



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

November 5, 2013

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

A. STUDY SESSION:

1. Consider materials related to expanding the rental licensing and inspection program.

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 Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim Friday, November 8, 2013 as Celebrate Marine Corps Birthday.
2. Proclaim the week of November 11-15, 2013 as International Education Week

C. CONSENT AGENDA

Amyx asked that consent agenda item number 3, claims, be pulled from the consent agenda for a separate vote.

Farmer asked that consent agenda item number 21, regarding a License Agreement with Presto Convenience Stores be pulled from the consent agenda for separate discussion.

Schumm asked that consent agenda item number 10, annexing 9.842 acres located at 1352 N 1300 Road; consent agenda item number 11, initiating annexation of 21.17 acres, located along the Naismith Valley Creek north of 31st Street; consent agenda item number 12, annexing 14.53 acres along West 29th Terrace between Missouri Street and Belle Haven Drive; and, consent agenda item 13, rezoning 9.842 acres from County A (Agricultural) district to CR-



FP (Regional Commercial – Floodplain Overlay) District, located at 1352 N 1300 Road, be pulled for separate discussion.

It was moved by Farmer, seconded by Amyx, to approve the consent agenda as below, minus item 3, 10, 11, 12, and 13. Aye: Amyx, Dever, Farmer and Riordan. Nay: None.

Abstain: Schumm. Motion carried

1. Approved City Commission meeting minutes from 10/08/13 and 10/15/13.
2. Received minutes from various boards and commissions:

Bicycle Advisory Committee meeting of 09/17/13
Cultural District Task Force meetings of 10/08/13, 10/17/13, and 10/23/13
Public Health Board meeting of 08/19/13
3. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR A SEPARTE VOTE.
Approved claims to 285 vendors in the amount of \$3,584,242.35, and payroll from October 20, 2013 to November 2, 2013, in the amount of \$1,866,334.27.
4. Approved the Drinking Establishment License for Oriental Bistro & Grill, 1511 SW 23rd Street; Mad Greek, 907 Massachusetts Street; Club Liberty, 642 Massachusetts; Kangaroo, 1200 Oread Avenue, Ste: P415; Sandbar Subs, 745 New Hampshire; El Mezcal Mexican Restaurant, 1819 West 23rd Street; The Granada, 1020 Massachusetts; and, Wheatfields Baker & Café, 904 Vermont.
5. Approved the appointment of Steven Koprince to the Community Development Advisory Committee to a term which would expire September 30, 2016.
6. Bid and purchase items:
 - a) Set a bid opening date of November 26, 2013, for the building security systems needed for the recreation center at Rock Chalk Park.
 - b) Waived staff estimate on bid #B1351, and awarded bids for the 2013 Weatherization Program as follows:
 - #B1350 – Weather-stripping of entry doors – Airtight, Inc., for \$1,210.04
 - #B1351 – Storm windows – Ziegler Glass for \$14,511.48
 - #B1352 – Attic insulation – Airtight, Inc., for \$10,804.25
 - c) Awarded the bid for one front load refuse truck to Elliott Equipment, for \$221,685 and for three automated side load trucks to Downing Sales for \$661,422 for the Public Works Department.
 - d) Awarded the bid for one ½ ton pickup truck for the Public Works and one ½ ton pickup truck for the Finance Department, to Laird Noller Ford, for a total of \$43,404.

- e) Authorized the City Manager to execute Change Order No. 1 (Final) to the construction contract with Nowak Construction for project UT1105DS – 19th Street Waterline Replacement, increasing the contract amount by \$52,910.93 and extended the contract time by 32 calendar days.
 - f) Authorized payment to the Trustees of the Betty Allen Trust in the amount of \$54,873 for permanent and temporary easement acquisition for the Kaw Transmission Main project.
7. Adopted the following ordinances on second and final reading:
- a) Ordinance No. 8931, amending Section 19 of the City Code to set the non-emergency service charge for utility customers at \$25.00.
 - b) Ordinance No. 8920, to rezone (Z-13-00287) approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania Street (PC Item 7; approved 9-1 on 9/23/13).
 - c) Ordinance No. 8928 for landmark designation of 900 Rhode Island Street to the Lawrence Register of Historic Places.
 - d) Ordinance No. 8929 for landmark designation of 1500 Haskell Avenue to the Lawrence Register of Historic Places.
 - e) Ordinance No. 8930 for landmark designation of 1734 Kent Terrace, to the Lawrence Register of Historic Places.
8. Accepted dedication and vacation of easements and rights-of-way associated with MS-13-00388, Minor Subdivision for Lawrence Industrial Park Addition No 2, a one-lot industrial subdivision located at 800 E 30th Street. Submitted by Grob Engineering for Stanley R Zaremba, Trustee and Lois J Zaremba, Trustee; property owners of record.
9. Accepted dedications of easements shown on Minor Subdivision, MS-13-00411, May Addition, a Minor Subdivision Replat of Lot 33, Golf Club Subdivision located at 2012 Crossgate Drive. Submitted by Landplan Engineering, P.A. for Tony G May and Rebecca J May, property owners of record.
10. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved the request to annex, A-13-00340, approximately 9.842 acres located at 1352 N 1300 Rd. Submitted by Menard Inc., for Bruce Snodgrass, property owner of record. Adopt on first reading, Ordinance No. 8934, to annex (A-13-00340) approximately 9.842 acres located at 1352 N 1300 Rd. (PC Item 3A; approved 8-0-1 on 10/21/13)
11. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Initiated the annexation, A-13-00443, of approximately 21.17 acres. The property is located along the Naismith Valley Creek north of 31st Street. Submitted by the City of Lawrence, property owner of record.

12. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Initiated the annexation, A-13-00437, of approximately 14.53 acres. The property is located south of the homes along W. 29th Terrace between Missouri Street and Belle Haven Drive and extends south to the Naismith Valley Creek. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record.
13. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved a request to rezone, Z-13-00337, approximately 9.842 acres from County A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Rd. Submitted by Menard, Inc. for Bruce Snodgrass, property owner of record. Adopted on first reading, Ordinance No. 8935 and Ordinance No. 8939 to rezone (Z-13-00337) approximately 9.842 acres from County A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Rd. (PC Item 3B; approved 8-0-1 on 10/21/13)
14. Initiated the annexation, A-13-00291, of approximately 10.684 acres, located at 1338 E 1600 Road. Submitted by Grob Engineering Services, LLC., for Going South, LLC., property owner of record.
15. Accepted dedication of right-of-way for Lawrence Avenue and utility easements as shown on the Final Plat, PF-13-00395, for Holcom School Subdivision, a 1-lot subdivision of containing 8.763 acres. Approved request to defer public improvements or require a guarantee for public improvements at this time to allow the Final Plat to be recorded. Authorized the City Manager to execute an Access Easement Agreement with the Lawrence School District. The property is located on the east side of Lawrence Avenue and north of the Holcom Park tennis courts. The property is currently addressed as 2600 W. 25th Street. Submitted BG Consultants, Inc., for USD 497, property owner of record.
16. Approved Special Event, SE-13-00452, for a weekend market by Lawrence Flea Market located on Mount Oread Aerie 309 FOE Inc. property at 1803 W. 6th Street on November 9, 2013. Submitted by Danielle Rittenhouse, Lawrence Flea Market, with permission from Mount Oread Aerie 309 FOE Inc., property owner of record.
17. Approved Site Plan, SP-13-00389, and sidewalk dining and hospitality license for TCBY/Mrs. Fields located at 845 Massachusetts Street. Submitted by Paul Werner Architects for Gerling LLC, the property owner of record.
18. Authorized staff to issue a Request for Proposals to utilize \$50,000 of grant funds for the purpose of furthering historic preservation in the City of Lawrence.
19. Authorized Staff to negotiate an Engineering Services Agreement with HDR Engineering for Design Phase Engineering Services for project UT1310, Booster Pumping Improvements.
20. Received the City of Baldwin City notification regarding its intent to issue Industrial Revenue Bonds for Freestate Broadband to finance a project within Baldwin City, a portion of which traverses the City of Lawrence.

21. DEFERRED. Authorizing the City Manager to enter into a License Agreement with Presto Convenience Stores, LLC to allow for the installation and maintenance of ground water collection equipment within the right of way in the 800 block of Ohio Street.
22. Authorized the Mayor to sign a Subordination Agreement for Jeanette Reiling, 1064 Home Circle.
23. Received a letter from the Lawrence Douglas County Bicycle Advisory Committee concerning bike safety analysis; referred to staff for a report.

Moved by Farmer, seconded by Amyx to approve payroll in the amount of \$1,866,334.27. Aye: Amyx, Dever, Farmer, Schumm and Riordan. Nay: None.

Moved by Farmer, seconded by Amyx to approve non-Rock Chalk Park related claims to 283 vendors in the amount of \$3,566,757.97. Aye: Amyx, Dever, Farmer, and Riordan. Nay: None. Abstain: Schumm. Motion carried.

Moved by Schumm, seconded by Riordan to approve Rock Chalk Park related claims to 2 vendors in the amount of \$17,484.38. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Abstain: None. Motion carried.

Schumm asked that staff present consent agenda items 10, 11, 12 and 13.

Scott McCullough, Planning and Development Services Director, said item 10 was a request to annex a portion of property for the Menard's project that had been in the works for several months; item 11 would initiate annexation of 21 acres along the Naismith Valley Creek, north of 31st Street which was submitted by the City of Lawrence as part of a negotiation for property that also accommodated the City's utility property; item 12 initiated annexation of 14.53 acres, south of homes along West 29th Terrace between Missouri and Belle Haven which was submitted in the area of Menards property, a private development; and, item 13 was approving a request for rezoning to the community regional flood-plain overlay district. He said this was a piece of property commonly known as the Snodgrass parcel that was for the City Commission's consideration to actually annex that property. These items were processed through the Planning Commission last month with a request to rezone to the Community Regional Commercial Zoning District. He said the initiating annexation of 14.53 acres had accompanied

rezoning and together would go to the Planning Commission and back to the City Commission for actual review and consideration at a later date.

Moved by Schumm, seconded by Riordan, to approve consent agenda item 11, initiating the annexation, (A-13-00443) of approximately 21.17 acres, located along the Naismith Valley Creek north of 31st Street. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve consent agenda item 12, initiating the annexation, (A-13-00437) of approximately 14.53 acres, located south of the homes along West 29th Terrace between Missouri Street and Belle Haven Drive, and extended south to the Naismith Valley Creek. Motion carried unanimously.

Moved by Amyx, seconded by Riordan to approve consent agenda item 10, to approve the annexation, (A-13-00340) of approximately 9.842 acres located at 1352 N 1300 Road and adopt on first reading, Ordinance No. 8934, annexing (A-13-00340) approximately 9.842 acres located at 1352 N 1300 Road. Aye: Amyx, Dever, Farmer and Riordan. Nay: Schumm. Motion carried.

Moved by Farmer, seconded by Amyx, to approve consent agenda item 13, the rezoning, (Z-13-00337), approximately 9.842 acres, from County A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Road and adopt on first reading, Ordinance No. 8935 and Ordinance No. 8939, to rezone (Z-13-00337) approximately 9.842 acres from County Road A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Road. Aye: Amyx, Dever, Farmer and Riordan. Nay: Schumm. Motion carried.

Schumm said the reason why he was voting “no” for consent agenda items 10 and 13, was because he felt they were overloading this particular district with commercial and it needed to be spread across the City in order to balance the growth of the City. He said approving those rezonings would exacerbate that even more because it was going to be commercial property and he would continue to vote no.

Regarding consent agenda item 21, authorizing the City Manager to enter into a License Agreement with Presto Convenience Stores, LLC to allow for the installation and maintenance of ground water collection equipment within the right of way in the 800 block of Ohio Street, Farmer said he received correspondence from a property owner in the 800 block of Ohio Street indicating that they did not receive notification from the Kansas Department of Health and Environment regarding tearing up the pavement. He asked that the City Commission defer this issue to give that property owner more time to do research and correspond with KDHE to figure out what they might be able to do to make sure the investment that the property owners were making in those blocks of Ohio Street in Old West Lawrence. He asked if there was any way they could get the brick streets back to maintain the integrity of the neighborhood.

Chuck Soules, Public Works Director, said typically those monitoring wells were not necessarily placed in the street and they would put the wells behind the curb, in the right-of-way. If they had to dig a hole in the street it would be a 9 inch diameter hole. He said when they plugged the well they would put back the bricks as necessary.

Dever said not to be disrespectful in any way, but his experience was that KDHE would have to put in ground water collection devices. He said sometimes it had to be put in trenches below grade and would tear up the road, but would put the road back and draw from the trenches.

Soules said the wells that staff was involved with lately had been the 6 to 9 inch diameter hole where water was pumped out of that hole.

Farmer asked what if the street was torn up.

Soules said Mark Thiel, Assistant Public Works Director and Toni Wheeler, City Attorney, had been working on this issue for about a year. He said this issue was finally resolved and the agreement would commit the owner and/or the contractor that was doing the work to repair the streets which was part of the license agreement.

Farmer said he would like another week to review this agreement.

Dever said he agreed and they could obtain a diagram of location of the collection systems and whether or not they would put a trench in.

Moved by Schumm, seconded by Amyx, to defer consent agenda item 21 for two weeks. Motion carried unanimously.

D. CITY MANAGER’S REPORT:

David Corliss, City Manager, presented the report.

E. REGULAR AGENDA ITEMS:

1. **Received presentation from the Pedestrian Coalition.**

Laura Routh, speaking on behalf of the Lawrence Pedestrian Coalition, said they were a joint effort of the League of Women’s Voters and the Lawrence Association of Neighborhoods. She said their objective in sharing the policy memo was to offer what they believed were low hanging fruit or things that they, as a community, could do or start to do now, to improve pedestrian safety and access in Lawrence. She wanted to highlight a few of the recommendations they made and felt should be prioritized. She said firstly they needed robust implementation of the complete streets policy to include a pedestrian plan, design guidelines and a strategy for funding needed improvements. They needed to figure out how to implement the Complete Streets Frames of Vision. Secondly, they urged the City to continue improvements to and repair an infill of the sidewalk network including safe crossings, prioritization of sidewalks on arterial streets, and infill for known preferred pedestrian pathways or “goat paths.” She said this was not just about putting in recreational paths, but asking the City to tend to basic pedestrian infrastructure in the City core so that people could safely walk to work, to school, and to shopping. Thirdly, they believed that there needed to be better coordination between traffic safety, public works, law enforcement, and planning. Road building and traffic management should not occur in a vacuum. Pedestrian injuries and fatalities in this community were far too common. They believed that broader collaboration between city departments were key to improving safety and access. She shared some real life, real time

examples of the challenges and hazards that pedestrians in Lawrence faced and comments they received describing life as a pedestrian in Lawrence which reflected conditions all over town. Collectively they believed that a safer, more accessible pedestrian network in Lawrence was not only possible, but was necessary and long overdue. They were confident that the City Commission cared about pedestrian safety and wished to take forward steps to improve the community's walkability. She said they thanked the City Commission for their consideration of their comments and ideas and asked that the Commission let them know how they could help.

Farmer said initially, the Pedestrian Coalition was discussing a walk audit for the community. He asked Routh if that was still going on.

Routh said they briefly discussed that walk audit at one of the early meetings and one thing they came up against was that the City had a sidewalk map that was out of date. She said it was fairly difficult to organize individual neighborhoods to update because there weren't standard metrics and it would be futile to do that audit, unless everyone was doing it the same way. One of the requests they made to staff was to update that map in order for their coalition to get a handle on baseline conditions. Obviously, what she was sharing with the City Commission was anecdotal, but they were an ad hoc volunteer group of people that just wanted to be able to walk safely and didn't have a lot of resources other than good intentions, a monthly meeting, and a Facebook page that was remarkably popular.

Farmer asked when the last sidewalk audit completed.

Corliss said there was a sidewalk condition map that was completed in 2006. Staff made a few attempts at updating that map. He said he appreciated the interest, but one of the comments that he would correct that was made by Routh was that she knew the City Commission was interested in the issue, which was a true statement, but so was City staff. He said it would be good for staff to meet with this group and plot out some strategies and tactics about how they could improve sidewalks. He said they had devoted a lot of resources and wanted to put more resources to it. He said he had a lot more significant concerns when

looking at the City's landscape and City services provided and did not adequately maintain the City's sidewalk network. He said he had a few ideas in the past, but hadn't been able to successfully move forward at getting additional resources at that issue. He said they knew it was an issue that needed additional attention and Routh's group had been meeting and pleased they had communicated with the City Commission. He said he and staff wanted to meet with the coalition to talk about some of those concerns and come back with a report. He said staff received the letter from the coalition late Thursday and hadn't had a chance to develop any response.

Dever said the entire conundrum of the sidewalks was that they were owned by the adjacent property owners and the City didn't really have responsibility for those sidewalks. He said the first thing they needed to do was to solve that problem. He said Corliss had some ideas in the past and before they could take control of the problem, they had to take responsibility and/or ownership of the problem. Again, the sidewalks were basically the individual landowner's responsibility for the majority of the sidewalks in town and other than the rec paths that Routh mentioned, unless they owned those they could make people do anything until they put in new improvements or there was development on that street. He said in the older neighborhoods there was no need except for the need of sidewalks. He said the first step was how to manage that problem and then the clearing of the snow and other things that added up. He said they needed to resolve the sidewalk problem once and for all and how they would take ownership of the problem and how to fund the gap network.

Farmer said that might be something that the City Commission could direct Corliss and staff to come up with some suggestions on how the city would take ownership of that issue.

Dever said he had heard some of those suggestions and it would be good to share those suggestions again.

Corliss said staff wanted to make it clear that they were contacting property owners on a weekly basis telling them to fix sidewalks and he didn't want to change that message at this

point because staff was getting some level of compliance. He said staff wanted to talk long-term about how to get at that issue and how to have better data. He said staff put considerable resources in putting in sidewalks in the right spots. He said one of the first steps was to meet with that coalition and begin that discussion.

Dever said the City Commission could direct staff to meet with the coalition and formulate some ideas.

Mayor Dever called for public comment.

Carol Bowen said the City had a major stumbling block as far as whom was going to pay for what and how they were going to maintain sidewalks, but they also had a big stumbling block with mindset and that was something they needed to see some leadership from the City Commission. Staff was well versed in different types of things that they could do, but if staff didn't hear leadership from the City Commission, it wasn't going anywhere. She said things like granting variances instead of saying "no a sidewalk needed to be put in" or expecting more updated design for parking lots in new developments that accommodated pedestrians. One of the comments on the Facebook page was "why doesn't the City have sidewalks from the street to Wal-Greens and Checkers, or the street from Target to the bus stop. She said the roundabout that was requested at 9th and New Hampshire could be a great pedestrian refuge or a great place for bicycles. She asked why people thought a roundabout was somewhat like a barricade. She said then she saw the concept for another roundabout at Clinton Parkway and the whole concept was planned around cars. There was no discussion of anything else and asked what happened to the pedestrians, cyclist, and where was the bus stop. She said every time she comes to City Hall she give staff grief because City Hall was not accessible. She spent a half hour on how she was going to get to City Hall. She said the parking garage had a high incline and was not well lit and there was no button on the door at the end of City Hall. She went from the parking lot across the street and counted the number of inclines that were at least 30 degrees and there were 4 or 5 inclines right up to the City Hall door. She said not only that,

there was a trash can on the handicap ramp in the parking lot. She said her handicap made her more aware of what every pedestrian had to experience. She said this was not the only community that was having this issue; across the nation many communities had the same financing mechanism that this City did, but that didn't mean to follow those other cities. She said the City Commission needed to take a strong lead and think about things in a more comprehensive fashion. She said transportation was not just automobiles.

Dan Dannenberg thanked the City for providing the Lawrence Pedestrian Coalition meeting space in the Carnegie Library for their monthly meeting.

Schumm said Bowen mentioned the agenda item that the City Commission would be addressing about the roundabout. He said staff was proposing this section of Wakarusa Drive to be reconstructed with 10" concrete on a flyash treated base with a two way left turn lane, curb and gutter, storm sewer, bike lanes, and sidewalks on each side of the roadway. He said staff was paying attention to the pedestrian, bikes, and everything else. He said regardless of what anyone thought about roundabouts, this was a project up for discussion and included a lot of those things that they were worried about. The projects that were coming on board, staff was very sensitive to the Complete Streets Policy and the fact that bicyclist, walkers, joggers, and whatever kind of transportation was used should be used equally.

Moved by Schumm, seconded by Farmer, to direct staff to meet with the coalition and formulate a plan for improving sidewalks in Lawrence, KS. Motion carried unanimously.

2. **Consider approving a taxicab license for Christopher Turner, doing business as Party on Wheels.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Amyx asked if there had ever been a denial of a taxi cab license.

Douglass said they had a denial a few years back for someone that the City had trouble ascertaining how many vehicles, what type of vehicles, and getting straight information from the applicant.

Amyx asked if staff didn't have a complete application for the license to be approved.

Douglass said Code Enforcement went back and forth with this individual and was not able to be satisfied with the information.

Christopher Turner said he thought taxi service was much needed in Lawrence especially on the weekends with the extra 60,000 people in town for football games and other events. He said not only was it a convenience, but it applied to safety with the amount of people that were drinking on the weekends. He said he had been approved for a taxi cab permit before and thought this would be a formality.

Dever asked if Turner had a taxicab license before.

Turner said yes and thought it was just a renewal process.

Schumm asked if Turner had a license in the City.

Turner said yes, 2008 was when he was first licensed.

Schumm asked if the license expired.

Turner said the license expired and he moved away for a while and his business ceased. He said he just returned to Lawrence this year.

Schumm asked if Turner's cab business was a traditional taxicab business.

Turner said it was pretty much independent, but after getting licensed, he was looking to expand.

Schumm asked what type of vehicle Turner had.

Turner said it was a minivan.

Amyx asked what the name of Turner's business was in 2008.

Turner said it was Party on Wheels because he was a party bus company then and was expanding to the taxi cab side. He said right now he was focusing on taxi cabs and was doing business as Safe Cab.

Mayor Dever called for public comment.

Shawn Hoefler, Jayhawk Taxi, said his only concern was for the safety of his customers as well as the public and to make sure the insurance was actual commercial for taxi specifics. He said personal insurance didn't cover taxi cabs and insurance companies look for flaws and did not payout. He said if the insurance company found out that Turner was running illegally, they wouldn't payout and a lot of people would be hurt if there was an accident.

Dever said they asked that question at the Monday morning meeting and asked Douglass to confirm whether or not Turner's insurance was similar or adequate relative to the other providers in town.

Douglass said the insurance was adequate and most importantly met the provisions for taxi service. Staff verified with the insurance company that the insurance met City Code.

Brian Sorensen, Ground Transportation Services, said the other concern was that Turner used his taxi cab vehicle as his personal vehicle. He said they had commercial vehicles with commercial insurance and that was all they did with those vehicles. He said they knew Turner drove his vehicle as his personal vehicle throughout the day and placed a taxi light and rode it as a taxi service during the evenings. He said he didn't know insurance wise if that was something that could be done. All his vehicles were licensed as commercial vehicles and used for that purpose only, not as his personal vehicle.

Turner said that comment was untrue because he had two personal vehicles, a truck and a car as well.

Dever asked if Turner had any issues with his insurance company using his car for personal use and then using it for his business.

Turner said he didn't know that was an issue until now.

Dever asked if that was brought to Douglass attention previously.

Douglass said no, but he didn't believe there was any section of the code that would disallow that.

Dever said the City didn't have any control over that type of issue.

Douglass said correct.

Amyx said it didn't say anywhere in the code that that couldn't happen.

Dever asked if that was something Sorenson wanted the City Commission to take note of.

Amyx said there were people concerned about public safety and wanted to make sure the code was followed. He appreciated the questions brought forward by Sorenson and Hoefler about the code. He said after reviewing this taxi cab license, he saw no reason to deny the license for Turner.

Hoefler said he wanted to know the physical address of Turner's business and how long it would take to rewrite the code to involve a federal tax identification number as well as the insurance requirements because the code didn't specify the type of insurance.

Dever said if it wasn't in the code, the City couldn't require people to provide that information.

Douglass said currently it wasn't in the code, but it would be rewritten to include it in the code.

Farmer said this felt like people not wanting competitors to come to our community because every time, it was something else. He said Turner was trying to start up a business and everyone wanted to grow our local economy and have jobs. He said he enthusiastically would support this license and hoped this business, like every other local business, grew and prospered in this community.

Amyx asked if the taxi cabs businesses that were already licensed need to comply with the new rules or would they be grandfathered in under the existing code.

Douglass said currently all taxi cab licenses expired at the end of the year and it was conceivable that the code would be changed before the renewal time.

Dever said in renewing a Taxi Cab License, all taxi businesses would need to meet the new requirements.

Moved by Riordan, seconded by Schumm, to approve the taxicab license for Christopher Turner, doing business as Party on Wheels. Motion carried unanimously.

3. **Received an update on the Wakarusa 2014 Reconstruction Project.**

David Cronin, City Engineer, introduced the item.

Nicholas Voss, Project Engineer, presented the staff report.

Amyx asked if the four way stop at that location was a grade level C.

Voss said it was C for three of the four legs and was B for the other leg going north.

Dever asked if they currently had two lane roundabouts designed in Lawrence.

Voss said no.

Dever said the closest one in diameter was north, but it was still only a single lane rotary without any kind of second lane.

Mayor Dever called for public comment.

Alan Cowles said his first observation was that this intersection was quiet most of the time. During the recent construction, especially at the intersection of 15th and Wakarusa there was a lot of traffic diverted around that normally busy intersection. He said he had to wonder about those figures that had been given to the City Commission and if they had been made at any time when that construction was going on and didn't really represent the final situation. In fact, they wouldn't know the final situation would be until the 15th and K-10 Interchange was completed. He said he tried to get a sense of what the people in far west Lawrence felt about this and most were against it. He said they were particularly opposed to the idea of having a roundabout. A one way roundabout would be very insufficient for the north/south traffic, especially at heavy times and was not a reasonable possibility. Two lane roundabouts were a nightmare and he had driven those roundabouts in Britain. He said the British were experts at roundabouts and in Britain they couldn't handle the two lane roundabouts. He said it was hard enough for a person to stay in a lane even on a straight of way, but when getting to a roundabout, staying in their lane required particular attention to detail. He said he didn't think

they would be able to do it any better than the British and they didn't handle those roundabouts well at all. In addition, there was always someone that thought they needed to get ahead and dart around the traffic in the roundabout or coming out of the roundabout. Also, they needed to be able to handle those cyclists which would make it a 3 lane roundabout and would be even more of a nightmare. The project was going to cost about \$350,000 for a roundabout, a half million for a traffic light and at this point, it seemed to be very much unjustified and recommended that the City Commission not go any further with it at this time. The justification was lacking and there were a lot of other things this money could be used for such as the Homeless Shelter, the Heartland Community Health Center, Health Care Access, the library and lots of charity projects. He said this was one project that wasn't justified at this time and they could always get back into it later and if it became apparent that this was necessary and well justified. He recommended to the City Commission to turn this project down. He said Adrian Delnevo sent a letter to Voss, indicating that he did not see a need to changing in the existing configuration of Wakarusa and Legends. He said hopefully, Voss put a copy of that letter in the City Commission's packet.

Schumm said staff indicated that there was a warrant for some type of additional traffic consideration either now or in the near future. He said he lived in the western part of the City and it seemed that over the next few years there would be more and more traffic on the City's major arterial streets on Wakarusa as the City developed further north across 6th Street and fill in more on South Park. He said that being a major north/west access, it seemed that those streets tended to fill up such as Kasold, Monterey Way and Wakarusa. He said at some point, either now or in the near future there was going to be a need for some kind of additional remedy for traffic moving through those intersections. He asked if it was Cowles opinion that the people in that area would rather have a traffic signal then a roundabout or was Cowles saying to wait and restudy the whole thing at a later date.

Cowles said as there was more building, obviously there would be more traffic although they were getting pretty well built up at that location. He said the people in far west Lawrence were of two views and that was traffic light or no project at this point. He said they were particularly opposed to the roundabout idea and they had good reasons for that opposition.

Dever said no one had ever driven a two lane roundabout in Lawrence. He asked if they were judging the roundabout based on the other four examples of the roundabouts in this community. He said they could be against something, but had never driven a two lane roundabout in Lawrence. Dever asked if those people were against two lane roundabouts or any roundabout

Cowles said any roundabout.

Dever said any roundabout no matter what it looked like.

Cowles said correct. He said in England all the two lane roundabouts were nightmares.

Riordan asked if Cowles had ever driven down Ward Parkway in Kansas City.

Cowles said yes.

Riordan said that was a three lane roundabout which had been there since 1950.

Cowles said he didn't remember enough about that to comment on it.

Riordan said the people that were against the roundabout would be the same people that were for roundabouts on Harvard.

Cowles said people were against roundabouts just about everywhere.

Riordan said he understood that the reason they put roundabouts on Harvard was because the people that lived on Harvard wanted to reduce the traffic speed and make it safer and they requested the roundabout.

Cowles said that was a one lane roundabout and usually only had one automobile on the roundabout at a time simply because the traffic was so light in that area.

Riordan said were the people that were against this roundabout the people who were for the roundabout on Harvard.

Cowles said they didn't have enough of a sample to say anything about geographic distribution and the comments seem to come from all over.

Chris Tilden said he didn't come well prepared in terms of research to know what crash statistics said about that intersection. He said he could recall at least 3 occasions in which he heard accidents from his house, not more than a couple of hundred feet, close to Quail Run at that intersection and knew there had been some fairly serious accidents at that intersection and taking some sort of action would be helpful at this point in time. He said he did take pause thinking about the two lane roundabout going south on Wakarusa, turning left onto Inverness and negotiating getting into the right hand lane for traffic and needing to take the class on negotiating two lanes.

Dever said it sounded a lot more complicated than it really was.

Tilden said something needed to be done and while he hadn't research the plan in any detail, he was glad the City Commission was considering prudence to the intersection regardless of which decision the Commission made.

Dickie Heckler said he was pleased to hear the resurfacing of Wakarusa was going to take place and drove that area frequently. He asked if the sidewalks would be widened and thought ten foot sidewalks would be good.

Voss said 6 feet.

Heckler suggested making the sidewalks 10 feet. He said he saw a lot of pedestrian traffic and imagined bicyclers would like to be off of Wakarusa.

Corliss said the City's design profile for Wakarusa was to have bike lanes on both sides of the street. He said those lanes were already installed north and south of Bob Billings Parkway and planned on continuing that. He said that was why there was not a multi-use path along Wakarusa instead there was the sidewalk at the 6 foot width on both sides.

Dever said there were bike lanes and a ramp to get off the bike lane if one didn't want to navigate the roundabout, but chose to be a pedestrian and cross at the pedestrian crosswalk.

Corliss said correct.

Dan Ranjbar said he worked in the area and drove Wakarusa just about every day. He said he didn't know where he shook out in terms of being "for" a circle, a stop light, or just leaving it with a stop sign the way it was currently configured. He said that particular intersection seemed fairly docile. He said he left work and hit that stop sign going to Wakarusa and Harvard and that was completely backed up. He said if the purpose of the roundabout was to move traffic along then he thought what would happen was that Wakarusa and Harvard intersections would be slammed. He said right now it's backed up and if feeding more traffic into that intersection and there was a four way stop, it would be untenable. He said he owned a property that was a dental office that would be directly affected by this roundabout and how that would play out was a concern. He said he didn't see the allocation of resources for this particular intersection taking a priority of other intersections in this community.

Dever said he had the same question because he lived in the neighborhood. The engineers wanted to try and design the road so there was the same type of intersections at both Harvard and Inverness. He said they either had to go with one or the other. He said regarding Ranjbar's question about backing up, when the next phase took place, they would build another similar size roundabout at the intersection of Harvard and Wakarusa or if they chose not to put any signalization or just leave stop signs, there would probably be a stop light at Harvard and a stop light at Inverness. He said the engineers wanted it to be consistent on that one mile stretch of road. He said that was why they needed to decide now. He said he had the same question about the urgency.

Ranjbar said if looking at the two intersections and asking which one was a priority, they would need to look at that one first.

Dever said unfortunately they were only doing the southern half. He said they weren't going all the way to Harvard, but doing the first phase on the southern half. He said they didn't

have the resources to implement the next phase until next year. He said it would be ideal to try it out at Harvard.

Ranjbar said Harvard was where it was congested. The roundabouts that were on Harvard were to slow traffic down. He said a stop sign seemed to slow traffic down a little more than a roundabout.

Dever said that was if the traffic stopped.

Ranjbar asked what the adjacent properties should expect in terms of treatment.

Dever said Ranjbar could talk to the engineers because they had a workup on the layout and design.

Heather Hughes asked if there would be construction this year and next year on those two intersections, regardless of what choice was made.

Dever said yes, the entire road was being rebuilt north to south for that mile stretch.

Hughes said with the new exit on K-10 to Bob Billings it could definitely impact the traffic patterns on Wakarusa. She said when looking at the exit of 6th Street off of K-10 from 5 pm to 6 pm cars were backed up clear back to K-10 on the ramp and all those cars were diverting down 6th Street and feeding into Wakarusa to those neighborhoods. She said it would be nice to wait and see what happened with the new traffic patterns with the opening of that exit. She said the brevity of the situation was very significant if what went on at that intersection would be mimicked at Harvard. She said she agreed with Ranjbar that when getting closer to Wakarusa on 6th Street it was more and more bottlenecked. She said if they did roundabouts, she understood roundabouts were in Kansas City, but from what she witnessed in this town, they needed significant education for citizens on how to use roundabouts. She said she ran those streets every day, drove her car on those streets and at the intersections of Inverness and Legends, she never had a long wait.

Michael Almon said he was an unabashed fan of roundabouts. He said he had a degree in design and felt that those roundabouts came down to how they were designed. The

roundabout at 19th and Barker was designed fabulously. The roundabout at Monterey and Harvard was horrible. He said when he drove through 19th and Barker intersection he only had to stop a handful of times. He said there was only one rule of a roundabout which was to yield to the car on the left. He asked staff how wide were the auto lanes.

Voss said they were 11 feet.

Almon asked if there were bicycle lanes in the roundabout.

Dever said no. He said a person would choose the center lane and go through it or choose the pedestrian walkway because there was a ramp to get in and out of the roundabout.

Almon said like the roundabout at O'Connell. He said that was a fabulous design. He said because there was different levels of experience of bicyclist, and if giving those bicyclist options, they could either navigate the roundabout as traffic or go on the sidewalk as a pedestrian. As long as it was readily and easily designed so the ramp on the sidewalk was chosen very easily. He said he also liked the fact that a roundabout meant fewer conflicts for pedestrians and crossed only one or two lanes at a time instead of 4 or 6 lanes and could go to the middle and look the other way and were always looking one direction for the traffic instead of both ways. It was much safer for pedestrians for that reason too. It seemed once people experienced the roundabout that was well designed, it worked well. He said he didn't agree that moving traffic through the roundabout which it very efficiently did with fewer stops, did anything for the intersection at Harvard. He said they weren't talking about increasing the volume of traffic. There wasn't going to be more cars at Harvard, but more smoothly flowing through the roundabout at Legends and would get to Harvard the same time otherwise, just in different waves. He said they had to look at this from a whole systems design to consider and it was a good idea to do it now rather than wait and see what happened at K-10 and Bob Billings. He said by then things were set in concrete literally. He said he liked being proactive and anticipate the traffic counts because the City had an engineering department to do those counts. He said he couldn't question or verify those numbers but assumed that they were looking at all that and

should be proactive on this roundabout. If people on the west side didn't like roundabouts, and wondered if hearsay really represented all the people, he would be happy to have it his neighborhood.

Angela Heili said at George Williams Way and Harvard Intersection a semi truck that was too big for the intersection had to turn the corner and had no choice but to take out the retaining wall and she suggested not having those retaining walls in the roundabouts. She said a roundabout would work smoothly if everyone knew how to navigate through the roundabout. She said there was one more rule than just yielding to the left, which was to use the blinker to let people know what exit you're taking otherwise it was a glorified 4 way stop. She said she voted for the 4 way stop or the lights.

Robert Lewis said he went to graduate school at the University of Wisconsin in Madison. The students in two different departments became very close and they started having reunions and the 25 reunion was in 1990. Driving to the golf course in the newer part of town there were two lane roundabouts. The first time you hit the roundabout was frightening, but the natives told him to be careful during the winter time because the roundabouts could be total disasters if the ice wasn't kept off the roundabout. He said it tied up traffic and lots of accidents.

Dever asked if the natives liked the roundabouts.

Lewis said he didn't talk to the natives that much and the natives of Madison did not have a roundabout in their particular part of town, but were on the newer part of town on the west side.

George Hughes said he owned Glory Day's Pizza which was located at 6th and Wakarusa since 1999. He said he had a couple of issues. The first issue was if the money needed to be spent, they needed to wait and let KDOT invest their funds and see if they could improve traffic on Bob Billings and KDOT would be connecting George Williams, north and south and could move traffic one mile to the west. He said the City could be building the biggest roundabout in Lawrence and be the least used, especially if everything kept migrating west. He

said his other point was when talking about two, two lane roundabouts back to back, a person didn't need to go much further than Topeka, Kansas. He said at 46th and Highway 75 there were 3 roundabouts back to back and wasn't the safest. He said when trying to pull out of the shopping center at 6th & Wakarusa, and taking a left or right turn, a person was continuing to be peppered from both directions from the traffic from those 4 way stops. There was no flow control. He said he would like to see a light, but there were 2 four way stops in between. He said a better place for a light would be at Harvard. He said he didn't see how the roundabout would solve the traffic problem in fact it would probably create more issues because nobody was stopping for anybody.

KT Walsh said should there be a roundabout this was the perfect opportunity for the Percent for Art Projects. She said the City's roundabouts were very pretty. She said there was a sculpture at 19th & Barker because someone never picked up their sculpture from the downtown sculpture project. She said the City already had the protocol in place with the Cultural Arts Commission and it could be restricted to regional artist so the money stayed in the area.

Cronin said there were a lot of questions about possibly putting in the roundabout later. He said it was a service B which was generally acceptable for now, but staff projected traffic growth in the future and with the construction going on now the economy could improve the intersection and certainly did not want to go back in five years and tear it up again to do either a roundabout or signal and thought now was the appropriate time to make the improvements. He said regarding the comments about the roundabouts being designed appropriately, this roundabout would be the biggest roundabout in the city. Currently there were 19 roundabouts in the City of Lawrence and hadn't seen any more accidents at roundabouts than they had a signals. The roundabouts on Harvard were retrofitted to keep those roundabouts within right-of-way. He said the 150 foot radius was a little large for this proposed roundabout. He said the monuments on the southwest corner might need to be moved back and the monument on the

northwest corner appeared to be outside of the construction limits and would likely be okay to remain in place. He said from an engineering prospective, regarding roundabouts, they looked at three things which were safety, efficiency of traffic, and cost. He said if they were going to make an improvement between a traffic signal or a roundabout, staff thought it was safer for pedestrians and accidents. He said regarding efficiency, the level of service on Wakarusa would go down to a D with a traffic signal because of the pedestrian phase, but the roundabout would maintain an A. He said the cost for the roundabout was less than a new traffic signal, less maintenance cost, electricity, more environmentally friendly and complied with the Complete Streets Policy.

Schumm said in talking about accidents, Cronin indicated that there were not any more than regular intersections and he asked if there were less than regular intersections.

Cronin said no. Staff hadn't performed any studies with roundabouts in Lawrence. He said there had been studies performed and had shown that they were equal accident probability with a roundabout or traffic signal. It also probably depended upon the location, size, and other factors.

Schumm said he received an email regarding the pedestrian crosswalk in that area. He said there was a school in the area and asked if there were going to be pedestrian signs to stop for pedestrians in the crosswalk or did they have a safe haven in the middle of the crosswalk.

Cronin said there was a refuge island in the middle and did not have the pedestrian head with the walk or don't walk sign.

Schumm said in the downtown area, if walking in a crosswalk, he asked if there was a state law where vehicles had to stop for that pedestrian. He asked if there was a similar feature.

Cronin said yes. The vehicle needed to yield the pedestrian.

Schumm asked if there would be signage.

Cronin said yes.

Riordan said one of the legitimate concerns was snow because a vehicle was not just moving forward, but laterally. He asked for Cronin's comments concerning that issue.

Cronin said he didn't know if it would be less safe in the snow, but it would be a priority for the maintenance crews to put sand and salt down to get better traction in roundabouts. He said with a signal, if a person was sliding, it could be more dangerous for other people crossing the street. He said staff could probably focus more on clearing the snow.

Amyx asked about the number of accidents at that location.

Cronin said he did not know.

David Woosley, Traffic Engineer, said he didn't have any recent data at that intersection, but he could say the reason there was an all-way stop at that location was because of crashes. There was not enough volume to warrant an all-way stop when it was put in and was only because of crashes as well as at Harvard Road because of the number of crashes.

Amyx said there was discussion about finding out median speed.

Woosley said staff was going to try and find out that information, but because of the weather they weren't able to get that data.

Farmer said he would like to see crash data at the roundabouts currently in Lawrence versus what there was before and what there were at those 4 way stops and compare it to when the 4 way stops were put in to figure out if it would be a good venture. He also asked about national statistics on roundabouts. He said he wanted to see numbers such as the average speed going around one lane two lane at 80', 90', and 120'.

Dever said he was looking at Wanamaker and there were four roundabouts in a row, north and south. He said all their new construction looked like they were doing everything with roundabouts at those types of intersections. The profile looked very similar to West Lawrence as far as the layout. He said he would like to get some feedback regarding the roundabouts at Wanamaker.

Cronin said this design was probably similar in size to those with the two lanes.

Dever said those roundabout look exactly the same and wondered what the traffic flow looked like because it was the same distance from 6th Street to 23rd Street. He said along with the statistics he would like to know how Topeka felt those roundabouts were operating because the city was making a commitment even though it was unnecessary at this time based on traffic volume. He said he understood why staff wanted to put the roundabout in, but he wanted to make sure the Commission was making the right decision for the dollars they were spending. He asked if they could prewire the intersection for a light in the event they didn't move forward and then they wouldn't need to tear up the intersection. He said if they went back to a four-way stop and put it back the way it was, he asked if it could be prewired and how much money would it take to put in the necessary wiring for a signal.

Cronin said staff could install the conduit. The main additional expense with the traffic signal was putting in the pavement widening for the dedicated left turn lane. He said staff would have to retro fit that in and the road would need to be widened to put the left turn lane in.

Dever asked if staff could build it wider at that location.

Cronin said yes and the signal would not need to be installed until it was warranted. The signal was \$250,000 to \$300,000 and the pavement widening was about \$200,000.

Dever said they needed to widen the road anyway. He said if a roundabout was placed at that location staff would be asking for right-of-way on all four sides of the road.

Cronin said correct.

Dever asked how much of the road was Cronin wanting to widen and asked if it was just the section right by the intersection and was it a similar swath of land as they would grab for the right-of-way for the roundabout.

Cronin said they would not need a right of way for the traffic signal and the widening for the pavement would most likely be within the right-of-way. He said they would need to put sidewalks in and when widening the road the sidewalk would need to be put back further and sometimes they use a pedestrian easement. He said they were not anticipating any right-of-

way acquisition with the widening on Inverness or Legends Drive for the left turn lane. He said they would need a sliver for the roundabout.

Dever said when Cronin reported back to the Commission he would like to know the cost of preinstalling the conduit and whatever width of the road Cronin needed. He said if the Commission didn't chose to make a decision, it would be nice to know what it would cost.

Schumm said in Lenexa, near the Bass Pro Shop, there was a two lane roundabout, in fact there might be two of those roundabouts and if staff was collecting information, it would be good to get information from the City of Lenexa on accidents and the functionality of those roundabouts. He said it was amazing that both east and west cities were putting in two lane roundabouts and those cities must have the same concerns that Lawrence had. He said maybe Lawrence could learn more about those other cities experiences to help the City Commission to make a good decision. He also suggested getting the accident counts Lenexa was experiencing.

Amyx said he noticed that in the staff report it mentioned design plans and wondered that if in 2013, they could stay on some kind of schedule and asked what kind of timeframe was needed to follow to make a decision on this issue.

Cronin said staff was in the midst of designing plans. Staff anticipated putting the plans out to bid around March or April and was optimistic. He said construction would begin late spring or early summer which was estimated at 6 months. He said staff would like some direction within the next month so they could have enough time to make the appropriate design changes. He said either way it would take staff time, but had limited resources. He said staff could certainly get all the data the City Commission requested and bring it back to the Commission.

Dever said he appreciated staff bringing this design to the City Commission, but the Commission wasn't ready to make a decision.

Moved by Amyx, seconded by Schumm, to defer consideration of this item until November 26 to receive appropriate additional information from staff. Motion carried unanimously.

4. **Consider approving the following rezoning requests for 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.**

- a) **Z-13-00350, approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District. Adopt on first reading, Ordinance No. 8932, to rezone (Z-13-00350) approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 1146 Haskell Ave. (PC Item 2A; approved 9-0 on 10/21/13)**
- b) **Z-13-00351, approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial District) District. Adopt on first reading, Ordinance No. 8936, to rezone (Z-13-00351) approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial District) District, located at 1146 Haskell Ave. (PC Item 2B; approved 8-1 on 10/21/13)**
- c) **Z-13-00408, approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District. Adopt on first reading, Ordinance No. 8933, to rezone (Z-13-00408) approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at 1146 Haskell Ave. (PC Item 2C; approved 9-0 on 10/21/13)**

Mary Miller, Planner, presented the staff report.

McCullough asked the Commissioners to disclose any ex parte communications.

Farmer said he spoke with Melinda Henderson.

Amyx said he had none.

Dever said he had none.

Schumm said he had none.

Riordan said he had none.

Schumm said he thought the City Commission might want to retain site plan approval because this had been a difficult site and required a lot of negotiating.

Mayor Dever called for public comment.

Eric Jones, Struct/Restruct LLC, said they were a small design build company in East Lawrence and currently had 6 employees. He said they had rapidly outgrown their space at 920 Delaware over the last 5 years and had the opportunity to purchase this property from the current owner. He said over the last 4 months, they had been working with the current owner and coming up with ideas. He said they wanted to maintain the commercial property that sat at the corner of 12th and Haskell, donate a little over two acres to the City in hopes for some improvements for a park and possibly an extension of the Burrough's Creek Trail and develop 9 residential lots to the east with the commercial property that would be sold off and had single-family residences built on those properties.

Matt Jones, Struct/Restruct LLC, said he brought pictures of their current location. He said the property was zoned IL (Limited Industrial District) and had residential across the street. He said they had the opportunity to work on a number of the houses in the neighborhood and liked to think that there presents had been a benefit to the neighborhood and hoped to be able to extend that benefit into the greater area.

Dever asked if they were opposed to the restriction placed on the IL (Limited Industrial District) use by the Planning Commission.

Matt Jones said not at all. Out of the three request, there was one that he was concerned about which was the general industrial. He said they were a wood shop and did custom work for homes out of their shop. He said they also crafted furniture, most of which was custom and had some small production type furniture pieces that they were producing and that was an idea they would further like to pursue. He said it was between craft and manufacturing.

Schumm asked if they wouldn't care if they restricted two out of the three rezoning.

Matt Jones said he didn't have a problem the laundry service or the small collection recycling not being included.

Schumm said it was their intent for the general industrial to use it as their own shop.

Eric Jones said yes.

Matt Jones said when they first submitted the list of restrictions, the laundry facility and the small recycling were on the list, but he wasn't sure why they were removed.

Michael Almon said right now the site was residential zoning and had been since 1966. Since they managed to persuade the current owner to move, they envisioned this site in a number of ways either park land or an appropriate type of development which Struct/Restruct LLC had brought forward and was something they felt could be very compatible. He said they loved Struct/Restruct LLC, but what they were concerned with was what might happen in the future and staff was correct in saying that the zoning ran with the land. He said whatever zoning went on the land now it would be that zoning, unless the next landowner requested that it be changed. He said this was submitted by Struct/Restruct for B.K. Rental LLC which was Bo Killough who was the property owner of record. He said this was a public giving and the increased value would go to Killough who did not deserve it for his track record. The most important thing was if the Commission up zoned this to IL, that it be contingent upon closing the sale and recording the deed. He said if nothing else, he asked the City Commission to do that. The staff report also mentioned a couple of things which was locational criteria did not meet the location criteria necessary of a location of a new industrial zoning district. He said they liked what Struct/Restruct LLC, was providing and basically it was a commercial operation. He said they wanted to support that, but wanted it done airtight so it didn't go back to that first image. Staff went to the point of claiming that this was

adjacent to the Burroughs Creek Corridor which they portrayed as an industrial corridor and they also mentioned that this was from Horizon 2020. The industrial corridor went from 31st Street up to the river and those were the snowflakes which was incorrect. The corridor was from 23rd Street to 11th Street. The only industrial area in that entire part of their neighborhood was at 19th and Haskell and those were really commercial warehouse operations and not manufacturing. The Burrough's Creek Plan specifically called for downzoning industrial properties in that previously industrial corridor. Staff could not refer to that area as an industrial corridor. Specifically 15 properties, the plan called for downzoning. He said they wanted to have those types of conditions and Section 20-1101, if a nonresidential use located within 500 feet of any less intensive residential district, the City Commission could impose conditions.

Dever said he read that in the letter and the City Commission understood what Almon wanted. He said what Almon was asking was to restrict it to land use based on a purchase and transferred from Bo Killough to the new owners.

Almon said correct, he said they didn't know if they needed a General Industrial to craft furniture.

Dickie Heckler said he concurred with the document submitted on-line by Michael Almon, Byron Wiley, League of Women Voters, and the Brookcreek Neighborhood by way of Julie Mitchell their president.

Byron Wiley said in general he was very impressed with the plan brought forward and had communicated with their neighborhood. He said his concerns were outlined in the letter and since the zoning was permanent, he wanted to make sure if the owners ever sold or the condition upon the sale of the property to prevent a future neighborhood disaster.

Andrea Repinsky, Vice President of the Brookcreek Neighborhood Association, said their association agreed with the comments heard so far and that they supported

the proposal of Struct/Restruct LLC and anticipated that they would be good neighbors. She said this was the best possible proposal expected for this site. It had been great to see that all the neighbors at their meetings had been generally unanimous in how they viewed the issues and how they had general support for the proposal. They supported the restrictions as proposed by City staff. She didn't think that the neighborhood would be generally supportive of allowing any kind of recycling processing or collection center in the future because of the past. There was some concern with the neighbors about flood issues and asked that in the future to keep an eye on the flood issues to make sure that future residence on the site and the surrounding neighborhood stay safe. There was excitement about potential trail connections between Brookcreek Park and the Burroughs Creek Trails and encouraged the Commission to keep an eye on that issue as well. The neighborhood association would be interested in participating in any discussions that occurred on how that site was used and planned in the future. She said they were available to work with the City and have discussions on flood issues and anything with this site. She thanked the City Commission for their support in dealing with issues in the past.

KT Walsh said in East Lawrence they had a really fine experience with Struct/Restruct LLC as a company. Struct/Restruct LLC had been very respectful of the neighborhood and came to their neighborhood early with their plans. He said their company was very open to the neighborhood and had worked well and respectfully with the Historic Resources Commission and understood historic preservation very well. She said that was very important to East Lawrence as well as Brookcreek Neighborhood. She said the company was proposing to gift the land to the City to help extend Burroughs Creek Trail to the river which had been a dream of a lot of people for a long time. She said regarding the manufacturing of furniture, she thought it was art furniture

and commissioned furniture and struck her less as a manufacturing facility than a studio space and didn't know how that would affect zoning.

Emily Winters said they had been working with Struct/Restruct LLC the past year. She said they had been wonderful and wanted to put in her support and would love to have them as neighbors. She was also excited about the expansion of the Burroughs Creek Trail because it was used all the time.

Schumm asked if the Burroughs Creek Trail was going to be extended to the east and north.

Winters said yes. She said there was discussion about using part of that City land by the gas station for the City's Police Vehicles as parking and constructing a bridge across the creek that would be access to the park.

Dever said he wanted to make sure the City Commission was generally in favor of additional restrictions as requested.

Schumm asked if there was a different classification other than general industrial for a furniture making operation.

McCullough said there was a limited manufacturing component but that was with no outside storage, but staff understood there would be outdoor storage. He said there were a couple of things that the Commission could do which was to require that the general industrial use be a special use permit and there was also the protection about the site plan automatically coming to the City Commission even if it was an allowed permitted use and not a special use permit. He said there were some things that probably need to remain to accommodate the presumed use as the company grew and it was deleting laundry service and small collection recycling which they would add to the prohibited uses if the applicant was agreeable to that idea.

Schumm said if the Commission approved those rezonings, they would have to have at least 4 votes because they were changing what the Planning Commission

recommended. He said the Commission would want to prohibit laundry and small recycling collections, allow for a furniture manufacturing accommodation under an SUP and require that site plans be approved by the City Commission.

McCullough said that was an option. He said allow general industrial under and SUP and then require site plans to come to the City Commission which would include the initial site plan with Struct/Restruct LLC.

Eric Jones said it just wasn't strictly furniture. He said they generally milled trim, baseboard, casings, made doors, and kitchen cabinets. He said limiting those uses was somewhat concerning.

McCullough said he didn't think it would limit it to furniture. He said the use itself would go through a process more public than administrative.

Schumm said they would want to tie the condition of the zoning to the execution of the contract.

Dever said yes, that was what the applicant asked.

McCullough said there would be nothing to prevent if the deal fell through after that to sell it back to Killough. He said there was no way to guarantee that Killough or any other owner didn't become an owner in the future. He said from staff's perspective if they received the right conditions on the zoning it shouldn't matter who developed it further with the site plan.

Schumm said especially if it was an SUP. If the property was purchased on contract and the contract failed, it reverted back to the original.

McCullough said there was no way to track or enforce that from staff's perspective.

Amyx asked if the Commission would have the opportunity, if for some reason this particular use fell apart, they could always initiate some other rezoning of that property.

McCullough said yes. The City Commission had the authority to initiate rezoning.

Amyx said regarding the comment on the decision on rezoning rested with the owner of the next property, the City Commission also had the right to initiate the rezoning of property.

Moved by Schumm, seconded by Riordan, approving the rezoning (Z-13-00350) of approximately 2.186 acres from RS10 District to RS7 District, located at 1146 Haskell Ave, and to adopt on first reading, Ordinance No. 8932. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, approving the rezoning (Z-13-00351) of approximately 1.785 acres from RS10 District to IL District, located at 1146 Haskell Ave, and to adopt on first reading, Ordinance No. 8936, adding conditions for no laundry facility use, no recycling collection use, require site plan to be approved by city commission, and allowing general industrial use under a Special Use Permit. Motion carried unanimously.

Moved by Schumm, seconded by Amyx, approving rezoning (Z-13-00408) of approximately 2.384 acres from RS10 District to OS District, located at 1146 Haskell Ave, and adopted on first reading, Ordinance No. 8933. Motion carried unanimously.

The City Commission recessed for a 10 minute break at 9:12 p.m. and returned at approximately 9:22 p.m.

5. **Consider approving a Text Amendment, TA-13-00336, to the City of Lawrence Land Development Code, Chapter 20, to include Bar or Lounge as a permitted use in the CN2 (Neighborhood Commercial Center) District. Adopted on first reading, Ordinance No. 8937, for a Text Amendment (TA-13-00336) to the City of Lawrence Land Development Code, Chapter 20, to include Bar or Lounge as a permitted use in the CN2 (Neighborhood Commercial Center) District. (PC Item 4; approved 8-1 on 10/21/13. Recommended option 2, permit the use by right with a use standard that limits the gross floor area to 3,000 gross sq. ft. including any outdoor space, with an amendment that permits uses greater than 3,000 gross sq. ft. with an SUP.)**

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

Mayor Dever called for public comment.

After receiving no public comment, Amyx said regarding the exiting CN2 Districts, his only concern was 14th and Massachusetts and its proximity to the school. The applicant needed to meet the distance requirements from a school.

Moved by Amyx, seconded by Farmer, to approve Text Amendment (TA-13-00336) to the City of Lawrence Land Development Code, Chapter 20, to include *Bar or Lounge* as a permitted use in the CN2 (Neighborhood Commercial Center) District, and adopt on first reading, Ordinance No. 8937. Motion carried unanimously.

6. **Conducted public hearing on the Farmland Infrastructure Benefit District and considered adopting Resolution No. 7049, setting out the findings of the Governing Body and directing the improvements to be made.**

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

Moved by Schumm, seconded by Farmer, to open the public hearing. Motion carried unanimously.

Michael Almon said he wanted to focus on the connection to 19th Street. He said he didn't know how the traffic would play out, but most traffic would go to K-10 he assumed. Currently, Brookcreek neighborhood, which East Lawrence neighborhood was immediately adjacent and they received a fair amount of rush hour traffic morning and evening from the East Hills Industrial Park, via north 1500 Road or 15th Street. He said 19th Street was the southern edge of their neighborhood and the City Manager came to their neighborhood meeting a year and a half ago explaining and pointing out how traffic would increase on 19th Street. It somewhat tied into their interest about having a roundabout at 19th and Haskell too. He said everyone had in on their radar that 19th Street to Iowa Street was probably going to be upgraded sooner or later.

Corliss said he appreciated Almon pointing out those concerns. Staff was doing a change order on O'Connell Road, north of the east/west road to put that road up to 19th Street. They were committed to not opening up the connection to 19th Street until a couple of things happen. One was to continue to meet with the neighborhood to ensure that they could reduce cut-through traffic on any redesign of 19th Street. He said just importantly they wanted to rebuild 19th Street with the appropriate configuration, bike land, sidewalks, and whatever was needed to ensure that it could be a good connection to Lawrence VenturePark and East Hills Business Park for people that were going to work at those locations. He said hopefully, those people could walk, bike, or drive to that location and didn't want it to be a cut-through traffic for any of the industrial park uses. He said staff thought they could use the neighborhood input or design processes to make sure that didn't happen. He said staff was committed to rebuilding 19th Street and asked the County to financially participate. It was an old county section line road and didn't have sidewalks and not a particularly good street for traffic, but it could be improved. He said it was about two or three years ago when staff talked about the traffic issues to make sure it was a good connection between VenturePark and the neighborhood. He said what they really wanted was primary jobs located at VenturePark and East Hills and the opportunity for the people that worked at those industrial parks to walk, bike and travel back and forth on 19th Street and not have to travel on the State Highway or 23rd Street.

Almon said he appreciated all of those ideas and overall it was an excellent plan. He said he wanted to commend the City in general for taking this on. He said they viewed this as part of a package of preserving some of the farmland and using brown fields instead of green fields and tied hand and hand with the Northeast Sector Plan and that entire area.

Moved by Schumm, seconded by Riordan to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Schumm, to adopt Resolution No. 7049, setting out the findings and determinations of the governing body of the City of Lawrence, Kansas, and ordering the construction of streets in the former Farmland property as shown in the map attached as Exhibit A, including property acquisition, bicycle facilities, sidewalks on both sides, subgrade stabilization, stormwater improvements, grading, waterlines within the public right of way, and other necessary and appropriate improvements. Motion carried unanimously.

7. **Received an update on the Lawrence VenturePark Development.**

Matt Bond, Stormwater Engineer, presented the staff report.

Schumm said when removing that sludge over to the east side, he asked what would happen to that sludge and was it a caustic material now.

Bond said the sludge had heavy metals and was in the bottom 2 or 3 feet of the sludge in those ponds. He said they would put the sludge in the east lime pond and cap it.

Schumm said it would be buried for a long time.

Bond said correct.

Dever said he always liked to see progress which was substantial on this site.

Corliss said they had been able to save money by doing a lot of the work internally. He said staff thought they were in good shape when budgeting some of the major items that were scheduled for completion in the coming weeks and months. He said they were in good shape with the remediation funds as well. He said staff would have discussions with KDHE management regarding some of the items found during their infrastructure installation that they thought should be appropriately paid for with the remediation money. This was accomplishing a good overview of what was happening and was a good way of introducing the fact that the City was in good shape regarding their plans.

Dever said they were being good stewards of the money and needed it in order to track cost because staff had done a substantial job with what staff knew. He said staff didn't know what else might be out there when they were turning dirt, but the City was in good shape in

handling that and he would like to set the tone with KDHE for those types of remedial activities to be paid for. He said that was the intent of that money, to clean up contamination and didn't need to be strictly drawn to nitrogen. He said this was the hot potato that no one wanted and the City took over and was carrying forward wisely.

Corliss said staff thought so as well. He said his speculation was that KDHE might ask the City to go back and change some of the previous documents to reflect that fact.

F. PUBLIC COMMENT:

Michael Almon said he was speaking in regard to the Sustainability Action Network. He said they had been working on a proposal for some bicycle facilities specifically regarding the Burroughs Creek Trail, but also other future bicycle facilities. He said they had drawn up a proposal for the City and had been talking to various stakeholders in the eastern neighborhoods, anyone from the East Lawrence Neighborhood Association. He said if this issue was something he could request to have an agenda item so that he or others could come and talk about this issue.

Dever said the Commission could have anything they wanted on the agenda. He asked what the topic would be exactly.

Almon said it was a proposal specifically to extend the Burroughs Creek Trail north, which the Burroughs Creek Trail Plan called for, but it didn't specify exactly where and how. He said Schumm had some ideas about this already and now and then it was mentioned northeast connection because the trail did fork through the new Struck/Restruck property, Brookcreek Park, past the sewage treatment plant to a bridge that theoretically could be the bridge for the new waterline to feed Farmland Industries. He said it was all tying together. The bridge would cost about a million dollars, but throwing that waterline under the river would be about a million dollars and they were thinking this was a possibility to extend the trail and connect with the levy. He said it included a number of things like that as well as a connector, complete streets

connection from 9th and Delaware to downtown. He said there were various elements and was something that needed more vetting publically.

Dever said they could certainly do that.

Schumm said the cultural district was wrapping up its study in that they would hear that there was an opportunity for the City to build a main corridor down 9th Street so there could be pedestrian traffic between the downtown and the new warehouse district and also any gallery or accessory buildings along the way. He said that would fit in with Almon talking about the 9th Street bicycle opportunities. He said that report contained support for the Burroughs Trail to the north and west as well as to the east.

Dever said since Schumm had already been working on this issue, he asked if Schumm wanted to schedule a meeting with Almon and staff to talk about where they were at with this issue.

Schumm said yes.

Corliss said they had talked about this issue and could have a staff meeting to flush out a number of those different issues and then have it on the agenda with a lot more information than they would otherwise.

Schumm said and to get a handle on all the stakeholders that were involved in this issue too.

Almon said he wouldn't necessarily think that all stakeholders had to be conferring with staff, but for a public meeting and everyone could have an opportunity.

Schumm said staff needed to identify who the stakeholders were.

G. FUTURE AGENDA ITEMS:

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

H: COMMISSION ITEMS:

Farmer said staff and 8 members of the tribal council met and had a productive meeting. He said Soules did a masterful job of relaying the development challenges with that land as it

related to infrastructure and costs, the Northeast Sector Plan, Land Development Code, North Lawrence Drainage Study, and how much all of that was going to cost if they were in fact going to develop that piece of property. He said it became very apparent to the tribal council that this was a very significant venture that he wasn't sure they had a real good idea about, prior to their purchase of the property. He said they changed the topic to talk about next steps for what could be done on that land and discussed the northeast sector plan that was unanimously passed by the City and County Commissions last year and how that land was type 1 soil and best used for agricultural related purposes. Essentially, they talked about potential partnerships that could result as a way of innovative food hub type programming with the Native American, University of Kansas Land Institute etc. He said there was some conversation towards the middle of that meeting about what that would take and look like. He said that was something he and County Commissioner Thellman would work through and invite City Commission input in relationship to what those partnerships could look like on that land as far as food hub related things. He said they received input that the tribal council would put their campus that they had in Bartlesville, Oklahoma, in Lawrence Kansas, but that wasn't an option anymore. He said the tribal council also talked about a 7500 square foot office building that could potentially have some class room space/lab space for agricultural food hub related type activities, something with a light footprint because they understood the development challenges with this land now. He said they gave the tribal council all of that information and started talking about things in relationship to a casino. The tribal council did indicate that they had signed a development agreement with River Trails to develop a casino in Kansas, but the tribal council would decide where that casino would go. He said it became apparent that the more the City talked to the tribal council the less and less it seemed it would happen in Lawrence. He said if he had to put a wager on it, he would say that was not something that's going to happen on that piece of property. He said it was exciting news that the City was going to be able to protect the land and have something really innovative, hopefully, but had to continue those conversations.

Dever said the thing that came out of the meeting was the understanding that the tribal council wanted to work with the community, Haskell Indian Nation's University, Douglas County, and existing food related providers, whether it was growing food or getting it to people who needed food which was something they cared a lot about. He said that was something they wanted to do in Lawrence for sure, but all the other activities that people had speculated or were concerned about didn't seem to be in the front of the tribal council's minds in Lawrence. He said he agreed that Farmer that it was probably unlikely to have the casino in Lawrence.

Farmer said they flat out asked the question, was a casino coming and the answer they received was that it wouldn't be in Lawrence. He said tribal council was going to come to Lawrence in the next month for a public meeting to hear the concerns of the neighborhood. He said the tribal council didn't want to come to Lawrence saying that they didn't have a plan for what they were going to do because even with this agricultural stuff was not a formal plan, but an idea. He said their feedback was even if the tribal council didn't have a plan, just the fact that it was precious land, had development challenges, a casino won't go in that location, and they'd like to do some agricultural related stuff. He said that was something they needed to tell the community and have a conversation about. He said his sense was if that was the direction that everything was going to go with that piece of property then people weren't going to be really upset about it.

Also, he would like to propose that the City send the Wicked Fiber Proposal to the Public Incentive Review Committee (PIRC) for evaluation to get feedback and then to take whatever next steps.

Dever said he talked to the City Manager and Assistant City Manager about trying to formulate a question for PIRC to answer.

Corliss said staff would work to schedule that evaluation with PIRC.

Farmer asked if it could be scheduled within the next 30 days.

Corliss said absolutely.

Riordan said on the Future Agenda Items, there was a memorandum of intent with Douglas County and the University for the Campus Village initiative. He said it was a group he was affiliated with and things were moving well with that and it would be a benefit if they could something this month to put it on the agenda just for support. He said there was a lot of activity and some neat things could come out of that.

Corliss said staff was waiting to hear when it needed to be done, but it sounded like it was ready to go.

Dever said he could do it while he was gone.

Riordan said it was non-economic cost, but could be a tremendous benefit for the community.

I: CALENDAR:

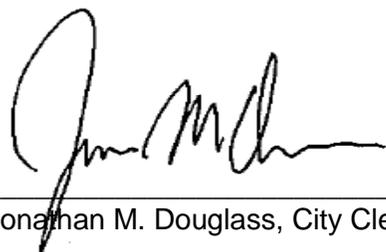
David Corliss, City Manager, reviewed calendar items

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Farmer, to adjourn at 10:00 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 19, 2013.



Jonathan M. Douglass, City Clerk