



# 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**  
ARON E. CROMWELL

**COMMISSIONERS**  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

August 23, 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/PROCLAMATION/PRESENTATION**

1. Proclaimed September 5 – 12, 2011 to be Just Food Fight Hunger Week.
2. Proclaimed the month of September, 2011 as National Preparedness Month.

## **B. CONSENT AGENDA**

Mike Amyx requested that consent agenda item number 10, Special Event Permit, SE-8-23-11, for the Hawk Talk Kickoff Rally, be removed from consent for separate discussion.

**It was moved by Schumm, seconded by Amyx** to approve the consent agenda as below, with the exception of item number 10. Motion carried unanimously.

1. Approved City Commission meeting minutes from 08/09/11.
2. Received minutes from various boards and commissions:  
  
Lawrence-Douglas County Bicycle Advisory Committee meeting of 06/21/11  
Sustainability Advisory Board meeting of 07/13/11  
Solid Waste Task Force meeting of 07/14/11
3. Approved claims to 340 vendors in the amount of \$16,190,714.43.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment licenses for Bambino's, 1540 Wakarusa Drive, Pachamama's, 800 New Hampshire, Theater Lawrence, 1501 New Hampshire, Drinking Establishment/Caterer License for Alumni Association of the University of Kansas, 1266



Oread Avenue, Retail Liquor Licenses for Alvin's Wine & Spirits, 4000 West 6<sup>th</sup> Ste: K and Hillcrest Discount Liquor, 905 Iowa

5. Approved appointments as recommended by the Mayor.

Hospital Board: Appointed Lee Reussner, MD, to the vacant position that expires 09/30/14. Appointed Gina Watson to the position that will become available on 09/30/11 and serve her first term through 09/30/15.

Jayhawk Area Agency on Aging: Reappointed Ernest Dyer (841.2990) and Cathey Parsons (842.5063) to additional terms that expire 09/30/14.

6. Bid and purchase items:

- a) Set a bid date of September 13, 2011 for Bid No. B1135; Priority Group II of Project UT0919CS General Wastewater Pumping Station Improvements.
- b) Awarded bid for two (2) ½ ton pickups for the Parks and Recreation Department to Shawnee Mission Ford for \$34,700.
- c) Approved purchase of a used 2004 model F-750 Ford with a 2,000 gallon Etnyre Centennial for the Public Works Street Division from JFW Equipment, Climax, North Carolina, in the amount of \$74,000, delivery included.
- d) Approved Change Order No. 2 to Insituform USA for the CIPP Rehabilitation Project for \$109,983.

7. Adopted on first reading, Ordinance No. 8653, ordering the condemnation of property interests for the 23rd Street bridge utilities relocation project as authorized by Resolution 6930 (approved by the City Commission on 08/16/11).

8. Adopted on second and final reading the following ordinance(s):

- a) Ordinance No. 8654, changing the name of Fireside Drive to Frontier Lane.
- b) 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.
- c) 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
- d) Ordinance No. 8660, designating Delaware Street from 8th Street to 22nd Terrace and a street to be named, located north of the northern terminus of O'Connell Road at 23rd Street, north to an intersection with 19th Street, as main trafficways.

- e) 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.
- 9. Adopted Resolution No. 6929, initiating the use of eminent domain authority for acquisition of property interests for the Utilities Department sanitary sewer pump station improvement project.
- 10. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION. Approved a Special Event Permit, SE-8-23-11, for the Hawk Talk Kickoff Rally to be held from 5:00-10:00 p.m. on September 1, 2011 at Salty Iguana, 4931 W. 6th Street. Activities will include games, vendors, and a band from 8:00-9:30p.m.
- 11. Accepted dedication of easements and rights of way for Preliminary Plat, PP-3-3-11, for Hunters Ridge Addition, an approximately 35 acre subdivision containing 4 lots, located on the north side of West 6th Street between Queens Road & Stoneridge Drive. Submitted by Pat Kelly for Pear Tree Village L.P., property owner of record. (PC Item 3; approved 9-0 on 5/23/11)
- 12. Approved Site Plan, SP-8-43-11, for sidewalk dining at Pyramid Pizza, located at 1029 Massachusetts Street. Submitted by Ron Derusseau for Consolidated Properties of Lawrence, Inc., property owner of record.
- 13. Approved the suspension of enforcement of City Code Section 14-407, prohibiting the discharge of firearms within the city, for "shotgun" starts at the Penny Jones Golf Tournament on September 9, 2011, at Alvarado Golf Club.
- 14. Approved a Temporary Use of Public Right-of-Way Permit allowing the closure of a portion of the 900 block of New Hampshire Street for an Arts Center street party from noon to midnight on Friday, September 30, 2011.
- 15. Received 2011 second quarter Bert Nash Outreach report.
- 16. Approved a temporary use of public right-of-way permit for the closure of Massachusetts Street between North Park Street and South Park Street on Sunday, September 11, 2011, from 7:00 a.m. – 6:00 p.m., for the annual Fall Arts and Crafts Festival.

Regarding Special Event Permit, SE-8-23-11, for the Hawk Talk Kickoff Rally, Amyx said the event was advertised to go to 10:00 p.m. and the staff memo said 11:00 p.m. He said he thought he understood that music would end at 10:00.

McCullough said it was his understanding that the activities ended at 10:00 and the SEP gave them an extra hour to break down the event.

Amyx asked whether the SEP needed to note that music ended at 10:00 p.m.

McCullough said the applicant understood and it would be reflected in the minutes.

Dever asked whether it could be adjusted so the band only ran until 9:30 p.m.

McCullough said the applicant or neighborhood rep might want to speak to the issue.

LeAnn Brove said they were fine ending the music at 9:30 p.m.

Schumm asked whether this was the first time they had the event, and if the event was repeated whether they would be willing to move it to a Friday night in the future.

LeAnn Brove said yes to both questions, they just had to work with Kansas Athletics.

Gwen Klingenberg said she appreciated everyone's help on this, including the applicant. She said the idea of it being a school night was the only concern but otherwise the neighborhood was excited about the event.

Amyx said to add a condition H that the band end at 9:30 p.m.

**Moved by Amyx, seconded by Dever** to approve a Special Event Permit, SE-8-23-11, for the Hawk Talk Kickoff Rally to be held from 5:00-10:00 p.m. on September 1, 2011 at Salty Iguana, 4931 W. 6th Street. Activities will include games, vendors, and a band from 8:00-9:30p.m. Motion carried unanimously.

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

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

**D. REGULAR AGENDA ITEMS:**

**1. Receive staff memo regarding various economic development policies.**

David Corliss, City Manager, introduced the item.

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

Mayor Cromwell called for public comment.

Tim Herndon asked the commission consider adopting mechanisms that could be relied upon when economic development officials and others met with business prospects.

Luke Bell, Lawrence Board of Realtors, said they didn't want the city to take economic development tools off the table. The tools may not be perfect, but they were authorized by the State and they were used aggressively in other communities. He said they didn't oppose signage requirements but thought they should be applied equally to new and existing businesses. He said retail and restaurants were not zero sum games, but added businesses helped make Lawrence a destination to attract more customers.

Bill Fleming, Treanor Architects, encouraged the commission to maintain maximum flexibility. He said you had to note that one of the community goals was to get away from strip development and build things more like Bauer Farm, which required additional infrastructure that would be very difficult to finance without TDD. In the current climate it was much more expensive to develop property than 30 years ago. Bauer Farms had been agriculturally zoned before, and the assessed valuation was much greater now so there was a public benefit to the development.

Beth Johnson, Lawrence Chamber of Commerce, said we are competing with other communities that are successfully using these tools. At a time when we want to encourage job and tax base creation we didn't want to take tools off the table. She said she wanted the tools to be tools we use though, because the worst thing is if someone fills out the paperwork and goes through the process and is then denied for reasons they may not understand.

Hank Booth, Lawrence Chamber of Commerce, said we do have a number of areas in our community that could use revitalization. When we can use these tools to redevelop an area in Lawrence it would be very beneficial in the future. He encouraged the commission to have the tools available for revitalization.

Joe Patterson said he had a problem with CIDs. If you grant some of the locations the extra sales tax, the playing field is not level with the businesses surrounding them. He said it

was a disadvantage to business people as a whole. People are saying that if you are going to do this put a sign on the door, and if you have a sign on the door I am not going to walk through it. These things are not good for the city as a whole, it is just good for a few people. We need to start looking at what is good for all of Lawrence and Douglas County.

Schumm said he was not taking any of the tools off the table, but he was in favor of some modifications.

Cromwell said he agreed. It was difficult on one hand to tell people what to expect but on the other hand to maintain flexibility for a great project that came along in the future. He wanted to tighten up the policies without tying our hands.

Schumm said it begged the question of the “but for” phrase. Can the project occur on its own or not? There are two questions: Is it a project Lawrence needs or wants, and is it a project that can occur without the incentive?

Amyx said we should try to make the use of the tools as strict as we could. The question is whether or not we should allow sales tax monies to be used for private improvements. If we are going to write or change a policy, if we want to add signage, that's fine. Make the program so that when someone comes forward they can expect approval. If not, rescind the policy. We have seen success with NRA projects, looking at neighborhoods and districts. The “but for” question was important. He said he had voted for TDD in the past and it seemed successful. There were some improvements we required that were over and above what we normally would have required. He said regarding CID, he didn't see a project coming forward that they would be able to design a policy for. He didn't see that policy ever being used.

Carter said the projects didn't have to meet the approval of 5 commissioners but only 3 and that was important to remember. He said the economic development goals were to provide land, zoning and infrastructure to create jobs. Farmland was an example of doing this. The second goal was providing clear policies and procedures for review of applications. We are at a time here where we need to set up policies so at least 3 of us can move forward with projects

consistently. If a project meets the criteria, let's move forward. We have a chance to come out of the economic conditions quickly or be bogged down. We have to find a way to set ideology aside and let people know what the commission can support.

Cromwell said as an example of a hypothetical project, a major development north of the river that needed something to level the playing field because of the unique costs that might be involved, maybe that was an extraordinary project that warranted a CID. He said now the criteria on CID were pretty loose. Few projects wouldn't be able to qualify now on at least one of the criteria. He had heard commissioners say that a project would have to be extraordinary to warrant a CID.

Schumm said item number two from the preamble could really limit it. Something truly unique, if you looked at the dictionary definition of "unique" and applied that, it would really hone down the criteria.

Carter asked what if we said a CID had to meet two or three of the criteria.

Schumm said the "but for" should be included.

Carter said we may not always know the answer to that question. He said there may be occasions where we wanted to use the tool to encourage development at certain sites, such as infill. That was his hang up with the "but for" question.

Cromwell said there were very few projects that wouldn't make the "but for" argument and could make some good arguments, but it was difficult to really know. People could make those numbers dance.

Schumm said it was our job to make that determination. The applicant would at least have to make the argument.

Dever said we need to mandate signage both in existing and new special taxing districts. It was a protection to people who weren't aware, and it would protect the city, and it would allow people to make a conscious choice. If we mandate signage we take away some of the concerns we are talking about, like is it our job to dole out special taxes or prohibit people from shopping

somewhere. Also we have to ask whether we are enhancing the community through the special taxing districts. He said he thought we were ignoring the enhancements to existing structures which also increased the taxable value of the properties. The most important question is whether the citizens yield a benefit from the special taxing districts, and he thought they would from the revitalization and the increased property tax value.

Amyx said it was important, if we were going to use a public financing tool, the establishment of need had to be a consideration. He said there wasn't a whole lot of problems with TDD and NRA, we were really just talking about CID, and that was the only part of the policy we were really looking at.

Schumm said he felt very strongly that signage be mandated so customers know before hand so customers can make an informed choice. The sign should be in the right-of-way so people didn't have to get out of their cars and walk up the building first. He said if we proceed with CIDs in a loose manner than every applicant for development would request them. He said when we got 25-30 of these and we become known as a place that has a higher sales tax than other communities, that reduces the benefits that the community would accrue which Dever had talked about. Schumm said when we authorized CIDs we were giving up some of our practical authority to raise the sales tax later if needed if we really got in a bind. He said he was not suggesting we raise it, but only that we would lose our ability to do it.

Cromwell said our retail leaked to places that had TDDs such as the legends and Oak Park Mall. We need signage, but so does the state. We may want to make a call out to make that change at the state level. We need to educate people that when they go to these other destinations they are paying extra taxes. He said recapping on CIDs, we were probably looking at revisiting this on an agenda in the future, adding a but for and signage requirements, and tightening up the criteria by saying something like "extraordinary projects" to indicate that this was more of an exclusive tool.

Amyx said there wasn't much unique other than mini-golf. Everything else had a competitor in town.

Carter said he didn't really think we were ready to wrap up everything tonight. He said mandating signage could be worked out and sounded like something we could add. Regarding the specific criteria, number 2 was the question. The others he didn't have a problem with. If something meets number 2 it is going to meet the others. For number 1 maybe we identify specific sites. Schumm mentioned we are at 8.85% tax city wide. He said we could cap CIDs at lower numbers than 1%, it could be done at smaller increments. He said capping the amount is another thing we could do.

Cromwell asked whether criteria number 2 was the only one we need.

Carter said it was too wide open. There were a lot of things that could make that argument. Taking that out and making the others more concrete could be more helpful.

Dever said we could say instead of meeting one of the five, we could say meeting a preponderance of the criteria was required. He said saying one of the following opened the door too wide, and number 2 was too vague.

Cromwell said he didn't think anyone had been misled to think CID was going to be easy in Lawrence. Saying that the project had to meet one of the five criteria was too loose. Subjective language was difficult; for example you couldn't say a project needed to have a uniqueness factor of 3.7.

Amyx asked whether this was a redevelopment tool or a green field development tool. He said it could open the floodgates to green field development because anything you did in a new area was unique. We needed to clarify whether CID could be used for private improvements or only public improvements.

Cromwell asked what else could fly in a CID that wouldn't be in a TDD if the improvement had to be public.

Dever said improvements to the outside of a building might, or landscaping or stormwater improvements above and beyond what would normally be required.

Carter said on CID the challenge was that other improvements that weren't transportation but maybe we could put caps on the total length of time or amount of income generated by the CID.

Schumm asked if there was a suggestion then that CIDs only be used for public improvements we require or if they are allowed to use them for private improvements.

Cromwell said there was a suggestion to take away interior improvements and only allow improvements that are on the outside of the building or outside the building.

Schumm said the state law broke CID into two areas, also allowing paying for services that weren't improvements at all. He asked whether we were saying we weren't interested in funding the business related expenses.

Cromwell said there was a lot of benefit to that.

Corliss said the current policy only allowed partial financing of most private improvements so the developer had to have something in it also.

Dever said for example, if someone put in a new building with a cultural amenity like at the eco-Walmart, those are the kind of things 100% financeable under the current policy. That is what came to mind when he read the section Corliss referred to.

Schumm asked whether the CID funds needed to be capped. There is currently no limitation other than the capacity of the company to make sales.

Corliss said part of the reason for the length of term was so ongoing business expenses could be funded. He said you could have heightened criteria to allow the CID without cap to the total amount of revenue.

Stoddard said a certain percent of a CID up to a certain threshold could be collected.

Schumm said now that we were looking at items that were costs that could be estimated. You could come up with a finite number for those.

Amyx said one suggestion he would make would be to send this to PIRC to have them tighten up the criteria. The mayor and vice mayor could carry the sentiment of the commission to that body.

Cromwell said he wondered if it should just go back to staff and bring it back to the Commission.

Corliss said staff could come back with the changes the commission discussed tonight. There were legal issues to analyze also.

Amyx asked if there was anything else to add.

Cromwell said the “but for” clause, signage, tightening up the criteria, and a clarification on the finite amount of the CID.

Carter said a total dollar amount as well as a % amount for the tax.

Schumm asked if it should only be used for redevelopment.

Dever asked about north of the river where there wasn’t anything.

Amyx said that was a redevelopment.

Dever said parts of it may be and others not. He said he didn’t want to encourage green field development.

Carter said maybe it had to be redevelopment or meet a couple of these criteria.

Cromwell said this would be somewhat challenging but it would be easier to sit down in a quiet office and hammer it out than it is to do it here.

Schumm said CID also had the capacity to have general obligation bonds written for that use.

Corliss said in our policy we encourage pay as you go rather than debt financing. We are going to strongly discourage using general obligation bonds.

Schumm asked if we wanted to add that in.

Stoddard said this provision was close to the special assessment provisions of the state law.

Corliss said the policy stated that the city wouldn't issue bonds except for the public improvement parts of the project.

Cromwell said we were pretty tight on this already.

Corliss said the state law allowed general obligation bonds but our policy tightened that up significantly. To put city debt on the line for a private project is something we want to steer away from.

Amyx said when PIRC discussed this, we discussed whether GO bonds would ever be used as part of CID financing and it was discussed at length.

Corliss said the policy allowed special revenue bonds where the debt purchasers' recourse was against the developer and not the city.

Schumm said he really believed TDD should only be used for infrastructure that is required by the city above that which we would normally require for the development.

Stoddard said that is one the criteria, and the policy says the project has to meet one of the criteria. The last sentence of section 1 addresses this.

Corliss said he didn't think the policy was limited to only infrastructure above normal city requirements; that was just one of the possible criteria.

Schumm asked what was covered at Bauer Farm.

Corliss said it put in the east-west and north-side drives, the roundabout, the parking improvement along the east-west street, and the street light. It was a better standard than we would require for commercial projects.

Schumm asked if the TDD was for only what was in excess of the city's requirements.

Corliss said no, it was for all of those improvements.

Schumm said he had an issue with that.

Corliss said at the Oread the TDD related payments improve Indiana, Oread Ave, and 12<sup>th</sup> street.

Dever asked if we were going to develop Bauer Farms without all those other enhancements, could you build a standard shopping center like on the south side of the street.

Scott McCullough said yes.

Dever said the development code wouldn't require the interior streets.

McCullough said there were numerous variables and there were some unique elements. The code would likely generate something more like what is on the south side.

Dever said the enhancements at Bauer Farms are far greater than what was required by the code. He wanted the community to understand we got a lot out of those tax dollars.

Schumm said he thought they were saying the same thing.

Amyx said but for this tool we would have the same thing as any standard development.

Corliss said one way to get at that in the TDD policy by making Section 3 a requirement.

Cromwell said at the two examples we have in Lawrence, they have met that criteria and moving forward that had his support.

Schumm said he favored "but for" language, signage, and "above and beyond" criteria for CID.

Cromwell said regarding NRAs, we didn't have a lot of experience. Right now we had flexibility on the amounts. The vice mayor had discussed precedent.

Carter said on NRA if the mayor and vice mayor could talk about how the last project at PIRC didn't meet their expectations that could be helpful.

Cromwell said uniqueness was part of the problem. Sometimes getting a cost benefit ratio that you could rely on was difficult. We don't have the resources to determine some of those things. We have a guess from one side and a guess from the other side.

Carter said there wasn't much language-wise to clean that up.

Cromwell said that most buildings that are vacant or unoccupied would qualify. We talked about blight and that was one of the criteria. The criteria is a little on the weak side. You could probably make an argument for any infill project to use the NRA.

Schumm said he voted against the project at PIRC pursuant to the last paragraph of the resolution. He said a project that would enhance that site would happen naturally, and secondly, the numbers given to us didn't generate the minimum amount to meet the cost benefit ratio. At the lower end of the projections it didn't meet.

Cromwell said a little tightening of the criteria could potentially help that. One has to ask whether with an NRA would the project end up being more sales tax or retail driven, was it appropriate for NRA.

Carter said tightening up the criteria would help people apply for the correct incentive.

Cromwell said if you made the calculations with a sales tax incentive the ratio might be more better.

Schumm said in section 2 under the policy statement he thought a definition needed to be added. Most cities looked like they used a ten year time limit. He said he thought we needed to set a norm, an amount, from the beginning. He said because we have used the same amount for two NRAs that becomes precedent.

Corliss said we used 95% on the 1040 Vermont project. The policy does allow you to deviate from that. As we talk to other NRA applicants we tell them that different projects have different rebate values.

Schumm said he would favor a 50% rebate that could deviate upward according to how much the community wanted to the project and how difficult it might be. If you give up 95% of the net new property tax values for the first few years that was quite rich.

Cromwell said he thought the policy did not set an expectation. An individual project has to make a case for the benefits they bring. He said Schumm was absolutely right, though, that we have to be careful, and it is our responsibility to balance developers' desires with the public.

Schumm said he thought every applicant would come in at 95% and the commission would have to say no.

Carter said he could see having a schedule that is a little more set. As far as limiting the amount, we don't know what we are up against. The people we are competing with don't put those kinds of constraints on it. He said he thought the schedules of the current NRAs were different.

Bill Fleming said it was 95% for the first three years, then 85% for three years, then drops off pretty steeply.

Carter said maybe we don't reinvent that every time.

Cromwell said he could see taking a lower amount for longer rather than frontloading it so much.

Schumm said he didn't intend to have a lid, he just wanted to start the discussion at 50% every time and then justify going higher. The next person that applies for an NRA at this time would feel bad if they didn't get 95% like the other examples.

Cromwell said some of this language was very tough but we had to trust the governing body and PIRC committee to make good decisions.

Schumm said he wanted to be a good negotiator and not come in at the high end at the very start. We had to protect the public tax dollars.

Cromwell asked about a recommended level, if that got at what the vice mayor wanted.

Schumm said a base level.

Corliss said we could run a couple scenarios. He thought we would find our way with this policy as we went. The NRA at 1040 had value as a renovation but also economic development in keeping a large employer.

Cromwell said he believed this didn't have a "but for."

Stoddard said no.

Cromwell said he thought that was something that had majority support.

Carter said if we are competing with other communities, and they are offering more, he didn't think we wanted to absolutely require the "but for" criteria to be met. The analysis could be

required but maybe the criteria didn't have to be met regardless of what other communities might be offering.

Schumm said that was part of the "but for" question. He thought a lot of this would be retail and redevelopment of commercial buildings. We would find out over time what a typical applicant would be.

Cromwell said with retail the cost benefit ratio would be hard to meet.

Cromwell said he would not interpret "but for" to mean that "but for the incentive they would go to another community."

Carter said if we want a project here and we are going to lose a project, it is really about jobs and we don't want to lose those by drawing a line in the sand. He said we had a partner in the Chamber of Commerce and he thought we should get their input on these policies. We fund them and he thought we could have an expectation that they offer their input.

Corliss said it was a rare day that he or Diane didn't talk to Beth or Hank.

Amyx said the base of the taxes or the value of the property is established when an NRA application was made. The rebate was only on the new taxable value.

Corliss said it was important to remember that of the taxing entities we are the lowest of the three and their participation is valuable too.

Amyx asked whether those bodies considered the same requests as the city.

Corliss said the school district and Douglas County had representatives on PIRC. He wasn't sure having different amounts between those bodies was a good idea, but for a complex project it might be.

Schumm asked if we had talked about the criteria yet.

Corliss said there were statutory criteria but there are more criteria in the policy that could be looked at when this comes back. You may want to say we want projects that are hitting on more than one of those criteria.

Cromwell said if something came forward we want to give them a reasonable expectation of what it's going to take.

Schumm said on the resolution under section 2, it said the governing body may refer the request to PIRC and may set a public hearing. He asked if it was discretionary whether it was sent to PIRC.

Stoddard said yes but our practice had always been to send it to PIRC.

Schumm asked if we make it a shall.

Corliss said you may get a request you don't even want to send to PIRC. Under this policy we have to perform a cost benefit analysis.

Stoddard said the statute required a public hearing before approval but the commission under our policy had the discretion not even to set a hearing.

Cromwell said when we get these back we may want to consider them separately.

Carter asked if we want to set a time to bring this back.

Cromwell said he wanted it back in the near future but wanted to give staff time.

Corliss said we should be able to bring the policies back in September.

The commission recessed for approximately ten minutes beginning at 8:56 p.m.

The commission resumed the meeting at 9:04 p.m.

## **2. Receive staff report regarding redistricting.**

David Corliss, City Manager, presented the staff report.

Mayor Cromwell called for public comment.

Hank Booth said it was very important for all groups, especially those not politically active, should pay close attention to this, and decide whether the community has been better served split between two districts or as a single entity. If we feel we should be in one district we should make that heard.

Cromwell said he felt strongly that we were served better with a single representative. That makes Lawrence a bigger part of the constituency of the legislator. It was better than being

a minor part of two representatives' constituencies. He felt this body should discuss writing a letter to that effect.

Carter asked if we are talking about it now.

Cromwell said we are starting to have public meetings.

Carter said he'd probably have more comment after some other people weighed in.

Amyx said we had been fortunate to have good representation from various congress persons. He said there was something to be said about having two representatives also. We had time over the next few months to consider it.

Schumm said he concurred with Cromwell's thoughts. He said we had good representation now, but with just one we had a little more prestige and direct access. He said that was his position at the time but he had an open mind.

Dever said he was going to reserve his judgment on this, but that the values of Lawrence may be better served in one district. Since each district would have about 700,000 people we would still be only a portion.

Cromwell asked what the next steps were.

Corliss said we would send representatives to listen at the hearing, but we wouldn't make a statement yet. We would work on something for a future legislative statement and would provide more information to the City Commission as the issue progresses. His advice if they were to provide any input that they do it before the legislature convenes.

Cromwell said we should revisit this in 6-8 weeks.

Schumm said he had visited with Representative Davis today and it might be a time to ask for reconsideration of how students are counted. We lose 12,000 students to their home districts even though they are registered to vote here.

Corliss said there is a footnote in Toni's memo regarding this. He said he may talk to Representative Davis about it. He said the city had opposed that amendment when it originally was proposed.

**3. Consider the following items related to the Yankee Tank Dam:**

**a) Approve conveyance of easement to Wakarusa Watershed District No. 35.**

**b) Receive request to annex approximately 125 acres and forward to the Lawrence Douglas County Metropolitan Planning Commission for consideration.**

Cynthia Wagner, Assistant City Manager, presented the staff report.

Mayor Cromwell called for public comment; none was received.

Schumm asked why Lake Alvamar was a city obligation.

Corliss said it served as a regional detention for areas inside and outside the city, and for that reason staff recommended budgeting stormwater funds for the improvements.

Matt Bond, Stormwater Engineer, said Lake Alvamar was a regional attention for the two watersheds. The release rates are higher in those watersheds because we take the Lake Alvamar storage into account.

Dever asked what that meant.

Bond said that detention facilities in the watershed were able to be smaller because we had the Lake Alvamar detention.

**Moved by Amyx, seconded by Carter,** to approve conveyance of easement to Wakarusa Watershed District No. 35 and send a request to annex 125 acres to the Lawrence Douglas County Metropolitan Planning Commission. Motion carried unanimously.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Carter asked regarding pulling items off consent or recusing from consideration, that when possible we give some advance notice.

Corliss said if commissioners let him know in advance he can inform the other commissioners.

Cromwell said that would be a courtesy to other commissioners.

**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 Carter,** to adjourn at 9:27 p.m. Motion carried unanimously.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk