



# City of Lawrence

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CITY COMMISSION

**MAYOR**  
ROBERT J. SCHUMM

**COMMISSIONERS**  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

July 10, 2012

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

## **A. STUDY SESSION**

1. City Commission Study Session on the City Manager's 2013 Recommended Budget.

*After a short break, the regularly scheduled City Commission meeting began at 6:35 p.m.*

## **B. RECOGNITION/PROCLAMATION/PRESENTATION:**

1. None.

## **C. CONSENT AGENDA:**

Mayor Schumm asked that item number 7, Comprehensive Plan Amendment, CPA-4-3-12, be pulled from the consent agenda for separate discussion.

**It was moved by Amyx, seconded by Dever,** to approve the consent agenda as below, with the exception of item number 7. Motion carried unanimously.

1. Approved City Commission meeting minutes from 07/03/12.
2. Received minutes from the Hospital Board meeting of 05/16/12.
3. Approved claims to 140 vendors in the amount of \$2,203,228.00.
4. Bid and purchase items:
  - a) Set Bid Date of July 24, 2012 for City Bid No. B1241, City Project No. PW1113, 2011 CDBG Sidewalk Gap Project. This is a Community Development Block Grant project for sidewalk along Iowa, Vermont and New Hampshire.



- b) Awarded Bid No. B1237 for the Clinton Water Treatment Plant Transfer Pump #3 Replacement to JCI Industries in the amount of \$49,998 and authorized the City Manager to execute a contract agreement.
  - c) Awarded Bid No. B1239 for Electrical Preventive Maintenance to Lynn Electric, Inc. in the amount of \$29,812 and authorized the City Manager to execute a contract agreement.
  - d) Authorized City Manager to execute engineering service agreements for infrastructure design and final platting with Bartlett & West Engineering for Farmland Business Park in the amounts of \$69,150 for Sanitary Sewer, \$304,565 for streets, \$43,050 for water, and \$21,591.62 for final plat.
  - e) Authorized the City Manager to execute a Design and Bid Phase Engineering Services Agreement with Black & Veatch in the amount of \$481,303 for Projects UT1201 – 2012 to 2015 Electrical Improvements Program and UT1202 - 2012 Mechanical Improvements Program.
5. Approved Special Event Permit, SE-12-00002, for over-flow parking, to be located on the west portion of the Farmland property adjacent to the Douglas County Fairgrounds on August 3 & 4, 2012, for the demolition derby and ATV races at the Douglas County Fair, located at 2110 Harper Street. Submitted by Margaret Kalb for the Douglas County Fair Board.
6. Approved rezoning, Z-11-27-11, of approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser. Adopted on first reading, Ordinance No. 8756, for the rezoning (Z-11-27-11) of approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street. (PC Item 2; approved 9-0 on 6/25/12)
7. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION. Approved Comprehensive Plan Amendment, CPA-4-3-12, to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6<sup>th</sup> Street and Wakarusa Drive Area Plan. Adopted on first reading, Ordinance No. 8757, for Comprehensive Plan Amendment (CPA-4-3-12) to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6<sup>th</sup> Street and Wakarusa Drive Area Plan. (PC Item 3; approved 9-0 on 6/25/12)
8. Approved rezoning, Z-4-6-12, of approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record. Adopted on first reading, Ordinance No. 8758, for the rezoning (Z-4-6-12) of approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 650 Congressional Drive. (PC Item 4A; approved 9-0 on 6/25/12)

9. Approved Special Use Permit, SUP-4-3-12, for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record. Adopted on first reading, Ordinance No. 8759, for Special Use Permit, (SUP-4-3-12) for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. (PC Item 4B; approved 9-0 on 6/25/12)
10. Approved Annexation, A-5-2-12, of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street), for Lawrence Recycle Center. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record. Adopted on first reading, Ordinance No. 8760, for the annexation (A-5-2-12) of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street), for Lawrence Recycle Center. (PC Item 5A; approved 9-0 on 6/25/12)
11. Approved rezoning, Z-5-7-12, of approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG (General Industrial), located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record. Adopted on first reading, Ordinance No. 8761, for the rezoning (Z-5-7-12) of approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG (General Industrial), located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). (PC Item 5B; approved 9-0 on 6/25/12)
12. Approved Special Use Permit, SUP-5-5-12, for Lawrence Recycle Center, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record. Adopted on first reading, Ordinance No. 8762, for Special Use Permit (SUP-5-5-12) for Lawrence Recycle Center, located at 1783 E. 1450 Road (also known as 1545 N. 3<sup>rd</sup> Street). (PC Item 5C; approved 9-0 on 6/25/12)
13. Approved a Temporary Use of Public Right-of-Way Permit allowing the closure of the 100 block of E 8<sup>th</sup> Street from 1:00 p.m. on Saturday, August 11, 2012, to 1:00 a.m. on Sunday, August 12, 2012 for the Sandbar Birthday Party, and adopted on first reading, Ordinance No. 8763, allowing the possession and consumption of alcohol on the public right-of-way.
14. Approved a Temporary Use of Public Right-of-Way Permit for the Kansas State Fiddling and Picking Championship for the closure of Massachusetts Street between North Park Street and South Park Street on Sunday, August 26, 2012, from 9:00 a.m. – 7:00 p.m.
15. Approved donation of standby medical services and the closure of the city parking lot on the southeast corner of N 2<sup>nd</sup> St and Locust St for the GaDuGi SafeCenter 5K Boo!Run on Sunday, October 28, 6:00 a.m. – noon.
16. Authorized the City Manager to accept the proposal from Community Wireless Communication regarding installation of a conduit near the Stratford Water Tower.
17. Authorized the Mayor to sign a Subordination Agreement for M. Alissa Long, 714 Michigan.

Regarding item number 7, Dan Warner, Planner, presented a staff report.

Schumm said congressional was the western boundary of Walmart.

Warner said yes.

Schumm said he didn't have a problem with the zoning and other items but pulled this from consent to make a point. We previously had a request from Lowe's. At that time he worked with Lowe's to see if they could locate at that location but they withdrew. In the last few months we had paid a lot of attention to the 6<sup>th</sup> and K10 area. He said he was no longer interested in commercial just west of Congressional, it should go out at the 6<sup>th</sup> and K10 area. He said we will have zoning creep all the way out to K10 if we don't draw a hard and fast line.

**Moved by Carter, seconded by Amyx,** to approve Comprehensive Plan Amendment, CPA-4-3-12, to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6<sup>th</sup> Street and Wakarusa Drive Area Plan. Adopted on first reading, Ordinance No. 8757, for Comprehensive Plan Amendment (CPA-4-3-12) to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6<sup>th</sup> Street and Wakarusa Drive Area Plan. (PC Item 3; approved 9-0 on 6/25/12). Motion carried unanimously.

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

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

**E. REGULAR AGENDA ITEMS:**

1. **Receive staff report on possible secondary use of the Santa Fe Station for transit. Consider authorizing staff to proceed with a Request for Proposal for consulting services to evaluate potential transit hub sites.**

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

Bob Nugent, Transit Administrator, presented a staff report.

Dever said there was kind of an expectation that the hub be downtown. When we first looked at the sales tax we looked at that. His question was whether we were using our own resources to decide exactly where to put the hub or whether we were bringing someone in to do it.

Nugent said a consultant would look at where riders were really coming from and going. He said he would use our own resources in GIS and others to find an appropriate location.

Dever asked if Nugent believed we were best served with a hub or sub hubs. He said he was reluctant to change how we do it without study of how it would affect existing ridership.

Nugent said we always look at existing ridership first and then try to get new riders.

Schumm asked if integrating KU has changed the dynamic.

Nugent said definitely. It changes how we focus some of our transit service. Their focus is on campus which we don't have to focus on.

Mayor Schumm called for public comment.

Leslie Soden said in the budget study session we talked about expanding the garage by the library. Maybe if we integrated a transit hub we could access federal money.

Jennifer Lattimore thanked staff and commissioners for stopping plans to move the transit hub to the Santa Fe Station. We should not let the opportunity to preserve the station pass by. It should be enhanced to allow enjoyment of the station but without negative impacts on the neighbors.

Gwen Klingenberg said she lived out west. We are building apartment complexes very rapidly in that part of time. A lot of the kids do their studying at Dillons. They know that this is a car town. As we are considering our bus system the possibility of sub hubs is very important. Having to go from west Lawrence to downtown in order to get to campus or South Iowa is kind of ridiculous. Transportation needs to keep up with development and not let development get out ahead.

Tom Harper thanked Stoddard for all of her work. He said he hoped we didn't drop the ball on the station just because we are dropping the transit secondary use. He said he hoped you instructed staff to keep the ball in the air. He realized it wasn't as important as the rec center or police station, but it is a gem that needs to be preserved. We would probably need to initiate a new group of city commissioners about this topic the next time it came up.

Amyx asked if the question right now was whether to initiate an RFP for a transit hub.

Schumm said it would be funded by the transit sales tax funds.

**Moved by Dever, seconded by Carter,** to authorize staff to proceed with a Request for Proposal for consulting services to evaluate potential transit hub sites. Motion carried unanimously.

Amyx said he encouraged Harper and others to continue looking at grants and other funding sources for the Santa Fe Station.

