



City of Lawrence

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
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

August 16, 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.

Mayor Cromwell reminded Lawrence residents to participate in Take Charge Challenge activities before the end of the competition in a couple of weeks.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Recognition of Stefan Petrovic.
2. Received presentation from the Sons of the Union Veterans of the Civil War.

B. CONSENT AGENDA

Vice Mayor Schumm asked that consent agenda item number 3 – licenses, be removed for a separate vote.

It was moved by Amyx, seconded by Carter, to approve the consent agenda as below, with the exception of item number 3. Motion carried unanimously.

1. Received minutes from various boards and commissions:
Community Commission on Homelessness meeting of 07/12/11
Lawrence Cultural Arts Commission meeting of 06/08/11
Sister Cities Advisory Board meeting of 07/13/11
2. Approved claims to 302 vendors in the amount of \$2,443,350.81, and payroll from July 31, 2011 – August 13, 2011, in the amount of \$1,824,320.07.



3. THIS ITEM WAS REMOVED FROM CONSENT FOR A SEPARATE VOTE.

Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment licenses for Fatso's, 1016 Massachusetts, Henry T's Bar & Grill, 3520 W. 6th, Johnny's Tavern North, 401 N 2nd, Cadillac Ranch, 2515 W. 6th St, and Class A Club license for Fraternal Order of Eagles, 1803 W 6th

4. Bid and purchase items:

- a) Approved Change Order No. 1 to Vance Brothers, Inc. in the amount of \$340,000 for Project No. PW1103, 2011 Microsurfacing Program. The change order amount does not result in exceeding previously approved budget allocations.

- b) Approved Change Order No. 1, and Final, to Little Joe's Asphalt, Inc., in the amount of \$15,267.86, for Project No. PW1104, 2011 Overlay Program, Phase 1. The change order amount does not result in exceeding previously approved budget allocations.

5. Adopted on first reading, Ordinance No. 8654, changing the name of Fireside Drive to Frontier Lane.

6. Adopted on second and final reading, Ordinance No. 8652, allowing the possession and consumption of alcoholic liquor on Massachusetts Street from North Park Street to South Park Street on Sunday, August 28, 2011, from 11:30 a.m. – 7:30 p.m., for the Kansas State Fiddling and Picking Championship.

7. Adopted Resolution No. 6930, initiating the use of eminent domain authority for acquisition of property interests for the 23rd Street Bridge utilities relocation project.

8. Approved Special Event requests, SE-8-16-11; SE-8-17-11; SE-8-18-11; SE-8-19-11: Special Event Permits requested for location of a light truck and a temporary 42' tall Verizon mobile cellular communication tower at 1101 Indiana (Berkeley Flats Apartments) for KU Home Football Games on September 3, September 10, October

- 1, October 15, October 22, and November 12, 2011. Submitted by Selective Site Consultants. Berkeley Flats Apartments LLC, property owner of record.
9. Authorized City Manager to sign an agreement with the property owners of Burger King/EVAC and Party America to begin driveway reconfiguration at the southwest corner of 23rd and Naismith. Related funding resolution is Regular Agenda Item No. 3-b.
 10. Approved a temporary use of public right-of-way permit for use of various city streets, including the closure of the northbound lane of Massachusetts St downtown from 8:00 a.m. – 8:25 a.m., on Sunday, October 2, 2011, for the Head for the Cure 5K.
 11. Approved donation of standby medical services and the closure of the city parking lot on the southeast corner of N 2nd St and Locust St for the GaDuGi SafeCenter 5K Boo!Run on Sunday, October 30, 11:00 a.m. – 4:00 p.m.
 12. Approved the following item related to the Sandbar Halfway to St Patrick's Day fundraiser:
 - a) Approved a Temporary Use of Public Right-of-Way Permit allowing the closure of the 100 block of E 8th Street from 1:00 p.m. – 12:00 a.m. on Saturday, September 17, 2011, for the Halfway to St Patrick's Day fundraiser.
 - b) Adopted on first reading, Ordinance No. 8657, allowing the possession and consumption of alcohol on the 100 block of E 8th Street from 1:00 p.m. – 12:00 a.m. on Saturday, September 17, 2011, for the Halfway to St Patrick's Day fundraiser.
 13. Authorized the City Manager to execute a License Agreement permitting Lynn Investments, LLC, d/b/a Bullwinkle's, to use certain portions of the Tennessee Street and 14th Street Rights of Way for landscaping in accordance with the terms of that Agreement.

14. Authorized the City Manager to execute License Agreements permitting 1040 Vermont Street to use certain portions of the Vermont Street Right of Way and the Alley Right of Way between Massachusetts Street and Vermont Street in accordance with the terms of those agreements.
15. Authorized the City Manager to provide written notice to Rural Water District No. 1 of the City's intent to annex approximately 45.4 acres of land located north and east of the intersection of West 6th Street and the SLT, in accordance with K.S.A. 12-539, and to refer the annexation request to the Lawrence- Douglas County Planning Commission for review and a recommendation.

Vice Mayor Schumm stated that he had a conflict voting on the licenses, and left the room at 6:45 p.m.

Moved by Amyx, seconded by Dever to approve consent agenda item number 3 – licenses. Motion carried 4-0 with Schumm abstaining. Schumm returned to the meeting at 6:46 p.m.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. **Consider approving the 2012-2015 Memorandum of Understanding agreements with the Lawrence Police Officers Association (LPOA) and the International Association of Firefighters (IAFF) Local 1596, and consider authorizing the Mayor and City Clerk to execute the agreements. Additional information will be posted on 08/12/11.**

Diane Stoddard, Assistant City Manager, presented the staff report.

Mike McAtee, LPOA, thanked Diane Stoddard and Chief Khatib for their work on the negotiations. He said he believed the agreement was a win-win situation for the city and the LPOA. He said LPOA membership wanted to thank the Commission for their work on the

budget also. He said LPOA membership had voted unanimously to approve the MOU. He asked that the commission approve the MOU.

Kathy Elkins, IAFF Local 1596, said IAFF was a union proudly representing their membership. She said she hoped the commission would vote for this agreement so we could move on to other things. She said in the future she hoped they got back to interest based bargaining because we had gotten away from that. Getting back to that process would be good for the city and the union. She thanked the union negotiation team for their hard work. She said it had been good to work with everyone on this and she hoped it would pass.

Mayor Cromwell called for public comment. None was received.

Cromwell thanked everyone for their work on the negotiations and said we had a commitment to the employees and the community to make sure pay was on par with peer communities. He said it had been a long process and hopefully would be smoother in the future.

Schumm said the multi-year agreement was a great achievement for everyone. It helped staff on the budget for the next few years, helps the employees know what to expect, and he was happy to have a four year agreement.

Moved by Schumm, seconded by Carter, to approve the 2012-2015 Memorandum of Understanding agreements between the City of Lawrence and LPOA and IAFF 1596, and authorize the Mayor and City Clerk to execute the agreements. Motion carried unanimously.

2. **Receive update on next steps for Farmland Property and consider adopting on first reading, Ordinance No. 8659, a Home Rule Ordinance of the City of Lawrence, Kansas authorizing the financing of the costs of a master plan and certain infrastructure development for the former Farmland Industries property for Economic Development purposes, and authorizing the issuance of general obligation bonds of the City to pay the costs thereof; and Ordinance No. 8660, designating Delaware Street from 8th Street to 11th Street and a street to be named,**

located north of the northern terminus of O'Connell Road at 23^d Street, north to an intersection with 19th Street, as main trafficways.

David L. Corliss, City Manager, presented the staff report.

Matt Bond, Stormwater Engineer, presented information regarding the recycling and demolition work at the site.

Mayor Cromwell asked when the demolition would be complete.

Bond said probably in October.

Carter said E, C, and F were pretty much clean, and asked if anything else would prevent development there.

Bond said no. Most of the remediation work would be done in area A with phyto work, planting willowing trees that would suck up the water, but that would take a long time.

Corliss said we left some buildings up for temporary storage. It might also be a site for a materials recovery facility or construction staging. The lab building was where our contract employee at the site spends a lot of his day doing test work. That building may also make a good construction staging site.

Schumm asked what needed to be done in area D.

Bond said some work still needed to be done to correct the pH. There were 13 monitoring wells in that area and hopefully we could start shrinking the area down.

Schumm asked if that was a long process.

Bond said it was unknown at this time how well conditions would react to treatment.

Dever said there was a timeline in place for compressing area D. He asked when the plan would be submitted for that.

Bond said he hoped to begin mediation before demolition was even done.

Dever asked if Bond was coordinating with KDHE.

Bond said yes.

Dever asked about structures under 18".

Bond said we didn't want to take a lot of contractor time to do the smaller structures when we could save money by doing it over time with city staff.

Dever asked about the recycling of concrete materials.

Bond said that was part of the demolition contract. He said it would be taken across the street and crushed.

Dever asked about other roadways.

Bond said he didn't want to pull all of that out because of KDHE regulations. The majority of the impervious surface was in area D.

Amyx asked what people would see after the demolition was done.

Bond said we would be cleaning up the front side so there would be mowed grass. The remaining remediation would not be very visible from 23rd Street. The west half of area B would be regional detention for the entire site. You might be able to see some from 15th Street, but it wouldn't be massive pieces of equipment. We would get rid of extraneous power poles, etc. and keep the landscaping manicured a little more.

Amyx said he still believed safety improvements on K10 were important. He thought whatever we did as part of the Farmland project was an important part of that. He asked about the reason for the ordinance regarding main trafficways.

Corliss said the statutes required us to declare it a main trafficway if we would issue debt for it. It didn't change the use categories regarding speed, parking or use. It didn't change its functional classification as far as transportation planning was concerned.

Mayor Cromwell called for public comment.

Beth Johnson, Chamber of Commerce, said she wanted to say thank you for all the work of the city acquiring and cleaning up the property. She said regarding safety at East Hills, she thought it would be much better with a signalized entrance off O'Connell. She said the Chamber was excited about helping with this project so the property could be marketed soon.

Cromwell said this was great. We were well on our way and it was time to get on the way with planning and development of the property to attract tenants and put the ground to work for us.

Dever said parallel to the activities going on, he and Corliss and Bond had met with a company with a concept to differentiate ourselves from other industrial parks with a green energy park. The concept would be that you would create energy at the park using green methods so that companies could come and use the energy and be eligible for federal tax incentives. There were only a few of these parks in the entire company. This property had a great history and story and he asked that as we move forward with this that we also evaluate the proposal from this company and the use of green energy at this location. We could vet out whether land that was not developable otherwise at the site might be able to be used for green energy production.

Cromwell said he supported the idea and said it could be a great opportunity for marketing the site.

Amyx asked about the success rate at some of these other parks.

Dever said they were just getting going but there were huge federal tax breaks for companies that located to these parks. The current federal administration put in these tax breaks and we need to fast track this to take advantage of those.

Carter said he talked with the city manager about doing some pre-planning and pre-approval of sites here so they would be shovel ready. He said if we went down that road we could have some sites for people to shop and move on quickly.

Corliss said he hoped we would have pad ready sites perhaps with pre-approved site plans. It would be impossible to have something so spot on that an applicant wouldn't need some modification to make the site right for them. He said regarding Dever's comments, we were setting out something that was marketable and set us apart from other communities. He said we wanted to involve stake holders and make sure we kept it economically viable. The

focus on green was very appropriate. He said he didn't see anything in our process that would prevent us from considering the concepts Dever had discussed.

Moved by Amyx, seconded by Dever, to adopt on first reading, Ordinance No. 8659 and Ordinance no. 8660; to authorize staff to distribute a request for proposals for planning and engineering services associated with the master planning of the former Farmland property, and design of necessary public improvements to the property; and to authorize staff to distribute a request for proposals for planning and analysis of the City water right. Motion carried unanimously.

3. **Consider adopting the following resolutions/ordinances related to the 2012 Capital Improvement Projects:**

- a) **Resolution No. 6934, authorizing the construction of certain main trafficway improvements on 23rd Street (K-10) between Harper Street and Barker Street, including, but not limited to, replacement of a bridge, sidewalks, lighting, and other necessary and appropriate improvements, and all related design, engineering and inspection work and authorizes the issuance of general obligation bonds pursuant to K.S.A. 12-685 et seq. to pay the costs thereof**
- b) **Resolution No. 6933, authorizing construction of certain main trafficway improvements on 23rd Street, between Naismith Drive and Ousdahl Road, including, but not limited to street construction, curbing, guttering, paving, acquiring right-of-way and easements, sidewalk construction, stormwater, bicycle facilities, subgrade stabilization, waterlines within the right of way and other necessary and appropriate improvements, and all related design, engineering and inspection work and authorizes the issuance of general**

obligation bonds pursuant to K.S.A. 12-685 et seq. to pay the costs thereof.

- c) Resolution No. 6935, authorizing the construction of certain main trafficway improvements consisting of the addition of bus lanes, and the repaving of 6th Street from Iowa to Monterey Way, curb and gutter, sidewalks, waterline within the right of way, traffic signalization and geometric improvements and all related design, engineering and inspection work and authorizing the issuance of general obligation bonds pursuant to K.S.A. 12-685 et seq. to pay the costs thereof.
- d) Resolution No. 6936, authorizing the construction of certain main trafficway improvements consisting Reconstruction of Wakarusa Drive from Oread West Drive to Research Park Way, including improvements at the intersections of Wakarusa Drive and Oread West Drive and Wakarusa Drive and Research Park Way, including, but not limited to street construction, curb and gutter, right of way easement acquisition, sidewalks and multiuse paths, stormwater, subgrade stablization, and other necessary and appropriate improvements, waterline within the right of way, traffic signalization and geometric improvements and all related design, engineering and inspection work and authorizing the issuance of general obligation bonds pursuant to K.S.A. 12-685 et seq. to pay the costs thereof.
- e) Resolution No. 6937, finding and determining it to be necessary to make certain improvements to certain public buildings, public parks, public parking, and public recreational areas within the City and

finding and determining that the costs thereof may be temporarily financed by the issuance of general obligation temporary notes or bonds of the Issuer.

- f) Resolution No. 6938, establishing the maximum annual bonding amount for improvements authorized pursuant to Charter Ordinance No. 27 as \$1,635,000, plus costs of issuance and interest on any temporary financing.
- g) Ordinance No. 8658, authorizing the issuance of a grant to the Lawrence-Douglas County Bioscience Authority for the purpose of expanding the Bioscience & Technology Business Center, and the financing of the Project at a cost not to exceed \$500,000 plus costs of issuance and interest on any temporary financing in whole or in part, from the proceeds of general obligation temporary notes and/or bonds of the City, which are hereby authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment in an amount of not to exceed \$500,000 plus costs of issuance and interest on any temporary financing.
- h) Resolution No. 6939, authorizing the sale of general obligation notes in the amount of \$14,665,000 and general obligation bonds in the amount of \$4,275,000 on September 13, 2011.

David Corliss, City Manager, presented the staff report.

Amyx asked if we were issuing \$1,000,000 and getting back that much on the third item.

Corliss said we would only get a portion of that back.

Cromwell said he would be recusing himself before discussion of Resolution No. 6937 because it dealt with a parking lot at the Poehler building and he may have an interest in doing some work there.

Corliss continued with his presentation, skipping over Resolution No. 6937.

Amyx asked on Resolution No. 6939, when would the portion for the library be used.

Corliss said over one year.

Amyx asked if it was appropriate to look at that amount at this time.

Corliss said discussion with Ed Mullins and bond counsel they thought it was appropriate. If we got to that amount of money before then he would be surprised.

Amyx asked about interest rates.

Corliss said he did not know if rates would go up substantially, but there were also issues of arbitrage that we had to be cognizant of.

Amyx asked if the federal issues had any impact on our interest rates.

Corliss said no. He said he thought we ought to be investing more in public improvements, but we had this dollar amount right at this moment.

Mayor Cromwell called for public comment.

Moved by Amyx, seconded by Dever, to adopt Resolution No.'s 6933, 6934, 6935, 6936, 6938, and 6939 and adopt on first reading, Ordinance No. 8658. Motion carried unanimously.

Mayor Cromwell recused himself from the vote on Resolution No. 6937 and left the room at 8:02 p.m.

It was **moved by Amyx, seconded by Carter**, to adopt Resolution No. 6937. Motion carried 4-0 with Cromwell abstaining. Mayor Cromwell returned at 8:03 p.m.

E. PUBLIC COMMENT:

Michael Tanner said he wanted to comment on an item from a past agenda, the donation meters. He said he didn't have a problem with the city putting out meters for social services, but he thought the literature that went with it was the issue. He said businesses were passing out literature telling people not to give to panhandlers. He was seeing more and more people becoming homeless every day. He asked when the meters go out that the city show

some integrity and not attack poor homeless people. He said people were telling him that his voice was needed here. He would try not to miss any more meetings. He said he would also like to talk to Mr. Carter again about what they talked about the last time. He said he would like to thank the City Clerk for helping him get the documents he needed. He said there was something that needed to be said about the police department. He said he had been out protesting against the police, but it was not our police department it was against the police officers that assaulted him in Kansas City. He appreciated what our police officers were doing here in keeping downtown safe.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

None.

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 Schumm, seconded by Amyx, to adjourn at 8:10 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk