



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

August 28, 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. Proclaimed Monday, September 10, 2012 as Brother to Brother Day.
2. Proclaimed the month of September, 2012 to be National Preparedness Month.

B. CONSENT AGENDA

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

1. Approved City Commission meeting minutes from 08/07/12 and 08/14/12.
2. Received minutes from the following boards:

Traffic Safety Commission meeting of 08/06/12

Planning Commission meeting of 07/23/12

Lawrence Douglas County Bicycle Advisory Committee meeting of 07/17/12

Public Health Board meeting of 06/18/12
3. Approved claims to 252 vendors in the amount of \$1,648,913.60 and payroll for August 12, 2012 – August 25, 2012, in the amount of \$1,856,488.58.
4. Approved appointments as recommended by the Mayor.



Appointed Victoria McDowell to a Convention and Visitors Bureau Advisory Board position that expired 07/01/12 and reappointed Jeannie Hetrick, Jason Edmonds, and Cathy Hamilton to positions that expire 07/01/16.

Reappointed James Dunn, Jason Barnhill, and Scott Criqui to additional Human Relations Commission terms that expire 09/30/15.

Appointed Mary Johnson, Judy Bellome, and Joni Hughes to Lawrence Douglas County Advocacy Council on Aging terms that expire 12/31/13 and reappointed Ellen Paulsen, Brenda Joyce Nunez, and Connie C. Price to terms that expire 12/31/14.

Reappointed Barbara Schnitker, Megan Leopold and Joshua Brown to Social Services Advisory Board additional terms that expire 08/31/15.

5. Bid and purchase items:

- a) Approved the purchase of one police sedan from Laird Noller Automotive for \$24,285.
- b) Awarded the construction contract for Bid No. B1238; Pump Station 15 Reconstruction Project UT0919CS General Wastewater Pumping Station Improvements to the low bidder EmCon, Inc. in the amount of \$395,339.00 and authorize the City Manager to execute the contract.
- c) Awarded the bid for the roof replacement at the Douglas County Senior Center and Fire Medical No. 1, Project No. PW 1219, to Industrial Roofing, Inc., for a total amount of \$81,405.

6. Adopted on first reading, Ordinance No. 8781, establishing residential solid waste service rates for 2013.

7. Adopted on second and final readings, the following ordinances:

- a) Ordinance No. 8779, adoption the 2012 Standard Traffic Ordinance, Edition 2012.

- b) Joint City Ordinance No. 8719/County Resolution No. ____, establishing a Joint Economic Development Council for the City of Lawrence and Douglas County.
8. Approved Special Event Permit, SE-12-00148, for the Lawrence Flea, a seasonal market and parking to be located on the southwest corner of 8th & Pennsylvania Street, on September 1, 2012. Submitted by Angela Longhurst for Lawrence Flea. Property owner or record is Tony Krsnich for Ohio Mortgage Investors, LLC.
 9. Approved Special Event Permit, SE-12-00129, for a fundraiser tailgate for the Visiting Nurses Association to be located at the northeast corner of Maine Street and Fambrough Drive (1030 Maine St) on September 1st. Submitted by Lori McSorley for Visiting Nurses Association with approval from property manager William Ginley. Property owner of record is David Horr.
 10. Approved a Special Event Permit, SE-12-00160, for overflow parking at 1846 Massachusetts Street for the Massachusetts Street Dillon's grand opening from August 27th through September 9th, 2012. Submitted by the Dillon Companies, Inc.
 11. Authorized staff to proceed with installation of a Pedestrian Hybrid Beacon on Kentucky Street at 18th Street, for a total cost (materials and installation) up to \$30,000.
 12. Concurred with the recommendation from the Traffic Safety Commission to establish no parking on Massachusetts Street for 150 feet south of 23rd Street, provide a separate left-turn lane for northbound traffic and adopted on first reading, Ordinance No. 8782, establishing no parking along both sides of Massachusetts Street from 23rd Street south 150 feet (TSC item #4; approved 7-0 on 8/6/12).
 13. Received Traffic Safety Commission recommendation to approve construction of a traffic signal at the intersection of 27th Street and Haskell Avenue. No funds are currently available for this project. (TSC item #3; approved 7-0 on 8/6/12).

14. Approved a temporary use of public right-of-way permit for use of various city streets, including the closure of the northbound lane of Massachusetts Street downtown from 8:00 a.m. – 8:25 a.m., on Sunday, September 30, 2012, for the Head for the Cure 5K.
15. Approved Sign Permit for Mural Installation on the rear of the building occupied by the 1109 Gallery at 1109 Massachusetts Street, as recommended by the Lawrence Cultural Arts Commission.
16. Authorized the Mayor to sign a Subordination Agreement for Deron Belt, 811 E. 11 Street.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. ***Receive an update on the Oread Design Guidelines process and draft guidelines. Consider initiation of the rezoning to create Overlay Districts (both Historic District and Urban Conservation) for the five areas identified in the Oread Neighborhood Plan. The Overlay Districts will be used to implement the design guidelines.***

Scott McCullough, Director of Planning & Development Services, presented the staff report.

Scott Day, Urban Development Services, presented the process and a general overview of their work on the guidelines to date.

Carter asked where overlay districts come into play.

McCullough said they accompany each other. The overlays implement the guidelines.

Carter said there were some places that made sense for additional congregate living. Is that addressed?

Day said they looked at higher density, but they didn't get into the number of bedrooms, etc. They are entitled to the same volume, we just want to shape the volume through the guidelines.

Carter asked if there are additional places in the guidelines where mixed uses make sense.

McCullough said the plan itself does address that, but not necessarily guidelines.

Mayor Schumm called for public comment.

Candice Davis said she would like to thank staff for their work. This is fantastic. The consultants have done a great job. The neighborhood is unique and complicated. Guidelines are going to be important to the future of the neighborhood.

Marci Francisco thanked staff and the consultants. She said they had good conversations. They responded very well to insistence that we look at our alleys. This is a good starting point.

Carter said this was a great start, coupled with the good neighbor program which is in its infancy. We have in the past dealt more with the symptoms than the issues, and now we are getting at the issues. He said he was impressed with what he has seen so far.

Moved by Carter, seconded by Cromwell, to initiate the rezoning process to create Overlay Districts for the 5 areas identified in the Oread Neighborhood Plan and initiate text amendments to the Land Development Code to various sections regarding the design guidelines and consistency with the code. Motion carried unanimously.

2. Review staff memo related to the Truck Stop use and the Recycling Processing Center use and direct staff as appropriate.

Scott McCullough, Director of Planning & Development Services, presented the staff report.

Schumm asked why not have a special permit for recycling processing in IG.

McCullough said they could create a continuum of use, but one of the overwhelming public sentiments in this process was to not revise IG and IL while creating IM. This use wouldn't have the impacts of a truck stop. Here it was probably appropriate to have it as a SUP in IM.

Mayor Schumm called for public comment.

Gwen Klingenberg thanked staff for separating the truck stop issue out. We don't want to be business unfriendly, but if you did #3 and #4 and then mitigate the impacts it is business friendly and community friendly. She encouraged the use of the SUP and a mitigation plan.

Cromwell said regarding recycling it was okay to permitted use in IG but special use permit in the lighter districts. He thought we shouldn't think we will never have a truckstop, and he favored having it with an SUP in IG and not allowed in the other districts.

Schumm said he agreed.

Carter said he agreed with those suggestions. He thought a truck stop was unlikely but maybe add this to the work list.

McCullough said they could initiate it. McCullough asked if Cromwell's intent was to allow truck stop in IG but no other district, not even CR.

Cromwell said correct.

Schumm asked what CR would be.

McCullough said there are two, South Iowa and Downtown, that are designated CR in the comp plan, though they aren't zoned CR.

Schumm asked if there are undeveloped area at K10 and Iowa that could be developed as a truck stop.

McCullough said he believed so.

Amyx asked if there are other places in IG that are appropriate and available for a truck stop.

McCullough said they looked at some of the newly created IG, such as at Farmers Turnpike and K10. It is somewhat hard to see it happening, considering the KTA stops nearby. A large fueling station could perhaps accommodate a truck or two.

Amyx said we could probably initiate it and have the full discussion later. When you look at the IG ground available he said he questions whether a truck stop would be appropriate. He asked if we currently have any CR zoning.

McCullough said no, but we anticipate development further south on Iowa at some point and CR may be appropriate.

Amyx said if it is appropriate under IG, should it be equally allowed under CR with an SUP.

Cromwell said he didn't know how to understand that since we don't have any CR yet.

McCullough said South Iowa is designated in the comp plan for CR.

Dever said it is in our plan to use the area as automobile related land use such as car dealers. We may get some people up in arms if someone wants to zone South Iowa IG.

Cromwell said having truck stop as an SUP in CR may be appropriate.

Amyx said he would suggest SUP in CR.

Schumm said let's go on to recycling. He said he supported Cromwell's position.

Dever asked if we are creating a new designation for recycling. What happens if someone is currently doing it?

McCullough said of the two noted in the memo, one had IG and one had an SUP for a scrap and salvage outdoor use. If initiated we would look to see if we are creating any nonconformities.

Amyx asked if we should do that first before initiating.

Dever said it could be computer recycling or some smaller operation that is unknown to us yet.

Amyx said he was okay with the suggestion to look at nonconforming use.

McCullough said it might be most efficient to initiate it and we would concurrently look at those issues and have them ready for the City Commission's consideration.

Moved by Cromwell, seconded by Carter, to initiate text amendments to revise the recycling processing center use in the IL district from permitted to permitted with a special use permit; and to revise the truck stop use in the IG district from permitted to permitted with a special use permit. Motion carried unanimously.

3. **Consider adopting Resolution No. 6988, establishing a public hearing date of October 2, 2012 for the South Project Plan for the Redevelopment Plan on the 9th and New Hampshire Tax Increment Finance (TIF) District and consider adopting Resolution No. 6990, establishing a public hearing date of October 2, 2012 on the proposed Transportation Development District (TDD) for the 9th and New Hampshire Redevelopment District.**

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

Amyx asked if this had any change in the Springsted study.

Stoddard said no.

Mayor Schumm called for public comment. None was received.

Moved by Amyx, seconded by Dever, to adopt Resolution No. 6988, establishing a public hearing date of October 2, 2012 for the South Project Plan for the Redevelopment Plan on the 9th and New Hampshire Tax Increment Finance (TIF) District, and adopt Resolution No. 6990, establishing a public hearing date of October 2, 2012 on the proposed Transportation Development District (TDD) for the 9th and New Hampshire Redevelopment District

4. **Consider motion to recess into executive session for approximately one hour for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.**

Moved by Cromwell, seconded by Dever, to recess into executive session for approximately one hour for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time. Motion carried unanimously at 7:43 p.m.

Schumm, Cromwell, and Carter returned to regular session at 8:41 p.m. It was **moved by Cromwell, seconded by Carter,** to extend the executive session for another 30 minutes. Motion carried 3-0.

Schumm, Cromwell, and Dever returned to regular session at 9:10 p.m. It was **moved by Cromwell, seconded by Dever,** to extend the executive session for another 20 minutes.

The full City Commission returned to regular session at 9:23 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

None.

H: CALENDAR:

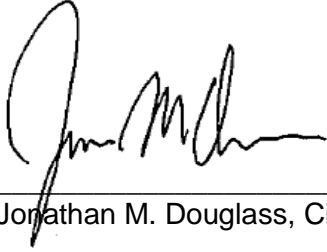
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Dever, seconded by Amyx, to adjourn at 9:26 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON 09/04/12.

A handwritten signature in black ink, appearing to read 'Jonathan M. Douglass', is positioned above a horizontal line.

Jonathan M. Douglass, City Clerk