



City of Lawrence

CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

• DAVID L. CORLISS
CITY MANAGER

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March 13, 2012

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, and Dever present. Vice Mayor Schumm was absent.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed March 12 – 16, 2012 as Multiple Sclerosis Awareness Week.
2. Proclaimed March 17, 2012 as the Twenty-Fifth Annual St. Patrick's Day Parade.

B. CONSENT AGENDA

It was moved by Amyx, seconded by Carter to approve the consent agenda as below.

Motion carried unanimously.

1. Approved City Commission meeting minutes from 02/21/12 and 02/28/12.
2. Received minutes from the Hospital board meeting of 01/18/12
3. Approved claims to 255 vendors in the amount of \$4,057,707.52 and payroll from February 26, 2012 to March 10, 2012, in the amount of \$1,816,676.21.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment license for Maceli's, 1031 New Hampshire and Retail Liquor License for Riverridge Liquor Store, 454 North Iowa.

5. Bid and purchase items:
 - a) Set a bid date of April 10, 2012 for Bid Number B1221, Project UT1204CS Pump Station PS43 Pump Replacement.
 - b) Authorized staff to sell as scrap a van totaled by fire damage.



- c) Awarded the construction contract for Bid No. B1208; Priority Group I of Project UT0919CS General Wastewater Pumping Station Improvements to the low bidder EmCon, Inc. in the amount of \$1,105,954.60 and authorized the City Manager to execute the contract.
 - d) Authorized the City Manager to execute Change Order No.2 to the existing Construction Contract with Walters Morgan Construction for project WW0601 Anaerobic Digester Improvements increasing the contract amount by \$22,928 and increasing the contract times by 10 days.
 - e) Authorized the City Manager to approve the payment to Cullum & Brown for \$28,880 for the repair of Blower 3 at Wastewater Treatment Plant.
6. Adopted on first reading, Ordinance No. 8712 to establish no parking along the south side of Seminole Drive from St. Andrews Drive, east 175 feet.
 7. Adopted on second and final reading, the following ordinances:
 - a) Ordinance No. 8696, pertaining to domesticated Vietnamese Potbellied Pigs.
 - b) Ordinance No. 8713, prohibiting the possession of glass bottles and other glass containers in the downtown district from noon on Saturday, March 24 through 6:00 a.m. on Monday, March 26 and noon on Saturday, March 31 through 6:00 a.m. Tuesday, April 3, 2012.
 - c) Ordinance No. 8694, authorizing the possession and consumption of alcoholic liquor on the 100 block of E 8th Street and the intersection of 8th Street and New Hampshire Street from 4:00 p.m. – 10:00 p.m. on 04/18/12, and on the 100 block of W 8th Street from 4:00 p.m. – 10:00 p.m. on 04/19/12 during the KU Relays.
 8. Adopted Resolution No. 6964, setting a public hearing date of May 15, 2012, to review the condition of the dilapidated structures located at 1106 Rhode Island Street and to consider declaring structures unsafe and ordering the repair or removal within a specified period of time.
 9. Approved request to extend approval of Preliminary Development Plan for Mercato, PDP-08-08-06, to June 30, 2014.
 10. Approved Special Event, SE-2-6-12, for Final Four merchandise tent sale at 2300 Louisiana Street (Checkers) from March 24th through April 8th, 2012. Submitted by Gene Wayenberg, Sun Creation, with permission of 2300 Louisiana Co, LLC, property owner of record.
 11. Approved Special Event, SE-2-4-12, for a Country Produce tent sale at the Discovery Furniture parking lot, 2525 Iowa Street, from July 13 through August 23, 2012. Submitted by Julie Galemore, Country Produce, with permission of Discovery Furniture, property owner of record.
 12. Approved Special Event, SE-2-7-12, for a fundraiser BBQ cook-off located at 1803 W 6th Street on June 1 through June 2, 2012. Submitted by Fraternal Order of Eagles # 309, property owner of record.

13. Approved Special Use Permit, SUP-12-7-11, for a renewal of a temporary shelter (Lawrence Community Shelter), located at 214 West 10th /944 Kentucky Street, to include an expiration date of December 31, 2012. Submitted by Loring Henderson, for James Dunn, property owner of record. Adopted on first reading, Ordinance No. 8710, for Special Use Permit (SUP-12-7-11), for a renewal of a temporary shelter at 214 W 10th/944 Kentucky St. (PC Item 2; approved 8-0 on 2/27/12)
14. Accepted dedication of easements and rights of way for Final Plat, PF-12-7-11, for Bauer Farm Fifth Plat for Theatre Lawrence, a one-lot subdivision consisting of approximately 4 acres located at 4700 Bauer Farm Drive. Submitted by Landplan Engineering, for Free State Group, LLC, property owner of record. (PC Item 6; approved 8-0 on 2/29/12)
15. Authorized the City Manager to execute a funding agreement with 900 New Hampshire, LLC to fund various costs related to financial analysis and bond counsel work for the proposed Marriot Town Place (9th & New Hampshire mixed-use hotel project) and authorized the City Manager to enter into an agreement with Springsted Incorporated to complete the financial analysis on the proposed project.
16. Authorized staff to submit applications for the 2012 Playful City USA program and a Playground Construction Grant.
17. Authorized staff to receive proposals/qualifications for the repairs to the Riverfront Parking Garage and the New Hampshire Parking Garage.
18. Authorized the City Manager to execute an agreement with the Bowersock Mills & Power Company for city participation in the installation and maintenance of a rubber dam system, as approved by the City Commission at its meeting on December 6, 2012.
19. Approved a temporary use of public right-of-way permit for various city streets from 7:30 a.m. – 10:30 a.m. on Sunday, April 22, 2012, for the Kansas Half Marathon, including the closure of the 900 block of New Hampshire Street, and donation of city services in support of the event.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. **Consider a request to rezone, Z-12-37-11, approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries, located south and east of 25th Terrace & O'Connell Road. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record. Adopt on first reading, Ordinance No. 8711, to rezone (Z-12-37-11) approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7**

(Single-Dwelling Residential), to adjust zoning boundaries, located south and east of 25th Terrace & O'Connell Road. (PC Item 1A; approved 8-0 on 2/27/12)

2. **Consider a Preliminary Plat, PP-12-15-11, for Fairfield Farms East Addition 1, located south and east of 25th Terrace & O'Connell Road, including considerations of a waiver to install sidewalks on only one side of the street. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record. (PC Item 1B; approved 6-2 on 2/27/12)**

Scott McCullough, Director of Planning/Development Services, reminded commissioners that they should disclose any ex parte communications on this quasi-judicial matter.

Cromwell said he had received no ex parte communications on this item, certainly nothing substantial.

Carter said he did not either.

Amyx said he did not either.

Dever said he did not either.

Sandra Day, Planner, presented the staff report.

Amyx said there was continuous sidewalk throughout.

Day said it was only on one side.

Carter asked if it was 4 foot sidewalk.

Corliss said it was 5 foot.

Bill Newsome, representing the development, said they were trying to jumpstart some residential activity of the east side of town. The rezoning is tied to taking the site plan from a grid pattern to something more interesting to both builders and home owners. The second issue relates to the plat and variance. It was critical to have starter priced housing near East Hills and Farmland and the economic development activity there. It was about \$1000 per lot savings to have sidewalks on one side of the street and that was significant at this price point. They wanted to make this cost effective as possible.

Carter asked if the cost was \$1000 to the builder, what was the cost to the buyer?

Newsome said the cost, in his opinion would be passed through to the home buyer.

Carter asked if it would all be passed on.

Newsome said there was some margin.

Carter asked what the price point was.

Newsome said possibly in the 160s for the homes and 130s for the townhouses.

Carter said he was fine with the plat. His concerns with the variance had to do with the retiree task force and the complete streets concept. He was supportive of that. The variance was tough for him but he was going to vote for it. It was approved prior to the code changes. The \$1000 cost was an issue but he didn't know if that would put someone out of a house or not. He didn't think it was a big safety issue. The need for affordable housing and the fact that it was approved before the code changes were important. Going forward though, he wanted us to be supportive of complete streets.

Amyx said the width of the sidewalk was significant, and the fact that it was approved before the code change. Staff's recommendation helped him look at this in a positive way. In light of affordable housing it was something we needed to look at.

Dever said he was eager to move forward with building some affordable housing. The presence of sidewalks on both sides was important, but many neighborhoods did not have them, but they worked well as long as the sidewalks were placed correctly. The cost might be more than \$1000 in the future. This minor alteration is not substantial enough not to approve it.

Cromwell said he was totally in favor of complete streets. Here we had an example of a project that was already platted under our original rules. Changes were made so it was now considered under the new rules, but an exception here was a good idea. A thousand dollars on a \$30,000 lot was significant. Other fees and commissions would rack up on that. This particular development is not quite grandfathered in but it merited an exception given the lack of opposition.

Mayor Cromwell called for public comment.

None was received.

Moved by Amyx, seconded by Carter, to approve request to rezone (Z-12-37-11) approximately 14.52 acres, located south and east of 25th Terrace & O'Connell Rd, from RM12D & RS7 to RM12D & RS7, and adopt on first reading, Ordinance No. 8711. Motion carried unanimously.

Moved by Amyx, seconded by Carter, to approve variance request and Preliminary Plat (PP-12-15-11) for Fairfield Farms East Addition 1, located south and east of 25th Terrace & O'Connell Rd. Motion carried unanimously.

E. PUBLIC COMMENT:

Leslie Soden said the chairman of the National Endowment of the Arts was visiting the community this week. The arts had a significant impact on economic development, such as in the North Topeka district. The city sees a boost to its tax base from this type of "creative placemaking."

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 Amyx, seconded by Carter, to adjourn at 7:10 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk