



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

November 15, 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 Friday, November 25, 2011 as Salvation Army Christmas Kettle Kick-Off Day.

B. CONSENT AGENDA

It was moved by Amyx, seconded by Schumm, to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 11/01/11 and 11/08/11.
2. Received minutes from various boards and commissions:
Historic Resources Commission meeting of 09/15/11
Sign Code Board of Appeals meeting of 08/04/11
Sister Cities Advisory Board meeting of 10/12/11
3. Approved claims to 171 vendors in the amount of \$1,384,492.66.
4. Approved licenses as recommended by the City Clerk's Office.
Drinking Establishment Licenses for Wheatfield's Bakery Café, 904 Vermont, The Granada, 1020 Massachusetts, and Club Liberty, 642 Massachusetts.
5. Bid and purchase items:
 - a) Set a bid date of December 6, 2011 for Bid Number B1156, Project UT0906DS Kaw Water Treatment Plant Large Valve Replacement.
 - b) Awarded the purchase contract for Bid No. B1148; Purchase of Submersible Wastewater Pumps required for Priority Group I pump stations included in Project



UT0919CS General Wastewater Pumping Station Improvements, to Environmental & Process Systems Inc., in the amount of \$58,950 and authorized the City Manager to execute the purchase contract.

- c) Awarded Bid No. B1144 for the Utilities Department TV Inspection Van and CCTV System Replacement to Baker Equipment Company in the amount of \$203,396.
 - d) Awarded purchase of three (3) paratransit vehicles (T-Lift) as replacements for three (3) existing paratransit vehicles which have surpassed both the manufacturer and Federal Transit Administration useful life requirements. These vehicles would be purchased off of the existing Kansas Department of Transportation state bid vehicle contract. The cost per vehicle is \$55,000 and a total cost of \$165,000 from Kansas Truck Equipment, Co. Funding for the purchase of these vehicles will come from the State of Kansas Comprehensive Transportation Program and there is no local match required for these funds.
 - e) Approved sale of surplus equipment on Gov Deals.
 - f) Waived bidding requirements and used the Houston-Galveston Area Council contract to purchase one (1) Velocity PUC Engine from Pierce Manufacturing for \$847,967 and adopted Resolution No. 6943, providing for the acquisition of fire equipment and for providing for the issuance of General Obligation Bonds for \$347,967.
6. Adopted the following ordinances on second and final reading:
- a) Ordinance No. 8681, annexing approximately 45 acres of City owned park property.
 - b) Ordinance No. 8686 to install Yield Signs on Overland Drive at Sierra Drive. (TSC Item 4; approved 8-0 on 10/03/11).
 - c) Ordinance No. 8685 to establish No Parking along both sides of Sunnyside Avenue between Indiana Street and Louisiana Street. (TSC Item 8; approved 8-0 on 10/03/11).
 - d) Ordinance No. 8679 and Ordinance No. 8680, establishing the maximum assessments for improvements to Fairfield East Addition No. 1, Street, Storm Sewer, Waterline Improvements (PW0915), Sanitary Sewer Improvements (09S003), and Pump Station (09S004).
7. Approved the following items related to 1043 Indiana:
- a) Adopted on first reading, Ordinance No. 8684, for rezoning (Z-7-18-11) approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record. (PC Item 5A; approved 8-0 on 8/24/11)
 - b) Approved Preliminary Development Plan, PDP-7-1-11, to relocate the Varsity House and development of a Multi-Dwelling Structure, located at 1043 Indiana

Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record. (PC Item 5B; approved 8-0 on 8/24/11)

8. Authorized staff to submit applications to the 2012 CDBG Program for the following: Ridge Court Storm Sewer Improvements in an amount of \$50,000 and Hazardous Sidewalk Repair in an amount of \$50,000.
9. Authorized the City Manager to execute a purchase agreement with the World Company in the amount of \$32,000 for property interests needed for the reconstruction of sanitary sewer pump station 37.
10. Adopted the recommended purchasing policy.
11. Received request from Paul Werner Architects for the possible land lease for the owners of the former Don's Steakhouse; referred to staff for a report.
12. Approved the recommendation of the Lawrence Cultural Arts Commission to fund operational assistance for Final Fridays for a one-year period and authorized the Lawrence Cultural Arts Commission to engage the STArt Alliance to conduct an economic impact analysis of Final Fridays. Funding for this item will be within existing carryover funds and budget resources.
13. Approved a request by Paul Werner Architects, on behalf of the developer, Highland Construction LC, for a variance from City Code 19-302(1)(b) to allow the installation of master water meters for buildings of less than 13 units located at 204 Eisenhower Drive.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Assistant City Manager, presented the City Manager's Report.

D. REGULAR AGENDA ITEMS:

1. **Consider the following items related to 4100 W. 24th Street:**
 - a) **Consider rezoning, Z-8-12-10, approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record. Adopt on first reading, Ordinance No. 8683, for rezoning (Z-8-12-10) of approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W 24th Place (PC Item 6A; approved 7-2 on 10/26/11). Because a valid protest petition has been received, a super-majority vote (at least 4 votes) is required for approval.**
 - b) **Consider a site plan, SP-9-56-11, for Remington Square Apartments, located at 4100 West 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record. (PC Item 6B; approved 8-1 on 10/26/11).**

Sandra Day, Planner, presented the staff report.

Schumm asked what type of zoning that area had south of the apartment complex.

Day said that area was zoned PRD (Planned Residential Development) which had been in place since its original development and at that time, the Legends of KU and the Grove were projects under the previous development code.

Schumm asked what PRD zoning would equate to today.

Day said PUD was still in the current code and the comparable zoning district was RM-15.

Matt Gough, attorney speaking on behalf of Remington Square LLC, said the message the applicant wanted to convey was optimism, collaboration, and cooperation in the public process that had been on-going for approximately 13 month. He explained the timeline. The staff report noted there were no conformance issues with the plan and the proposed RM24 met all golden factors.

He said if Remington Square wished to build bigger and taller 2 or 3 bedroom apartments, the zoning would allowed those types of buildings, but that's not Remington Square's business model. The tenants at Remington Square were mainly professionals and it was 100% occupied with a waiting list. The property was subject to a substantial amount of special assessments that were imposed for the basic prerequisites to make that area developable.

He said staff noted the rezoning was consistent with Horizon 2020, there were no negative impacts on the neighboring properties, located along a major arterial roadway, and was good buffer between Clinton Pkwy to the north and the higher intensity uses to the south. Under Kansas law, when application was in conformity to the land use plan, the request for rezoning was presumed to be reasonable.

The site plan showed increased drought resistant trees, irrigation and screening. Traffic studies concluded the existing street network could handle the additional traffic and no impact on neighboring properties. The rezoning and site plan request was exactly as advertised.

Mayor Cromwell called for public comment.

Jamie Hulse said she had been involved in the planning process before buying her home. During annexation in 1999 of the 160 acres, Planning and City Commissioners did not support density over 12 units per acre, mainly because there would be a negative impact on the surrounding single-family neighborhoods and it did not make sense 20 years later that Horizon 2020 supported 24 units. She read a section from H2020.

Marci Leuschen said she was told by some of the City Commissioners, at that time, that if buying land in undeveloped areas, the worst should be expected. She said she had checked into the zoning and her worst vision was RM12, but now it's proposed as RM24 which was not fair. She said adding low density apartments to an area that was already inundated with apartments, was adding to the problem.

Carter asked staff to elaborate on the open space issue.

Scott McCullough, Director of Planning and Development Services, said a site plan required a certain amount of open space and when that was met, the remainder was left undeveloped. He said from his perspective, he understood it to be a choice by the owner to create an opportunity to seek a higher use for the property at some point which led to the discussion tonight. There was no code requirement to spread out density over property and fill it in from boundary to boundary.

Scott Myers said the Inverness Park Plan process was good, but the results were not the plans the neighbors had voted on. The plan the neighborhood supported was to leave that zoning along the entire area.

He said the roundabout on Crossgate and 24th Place could handle the traffic, but pedestrian safety was his concern because of the speed limit and now they were adding a

convenience store. He said he did not run on that side of the street because it was dangerous using the crosswalk on that side. He asked the Commission not to approve the rezoning.

Sandra Day said the Planning Commission forwarded a specific plan with recommendations. She said she was not at all those meetings, but it might be that the neighborhood voted on a particular plan that was not the Planning Commission's action.

Carter said the Planning Commission did not see the plan the neighbors were referring to.

Day said the neighbors made a presentation to the Planning Commission.

Bonnie Wrench said she used to walk to Sunflower Elementary. One time she had almost been hit by a car and she didn't want that to happen to any of the kids that go to those schools in the area. .

Davis Luke said mixed use development worked when there was balance, but once the balance was gone, it was not good. Many of the neighbors in the area were strongly opposed to the addition of more apartments.

William Flores said he hoped the Commission voted "no" on the proposal. He said Remington Place in the spring and summer was all weeds and no leaves on the trees. Regarding the police reports, it would be more helpful to have percentages rather than just numbers.

Heather Coberley, property manager for Legends Place, said there was an oversaturation of the market in apartment complexes and traffic would be increased.

Larry Northrup said 13 months ago when this project was tabled, there was another project for a large apartment complex on the southeast corner of Clinton Parkway and Inverness. At that time Commissioners Cromwell, Amyx and Dever backed the neighborhood 100 percent in not allowing more apartments to be built. The consistency was what the neighborhood would appreciate and hoped that consistency was echoed in the vote tonight.

Dever said it was a good point about the statistics.

Carter said one thing he hated to hear, but might be unavoidable, was people being told by their realtors, the type of zoning for a certain area, but zoning could change. People wanted predictability with Horizon 2020 or long-range plans, but all those plans were best guesses. As economics and demographics change, long range plans get changed as well. He understood the concerns about the number of apartments. This area was located along a major street and in an area planned for multi-family and residential development.

He said regarding the apartment complex at Clinton Parkway and Inverness, the concerns of the neighbors won. Consequently, staff was directed to look at an actual plan which was called the "Inverness Park District Plan." The result was a significant buffer being built as a commercial zoned area on the west end of the block. The question was whether there was a need for more apartments.

As for vacancy rates, the city didn't have those numbers, but if those numbers were available, there was still the question of what role the government had in regulating those numbers. It was a dangerous line for the Commission to cross in determining what the market would bear. He said when the Planning Commission received the district plan he didn't recall any opposition to the approved plan. He said he would move forward with the zoning.

Dever said the decision made in the past on an adjacent parcel was a hard decision and the end result was the district plan. The neighbors' activism paid off with a number of things. He said it was a matter of opinion whether or not this was in keeping with what the stakeholders wanted. He said the Commission fought hard to protect the neighbors' interest by creating commercial nodes. He said he was disappointed the neighbors weren't happy with the district plan, which was an attempt to tone down the "inundation" of apartments. The incremental use of land was troublesome to him. He thought the district plan was a stopgap to prevent incremental use. The owner and developer thought there was a need for this type of development. He didn't think this was built just to maximize land use, but a response to a market demand. He tried to scrutinize this issue according to public comments and correspondence. He said he was

reluctant to vote against what the approved district plan had called for. He said logically speaking this rezoning and site plan seemed reasonable.

Amyx said when the City Commission initiated the Inverness Park Plan were the Remington Square Apartments plans already in the pipeline?

Dever said yes.

Amyx said in 2008 the area was zoned multi-family development and asked if there was any reason to believe that area was going to remain as open space?

Dever said no. It seemed like a reserve area that might be used by the owner at a future date.

Carter said from the Planning Commission side, unless the plan indicated that area was to be left as open space, he didn't assume it was going to remain open, but saw the area as developable down the road.

Amyx said at that time, he wondered whether he had made his determination, based on that area as being open space.

Cromwell said when maximizing zoning, the rest of the parcel would not be developable. When placing development all on one side with the hope that the zoning would change, that was a risk and might not change.

The question of maintenance was also important and he wondered about enforcement of City Codes. That was not the way to maintain property and it looked like an undeveloped parcel, but should have been a completed development. He said he had a hard time wanting to increase the density on this particular parcel considering the overall neighborhood. It was unfortunate that there was no participation from the neighborhood in the district plan. He struggled with increasing density of this parcel. The area might look lopsided, but was the fault of the original site plan and was not his concern.

Amyx asked Cromwell what he felt about that corner remaining vacant when the Commission originally discussed this development.

Cromwell said he didn't recall any discussion about that corner.

Dever said he remembered it might have been due to the floodway and staying away from the flood zone.

Amyx said if he thought that area would be developable in the future, he wondered if his consideration of that plan would have been different.

Cromwell said his understanding was that the parcel was completed with the previous development.

Amyx said he tried to consider all information provided and the investment of people's time, money, and energy. He said he was questioning himself right now.

Carter said it was made tougher for everyone when information was not heard on a plan and should be investigated for improvement. He said he would still vote yes because all the procedures were followed. Before the City Commission voted, he would like feedback and questions for the developer.

Schumm said he was ready to vote.

Amyx said this was an important vote, but was not ready to vote. He said he had to get his hands around the decisions in 2008 and whether the Commission intended that area to remain vacant based on that plan.

Carter said this was a land use decision based on what was in that area now.

Amyx said he appreciated that comment, but whether he thought this area was part of the buffer from the adjacent development at the time of that approval was important to him.

Moved by Amyx, seconded by Dever, to defer the item for 30 days.

Schumm said he hated to see all the energy coming to fruition tonight be sent away for 30 days.

Amyx said he wanted everyone to understand that he wanted every piece of information necessary for his decision.

Cromwell asked if staff needed to provide any information.

Amyx said he would visit with Scott McCullough, Development Services Director.

Cromwell said it was his inclination to move forward, but not against someone who needed more information to make the right decision.

Carter said he understood that desire, but he was ready to vote.

Schumm said the Commission's calendar should be looked at with the holidays coming.

Amyx said after Thanksgiving was fine.

Cromwell said the 13th of December was around 30 days.

Amyx said he appreciated the opportunity to look further at this issue because it was important to make the right decision. A decision was made earlier and he stood by that decision, but there was a piece of information regarding that corner that he needed.

Moved by Amyx, seconded by Dever to defer consideration of rezoning, Z-8-12-10, approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) and site plan, SP-9-56-11, for Remington Square Apartments, located at 4100 West 24th Place, until December 13. Motion carried 4-1 with Carter in dissent.

2. Receive status update on a transfer agreement with the Santa Fe Station/BNSF Depot.

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

Schumm said he remembered reading that this situation was a catch 22 regarding the grant and owning the station in order to proceed.

Stoddard said Schumm's recollection was correct. However, the grant was applied for and if the grant was received, the City would pursue the ownership.

Carter asked how the City could make the grant contingent on ownership of the station.

Stoddard said staff thought that working with the granting agencies, that if the City received the grant, the City could pursue ownership. Unfortunately, the most likely grant source was the Transportation Enhancement Funds which the City applied for, but did not receive. The City received word from KDOT those funds would not be available.

Carter asked if staff had an idea of what grant possibilities were available.

Stoddard said again, the TE grant was the primary source of funds, but there could be other monies, but could not say the City had a strong lead on anything except the historic tax credits. Those tax credits required the station to be on the federal register.

Amyx said if the City were to proceed with ownership and looking at the lease agreement with BNSF, he asked what the City needed to do to keep that building in good repair.

Stoddard said one of the immediate needs was to place a new roof on the building and ADA compliance items. Also, the mechanical systems were fairly old and might need attention soon.

Carter asked about the HVAC.

Stoddard said the current system was operating but if that system failed, it would need to be addressed.

Mayor Cromwell called for public comment.

Chelsea Scanland said she lived a block from the station and her main concern was making the station a bus hub and the amount of traffic on Connecticut from 7th Street. She said she also had a lot of transient activity on her sidewalk and had concerns about even more people on the sidewalk. She asked the Commission to consider her concerns.

Jim Budde said he grew up during WWII when 85% of goods were shipped by train. His family used the train for transportation and didn't have a car then. Railroads and transportation had changed and there were serious challenges. We were reaching a saturation point. Experts believed they were on the verge of another transition. Some cities were already involved in light rail and there were corridors of rail activity planned. Rail was emerging as a viable option. On a smaller scale, commuter rail between Lawrence and Kansas City could be imagined. Passenger trains could help Lawrence. He said he knew the budget was hard work and made decisions difficult, but the community needed to recognize this idea of a station was a good thing. He suggested a master plan was needed.

Paul Jefferson said he was part of Depot Redux group and did not drive because of his disability. He said he wanted to say using the train station as a transit hub would provide more security from the wind and weather especially for people with disabilities.

Carey Maynard Moody, Depot Redux, displayed a painting of the depot and invitation to the ribbon cutting ceremony on December 3. She said lighting would be completed by the end of the week. There had been a trickle down to the economy of Lawrence with this particular project. She said the City would probably not be successful in grant applications until the City had ownership of the depot. Ridership was up and it was time to direct staff to pursue ownership and explore the secondary use.

Carter asked if the City was under type of time constraint with Amtrak.

Maynard Moody said it was not time sensitive, but ARRA money was limited and there were other depots around the country pursuing improvements.

George Brenner said he encouraged the Commission to give this serious consideration. The train station would be something our community could be proud of. It would be a great asset to our community.

Hank Booth, Chamber of Commerce, said the Chamber often cites the need for rail service particularly related to industrial zones. The most important cargo of all was people. Passenger rail was perhaps not as important as Industrial Revenue Bonds, but it was important. The community partnerships were also important. He said the retiree task force had also studied transportation issues and rail transportation was a desirable way to travel. He knew budgets were tight, but good things were happening and could continue moving forward.

Marty Kennedy, Kennedy Glass, said when he was mayor in 1988, the City had been trying to get two things done for the community – transit and the South Lawrence Trafficway. They had accomplished transit and he was proud of that. The depot was a real asset for the community as well as a bus hub. He lived and worked in the area for over 60 years and hoped to continue making the depot an asset for the community.

Dennis Brown, Lawrence Preservation Alliance, said the Amtrak offer was a good one. The negotiations with BNSF needed a little work. He said he didn't see the city taking on ownership without getting a viable use back. He thought the transit hub was a good thing to think about and an exciting idea. When we consider the rehab of the Poehler district as a residential component it brought the station's viability into focus.

Marci Francisco said she was a frequent Amtrak rider. She said she had also been a frequent long distance bus rider. It had never been as convenient to take one as it had been when you could catch a bus downtown. It was really helpful to have the transportation systems located in the same place. There were students who took the train back and forth from Chicago. She favored the proposal. A fair amount of tax dollars on transportation were spent on mostly car based transportation. This helped the balance with other forms. She hoped the Kansas Legislature would step up with funding for the Heartland Flyer also.

Alan Black, League of Women voters and member of Public Transit Advisory Committee, said the League had supported a transportation center near downtown. The rail station was a logical candidate. Right now it wasn't ideal because the trains came at night when bus service wasn't in service. Whether that could change would remain to be seen. He said in the future there would be increasing usage of rail. Not in the near future because Congress had a negative view of funding for Amtrak, but in the long run he thought there would be. He said from the viewpoint of sustainability, travel by motor vehicle and airplane was undesirable and travel by railroad was the most desirable. In the long run railroads would return to somewhat of their former status. For the city to acquire the station was a step in the right direction.

Hilda Enoch said Professor Alan Black was instrumental in getting us the public transportation system, which was a real factor in bringing people into Lawrence. Seniors would be among the great proponents of rail travel. A lot of people from our community commuted to Kansas City and an alternative was a golden opportunity.

David Hugh Pfifer said as a youth and fan of rail transportation he wanted to show his support for a nicer train station and bus station. He didn't have a car and liked the option to get to Kansas City with luggage, etc.

Mike Myers said he was interested in the pathways throughout town and was interested in seeing how the station could service as a node in that system.

Schumm said Meyers was a local architect and had been working on a trail connection from the west side to east side. It would be nice to have Burroughs Trail connect behind the station and then get over the bridge to North Lawrence.

Tom Harper said he was excited and he was amazed at the people who were here and the emails that had been sent. It was the right moment to have staff do what was needed to get this done. Everyone worked hard and spent a lot of money. There were risks involved but the benefits outweighed the risks. Diane Stoddard, Assistant City Manager, spent 20% of her job on this project and needed to move onto something else.

Dennis Domer said the city wouldn't have to pay for the entire project because of the tax credits and other people who did a major fundraising effort on this. This was worthwhile and feasible purchase and would work to reduce the city's costs.

KT Walsh said she urged the Commission to move forward. She appreciated Domer's comments on a revenue stream. She said Greyhound, zip cars, taxis, pedicabs could all be located at the depot. There were other stakeholders that should also be included when this was discussed. When more trains arrived during the day, space was needed to park vehicles for commuters to Kansas City. Myers ideas were genius also for connecting the bike trails.

Amyx said regarding the BNSF agreement, Section 9.1 and 9.2, it seemed that BNSF, upon written notice of a maintenance need, expected the City to respond immediately.

Stoddard said the City shall promptly respond to the requested repair.

Carter said regarding the provisions in the lease, an issue that stuck out was that BNSF reserved the right to repurchase if the City wanted to lease the depot. He didn't read it that they could just repurchase it at any time.

Stoddard said if they needed it for railroad purposes or if we wanted to use it for other purposes, they could repurchase.

Carter said he was concerned that they could repurchase it with reimbursement for our improvements, not the value of the building. He had a concern about the risks.

Schumm said they were selling it for only \$100.

Carter said he had concerns about losing the transit hub and other investments made. It would be worth a lot more to us than the appraised value.

Stoddard said if that clause was a concern staff could propose some additional language to address it.

Carter said the note about indemnification even if they were negligent, should go.

Stoddard said staff had similar concerns.

Carter said regarding the environmental audit and remediation, he understood that one holdup was not wanting the City to do an environmental study on the grounds.

Stoddard said in discussions with BNSF, the City would be willing to assume liability for issues related to City activities, but not past liabilities. Presumably the environmental study, if called for, could indicate the time that pollution had occurred.

Toni Wheeler, Legal Director, said staff had concerns about the language that would be addressed by staff.

Carter said it raised a red flag and it could be that a survey should be done first.

Cromwell said he assumed staff had not reviewed the lease and its provisions because staff hasn't been directed to do so yet.

Stoddard said staff had provided some initial comments back to BNSF and this was their response to those comments. Staff pointed out concerns and whether those concerns could be worked out would be determined.

Cromwell said he would envision directing staff to come up with a lease with favorable terms to the city. Liability issues and the caretaker position could be worked into the lease.

Amyx said as the Commission proceeded to direct staff to draft a lease, he asked if an analysis of where the money would come from if maintenance costs came up was needed.

Cromwell said he would never think of going forward with the plan without the funding identified, but there were other issues that staff had to take care of anyway.

Carter asked how soon the City would know about property tax.

Stoddard said it was a challenging situation. The property taxes assessed to utilities were handled at the state level. How the station would be split out was unknown to us now but there are other similar arrangements in the state.

Carter asked about the insurance.

Stoddard said as staff discussed the issues and refined what was needed, staff would have a better picture.

Amyx said he preferred before proceeding, to know where the money was going to come from. He said he wanted to see the effect on the transit funds and budget and if those funds were going to be affected. He said he was not sure the City had the resources for the roof and other items right now.

Schumm said regarding the two areas of major concerns – HVAC and the roof – he asked if Hernly could comment on the remaining life of those improvements.

Stan Hernly said both of those improvements were on life support. The cost of the roof was just under \$100,000. That was not to say another year of patching could work. It was an item, once the depot was listed, the roof could be eligible for tax credits. The HVAC was

intended to be a geothermal system estimated at \$150,000. A non-geothermal system could probably be constructed for half of that amount and was tax credit eligible.

Dever said the City could probably piecemeal some of those improvements for a few years, but some things needed immediately attention.

Schumm said he wanted to move forward. There were concerns about getting in a bind to fix something before grant money was available, but there was less grant money available until the City owned the station. He suggested directing staff to work on the lease as well as dollar amounts for funding those needed improvements such as roof repairs. The Depot Redux group had done as much as they could to this point and the City needed to take the next step to complete the process.

Cromwell said he agreed. It was a great asset to the community and was desperately needed, as far as the transit facility. The City needed to be careful, but there were ways to handle this issue and not cost the City too much up front. There were a variety of different assets from which the City could pull. The hard work of Depot Redux was probably not completed yet and he appreciated their work and dedication. Adding a secondary use to the station was absolutely critical. The City needed information from Transit, estimated costs for improvements and neighborhood meetings. If the City was owner of that building the opportunities for grant funding were much greater.

Schumm said a first funding source was the historic tax credits.

Hernly said this project could potentially come before the Site Review Board in the spring and that would be the first time to get the project listed. He said he didn't know if the tax credits would be earned while the eligibility was in the process or if it had to be approved.

Carter said staff needed to see if the transit hub use was viable if it was listed on the register.

Dever said he agreed. The selling point was multiple uses of the building, saving the historic structure, and the Commission didn't want to get shoehorned by the historic tax credits if

that made the multiple uses impossible. He was in favor of studying those contracts to examine the environmental and other liabilities. This was a good opportunity, but he wanted to be careful.

Amyx said he was quite guarded in his vote. The City had assisted in a number of projects in the community in the last few months. If the City was to continue in the future, the City needed to know where the revenues were coming from and if it would be a strain on the budget. Looking at the next step and the details was a reasonable thing to do.

Moved by Schumm, seconded by Carter, to direct staff to proceed with the negotiation of terms with BNSF and Amtrak and to report back to the City Commission with information regarding transit use of the facility, meetings with neighborhoods and other stakeholders, historic registration, historic tax credits, and other financial information. Motion carried unanimously.

The City Commission recessed for a 5 minute break at 9:37 p.m.

The Commission resumed the regular session at 9:42 p.m.

3. Consider adopting the Airport Master Plan, Airport Layout Plan (ALP), and Capital Improvement Plan (CIP) for the Lawrence Municipal Airport.

Chuck Soules, Director of Public Works, introduced the item.

Patrick Taylor, Coffman Associates, presented the Airport Master Plan.

Schumm said when the runway went to the south he asked if the ILS system had to be expanded also.

Taylor said yes. The lights already go across the highway and it was not a problem.

Amyx said in the last year the advisory board considered a parachute area and asked if that area was something the airport considered, or was that a requirement for the City's airport.

Taylor said the requirement was to accommodate aviation uses, but there could be reasonable requirements.

Soules said there was an informal complaint under review by Washington and staff was waiting for the outcome. He said they did not need to include that in the Master Plan.

Schumm asked if there was available property at the airport for that use.

Taylor said it depended on how the City wanted the airport operated. Aviation uses needed to be accommodated, but the city could include reasonable rules. There were industry standards for landing areas. He said he would avoid allowing jumpers to land on runways.

Mike Dmyterko, Coffman Associates, said his understanding was that the proposed business was a regular operator and that would be difficult. Those operations usually took place on old military installations that had different layouts to allow landing uses. Especially without a tower, it was a very difficult thing. There was too much going on to allow jumping into the middle of it. He suggested some rules and stipulations, but a regular event would be very challenging.

Mayor Cromwell called for public comment. None was received.

Amyx said he appreciated everyone's work on this issue.

Cromwell said this was another form of transportation that was important. He appreciated the idea of having this as a mechanism for getting funding from FAA. Having the runway enlarged to accommodate jets was good.

Moved by Carter, seconded by Amyx, to adopt the Airport Master Plan, Airport Layout Plan (ALP), and Capital Improvement Plan (CIP) for the Lawrence Municipal Airport. Motion carried unanimously.

4. Consider authorizing 2011 funding for longevity payments.

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

Carter said because those were longevity payments those were people who had their jobs for a long time. They saw this as Christmas money and it probably went right back into our economy pretty quick. It was just a thought to see what else local retailers would like to include in terms of coupons or other incentives to get employees to spend the money locally.

Stoddard said there were a number of businesses that offered specials to city employees.

Mayor Cromwell called for public comment.

Mike McAtee, LPOA, said he appreciated the comments and recommendations. He said the City's employees and LPOA members were thankful to have jobs and to serve the citizens of Lawrence. He said they encouraged the LPOA to spend that money in the City of Lawrence. He thanked Commissioners and the city for their support.

Cromwell said it was a good opportunity to thank city employees for what they do. The City Commission appreciated city employees' work and loyalty. He said he was thankful the budget allowed this longevity and thought this was the right thing to do.

Moved by Amyx, seconded by Carter, to approve 2011 funding for longevity payments. Motion carried unanimously.

E. PUBLIC COMMENT:

Brian Sultana said he wanted to remind the commissioners that there was one individual still in jail for violating the illegal camping ordinance. Members of Occupy Lawrence went to court today for violating the park hours. It was interesting to see the operations of the court. Of the charges brought, violent crimes could be counted on one hand. Numerous college students were charged with MIP. It was interesting to see the priorities and made him wonder if the courts knew that all college students were drinking. He asked if safety was being looked at when students come in and apply for diversion and pay fines. Nothing really changed on that level. He said two individuals were charged for possession of marijuana and they were poor black males and confused about how the court worked. Did the courts realize that more than poor black males use marijuana? That confusion and lack of help from the court and judge, compared to a wealthy white student who might get out of the charge. Those men could serve a year in jail. He thought that was likely and it concerned him with equal protection and priorities.

John Weismiller said he was in court and the overwhelming majority of cases were alcohol related. What interested him was that those people were offered diversion immediately. Then they had Occupy Lawrence defendants and the plea bargain they received was different and disturbing and excessive. This was over deterrence to participants and potential

participants. He would like to know why people peaceably assembling in a public space could be charged with possible jail time while minors knowingly violating the law and draining police resources were getting a slap on the hand. How could he say he lived in a democratic society with this going on?

Cromwell asked if it was excessive.

Weismiller said yes, authorities were saying they would meet it with an iron fist rather than a velvet glove.

Cromwell asked if \$200 and no jail time was an iron fist.

F. FUTURE AGENDA ITEMS:

Diane Stoddard, Assistant City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

None.

H: CALENDAR:

Diane Stoddard, Assistant 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 Carter, to adjourn at 10:22 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk