount in the NextG franchise. It had been determined that the service provided to underprivileged customers warranted that.

Dever asked how many poles Freenet had installations on.

Wheeler said around 67 but she did not know the exact number.

Dever said he didn't want to set a precedent that would carry forward in the future. He was not sure if the \$500 fee was something Freenet could handle.

Cromwell said Freenet's fee had been in consideration of the other services provided.

Diane Stoddard, Assistant City Manager, said the Freenet agreements covered 66 locations and another 10 locations downtown.

Corliss said the Freenet installations were primarily on traffic signals.

Carter said this other rate didn't really set precedent and we could negotiate on a individual basis. He didn't want anything to be repressive on new businesses and new technologies.

Wheeler said that was true to an extent. State laws significantly curtail municipalities' ability to negotiate and access to city rights of way had to be competitively neutral.

Kris Adair said Freenet had many installations on Westar poles at the rate of \$23/yr. The rate in the NextG franchise was much higher than Freenet's attachment fees.

Schumm asked if the old rate still carried through for Freenet.

Corliss said yes.

Schumm asked what if Freenet wanted additional attachments.

Corliss said if that wasn't already addressed in the agreements, the Commission would decide at that point.

Schumm asked if the city would be legally constrained by the new rate if Freenet wanted expansion later.

Corliss said no. He said the worst case scenario would be that the city would receive a challenge and we had to bring everything down to the Freenet level. He said the franchise agreements provided protections to the city.

Cromwell asked if the \$500 rate was proposed by NextG.

Wheeler said yes.

Joe Milone, Next G, said that was a rate proposed by NextG. This is what has been offered to other cities. He said the company was entering into the agreement of their own free will. He understood and did not object to the Freenet agreements. He said they paid a similar amount as Freenet to Westar. He said streetlights are regulated differently than right of way because the lights were city proprietary property.

Moved by Amyx, seconded by Schumm, to adopt on first reading, Ordinance No. 8621, approving a franchise agreement for telecommunications services with NextG Networks of Illinois. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. **Conduct public hearing to consider the vacation of an unused utility easement located in Lot 1, Prairie Wind Addition (2620 Haskell Ave) as requested by property owner Tenants to Homeowners, Inc.**

Chuck Soules, Public Works Director, presented the staff report.

Mayor Cromwell opened the public hearing.

Moved by Schumm, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Dever, to approve the order of vacation of an unused utility easement located on Lot 1, Prairie Wind Addition (2620 Haskell Ave) as requested by property owner Tenants to Homeowners, Inc. Motion carried unanimously.

2. **Consider a request for long term parking passes and to designate parking lot #10 (1000 block of Vermont Street) as a long term parking lot. This item was deferred from 04/19/11.**

David Corliss, City Manager, presented the staff report.

Schumm said the changes to the parking were to add 5 additional, ten hour metered spaces on Park Street at the west end which currently had 15 ten hour metered spaces. The east side of the Vermont from 10th to 11th Street would be metered which created 16 additional, ten hour metered spaces. Also, the west half of the 2 hour free parking lot north of the applicant's building allowing 30 spaces with 10 hour meters, creating 51 spaces with 10 hour meters. Along with the existing ten 10 hour metered spaces, that gave 100 parking places to

choose from. He said there was also an additional lot on the northwest corner of 10th and Vermont that was entirely ten hour metered, that had 36 meters. He said after the change, there would be 136, 10 hour meters within 500 feet of the location the applicant was hoping to renovate. After considerable comment everyone agreed this proposal was a good compromise.

Bill Fleming, General Council with Treanor Architects, said he hoped the project would begin the first of June.

He said he would pass out a slight variation to the Schumm plan. He said the architects had a slight change on Schumm's proposal. He said there were 65 spaces to the north of their building location and thought it would make sense to make the middle spots, ten hour parking spots. He said there was discussion about whether to meter those parking spaces or not and he didn't care very much either way.

He said Schumm proposed that those parking spots along the east side of Vermont be ten hour parking, but Treanor proposed a variation in parking and taking ten of those spots making those meters ten hour meters and leave 6 spots between Capital Federal and their building as two hour, which is what they are now. The remaining spots would be two hour spots and proposed the parking spots on the south edge be repainted to add a stall. There was a 5 spot difference in the number of ten hour meters between this proposal and Treanor's.

He said with respect to the parking issue fee Treanor Architects thought it was a modest proposal. He said there had always been discussion on helping local businesses. He said all businesses craved certainty and that was his argument for City Commission support for the parking fee fix. In the grand scheme of things it was not that big of a deal but it would help.

Amyx asked if the fee was not that big of a deal.

Fleming said the city had already helped with the NRA and the parking lot but said the fee issue was a very modest proposal and it would offer some certainty and they would appreciate it.

Amyx said he was concerned about other people who already buy the permit and their cost.

Schumm said it was hard to reach a consensus on parking, and he was surprised by the consensus reached at the public meeting. He asked why Fleming's proposal was not brought forward at that meeting.

Fleming said he recognized it was a little late. He hoped that because it was 5 spaces it wouldn't make that much difference. He understood if the Commission didn't want to go through this again, but he thought his proposal made sense of how to lay out the parking lot and where the two hour and ten hour parking would be.

Schumm said the idea was to have 2 hour parking closest to the businesses on Massachusetts and that was important to them. He said those business owners had been pretty happy with the consensus plan reached.

Corliss said there had been individuals who thought 30 ten hour spaces were too many.

Cromwell asked about the 10 spots along Vermont that were changed to ten hour meters and asked what had been proposed originally.

Schumm said there were 16 spaces from 10th Street to 11th Street and it was to change those spaces from two hour to ten hours.

Fleming said the 10 spots along Vermont would go to 10 hour meters and the 6 spaces that ran from Capital Federal across their building that they were proposing to leave at 2 hour spots. He said under Schumm's original proposal that parking lot would be divided and everything to the west would be the ten hour meters and everything to the east would be the two hour. He said there were sections in Schumms' proposal where some of the lots would be two hour and some ten hour and their proposal seemed to make more sense because those spots would be more consistent with ten hour grouped together and two hour grouped together.

Schumm said to get 30 spaces it takes the west half plus each end. The two hour spaces are all of the spaces adjacent to the alley and the next column to the west. He didn't think this should be changed because that was what everyone agreed to at the meeting.

Dever said grouping them in some configuration made sense. He said Fleming was alluding to some mixing in the same rows of two hour and ten hour.

Fleming said that was correct.

Schumm said the two hour spaces would remain unmetered. Only the ten hour spaces would be metered. The group overwhelmingly favored meters for the ten hour spots rather than signs.

Carter said there were two net new spots due to restriping in Fleming's proposal.

Fleming said correct.

Schumm said he was only counting the spaces that were there now. Schumm said he thought the space adjacent to Vermont on the north end had something unusual about it, like a handicap space or a fountain.

Corliss said we needed to be careful about adding spaces because we wanted to comply with our landscaping requirements.

Carter asked if we had approximate costs for adding meters.

Teri Pierce, Parking Manager, said about \$13,000 for the 30 spaces, not including installation by the Public Works Department.

Cromwell asked if we were resurfacing or restriping the lot.

Corliss said restriping needed to be done. Putting in the meters may require some concrete work.

Amyx said he appreciated the investment to be made by Treanor, but the compromise reached at the public meeting was probably workable and would last a long time. He didn't understand the reasoning behind the two hour meters in front of the building.

Fleming said it would keep the same number as the Schumm proposal.

Amyx said the project could work well with the Schumm proposal.

Cromwell said the compromise was reached with the shorter term parking where it was needed most, near the Massachusetts Street storefronts.

Mayor Cromwell called for public comment.

Peter Zacharias, Downtown Lawrence, said he would like to see the compromise held to.

Schumm said on Fleming's handout, based on their count, it looked like originally they had to use the west half and then south end closest to the project gave 30 spaces. He said he would try to make a motion that would make clear what he intended rather than try to repeat it again.

Moved by Schumm, seconded by Dever, to change Park Street to include 5 additional 10 hour meters, totaling 20 ten hour meters. Additionally, change the 16 meters on Vermont Street between 10th Street and 11th Street from 2 hour to 10 hour meters so there would be 16, and place 30 ten hour meters in the parking lot north of the applicant's rehabilitation project. Those 30 spaces would include 11 spaces adjacent to Vermont Street, 12 spaces immediately east of the first column, and the south 7 spaces. Motion carried unanimously.

Schumm said the 2nd part of the request was stated as a guarantee of parking pricing for 10 years. He said he had a concern in that he hated to see different prices for parking for different groups for different requests. He said it was unfair for someone who was paying a higher rate while someone was paying a lesser rate.

Moved by Schumm, seconded by Dever, to deny the request for fixed pricing on the parking passes. Motion carried unanimously.

3. Consider approving the closure of various city streets in the Downtown and campus areas for the 2011 Tour of Lawrence, July 1 – 3, 2011; consider approving allocation of \$10,000 from the Guest Tax Fund in support of the event; and consider donating city services in support of the event.

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

Dever asked why the change to the street sprint location and what the impact was.

Sanner said this plan is easier to set up, control and secure. There was a performance at Liberty Hall that night that they didn't want to conflict with. Traffic control was also easier. Avoiding closing Mass at 7th was appealing. The event had been tweaked to make it better for everyone.

Dever asked what the investment of \$10,000 was for and what the value of that was.

Sanner said 450 cyclists for other states had come last year. Only 10 percent of the cyclists were local. Estimated actual spending in the community as a result of the event was over \$200,000.

Amyx asked why the change in dates away from the 4th of July.

Sanner said they wanted to hold on to the first weekend in July. If cyclists could be home the night of the 4th they felt that their numbers would grow. With the other events on the 4th it was also easier on the staffing needs for the police. He said as the 4th moved later in the week in future years they would have to look at the exact timing of the event.

Schumm said it was a good program and brought in a lot of people. He said on the 4th would be the Lawrence Originals event in Watson Park. He asked about the number of participants for this year.

Sanner said it was too early to tell because cyclists tended to wait until no more than 30 days out to register to make sure they were injury free. He said they projected 600 riders.

Cromwell said it was a fun event and was the first bike race he had watched.

Amyx said it was a big event and he said they would probably here from merchants downtown as the event moved away from the 4th in future years.

Cromwell called for public comment. None was received.

Moved by Schumm, seconded by Carter, to approve a Temporary Use of Public Right-of-Way Permit for the use of various city streets on July 1 -3, 2011 for the Tour of Lawrence; approve allocation of \$10,000 from the Guest Tax Fund; and, approve the donation of various city services in support of the Tour of Lawrence. Motion carried unanimously.

4. **Conduct a public hearing regarding the sale of alcohol at the Arts Center Street P'Arty, the Americana Music Festival, the Mexican Fiesta, the Tour of Lawrence, and the KC MS 150 and consider granting distance limitation waivers for the events; consider adopting on first reading, Ordinance No. 8633, allowing possession and consumption of alcohol on public right-of-way for certain events.**

Vice Mayor Schumm excused himself from consideration of this item due to possible conflicts of interest and left the room.

Mayor Cromwell called a public hearing regarding the sale of alcohol at the Arts Center Street P'Arty, the Americana Music Festival, the Mexican Fiesta, the Tour of Lawrence, and the KC MS 150.

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

Mayor Cromwell called for public comment. None was received.

Moved by Amyx, seconded by Dever, to close the public hearing. Motion carried 4-0 with Schumm abstaining.

Moved by Amyx, seconded by Carter, to find that the proximity of the sale of alcohol for the Arts Center Street P'Arty, the Americana Music Festival, the Mexican Fiesta, the Tour of Lawrence, and the KC MS 150 is not adverse to the public welfare or safety; grant distance limitation waivers for the temporary events; and adopt on first

reading Ordinance No. 8633, allowing the possession and consumption of alcoholic liquor on certain public right-of-way for the Arts Center Street P'Arty, the Americana Music Festival, the Mexican Fiesta, the Tour of Lawrence, and the KC MS 150. Motion carried 4-0 with Schumm abstaining.

Vice Mayor Schumm returned to the room following the vote.

5. **Consider approving the closure of the 600 block of Massachusetts Street on Sunday, October 9, 2011, for the Bert Nash Dash and Bash; consider authorizing the consumption and possession of alcohol on the public right-of-way during event; and consider approving donation of city services in support of the event.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report. He said since the original posting of the agenda, the applicant had requested a change to the date of the event which was not captured in the documentation presented to the Commission. The change of the new date and time would be reflected in the ordinance for second reading.

Vice Mayor Schumm asked if the possession and consumption of alcohol was only for the 600 block of Massachusetts.

Douglass said correct.

Mayor Cromwell called for public comment.

Dave Johnson, Bert Nash, said their event last year was a success and received good comments. He said this event was their big fundraiser for the year and he appreciated the support of the City of Lawrence staff and the City Commission.

Commissioner Amyx asked if the exact time of the event on October 9, 2011, was from 3:00 a.m. to 5:00 p.m.

Johnson said correct, but the end time of the event was not determined yet.

Commissioner Carter said a person from the Bert Nash Board stated that he anticipated traffic would flow on that block at 1:00 pm.

Cindy Hart said that by changing the initial time of the event to the morning, she was not sure about the teardown time, but they had discussions about opening half the block earlier. In all likelihood, things would wrap up much sooner, but just to be safe with their teardown time they suggested 5:00 pm.

Commissioner Amyx asked if they considered the idea of looking at a different location.

Johnson said yes. There was an endowment board meeting earlier regarding a concern from business as to the location of the event last year. He said with the feedback received last year regarding the Massachusetts Street location, it made a difference in terms to the appeal to the public. He said they were somewhat concerned about the event taking place on a Sunday and the amount of donations to expect. He said they would like to continue the use of the 600 Block of Massachusetts for their event, but understood if the City developed a new policy regarding the use of downtown.

Vice Mayor Schumm asked if Bert Nash considered Buford Watson Park.

Cindy Hart said they did a study of 9 different locations. The challenge with Watson Park was the stage that they set up in 2010 was a considerable size and would be impeded with trees and power lines. The rake of the 600 Block of Massachusetts was perfect for having the stage at the north end. Other challenges in having the event at Watson Park were security, having to fence the entire park due to alcoholic beverages being served, and noise with the residences along the park.

Vice Mayor Schumm said he was a member of the Lawrence Originals which was a group of independent restaurateurs and they had 3 festivals, all in parks, and last year they would have had a tremendous amount of people, but unfortunately at 6:00 pm the weather washed their event away. They were anticipating close to 10,000 people this 4th of July in the park. The event featured a stage with a band, they were not required to have a security fence because of alcohol and it was a great place where

people enjoyed themselves. He said the parks were built for people to enjoy and while he thought the streets were nice too, there were people who were trying to make a living on those streets. He said he wanted to offer that information because their organization would not want another place other than those parks.

Ken Campbell, Winfield House, 600 Block of Massachusetts Street, said although they supported Bert Nash and their efforts to have a successful event, their concerns were first and foremost for the health and vitality of downtown Lawrence. When receiving a request such as this request to close Massachusetts Street, he knew the events brought a lot of people to downtown, but it also discouraged consumers from coming downtown because of elimination of parking places and the disruption of the traffic flow on the main thoroughfare, Massachusetts Street. When consumers were discouraged, sometimes a business would not get another chance to see those people again.

He said they felt fortunate to have a business located in such a desirable area and felt an event of this type could be equally as successful if located on a side street or any park in the downtown footprint. He said they welcomed Bert Nash to have their event downtown, but closing Massachusetts Street for anything other than the traditional short parades that they always supported, would be a detriment to downtown businesses.

Carter asked what time Campbell opened on Friday.

Campbell said on Sundays their business opened at 1:00 p.m.

Carter asked if this event was cleared out by 2:00 or 3:00 p.m. if that made a difference for his business.

Campbell said they were certainly happy to hear the event was moved to Sunday and that would have a much lower impact on all businesses downtown. He said they were also talking about future events as well and future requests.

Carter said when it came to future events was surprised that downtown did not have an actual position on what type of events were good for the downtown area. He said when it comes to direction in the future it should be fairly easy decisions. He said he hesitated before hearing good direction from downtown on a consensus or some type of vision to change this event. He said it was a big switch to have this event on a Sunday and in fact shut down as early as 2:00 or 3:00 pm to have traffic pass through.

Peter Zacharias, Downtown Lawrence, Inc., said they were happy the event had decided to schedule its main event on that Sunday. He said generally, they would like to keep Massachusetts Street open whenever possible and as much as possible. He said he was glad they came up with a compromise to have the event on Sunday.

Mayor Cromwell said Sunday made a huge difference and would impact folks a lot less than it would on a Saturday. He said this was a good compromise.

Vice Mayor Schumm said the theme of downtown was that they liked to see all of those events happen, but how could it be done with compatibility. That certainly was the question and how could everyone come out of this in a win/win situation.

Commissioner Amyx said he hated to be in a position of picking and choosing events, but when looking at businesses downtown, he would like to see those events take place on the side street areas. He said in looking at putting together a plan for downtown events they needed to be careful when Massachusetts should be closed down. He said he appreciated Bert Nash having discussions about another location and this would be a good event if they could shorten the day. He said next year, he hoped Bert Nash would take into consideration a side street.

Mayor Cromwell said it was important to acknowledge the various letters of support from other adjacent businesses. He said it was not that the merchants on the 600 block were opposed; that would be an unfair characterization of this event. There were a variety of opinions concerning this particular event. He said a lot of these events

were what made downtown, downtown. He said those event were helping to create an atmosphere in which business were able to thrive. While there might be a short-term inconvenience, for some folks, the events help make the businesses.

Vice Mayor Schumm said it was note worthy to point out that the Tour of Lawrence Street Sprint had moved off Massachusetts Street because of the commentary and the conflict.

Commissioner Amyx said he appreciated comments by the Mayor regarding events bringing a lot of people downtown, but at the same time, one of the reasons the events came downtown was because there was a successful downtown, which was attributed to the downtown businesses.

Mayor Cromwell said it was not only restaurants, but retailers too that were winning.

Commissioner Dever said this was a good discussion and Lawrence was fortunate to have a good downtown, a place where people wanted to be and businesses want to thrive and a community with a heart and soul. He said the City Commission needed to balance the needs of everyone, both fundraisers and for-profit entities. In a recent survey it was noted that the City Commission did a tremendous job improving the amount of money the City spent to beautify downtown and they needed to share those improvements with as many people as possible. The downtown retailers benefit as well as the community. This was shared space and public right-of-way and thought it was fair to spread that burden of using and closing that street. He said they could discourage the impact on Massachusetts Street as much as possible, but when constantly closing downtown 8th Street or New Hampshire, businesses were impacted there too. The City Commission was charged with balancing all the people's needs and he agreed there was a huge impact both negative and positive to those businesses immediately adjacent to the activity and the City Commission needed to keep that in mind.

He said he appreciated the Bert Nash Dash changing the time and date of the event and hoped it was as successful this year as in the past. There was nothing like the 600 Block of Massachusetts Street and obviously they needed to limit how they closed that section down, but that was one of the best spots in town as far as showcasing the new and old businesses. He said he would like to encourage the thoughtful use of that area.

Mayor Cromwell said the City Commission would continue to have other discussions, agreements and disagreements. He said they would all work together to minimize impacts and increase the success of downtown. He said he looked forward to those discussions in the future.

Commissioner Amyx asked when the streets would be back open for through traffic.

Commissioner Carter said 2:00 pm would be the latest, but they were looking at 1:00 pm. He asked if the City Commission would be opened to committing to a time.

Johnson said his inclination was 3:00 and try and get the streets opened at 1:00 pm.

David Corliss, City Manager, asked about when the actual activities stop on that day. He said if there was an issue of teardown, he said City workers could help and move it along quicker.

Johnson said he was inclined to shut the event down at 1:00 pm, then get everything torn down as fast as they could.

Moved by Schumm, seconded by Carter, to approve a Temporary Use of Public Right-of-Way Permit for the closure of the 600 block of Massachusetts Street from 3:00 a.m. to 5:00 p.m. on Sunday, October 9, 2011 for the Bert Nash Dash and Bash, with encouragement to the organizers to have the street open by 3:00 p.m.; approve donation of city services in support of the event; and adopt on first reading, Ordinance

No. 8623, allowing possession and consumption of alcohol on the 600 block of Massachusetts from noon to midnight on Saturday, October 29, 2011. Motion carried unanimously.

6. **Receive the following reports from the City Auditor: Performance Audit: Fee Policy Could Guide Staff and Inform the Public and Follow-up Report on audit recommendations.**

Michael Eglinski, City Auditor, presented the follow up report.

Cromwell said regarding cramming, that after the discussion here he looked at his business's phone bill and found about \$100 a month in cramming charges, so he appreciated everything he learned here.

Cromwell asked Eglinski to run through the items he wanted closed.

Eglinski indicated the items in the memo which were recommended to be closed.

Mayor Cromwell called for public comment. None was received.

Moved by Amyx seconded by Dever to close the recommended items. Motion carried unanimously.

Eglinski presented the performance audit regarding a fee policy.

Carter asked about the list of peer cities, if the auditor had the list of fees for those cities.

Eglinski said no. Some had fee policies, but it was more common that there wasn't a comprehensive list but it was scattered among departments.

Carter asked if we currently charged for police services and if we could get a handle on those costs.

Corliss said staff could put together a report on those issues.

Carter said everything from KU games to parades and other events.

Corliss said it varies but we track those events and he recommends reimbursement from the guest tax to the general fund. He said it was appropriate to have

a policy. He said we have looked at the fees that represent the most money. As you go through the budget it is important to look at what represents the most significant amounts of money. Also, some fees are out of the city's control, such as ambulance fees. Some other fees such as drinking establishment licenses are set by the state.

Eglinski said it was also important to look at the fees and the costs because looking at those helps us identify cost issues and reduce costs. For example, looking at the costs of solid waste allowed us to close the gap mainly through cost reductions rather than fee increases.

Amyx said a few years ago it was discussed whether to raise the swimming pool fees and recover 100% of the costs. It was decided not to recover all of the costs. Understanding the revenues and the costs was helpful then and could be when considering other fees.

7. **Consider a motion to recess into executive session to discuss matters relating to employer-employee negotiations for approximately 30 minutes. The justification for the executive session is to keep employer-employee negotiation matters confidential at this time. The regular meeting will resume in the City Commission meeting room at the conclusion of the executive session**

It was moved by Schumm, seconded by Amyx, to recess into executive session to discuss matters relating to employer-employee negotiations for approximately 30 minutes, at 8:45 p.m. The justification for the executive session is to keep employer-employee negotiation matters confidential at this time. Motion carried unanimously.

Cromwell, Schumm and Amyx returned to the City Commission room at 9:14 p.m.

Moved by Schumm, seconded by Amyx, at 9:14 p.m. to extend the executive session for 15 minutes. Motion carried 3-0 with Cromwell, Schumm and Amyx in the positive.

The City Commission resumed the regular session at 9:33 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Schumm said that he and Commissioner Carter would be meeting with Downtown Lawrence Inc. on Thursday, May 19 and he noted that it would be a public meeting.

H: CALENDAR:

David Corliss, City Manager, 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 Amyx, seconded by Schumm, to adjourn at 9:36 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk