



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

City Offices  
PO Box 708 66044-0708  
www.lawrenceks.org

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

CITY COMMISSION

MAYOR  
ROBERT J. SCHUMM

COMMISSIONERS  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

February 5, 2013

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 a.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:** None

**B. CONSENT AGENDA**

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

1. Approved the City Commission meeting minutes from January 15, 2013.
2. Received the Historic Resources Commission meeting of November 15, 2012; the Planning Commission meeting of December 10, 2012; and, the Public Health board meeting of November 19, 2012.
3. Approved claims to 295 vendors in the amount of \$5,203,096.27 and payroll from January 13, 2013 – January 26, 2013, in the amount of \$1,968,464.36.
4. Approved the Drinking Establishment License for Abe & Jakes Landing, 8 East 6<sup>th</sup>; and, the Taxicab License for Jayhawk Taxi, 2244 Barker Avenue.
5. Approved the following appointments are recommended by the mayor:

Aviation Advisory Board:

Appointed Cheri Thomson to a term that ends 05/31/15. Appointed Jeff Long as the KU Representative to a term that expires 05/31/15.

Board of Zoning Appeals/Sign Code Board of Appeals:

Appointed Sarah Fertig (913.486.8149) to a term that ends 09/30/13.

Building Code Board of Appeals:

Reappointed Dan Wethington (841.6942) to an additional term that expires 11/30/15.

Fire Code Board of Appeals:

Reappointed Pete Easterwood to an additional term that expires 01/31/16.



Homeless Issues Advisory Committee:

Appointed Becky Peters (913.223.1892) to a term that expires 12/31/14.

Public Incentives Review Committee:

Reappointed Dennis "Boog" Highberger (841.3313) to an additional term that expires 01/31/16.

Public Health Board:

Reappointed Maley Wilkins (843.5160) to an additional term that expires 03/31/16.

Sister Cities Advisory Board:

Appointed Brad Allen to a term that expires 12/31/15.

Sustainability Advisory Board:

Appointed Steve Vukelich (218.5594) to a term that expires 12/31/13.

6. Bid and purchase items:
  - a) Set a bid opening date of February 26, 2013, for the 2013 landscape mowing contracts.
  - b) Set a bid opening date of February 19, 2013 for City Bid No. B1303, City Project No. PW1220, Pennsylvania Street, 8<sup>th</sup> to 9<sup>th</sup> brick reconstruction, and 9<sup>th</sup> Street, Pennsylvania Street to Delaware Street reconstruction.
  - c) Set a bid opening date of March 05, 2013 for Bid No. B1305, Project UT1206DS - O'Connell Road Watermain Extension.
  - d) Authorized renewal of the GPS service contract with Network Fleet for an annual fee of \$42,895.20.
7. Adopted on first reading, Ordinance No. 8831, amending Chapter 6, Article 12 of the City Code to revise the standards related to sidewalk dining to address umbrella height, railing materials, and amplified music and sound within sidewalk dining areas.
8. Adopted the following ordinances on second and final reading:
  - a) Ordinance No. 8805, rezoning (Z-12-00119) approximately 32.5 acres (and adjacent railroad right-of-way) from I-4 (Heavy Industrial) and VC (Valley Channel) Districts to UR-FP (Urban Reserve – Floodplain Overlay) District, located in the former Farmland Industries property, N of K-10 between Greenway Circle & E 1575 Rd). (PC Item 4A; approved 6-0-1 on 9/24/12)
  - b) Ordinance No. 8806, rezoning (Z-12-00120) approximately 167.94 acres (and adjacent railroad right-of-way) from I-4 (Heavy Industrial) District to UR (Urban Reserve) District, located in the former Farmland Industries

property, N of K-10 between Greenway Circle & E 1575 Rd. (PC Item 4B; approved 6-0-1 on 9/24/12)

- c) Ordinance No. 8807, rezoning (Z-12-00121) approximately 170.7 acres (and adjacent highway right-of-way) from I-4 (Heavy Industrial), I-1 (Limited Industrial), A (Agricultural) County Districts and CC200 (Community Commercial Center) City District to IG (General Industrial) District, located in the former Farmland Industries property, N of K-10 between Greenway Circle & E 1575 Rd. (PC Item 4C; approved 6-0-1 on 9/24/12)
  - d) Ordinance No. 8808, rezoning (Z-12-00122) approximately 59.0 acres (and adjacent highway right-of-way) from I-1 (Limited Industrial), B-1 (Neighborhood Business); A (Agricultural) [County Districts] and IG (General Industrial) District to IM (Medium Industrial) District, located in the former Farmland Industries property, N of K-10 between Greenway Circle & E 1575 Rd. (PC Item 4D; approved 6-0-1 on 9/24/12)
  - e) Ordinance No. 8809, a Special Use Permit (SUP-12-00100) for a Westar substation providing electricity to the Former Farmland Industries property and surrounding properties. (PC Item 4F; approved 6-0-1 on 9/24/12)
- 9. Initiated rezoning of 2200 E. 23<sup>rd</sup> Street and 2206 E. 23<sup>rd</sup> Street from UR (Urban Reserve) District and RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District.
  - 10. Authorized Staff to advertise a Request for Proposals, RFP R1304, for Engineering Design Services for Project UT1302CS Pump Station PS04 Redundant Forcemain.
  - 11. Authorized Mayor to sign Authority to Award Contract/Commitment of city funds for construction of Iowa Reconstruction Project and authorized payment of the Kansas Department of Transportation in the amount of \$1,070,000 for city share of construction costs. Authorized Mayor to sign KDOT city/state agreement for Construction Engineering Inspection Services for Iowa Reconstruction Project.
  - 12. Approved request for "signs of community interest" from the Pilot Club of Lawrence to place a directional temporary sign at the northwest corner of Harper and 23<sup>rd</sup> Streets, on the US Bank property, advertising the Antique Show & Sale. The sign will be placed from February 22 through February 23, 2013.
  - 13. Approved request for "signs of community interest" from the Lawrence Home Builders Association to place temporary directional signs throughout various locations throughout the City for the Lawrence Home Show. The signs would be placed February 11 and removed February 18, 2013.
  - 14. Authorized the City Manager to execute a Professional Services Agreement with Olsson Associates in the amount of \$39,917.28 for Transit Center Location Analysis.

15. Received the petition to establish a Community Improvement District (CID) utilizing special assessments to fund underground utilities along Pennsylvania Street and adopted on first reading, Ordinance No. 8834, establishing the Community Improvement District.
16. Authorized submitting the Haskell Rail Trail, Breezedale Monuments, and Santa Fe Station projects' Transportation Enhancement applications to the Kansas Department of Transportation by the application deadline of February 15, 2013.

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

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

**D. REGULAR AGENDA ITEMS:**

1. **Received an update on 1106 Rhode Island regarding owner's progress of determining plan of rehabilitation for the structures located on the property.**

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

Brian Barland, representing the Barland Family, said he would like to delay this item because his brother was delayed arriving, but he would proceed. He said he didn't know how this item jumped to demolition. He said he had responded to every email staff had sent him.

Schumm asked where they were at with this project.

Barland said Hernly and Myers had brought forth 3 options, but those options were significant amounts of money: \$400,000, \$500,000, and \$750,000. They were analyzing how they could back down some of those options and see the effects on tax credits. He said he knew the city was looking for a timeframe and how they would proceed. They haven't done anything over the winter, but were looking at a partial demolition on some aspects. They realized that new construction shouldn't hold up working on the existing situation. He said the timeframe was that they felt they could do roofing on the house and warehouse as soon as weather permits. Over the last few months, they had taken down some big trees that impacted access to those roofs. They had talked earlier to a mason about doing pointing on the foundation, but didn't know if now was a good time. That was a place to start. They would be pursuing internal demolitions of removing the lathe and plaster of the house.

Schumm asked if there was a real plan for rehabbing the entire property and when would it get done. He asked if there was a plan on paper.

Barland said nothing was on paper, they haven't decided which option to pursue and how it impacted the funding. They knew there were things that could be demolished that wouldn't impact any of those options.

Amyx said he didn't want to tear the house down. There was a house that was part of the neighborhood and it had to be secure. He asked what had to be done to meet the standard on the exterior at least, and then the interior?

Jimenez said regarding the exterior, the window and roof were needed to make it weather tight. The entire structure needed to be rehabbed. He didn't know if there were plans to take the addition down. His concern was if it was just made weather tight, he didn't know how long it would sit there.

Amyx asked if it would be appropriate to come up with a contract indicating what items needed to be done first.

Jimenez said drafting a contract was a possibility if it was the City Commission's direction.

Mayor Schumm called for public comment.

KT Walsh, East Lawrence Neighborhood Association, said their position had always been that they didn't want to see the house and barn taken down. She understood the Barlands had worked with Lynne Zollner and the LPA. ELNA would support the partial demolitions. It would be interesting to see what Hernly had identified as options.

Dennis Brown, Lawrence Preservation Alliance, said this was a contributing property and it needed HRC approval before any piecemeal demolitions. It was different than the Haskell property because a plan was needed. The house and barn could be saved but time was

wasting. The structures had historic value, but little monetary value. It could be shown that the house addition could be demolished, but it needed to be part of an overall plan. This could be a great place. Tax credits are available, but some sweat equity was needed. Probably \$25,000 in work was needed to get this prepped before it could even be rehabbed. They needed to find the right buyer and abandon the idea that this could be a money maker. There had been no renters in 15 years. They needed to initiate a project now and show the money necessary to make it happen, or find the right buyer, and help them with a reasonable sale price.

Schumm asked if Hernly could come up for some questions. He asked for an overview of that area and what was needed to make it work.

Hernly said he thought Brown's comments were accurate. He said the structure was in rough shape, but they had come up with three options. The first option was restoring and rehabbing the house and using the barn as a studio. Second, restoring the house and using the barn as an apartment. Third, do the same and build a third apartment structure. They had run numbers on those scenarios vs lease rates. In looking at those rates, it didn't look like it would cash flow. If you were able to complete that work in a less expensive way and get it to a condition that was leasable, it would still have to be at the high end, but it could potentially work.

Dever said those scenarios, creating income producing property, was more than just making it weather tight and occupied. He asked if there was a way to make the exterior presentable or at least weather tight so it doesn't look as dilapidated as it did. They probably need to have a less abstract plan and something more concrete so the neighbors could see some progress. He asked if there were steps that could be taken to do that.

Hernly said yes, but those were actions that the Barland family needed to take.

Dever asked Hernly if he could identify what steps could be taken that wouldn't interfere with next steps that weren't necessary right now to preserve the structures.

Hernly said yes.

Dever said it wouldn't be a monumental task to do that.

Hernly said it would not be too difficult.

Cromwell asked how long ago Hernly had finished his analysis.

Hernly said 4 months.

Cromwell said staff was supposed to look at this in November.

Jimenez said yes. They had discussed it as staff and reached out to Barland, but it was around the holidays at that time.

Schumm said the idea that was discussed at the staff meeting was that they didn't want to tear the structure down, but it had to be cleaned up to our standards. If the Barlands couldn't do it, he asked who would, and how could they help get that person in charge. The idea was if they could condemn it by eminent domain and then sell it to a buyer who could do the work.

Dever said they needed some progress or at least a critical path. They needed to see some tangible changes. It's been a year, and they've done a good job with the exterior conditions of the yard. They needed to have a plan in place tonight, for the neighbor's sake. If the Barland Family doesn't want to do that, it's only fair for the neighbors to move forward.

Carter asked what the procedure was for being compensated for those costs.

Corliss said we would initiate condemnation proceedings. The City would have to pay a court approved dollar amount for the property. Staff would then entertain proposals from qualified individuals for the property, evaluate their qualifications, and part of that would be what they were proposing to pay for it. The city could also contract out the work but that

wouldn't be his recommendation. The City hadn't done something like that before, but there were situations where the City had asked for money to be put in escrow and that had been successful.

Amyx said the vice mayor's suggestions as to requiring certain things to be done in a timely manner, there had to be a contractual arrangement, and if those arrangements couldn't be met, then the City needed to go through the process laid out by the city manager.

Schumm said maybe the City Commission could come back in a week. Maybe the Barlands would throw up their hands or maybe come back with a concrete plan. They could get with Brian and Hernly and get a list of what was going to happen.

Cromwell said we have already given them 5 months for a decision. We granted three originally and it's been five. The property has been being demolished for years. He said he was reluctant to come up with a scenario where they had two months to do something and then they come back and need additional time, etc. He said he couldn't imagine a scenario where he was comfortable that the Barland Family could do this. He was not opposed to having this come back, but he was saying right now, they needed to think about all the factors and the performance of the family to date.

Schumm said he agreed with that. He said he thought the odds were against the Barland Family being able to get this structure up to code.

Carter said he thought the same thing. He thought Cromwell's timeline might even be a little generous. In May, the City Commission wanted a plan by July 17. They came back without a plan in August, and the Commission gave them two more months for Myers to come up with a plan and another month for them to make a decision. They've done nothing for weatherproofing. We still didn't have a plan. I agree that maybe a week for now made sense, so staff could come back, assuming they would take action ourselves.

Schumm said both scenarios could be prepared and they could look at the Barlands' plan and if the City Commission didn't like it, go with staff's plan.

Carter said the City Commission should give the family direction so they didn't come back next week saying they would get back to us.

Bob Barland said he thought what they had looked at over the past 90 days was funding a project that was not fundable. The only thing that would probably work was finding someone to buy it who wanted to move into it as a residence. There were some timeframes outside of our control. If they had to do a foundation, March and April was not the time to do it. They could start some work but rebuilding probably had to wait until the foundation could be fixed. Maybe during that time, they could do some maintenance while they were trying to sell it.

Schumm said next week the property owners needed to come back with a plan that was convincing. If the owner was going to sell the property, he asked who would they list the property with, and if not, a firm plan for what they were going to do. The City Commission had given the property owners steps, but hadn't seen much of those steps accomplished.

Cromwell said he didn't hear any reason to bring this discussion back to the City Commission next week. He suggested placing this property on the path of condemnation and at the same time the Barland Family needed to list the property for sale which would take a couple of months. He said hopefully, in the mean time for everyone's sake, the property would sell in the meantime. The reality was that staff would need to spend more than a week to figure out what to do with the condemnation.

Bob Barland said he would like the City Commission to give them a shot at coming up with a schedule. He said there were things that were out of their control. He said they had made some efforts that their father was not anxious to make when they cleared out the yard and took away a lot of those trees that were eyesores.

Corliss said on the condemnation process, it would probably take a few weeks to get the first steps on the agenda. Staff had to notify all the appropriate interests. There would be a resolution, then an ordinance for a couple readings. A petition with the district court would be worked up concurrently. There would be plenty of time for the property owner to work on a plan during that time and contact the City Commission.

Schumm said he liked that. If they came back with a plan it needed to show some financial wherewithal. The dollar amounts that had been discussed were an issue.

Amyx said if the property owners came back with a plan for the exterior, he asked if that plan would be acceptable for the City Commission. That was probably something needed in order to secure funding. Or was the City Commission looking for a plan of total renovation.

Schumm said he was looking at a plan for total renovation. The structure needed to be brought up to City's standards.

Carter said he agreed.

Amyx said two weeks from now, the Barlands would have that time frame to bring forth a plan for renovation of the property.

**Moved by Cromwell, seconded by Carter,** to direct staff to begin condemnation proceedings on 1106 Rhode Island, with the understanding that if a credible plan is brought forth by the property owner for renovation of the property then halting condemnation proceedings can be considered. Motion carried unanimously.

2. **Received a revised request from Downtown Lawrence Inc., to install a sign of community interest at the corner of 9<sup>th</sup> and Massachusetts Street. On August 21, 2012 the City Commission received the request for the sign and asked DLI to return with additional information.**

Scott McCullough, Planning Director, presented the staff report.

Cathy Hamilton, Downtown Lawrence, Inc. said it has been suggested that perhaps DLI had not done the best job educating the public about what DLI did to benefit the public at large. She presented a report regarding DLI's activities, and their plan for the sign.

Mayor Schumm called for public comment.

Amyx said regarding the placement of the sign, he wanted to make sure the sign didn't displace the hot dog vendor's location.

McCullough said he understood, staff had contacted the vendor and both uses would work.

Hamilton said she had contacted Mr. Frank as well.

**Moved by Amyx, seconded by Dever**, to approve the sign and direct staff to complete a use of right-of-way agreement. Motion carried unanimously.

3. **Considered initiating a text amendment to the Land Development Code that considered revising/clarifying the occupancy limits in all zoning districts.**

Scott McCullough, Planning Director, presented the staff report.

Schumm said when he started this request to look at single family dwellings that were not in single family zones, he was made aware that four unrelated individuals could live in a single family unit in a PUD or other kinds of developments, and he was interested in seeing if the City could align that situation with single family zones. He was interested in the single family nature of neighborhoods. Duplexes were a different kind of creature and he wasn't sure if he was as interested in seeing those go to three unrelated allowed. He said when the City Commission received the study back from planning staff, his question to staff was whether the City had to treat single family homes and duplexes the same.

McCullough said there were two different kinds of uses, two kinds of structure type, and he did not think so.

Amyx said under the recommended option, the changes that were seen came with a detached dwelling duplex in the zoning category.

McCullough said correct. Essentially, under today's code it was by zoning district. With the way staff thought they needed to look at it was not only zoning district, but housing structure type as well. They held to four in RM Districts no matter what was the housing structure type. If there was a single family home in the RM District, there was a four unrelated occupant limit. To address the issues of PD's (planned developments) in particular, if there was a detached dwelling, it would be reduced to a 3 occupant limit. He said to maintain the equity and fairness in the distribution of how the City treated types of neighborhoods, if they placed value on 3 occupant limit, in single family type neighborhoods and value on 4 occupant limit in non-single family type neighborhoods, staff believed it was an equitable way to address the issue. It had to be a combination of housing type and zoning district.

Amyx asked if there would be discussion about what constitutes a resident, because there were situations where families today, two individuals with multiple children, and did the children count.

McCullough said in single family there was a 3 unrelated occupant limit and children did not count. If there were three unrelated people living in a RS district, they were code compliant. If they had children that exceeded 3, they were still compliant. It was only when hitting 4, did they become non-compliant.

Amyx said he had several questions asked regarding the occupancy limit.

McCullough said staff could bring in that information through the process if that was helpful.

Carter asked if staff had any idea of the number of homes that actually would have to reduce the number of people living in their home.

McCullough said no.

Carter said he was guessing they were probably not looking at more than 20 to 25% of potential affected properties.

McCullough said if looking at the City's census numbers, the City was over 50% rented and would go toward that number of assuming.

Schumm said it could be families that rented too or could be less than 4 also.

McCullough said correct. The assumption, just based on how many could be rented, but the Mayor was correct in that there were any number of combinations of occupancies.

Mayor Schumm called for public comment.

Dan Dannenberg said he lived on a street that was primarily duplexes. The street and the associated parking were not suitable for a lot of traffic or cars. There was also a 6-plex on the street which was inserted through some sort of chicanery or spot zoning. Often duplexes along this street were occupied by students and were expanded by not using the garage for storage but for a playpen with flat screens, couches, and refrigerators. There should be a limit on those structures. There wasn't just street infrastructure to handle this traffic. There was a duplex nearby where a couple lived and there were five vehicles. They couldn't be parked in the garage and driveway, they had to be on the street. The neighborhood didn't have a situation where they could have a lot of extra people occupying those places, so any kind of reasonable limit that could be placed on these was called for. That was what needed to happen from his perspective, particularly with a 6-plex added to the street. He was speaking as an individual and not the neighborhood association.

Candice Davis, Oread Residents Association, said she would echo some of Dannenberg's comments. She said she supported 3 unrelated in all duplexes. Duplexes were a lower zoning and lower density. She asked about the justification today for a parking standard for duplexes

that was so different from other units. If there was not a family connection, those units, especially the mega units, were no longer family units. Imagine 4 units on each side with 8 students living there with their vehicles. There were even safety issues. Personally, she had concerns about the parking requirements for duplexes and she didn't think it was justified today.

McCullough said there had been some discussions on this issue. Detached dwellings and duplexes were required to have one space per bedroom. They were allowed to stack in the driveway. Anything above this in density had to be site planned and show a parking lot with parking shown per bedroom. The difference in duplexes was that stacking was allowed and didn't differentiate rentals. Duplexes could be owner occupied or rentals, but they acted more like single family units than apartments with regard to parking.

Schumm said the example that Davis cited which were 4 bedroom duplexes, he asked if those duplexes had to be site planned.

McCullough said duplexes did not get site planned, but the driveway had to demonstrate the 4 parking spaces. It would be likely a double driveway deep enough for 4 cars.

Schumm said they would need sufficient space to park 8 vehicles for the 2 four bedroom duplex units.

McCullough said yes.

Rob Farha said on principle he would like a third option of not initiating any text amendment. This was a taking. Any option, even with a grace period, would reduce income. Duplexes were bought and valued on income approach, and banks weren't going to offer a grace period. Option 2 did affect things personally for him.

Schumm said he felt there was an unfair taking in his neighborhood because the person letting their property fall apart across the street was taking value from other properties.

Farha said there were tools in the box right now to handle that type of situation.

Carter asked about Farha's comment, relating to the RM district, specifically in the Oread neighborhood.

Farha said Oread neighborhood was in an RM District. He said if going into option 2, a detached dwelling, single family home, he had a 4 bedroom home that was purchased based on the income of 4 bedrooms. Option 2 indicated that he had 18 months to rent to 3 people.

Carter said on the duplexes in lower density single family neighborhoods, duplexes were built as a more affordable option. They weren't necessarily built for student housing. In those single family neighborhood where duplexes had been put in, the parking requirements, for instance, based on the number of bedrooms equaled two, 2 bedroom duplexes and if zoned to where it was 4 unrelated, they would end up with 8 cars. He said the 4 or more, the vast majority was all either going to be college housing or 20 year old college students that were between college and getting on with their lives. He said that would be a more easily determinant of where that was appropriate. He said duplexes, to him, needed to be treated differently in different neighborhoods. He said the parking situation and the issues that came with 4 or more in a single family neighborhood, including duplexes because duplexes could upset the neighborhood as much as anything and duplexes were built as a more affordable single family housing option, not necessarily for college rentals.

He said McCullough proposed going to 3 on duplexes in commercial and industrial as a recommended option. He said he was curious why staff would be interested in that option because it was clearly not low intensity single family neighborhood.

McCullough said the reasoning behind that recommendation was not because it was necessarily put in place consciously for the intensity of those districts because they were throughout the City's history made non-conforming. North Lawrence was an example of that

where there were essentially single family neighborhoods that had the wrong zoning type associated with those existing uses. The commercial districts might be the exception, but clearly the way staff had analyzed the industrial districts, it was most prevalent in North Lawrence and staff had been trying to take steps to correct those with owner permission or approval, but they were the best example where there was one district, regulated with 4 districts opposite RS District, simply because the zoning was different and not because the use was any different or neighborhood was different.

Carter said he understood that it might or might not be more of a family neighborhood just based of the inconsistency of zoning. He said that was where he wanted to make sure there was some flexibility for those unintended consequences.

Amyx said under the recommended option, in the RM District, the occupancy didn't change.

McCullough said correct.

Amyx said he just wanted clarification.

Dever said it was important to stick with the original intent of this exercise which was to try to determine how they could keep residential neighborhoods residential, and encourage people to comply with the rules on occupancy. There was a lot of confusion over how many people could be in houses depending on what district. It was important to make it uniform if possible. He said regarding duplex issue, the land use or the type of structure should be assessed along with the zoning applications. Both the zoning and the land use needed to be examined and McCullough identified ways to do that carefully. He said when they changed all those occupancy limits, it was his understanding that PUD's and certain other places were left out of the formula, and staff was trying to fix that problem. He said as staff tried to fix that problem, they created problems for other land owners. He said he believed duplexes should be

treated separately from a single family dwelling. He said he was looking at aerial photos of University Drive where he once lived on that street and with the 12 aerial photographs, parking was never an issue and there had to be enough parking in the driveway or garage for the cars. He said putting a burden on the streets was an issue and didn't want to encourage that, but they could make sure there was enough parking on site to alleviate some of the stress on the streets. He said staff needed to examine this and look at the type of dwellings as well as the zoning code together.

Schumm said if they could separate single family dwellings from duplexes, he asked if it was possible to separate different zoning categories for duplexes or would that get extraordinarily complicated.

McCullough said one of the goals was to make it less confusing, but a lot of the RM Districts and above permit the duplex use in the zoning code. Detached dwelling and duplexes were two separate uses and was why he reported that they could be separated out if they took that approach. He said he believed the approach should be consistent and uniformly applied thorough out the city. He said it would start getting challenging to look at whether neighborhoods were predominantly rental versus single family because it would be getting away from the uniformity of the code and how it was applied, but staff could look at that idea with the Planning Commission to see if there was a way to reach that goal as well.

Schumm said that was what Commissioner Carter was concerned about.

Carter said yes.

Schumm said different neighborhoods have different functions. Around KU was more density and more student oriented and around the west part, the duplexes probably have different types of renters.

Amyx said the recommended option followed what was asked to be looked at, and establishing single family neighborhoods as single family. This met the original intent that the Mayor brought up.

Schumm said yes. As he said earlier, he was merely trying to securitize the single family structures in those neighborhoods to where they didn't fall prey to investors that wanted to use those homes for rentals. The economics were in favor of investor homes because the interest rates were so low. He said he was okay with going with the single family dwellings at this time.

Carter said they were just initiating it now, and there was a lot more to be discussed.

Schumm asked if it should be initiated with that idea.

McCullough said that would be helpful and would carry forth all those discussion points to the Planning Commission, but that primary direction was helpful.

**Moved by Cromwell, seconded by** Carter, to initiate the text amendment to the Land Development Code, revising and clarifying the occupancy limits in all zoning districts, with the direction to focus on single family dwellings in the different zones. Motion carried unanimously.

4. **Considered the following items related to the infrastructure improvements for the former Farmland Industries property:**

- a) **Adopting Resolution No. 7003, establishing a public hearing on the establishment of a Benefit District for street and water main improvements on February 19, 2013.**
- b) **Adopting Resolution No. 7004, establishing a Public Hearing on the establishment of a Benefit District for sanitary sewer improvements on February 19, 2013.**
- c) **Setting a bid date of March 12, 2013 to receive bids on the Farmland infrastructure projects.**

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

Amyx asked if building this roadway, did they hurt their opportunity for flexibility in changing the size of the lots available.

Corliss said it sets pretty solidly our plans out there. Staff had kicked around a lot of different plat layouts and had talked to Chamber leaders and others. There was a lot of flexibility to combine lots with relative ease. Staff believed there was quite a bit of flexibility on several lots, particularly the large one which was set back relatively far from 23<sup>rd</sup> Street. This was being done for primary jobs and employment, not stripped out commercial or any residential. It had the right mix of lots. When the infrastructure was in, then the properties could be shown and quickly available.

Soules said this would give people something to see. It's hard to show the properties now.

Dever said the main entrance and the ancillary exit were both reasonable. Lots could be cut in half and moved. This was a good and reasonable start.

Amyx said he just wanted to hear that that had been done and that there was the flexibility to market it.

Corliss said it was a balance to be able to show it and still have some flexibility.

Mayor Schumm called for public comment.

Hubbard Collinsworth said the rail spur came down and asked if there had been any additional thinking of a second rail spur coming in.

Corliss said no, but there would probably be additional work done if a user coming in needed it. The city hadn't made any additional investments yet until they know who an end user was and what they needed from rail. The existing rail spur would need significant refurbishment to make it usable.

Collinsworth asked if they could market some of it an intermodal hub like the Gardner area.

Corliss said there wouldn't be that level of activity. It would take quite a bit of investment to make it operable.

Amyx said the City now had a site, if rail was a necessity for a company the City had the ability to do that, which they didn't have before. This was an additional option.

Corliss said that was correct, but it was not ready for use without a lot of refurbishment.

Schumm said it was a great project.

Carter said he was happy to move this forward and make it happen.

**Moved by Amyx, seconded by Carter**, to adopt Resolution No. 7003 and Resolution No. 7004, establishing a public hearing date of February 19, 2013 on the establishment of a benefit district for sewer and water main improvements and sanitary sewer improvements, and set bid date of March 12, 2013. Motion carried unanimously.

5. **Receive City Auditor presentation on Performance Audit: Managing the Taste of Water.**

Mike Eglinski, City Auditor, presented the staff report.

Schumm said it seemed as the summer continued, staff had a better handle on how to handle this issue with carbon products. He said at his home there was a substantial issue early in the summer and later it was less noticeable. The question that would come up was whether they wanted to spend money on ozone treatment versus carbon, and where did the cost intersect?

Dave Wagner, Utilities Director, said staff hoped to answer that question as they studied the issue with the City's consultant. Staff didn't have an answer tonight but that was what they hoped to evaluate to be able to answer that question in the future.

Amyx asked if there was any correlation with the lack of rain with the taste and odor issues.

Wagner said staff was working with USGS, and he didn't think USGS could accurately predict that with their technology at this time.

Mayor Schumm called for public comment. None was received.

**Moved by Amyx, seconded by Cromwell,** to receive the report. Motion carried unanimously.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Carter said he wanted to bring up the issue of looking at fluoride in the water. He was hoping to look at, either in the department or the auditor, to look at the research from 2000 or more recent and look at the necessity and validity of adding that to the water.

Corliss said staff could quickly put together a report on what they did. It would take a little longer to present a review of the research. That would be more in depth. He asked if that was what Carter was looking for.

Carter said yes. He would really like to seek out some information, which was why he thought of the auditor looking at it as well. He suggested good solid reports on the pros and cons, to make sure the city was still comfortable with what they were doing.

Corliss said the Commission directs the auditor's work.

Carter asked what the auditor's schedule looked like.

Eglinski said he was working on the city/county agreements but that was not necessarily time sensitive.

Carter said his thought was to look at the modern research and have something more credible than the outdated research.

Schumm thought the direction was to have a relatively quick report that could be expanded later.

Corliss asked if there was a need to have a report from staff on the city's current practices.

Schumm said it could all go together.

**H: CALENDAR:**

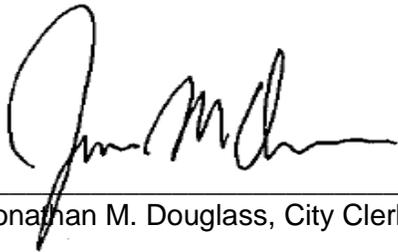
David Corliss, City Manager, reviewed calendar items.

**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 9:03 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 19, 2013.**



---

Jonathan M. Douglass, City Clerk