Schumm said he didn't think we were abandoning the station, sometimes it just takes a little longer to make things work. We are just waiting for the right moment and the right opportunity to make the Santa Fe Station rehabilitation happen.

**2. Consider authorizing publication of the 2013 Budget Summary and establishing August 7, 2012 as the public hearing date. This establishes the maximum budget authority and property tax mill levy for the 2013 budget.**

Dave Corliss, City Manager, presented the staff report.

Schumm said he would like to try to set the maximum number tonight. We can always come off that high mark later.

Carter said he agreed. He didn't hear that anyone was interested in going higher.

Mayor Schumm called for public comment.

Hilda Enoch said she would like to thank the city manager for putting on the agenda the item which is connected with a possible third shift for bus transportation for people who have late jobs. The shelter is bursting at the seams and if people could get jobs and get to them we would help the shelter. She said it was important to include this opportunity to see if the time between 8:00 p.m. and 6:00 a.m. we could do something.

Candice Davis said she was confused about whether the rental registration was part of the budget consideration. She also noticed on the future agenda item there is a thorough explanation of the costs of moving forward. She said she had been involved in this for 5 years. It

wasn't glamorous but it was important. This is something that could be cost neutral. It was about preserving older neighborhoods. To her this was essential. The outlay of money to begin the program was worth it.

Schumm said he had two items he would like to be considered. The first was Hearthstone, a recovery house for drug addicts and alcoholics. They had about ten clients. According to one administrator there they used to get about \$10,000/yr. Their predicament is that the non-profit that owns the home that houses them has not had resources to maintain the house. They were requesting \$7,600 as a baseline request plus additional funds. They apparently did not get their application in on time. The other area he had been involved in was the Lawrence Community Shelter. He would like consideration of leaving the \$36,000 in alcohol funding as is, and taking the \$63,000 social service funding down to zero, making them a vendor and funding them at the level of \$100,000 as a vendor. The reason for a change from a social service agency to a vendor recognizes that we take ownership and see sheltering the homeless as a long term commitment. He didn't think the needs were going to go away. He would like to see us identify them as a vendor and fund them at \$100,000. He didn't want to use fund balances. If you take the two items it would be .025 mills. These two organizations need a substantial amount of help.

Carter said he thought the direction of the new shelter, and he thought it should be renamed maybe to reflect their mission of getting them back on their feet and independent. The new space should have a lot more space for their programs. He did worry some about those who strictly needed shelter and didn't fit into those programs. He was in agreement about moving at least a portion to the vendor category.

Schumm said at the bigger facility they would be able to offer more programs but there would also be more costs. Down the line this would be beneficial as an investment for the community.

Amyx asked if he wanted to do the challenge grant.

Schumm said he wasn't sure how to write that into the budget request. If you want to put a restriction on half of it that's fine. They still have to raise a lot of money anyway either way.

Amyx asked for a review of what he wanted to transfer.

Schumm said LCS had \$63,000, and \$36,000 allocations. He would leave the \$36,000 in the alcohol fund alone. The other \$63,000 he would zero out in social services and make that a vendor service at \$100,000.

Amyx said he would take the \$63,000 away from the social service funding and move it over to the vendor category.

Schumm said yes. On the Hearthstone, he would add \$7,600 to the alcohol fund.

Cromwell said we have a tremendous number of social service needs for the community. He wasn't sure what the rationale really was for moving one to a vendor category.

Dever said he thought the shelter took some of the burden away from the city. They are like a vendor, in that we provide funding and expect a service in exchange.

Schumm said we tend to be more dictatorial, have more say, in how the shelter operates. The relationship is a little stronger and closer than with other social service agencies. We expect a lot out of them. The relationship should be more solidified as an official relationship.

Cromwell said he brought up the challenge grant because he thought there was a deficiency in fund raising. He wanted to make sure there was an emphasis.

Dever said he thought we could do the challenge grant as a vendor.

Corliss said this got started when we talked about Legal Aid and Humane Society. Every community needed those services. I don't want to make it seem like there is a real tight definition and distinction. Clearly all of the agencies do fundraising. In the vendor category they don't have to compete with other agencies. There is not a safe harbor in being a vendor though, we have recommended less money for Humane Society than they requested.

Schumm said it gets very complicated. Talking to the guy at Hearthstone, the guy told him that if it was between him and the shelter, he wanted the money to go to the shelter. They don't want to be competing against each other for funds.

Amyx said you transfer \$63,000 to the vendor fund, you add \$18,500 as a challenge grant, and leave the \$36,000 in the alcohol fund.

Schumm said he was trying to achieve \$100,000 in funding from the city.

Cromwell said it was difficult without advance warning of this.

Schumm said tonight we can set the top limits and then set the mechanics of it later.

Amyx said whatever the top number we have tonight, we just have to set the maximum tonight. You can go down but you can't go up.

Cromwell said he thought we had a definite need for an arts coordinator but he worried about the mill levy. It's an investment we could reap some awards from.

Carter said the private sector has stepped up in this realm. The part-time position in the budget for the CVB could be arts focused and could support that function a little bit.

Cromwell said he was fine with easing our way into it.

Amyx said we had a great discussion this afternoon about future needs in the community, basic needs like water and wastewater. The commission's job was one of priorities. The city manager has recommended things that he sees as important to the future. One of the things we need to discuss is having some study sessions about priorities. We have talked about using sales taxes rather than property taxes and I think that's the way to go. He hoped we could have one or a series of study sessions regarding priorities for the next several years.

Schumm said he agreed.

Dever said it was amazing that staff does so much with the resources provided. Several cities have faced financial crises and have been irresponsible. People like to complain about how our city operates but I think you should be proud of the budget you've crafted. I do think we'll face some decreases in real estate taxes and we can't rely on increases there. I would like

to keep the mill levy steady. Our reserve is healthy right now and I would like to see it stay that way. There are things I would like to see change like increases in health care costs. The question he had tonight was whether we can continue or start to raise the mill levy unless we have a backup plan in case valuation decreases. He said he was looking at an emphasis on sales tax. We need more investments in public safety. He appreciated the balanced effort. He wanted to see the mill levy increase stay under 1.0. He was concerned about raising sales taxes, property taxes, and utility rates all at once. Overall he was willing to set the mill levy with the addition that Schumm suggested.

Carter said he would echo all of that. The only question or concern he has was the timing for a sales tax election.

Corliss said it was his understanding that the state .6% expires in July 2013. We have to notify the state at least a full quarter before that. You would have to have a sales tax election perhaps earlier than the spring. We would get that information.

Amyx said he still thought it was important to look at the balance of the sales tax between the city and county and what long term projects we ought to fund before we consider a new sales tax.

Cromwell said we had been playing catch-up in a lot of places. The low hanging fruit is long gone and departments have done a great job of finding efficiencies. The reasons for raising the mill levy were good ones. We have not decreased our social service funding and that is the right thing to do. He wants there to be a challenge grant but he wants there to be the funding too. There is always more to be done. We can't do everything at home or in our business, and we can't here either. We have focused on our priorities and I appreciate everyone's work. He was in favor of a .92 increase in the mill levy to accomplish the goals we have set forth.

Schumm said he understood the city manager recommended a .87 mill increase, additionally Schumm wanted to add \$37,000 for the shelter and \$7,600 for Hearthstone, for a total of \$174,316,335, or a .92 mill increase.

**Moved by Carter, seconded by Cromwell,** to authorize publication of the 2013 Budget Summary and establish August 7, 2012 as the public hearing date. Motion carried unanimously.

Tammy Bennett, Assistant Director of Public Works, presented a staff report regarding solid waste cart implementation.

Schumm asked if there would be a weight limit for yard waste in a cart. He asked how you answer the customer that says they have garbage and asks how they can use the same cart for yard waste.

Bennett said she had done it personally as a family.

Schumm said if our main thrust was protecting our workers we need to get into the yard waste use of containers as soon as possible. That stuff can be very heavy.

Dever asked if you are going to replace the existing carts.

Bennett said not at the beginning.

Dever said perhaps we could use the retiring carts to encourage container use for yard waste.

Amyx said his personal opinion was that we have to incentivize the 35 gallon cart. We have to reduce the amount going to the landfill also. He said the incentive ought to be on day one, and the \$.25 was not enough.

Bennett said once we got carts on the street and had some real data we could come back next year with empirical data.

Carter said if someone puts out yard waste and it exceeds the weight, at what point do we stop picking up things.

Bennett said if it is really heavy we'll have a two person dump. If it is real heavy one time we'll probably take it, but if it happens repeatedly we'll probably have to tag it.

Carter said even if 2000 accounts went over one time that was a lot of incidents.

Schumm called for public comment. None was received.

**F. PUBLIC COMMENT:**

Hubbard Collinsworth thanked staff and commissioners for their work. He asked if we had authorized a transit request for proposals.

Schumm said yes.

**G. FUTURE AGENDA ITEMS:**

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

**H: COMMISSION ITEMS:**

Dever said he wanted everyone to be aware that we had authorized Heartland some funds, and they had achieved some certifications they hoped for which would lead them to more self sufficiency.

**I: CALENDAR:**

David Corliss, City Manager, reviewed calendar items.

**J: 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 Dever,** to adjourn at 8:22 p.m. Motion carried unanimously.

**APPROVED:**

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Robert J. Schumm, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk