



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ROBERT J. SCHUMM

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

August 14, 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 Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

## **A. RECOGNITION/PROCLAMATION/PRESENTATION**

1. None.

## **B. CONSENT AGENDA**

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

1. Approved claims to 272 vendors in the amount of \$2,602,721.65 and payroll from July 29, 2012 – August 11, 2012, in the amount of \$1,878,962.73.
2. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License for Tellers, 746 Massachusetts and Retail Liquor Licenses for University Liquor, 3300 Bob Billings Pkwy #B3 and Mass Beverage, 3131A Nieder Rd.

3. Bid and purchase items:
  - a) Waived bidding requirements and authorized purchase of NewTek TriCaster 855 (equipment for broadcast/capture system in the City Commission Room) from WinkAv for \$29,995 and approved the purchase of five (5) Sony BRC-Z330 cameras from Adorama for a total of \$18,295.
  - b) Authorized the purchase of a Camel combination jetter/vacuum truck for the Utilities Department through the HGAC cooperative contract for approximately \$300,000 - \$325,000.
4. Adopted the following ordinances on first reading:



- a) Ordinance 8747, making changes in Sections 19-101, 19-214, 19-302 of the City code related to master water meters and location requirements for public sanitary sewer mains and private sanitary sewer lines.
  - b) Ordinance No. 8754, regarding sidewalk sales permits.
5. Adopted the following ordinances on second and final reading:
- a) Ordinance No. 8769, for the rezoning (Z-7-20-11) of approximately 6 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential), located at 525 Congressional Drive.
  - b) Ordinance No. 8770, for Special Use Permit (SUP-5-4-12) for 12<sup>th</sup> & Haskell Recycle Center, located at 1000 E 11<sup>th</sup> Street. (PC Item 2; approved 8-0 on 7/23/12)
  - c) Ordinance No. 8771, to annex (A-5-3-12) approximately 15,960 SF, located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15
  - d) Ordinance No. 8772, to rezone approximately 15,960 SF from County A (Agriculture) and County V-C (Valley Channel) to OS-FP (Open Space-Floodplain Overlay), located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15
  - e) Ordinance No. 8773, for Special Use Permit (SUP-5-6-12) for construction of Pump Station No. 15, a *minor utility*, located at 240 N. Michigan Street.
  - f) Ordinance No. 8774, to rezone (Z-5-9-12) approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. (PC Item 4; approved 8-0 on 7/23/12)
  - g) Ordinance No. 8775, to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive.
  - h) Ordinance No. 8764, allowing the possession and consumption of alcohol on the public right-of-way during the Kansas State Fiddling and Picking Championship and the Bike MS event
  - i) Ordinance No. 8776, approving and appropriating the 2013 City of Lawrence Operating and Capital Improvement Budget
  - j) Ordinance No. 8777, attesting to the increase in property taxes levied for 2013
  - k) Ordinance No. 8778, authorizing an Emergency Communications System Funding Agreement with the Board of County Commissioners of Douglas County, the making of a grant to the Board of County Commissioners of Douglas County for funding improvements to the Emergency Communications System, and authorizing the issuance of general obligation bonds to pay the costs.

6. Approved the suspension of enforcement of City Code Section 14-407, prohibiting the discharge of firearms within the city, for a “shotgun” start at the Lawrence Police Foundation golf tournament on Thursday, August 23, 2012, at Alvamar Orchards Golf Course.
7. Initiated a text amendment to the Land Development Code, Section 20-403, proposed by Lathrop & Gage, LLP on behalf of Lawrence Memorial Hospital. The proposed amendment proposes to change all Permitted Uses (except Hospital) to Accessory Uses in the H (Hospital) District.

**C. CITY MANAGER’S REPORT:**

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

**1. Conduct public hearing to consider the vacation of an access easement located at 650 Congressional Drive as requested by property owner BWB-WCSC, LLC.**

Chuck Soules, Director of Public Works, presented the staff report.

**Moved by Amyx, seconded by Dever** to open the public hearing.

No public comment was received.

**Moved by Cromwell, seconded by Amyx** to close the public hearing.

**Moved by Cromwell, seconded by Carter**, to approve order of vacation. Motion carried unanimously.

**2. Receive update on the 1313 Haskell Avenue property.**

Brian Jimenez, Code Enforcement Manager, presented the staff report.

Mayor Schumm called for public comment.

Michael Almon, Haskell Row Partners, said it had been their business plan from the start to bring this property to a code compliant state where it could be marketed to potential buyers. He displayed photos of the structure. He said when they started they wanted to focus on the big ticket structural items where it could be brought out from under the demolition resolution. He said they got the foundation connections to the structure in and they were approved. They went through all the major items. These had been completed and now the building can be marketed as something someone can take and run with. On the inverse side, those demolition resolutions,

when considered by potential buyers, are a deterrent to investing in the property. It's a big risk to the buyer as long as those resolutions are out there. To take it to the next point they are a hindrance.

Jana Coker, Haskell Row Partners, said they had some one really interested in buying the house, and she felt it would sell very shortly.

Schumm said the structure was greatly improved. It seemed tight and would keep vagrants out. It looks like it has been put in reasonable shape where it can move forward. He said he would be inclined to rescind the demolition orders.

Amyx said he thanked the partners in getting the property to a point where it is marketable. He thanked staff for their work on it as well. It has worked well between staff and the owners and was a good outcome for the neighborhood.

Schumm asked if we should rescind both Resolutions 6885 and 6971.

Jimenez said that would be the easiest way to proceed. He said he thought the house looked a lot better.

Scott McCullough, Planning and Development Services Director, said it would be helpful to get direction from the commission on outstanding code issues on the property. It would be helpful to have direction to keep this property on our list to monitor and update the commission maybe in 6 months.

Schumm said there was work needed, but was that something we needed to enforce at this point.

McCullough said all 15 items hadn't been completed yet, and it would be good to have something on the books so a new owner knew there were issues to address.

Jimenez said we were close. HRP's point was that if they could keep their costs down they could hopefully find a seller. He thought we could let it go, as far as rescinding the demolition orders. It is a continuing balancing act. There are some things that need to be done

to the roof. The retaining wall/drainage in the rear was something they wanted to let the new owner deal with. A new owner may not want to keep the garage.

Schumm asked how we communicate with the prospective buyer that there are code conditions.

McCullough said our case was still open and it would be the responsibility of the owner to disclose that. This has been repaired to the point that the highest level of enforcement, abate or demolish, was no longer needed. We will maintain an active violation case.

Schumm said what if we rescind the resolutions and ask for a review a year from now. That gives time to sell the property but keeps it on our radar.

Jimenez said we'll keep it on our list.

Cromwell said if everything is going well he didn't need to know if we needed to spend time at the governing body level.

**Moved by Cromwell, seconded by Amxy,** to rescind resolutions 6971 and 6885 and direct staff to bring the property back for city commission review in one year. Motion carried unanimously.

**3. Receive update on 1106 Rhode Island Street regarding exterior yard and structure code violations.**

Brian Jimenez, Code Enforcement Manager, presented the staff report.

Mike Myers, Hernly Associates, distributed copies of his report on the structure. He said he didn't have the exact plan for the property but he has been retained by the family to come up with options. He has been meeting with stakeholders, including city planners. What he would like to see happen is a slow deliberate process to preserve and develop it in a way that makes sense. He said he is asking to be enabled to do his work to provide the family with a plan and cost estimates for the project.

Schumm said on page 2 of the handout, it was their hope that in two months we could have a feasibility study and the family should be given months to process it and

meet with banks, lawyers, etc, and that updates on progress be provided every couple of months. Schumm said his concern was that was pretty open ended.

Myers said he could define the time it would take him to do structural analysis and cost estimates. The harder thing is defining how much time it would take to find lenders. He said he did preservation and design but not banking and legal work.

Schumm asked if Myers was doing the consulting work as far as historic renovation. Would he also be involved in the tax credit applications?

Myers said yes, but the first phase was the preservation plan.

Schumm asked how long his part would take.

Myers said two months would be ideal.

Amyx said the applicant had met with the neighborhood association and there was a dialogue going on there.

Myers said they had gotten good feedback. They were at the first steps of doing this right. They have started with the most obvious outward items. It is really starting to look cleaned up.

Dever said he read the summary of what was necessary to move forward with rehabilitation, but what he was concerned with was that a lot of time would be spend determining what was needed on the initial structure, but also additional structures. Those additional structures may not get approved. He was concerned that they would get down the road and the additional structures were needed to make it cash flow, but then HRC doesn't approve it.

Myers said they had a good track record with HRC. They had a pretty good idea about what they were talking about doing with damaging historic relationships on the property or in the neighborhood. The great thing about the property is that it is already federally listed, which meant the owners could get back 45% of their construction costs.

Dever said he would like to see some sort of parallel evaluation, one with just rehabbing the structure and another with higher density and other uses and ancillary items. We need to see progress. If we marry the rehab to the additional density we may run into the situation where the rehab doesn't get done.

Mayor Schumm called for public comment.

KT Walsh, East Lawrence Neighborhood Association, said Brian and Mike came to their last meeting and people were glad there were not plans to demolish the structure. They hadn't taken a vote, but the general feeling was that whatever could be done to save the structures should be done. There wouldn't be much opposition to additional structures. It would be in the character of the neighborhood to have a structure on the corner.

Schumm said he was a little concerned that this could be quite a timeline between today and when anything actually gets done. Is the will there for you to accomplish this?

Brian Barland said that was part of the information gathering process with Myers work. We don't have the information yet until Myers pulls it all together. It could be a short time frame after we get Myers' info. We are looking at pulling Myers' expertise in the tax credits also.

Schumm said we could perhaps bring this agenda item back in two months and the owners let us know what direction they are going.

Barland said if it takes Myers two months they may have a gut feeling on what they wanted to do, but they wouldn't have time to consider it very long.

Schumm said perhaps three months then.

**Moved by Cromwell, seconded by Dever,** to have this item back on the agenda in three months to receive an update on the progress. Motion carried unanimously.

4. **Consider authorizing staff to negotiate and execute a lease agreement for the former Borders building at 700 New Hampshire Street, for temporary location of the Lawrence Public Library operations during construction at the current library site.**

Brad Allen, Library Director, presented the staff report.

Schumm said if everything works just the way you want it to, when would you make the move?

Allen said we would stage in November/December and open in the Borders Building at the beginning of the year. We are hoping to get everything prepared to go and then do it quickly to minimize the time it is shut down. Our volumes are lower around the holidays and we would hope to transition at that time.

Schumm asked if there would be other storage sites.

Allen said yes, they are looking at a few locations. We would need a little temporary space outside the building for modular offices too.

Schumm asked if the computers would move too.

Allen said yes.

Amyx asked if we had evaluated the structure to make sure it could handle the weight of the books.

Allen said he wasn't concerned. They wouldn't have more in the building than the book store did.

Corliss said he would recommend two hour parking at the site, and the library staff would park off site. We may need to do an ordinance to establish two hour parking on that site during the occupancy. We thought we could fit this in the project budget. We think this is the right thing to do and will be an exciting project for the community.

Carter asked what the actual downtime would be, 2 to 3 weeks?

Allen said he hoped it would be less than that. He hoped they could keep it to 2 weeks.



Carter said he had spoken with someone from Hobbs Taylor loft and it would be a good idea to involve them in the parking discussion.

Corliss said we could do that.

Dever asked if you were planning to move all the materials.

Allen said the building would be emptied, everything would be moved to Borders or storage. About half the collection would go to Borders. We are looking at future collection sizes also, and this will be a decent experiment in how big the collection needs to be.

Dever said the temporary provisions clause in the budget identified \$290,000. He asked how we came up with that. Did you look at that?

Allen said yes. The construction manager had worked with them on those estimates. The part we just don't know is what the premiums that a subcontractor might put on to work on an occupied building. We thought this was a conservative estimate. We thought the temporary provisions could actually cost more. He thought BA Green had been conservative. He said he felt confident in the numbers.

Dever said there was a good chance that overall costs might be less?

Allen said that was his feeling. He saw it as an insurance policy, we paid a little more up front but it was a good hedge against timelines getting extended. We had begun thinking of this primarily from a service standpoint but as they evaluated it further they thought it was a good financial move too.

Cromwell said we had looked at this for a long time, and it was part of the reason we brought BA Green in. This is really the only way to do it. We can move it once or we can move it multiple times. Green's first task was to really dive into this and analyze whether this was a good move. He felt confident that this was the right way to go.

Allen thought it was reasonable and would be good for the public.

Mayor Schumm called for public comment.

Hubbard Collinsworth said a couple quick questions came to mind regarding the homeless. He wondered if it would be cheaper for the city to buy the building outright and use it for other uses after the library project.

Corliss said the building was on the market for \$2,000,000. We didn't really have a city purpose for it. We would like to see it reused for retail purposes. As for homeless issues, it was open to the public and anyone wanted to use it could. The library was open to the public as much as any other public building. It will be a good safe public use for everybody.

Dever asked if we had determined the storage site.

Corliss said we had evaluated the Allen Press building. We hadn't finalized anything, but thought that could be a good site at a good price.

Dever asked if there was an estimate.

Allen said we had it penciled it in at \$40,000. The Borders agent had originally offered a 24 month lease and we had negotiated that down to 20 months with the condition that we paid it up front.

Dever said the \$40,000 was in both estimates.

Allen said yes.

Amyx asked if the cost savings justified the move by themselves.

Dever said whenever he bids a project it is much harder to work around people.

Cromwell says he always charges more when he has to work around people. It is hard to say how much this would be, but it would be more.

**Moved by Dever, seconded by Carter,** to authorize staff to negotiate and execute a lease agreement for the former Borders building at 700 New Hampshire Street, for temporary location of the Lawrence Public Library operations during construction at the current library site. Motion carried unanimously.

5. **Consider awarding Bid#1243 for the Roll-out Residential Cart Implementation Program to Rehrig Pacific Company for \$885,490; consider approving a 3-tier rate structure; and direct staff to prepare the 2013 solid waste rate ordinance.**

Tammy Bennett, Assistant Public Works Director, presented the staff report.

Carter asked if they were 90 or 95 gallons for the largest carts.

Bennett said 95 gallons with this vendor.

Cromwell said this was the number one recommendation of the Solid Waste Task Force, for the workers comp safety and bringing us into the 21<sup>st</sup> century. He asked what the economic neutrality of increasing the 90 gallon rate by \$1 and decreasing the 35 gallon rate by \$1.

Bennett said 80% of the carts we currently have are the largest size.

Cromwell said keeping the rate for the largest cart at the same rate and lowering the rate of the lowest cart would be incentivizing the behavior we want.

Bennett said what other cities have seen is that people underestimate their amounts of trash. Others communities have seen problems with illegal dumping. The other piece of information we have seen is data collection, we have done some sampling of weights at the curb. Between 45 and 65 cents was the difference in landfill costs between the small and large carts.

Cromwell said we had some idea about how we could roll out the 35 gallon carts but not right away. Some sort of policy would have to be written to address overages and people who undersize their cart.

Amyx said he agreed. A number of people are doing their own recycling or have hired firms to do it. He said he thought from what he saw was that a lot of people were doing what they should. Being at a 95 gallon cart isn't where we want to be. If we can give a better deal on a 35 gallon cart that is what we want to do. We don't want to create a financial problem for the solid waste division though. If the rate structure created a problem we need to understand that.

Schumm said it is not only the size of the cart, there is also a lot of infrastructure in place to get the trucks to the curb. It costs the same amount to send the truck and workers out to the house. But you also want a carrot to encourage people to recycle.

Carter said the cost difference in tipping fees was 45 to 65 cents.

Bennett said yes. Next year we want to be able to tell you the average weights of the containers. She said the rate structure also pays for some of our recycling programs. It is not just what they are putting at the curb that we are paying for.

Carter said most people don't use a cart now.

Bennett said no.

Carter asked if we had staff take a look at who could really use a smaller cart.

Bennett said supervisors already had a pretty good starter list of people who were on low income elderly rate and others that needed help getting their cart to the curb. Those may be good candidates for a small cart.

Dever asked if we had smaller weights if we would have savings on trips to the landfill.

Bennett said yes we could realize those savings long term.

Dever said there would be benefits beyond just the tipping fee. The carts already provided by the city will not be recalled?

Bennett said correct.

Dever asked about the people who want to take us up on our offer to use the carts, will the vendor take their old cans?

Bennett said yes. As part of the bid the vendor will take the material but we haven't asked them to go door to door to get the cans. We'll set up a system to do that.

Dever said you will provide those opportunities and we'll publicize that.

Bennett said yes.

Dever asked if we would help people figure out where to put the cans.

Bennett said yes. We have done some troubleshooting and will make it work in areas where it is unique.

Dever asked if the residents could use the cans they have for yard waste.

Bennett said yes.

Dever said we do a great job of not accepting improperly containerized waste, and he didn't see why we couldn't do that with people who put out extra bags. There are ways to handle that problem.

Mayor Schumm called for public comment.

Terry Moshini said as a resident looking at these charges, \$1.50 really didn't matter. The idea of punishing someone who uses a smaller cart but puts bags on the side, that was just the nature of the person. You have to educate people on recycling. She said money wasn't the issue as the homeowner. Saving a dollar a month wasn't enough to change behavior.

KT Walsh said her concern was the \$50 charge for damaging or destroying carts. Plastics hold odors. We had a party a couple weeks ago and had to move some containers farther away. What I have done is drill holes in the bottom of the containers and that helps a lot with the odors because it lets liquids drain out. Would that be chargeable damage to the cart?

Bennett said she didn't have that answer right now but we would figure it out. We are really just trying to get at the carts that disappear when people move.

Cromwell said he was confident that what he suggested with the cart rates would not negatively affect the finances. The rates would be \$13.44, \$14.94, and \$16.94.

Amyx said he could support that.

Carter said we were still looking at right sizing. He was fine with that.

**Moved by Cromwell, seconded by Carter,** to award Bid#1243 for the Roll-out Residential Cart Implementation Program to Rehrig Pacific Company for \$885,490. Motion carried unanimously.

**Moved by Cromwell, seconded by Amyx,** to approve a 3-tier structure as recommended by Cromwell (\$13.44, \$14.94, and \$16.94); and direct staff to prepare the 2013 solid waste rate ordinance. Motion carried unanimously.

**E. PUBLIC COMMENT:** None received.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Schumm said he thought there was a bit of confusion on the budget last week. Carter had recommended a \$10,000 payment to Lawrence Children's Choir. In the motion we didn't specifically approve or disapprove it. He didn't know if we needed a separate motion on it.

Amyx said he thought it was included in the budget.

Dever said he presumed that was the case too.

Carter said he thought so too.

Schumm said he was of that opinion also. He just had someone in the public ask about it. If we are all in agreement on that then we didn't need to do a separate motion.

**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 Cromwell, seconded by Dever,** to adjourn at 8:32 p.m. Motion carried unanimously.

**APPROVED:**

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Robert J. Schumm, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk