



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MICHAEL DEVER

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

December 17, 2013

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.

**A. RECOGNITION/PROCLAMATION/PRESENTATION: None**

**B. CONSENT AGENDA**

**It was moved by Amyx, seconded by Farmer,** to approve the consent agenda as below minus consent item 3, approving claims and payroll, and consent item 5, appointments by the Mayor. Motion carried unanimously.

1. Approved the City Commission meeting minutes from November 26, 2013.
2. Received minutes from various boards and commissions:  
  
Sister Cities Advisory Board meeting of November 13, 2013  
Sustainability Advisory Board meeting of November 13, 2013
3. **REMOVED FOR A SEPARATE VOTE.** Approved claims to 251 vendors in the amount of \$7,163,304.85, and payroll from December 1, 2013 to December 14, 2013, in the amount of \$1,950,697.66.
4. Approved the Drinking Establishment Licenses for Rudy's Pizzeria, 704 Massachusetts; and, Wa Restaurant, 740 Massachusetts.
5. **REMOVED FOR SEPARATE DISCUSSION.** Approved appointments as recommended by the Mayor.

**Building Code Board of Appeals:**

Reappoint Micah Kimball (785.842.4858) to an additional term that expires November 30, 2016.

**Horizon 2020 Steering Committee:**

Appoint the following people:

- Stan Rasmussen – Planning Commission Representative



- John Gascon – Neighborhood Representative
- Bill Ackerly – At-Large Representative

6. Bid and purchased items:

- a) Awarded Bid #B1364, for purchase and installation of security equipment for the new recreation facility and parking lot at Rock Chalk Park, to Overfield Corporation for a total of \$74,215.13.
- b) Authorized payment to GET Properties, LC in the amount of \$42,614 for required property interests needed for the 23<sup>rd</sup> Street and Iowa project.
- c) Authorized the purchase of phone and computer network equipment needed for the new recreation center at Rock Chalk Park to various vendors, for \$44,300.
- d) Approved and authorized the City Manager to execute Change Order No. 1 to the construction contract with Amino Brothers, Inc. for project 12S008 VenturePark Sanitary Sewer Improvements increasing the contract amount by \$112,197.42 and contract time by 80 calendar days.
- e) Authorized the City Manager to enter into a contract with MV Transportation for public transportation services from January 1, 2014 to December 31, 2018.
- f) Waived the bidding requirements and approved as a sole source purchase the purchase of a 4000 amp Eaton Circuit Breaker from Western Extralite Company in the amount of \$76,792.84 for the Clinton Water Treatment Plant.
- g) Awarded Bid #B1359, Project UT1102KA Kaw WTP Raw Water Intake Replacement, to the low bidder, Wolf Construction in the amount of \$3,800,000 and authorized the City Manager to execute the construction contract.

7. Adopted on second and final reading, Joint City Ordinance No. 8948/County Resolution No. 13-32, establishing the Douglas County Food Policy Council as a joint city/county advisory body, and received 2013 Common Ground Program Report.
8. Accepted dedications of easements and rights-of-way associated with final Plat, PF-13-00442, Yankee Tanks Estates, a 56 lot subdivision of approximately 7.45 acres, located at the southeast corner of the intersection of West 31<sup>st</sup> Street and East 1200 Road. Submitted by Grob Engineering Services for Kansas District of the Wesleyan Church, property owner of record.
9. Authorized staff to bind coverage of Excess Workers Compensation Insurance with Safety National for the insurance period of January 1, 2014 through December 31, 2014, in an amount of \$54,763.

10. Authorized staff to negotiate an Engineering Services Agreement with Professional Engineering Consultants for Design and Construction Phase Engineering Services for project UT1312DS, 2014-2015 Watermain Relocation/Rehabilitation Program.  
Amyx removed consent agenda item no. 3 for a separate vote.

**Moved by Schumm, seconded by Amyx,** to approve payroll in the amount of \$1,950,697.66 and to approve non-Rock Chalk Park related claims to 251 vendors in the amount of \$7,156,478.85. Motion carried unanimously.

**Moved by Schumm, seconded by Farmer,** to approve Rock Chalk related claims to 3 vendors in the amount of \$6,826. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

Kirk McClure removed for separate discussion the appointments as recommended by the Mayor. He said he was speaking of the makeup of the committee that was being put together to steer the revisions to Horizon 2020. The makeup of this committee did not represent broad based representation of the community rather it was influenced by the development industry. Developers with special interest should not have any special influence on this committee and should, at best, have only minimal input. The developer should have to explain their interest to the committee as should any other interest group. The developer should have no more input than should Historic Preservation, Neighborhood Development, Downtown Revitalization, Community Development, the Lawrence Association of Neighborhoods, Environmental Protection, Sustainability Commission, and more. The problem was that the committee as structure was automatically going to generate distrust. The City Commission had the opportunity to prepare a steering committee that would generate a product that would be received by the community with a confidence and with some consensus. Alternatively, they could continue with this type of steering committee, overly influenced by the development industry. It would come out breeding distrust and would be leading into set of fights from day one. He said his recommendation was to pull the recommendation, rethink the configuration and the membership on this committee.

Amyx said he thought they were much closer than distrust, but he appreciated McClure's comments. He said he met one of the individuals and knew the other two that were recommended by the Mayor. He said they were strong candidates and the Mayor had done a good job in making recommendation. He said as someone that would be co-chair of this committee, he believed those were people that plan on working extremely hard in carrying out the function set forth.

Dever asked McClure who on the list was unduly influenced by the development community.

McClure said they had at least two of the members and they were trying to investigate the 3<sup>rd</sup> member, but couldn't find out a whole lot. The fact that they were not known to any of the organizations that were mentioned raised suspicion on the 3<sup>rd</sup> member. He said they had people that served on the Planning Commission and the Board of Zoning Appeals, and had clearly shown a bias against the principles of good planning and shown a bias toward developers.

Dever asked if that was Stan Rasmussen.

McClure said correct.

Dever said what about Bill Ackerly.

McClure said that was the 3<sup>rd</sup> proposed member that they were trying to investigate.

Dever asked how John Gascon related to the development community.

McClure said they looked at his record on the Board of Zoning Appeals.

Dever said Gascon served one meeting.

McClure said Gascon had made statements to the East Lawrence Neighborhood Association that clearly indicated that he didn't believe in planning or codes.

Dever said he was going to standby his recommendations. He visited with the president of Lawrence Association of Neighborhoods (LAN) and tried to set up a dialogue with her to make sure they had an understanding as to what LAN wanted out of this process. He believed

that the recommendation for John Gascon was a neighborhood representative and had his best interest of the community and the neighborhoods. He said he didn't know anything about what McClure indicated, but that was not his understanding of Gascon's belief on the process of planning. He said Amyx knew Ackerly pretty well and could speak to his qualifications.

Amyx said Ackerly worked for Leavenworth and commuted every day and had live in Lawrence for quite a while. Ackerly approached him wanting to serve and thought Ackerly had a reasonable understanding of Horizon 2020. He said he recommended Ackerly to the Mayor and felt comfortable with that recommendation.

Schumm asked if there were 4 people on this committee.

Dever said no, the County gets to appoint an equal number of people and of course the Vice Mayor and believed County Commissioner Nancy Thellman would be chairing the group.

Schumm asked about the 4<sup>th</sup> person on the memo.

Dever said there was a revised list. He said he accidentally placed a name on the memo that wasn't his place to name which was Brad Finkeldei and Finkeldei couldn't be appointed by him or more than likely anyone, to that committee. He said the City was bringing in 3 people. He said that made 10 members to this committee.

Schumm asked if the City would appoint one more member.

Dever said they would jointly appoint one more member, but the recommendations hadn't been made by the County yet.

David Corliss, City Manager, said there were two co-chairs, City and County Commissioners, and one Planning Commissioner representative appointed by City and one Planning Commissioner appointed by the County, a school district representative appointed by the School District, one real estate development representative which was a City/County share, one neighborhood representative, one representative from the business community appointed by the City, one representative from the business community appointed by the County and one

at-large representative appointed by the City and one at large representative appointed by the County.

Sven Alstrom said he had been a member of the Historic Resources Commission. He said he had a lot of respect for McClure. He said he just arrived to the Commission meeting and was totally neutral with regard to this individual although it was well known that in the past different seats on the Planning Commission had been very important. In light of the comments made, he asked the City Commission to possibly consider tabling the appointments until further review. The reason he decided to speak up was that at the time, Mayor Hack didn't renew his appointment to the Historic Resources when he had seniority on the Historic Resources Commission and would have been very interesting for him to be chair during the Oread Hotel review. He said appointments were very important and there were a lot of things coming before the Commission in the near future. He said the City had a list of appointments, but could have alternates because of the criticism voiced, he thought this item should be tabled.

Farmer said he had the opportunity to meet Gascon last week and Gascon was a former architect, went to school in Eugene, Oregon, and worked in Seattle, Washington which was one of the most progressive communities in the nation. He said Gascon had some very forward thinking ideas that would embody things that were innovative in ways that Lawrence never thought of. He said Portland and Eugene Oregon and Seattle Washington were the most progressive communities, outside of Berkeley, those would probably be it. He said Gascon would bring good ideas to this group. He said he didn't agree with the assessment that Gascon was a representative of the development community at all. He said they would be lucky to have somebody with Gascon's experience in that context to come to Lawrence to provide some input. He said he was supportive of Gascon to be appointed to that position.

Aaron Paden, President of East Lawrence Neighborhood Association, said he was familiar with Gascon after having a few conversations, but he didn't think it was about Gascon as much as the process where they had a person that was to represent the neighborhoods and

then they had the LAN which was to represent the neighborhoods. The process of picking and selecting someone was not one where there was a quality dialogue between the unit and the City that did neighborhood work and the Mayor's recommendation. He also was in favor of postponing the recommendations and Gascon could have the opportunity to meet with the Lawrence Association of Neighborhoods and there might be some bonding that might occur. He said as a person that was elected to his neighborhood as president, Gascon would be one of the last people he would select to be on this board. While Gascon had experience in planning and the Board of Zoning Appeals for one meeting, with every conversation he had with Gascon, he had more of a free market deregulation standpoint. He said one thing they heard from the neighborhoods over and over again was they would like to see more regulation toward what they would like in this community. He said that was the fear and he hadn't had a chance to talk to Gascon about his point of view on where Gascon might be coming from.

Schumm said he recognized that everyone would like to have their own person appointed based on their own special interest, but that simply couldn't happen. He said this was a steering committee and wasn't going to be the committee that writes the plan because it would go through several layers of committees that would have lots of people on each committee. He said as he understood it, this would be the group that would outline or put the basic principles on the table for everyone else to react to. He said he didn't think they would have one person that would cause an extraordinary amount of slide to their position.

Paden said the problem was that they didn't have anyone who represented neighborhood interests. He said they had an association that represented neighborhood interests, but nobody from that board for the City to say, what hadn't been working. He said this was a very important place to have a voice. He said Schumm was saying those people were just going to pick out what needed to be gone through, but he thought LAN was a group that knew the things that hadn't worked for neighborhoods. It was really important to have a voice at this point.

Schumm asked if there was another at-large appointment to make to this committee.

Dever said no, the City had 3 appointments and jointly would appoint a 4<sup>th</sup>.

Schumm asked if the appointment was at-large.

Dever said no, it would be someone in the real estate area and would be appointed by the County and City jointly.

Riordan said he discussed this with a couple of people and they had no problems with the Mayor's recommendations. He said he had great respect for the Mayor. There was such a small number on this committee and it was hard to represent the entire City with 3 people. He said he would defer to the Mayor that he knew those people and if the Mayor thought they could represent the neighborhoods and the neighborhoods interest then he would be in favor.

Dever said they talked about appointments to this committee and certainly didn't expect he needed to go into details on people's abilities or inabilities to put forth their effort. He said this was going to be a lot of hard work with technical details and required that someone read those documents thoroughly. He said LAN provided 3 names, all who objected to the appointment. He said for him, three names was not a whole lot for all the people in all the neighborhoods of all the people who were presidents of their neighborhoods. He said he and Amyx discussed another appointment who they asked and that person couldn't do it. He said this would take a lot of time and commitment to go through the document and interface with many people as they addressed those items one by one. He felt like people who are more technical in nature approach this and he valued the input of the neighborhoods. He believed a blank slate was a better place to start than personal bias and personal opinions. He said this was about evaluating the document, identifying issues that had come up time and time again in their evaluation process of Horizon 2020. He said it was an idea he put forth and was his desire to create this taskforce to identify items that could be improved in Horizon 2020, incorporate all the changes that had been made in Horizon 2020 since it was created. He said this was going to be a very technical, heavy process and his personal belief was that he wanted to bring new



people to the table, people without bias and without tons of history of questioning and/or wondering what was wrong with the product, but taking a clear look at the product and determine what needed to change in the future. He said he would be happy to table this item if the Commission wanted to do so and allow time to meet, but frankly this was an initiative that needed to get started. He said he trusted the people that he had appointed that they would do a good job. Of those three people, Amyx appointed one of the members and would be working with them. The other two that struck him as technically proficient would do the hard work in reading those documents. He said he wasn't convinced that they needed to do anything at this time. He said he talked to County Commissioner Thellman and she wasn't prepared to make her recommendations for a couple of weeks, but he thought they needed to move this forward.

Amyx asked if those were the appointments that the Mayor was planning to stand behind.

Dever said he had a half hour discussion with the president of LAN today and tried to explain to her his thinking and they set a time to meet the 1<sup>st</sup> of next year and create an on-going dialogue. He said he wanted to empower the members of this committee to start meeting with the people and move forward so that they could get those opinions and get the input from the people that wanted to express their opinions.

Schumm said if the Mayor wanted to table these appointments to rethink it or wanted to get more information from people that would be the Mayor's prerogative and he would support that. If those were the people the Mayor wanted appointed than he would so move.

Dever said he put those names out there and didn't feel strongly about removing any of those names from the list.

**Moved by Schumm, seconded Amyx,** to approve appointments as recommended by the Mayor. Motion carried unanimously.

#### **CITY MANAGER'S REPORT:**

David Corliss, City Manager, presented the City Manager's report. He said that Duane LaFrenz, Cassandra Ford, and Shaun Elston came up with the idea of a toy and food drive. He said he expressed his pride in the fact that this idea came directly from City employees and wanted to congratulate those employees.

LaFrenz said they collected 381 toys for the Toys for Tots program which gave 127 youth in our community a Christmas. Currently, they had collected 2,496 pound of food. He said he wanted to thank Farmer and Schumm for their support in helping them with this food drive and to all of management for their support. He said they were looking forward to making it an annual event.

Ford said they had a lot of great feedback from the community and everyone was very supportive. She said they were able to deliver a sack or box full of food and gifts and were very happy with the results.

Schumm said personnel had smiles from ear to ear and felt really good about their accomplishment and were very proud. He congratulated those employees.

Dever said it was a great initiative and respected what the employees had done. It was a tremendous out pour of generosity and it was interesting coordinating with Farmer and his mission in Just Food.

Riordan said he would like to congratulate those employees.

**D. REGULAR AGENDA ITEMS:**

1. **Received a request from Lawrence OnBoard to explore changes to the City Code to allow a roadside rideshare program.**

Maria Kaminski, Staff Attorney, introduced the item.

Jennifer O'Brien, Director, Lawrence OnBoard, presented the request. She said 4 years she and her husband moved to rural Jefferson County, but they still did a lot of their activities in Lawrence. They discovered very early on that since the Jefferson County Light Rail wasn't planning on being built any time soon, their only option for getting back and forth was to drive

their private car which was a lot of driving. She said all it took was a flat tire, dead battery or a busted head gasket to make a person realize just how vulnerable they really were when their only option was a private car. One day she heard a radio story about a practice in Washington DC called dynamic ride share and that was basically where people who wanted to use the fast carpool lanes could go to designated areas and pick up a couple of warm bodies to fill the quotas to be able to use the HOV three lanes. She said that would get the driver into town much faster and gives the rider a free ride. This was all grassroots and self-organized and had been going on for nearly 30 years to the tune of 10,000 people a day with no reported incidence of violence or mayhem or monkey business. She asked why Lawrence couldn't use something like that to get people around who didn't want to or couldn't drive a car. She said she talked to ride sharing professionals, Mid America Regional Council, City's Senior Transportation Planner, City's Public Transportation Administrator, and KU's Transportation Planning Department. She said she researched this idea for 4 months and developed a program that would work for this community and came up with Lawrence On Board.

She said to get her idea up and running, it would start with a club membership in the organization Lawrence On Board. People could sign up as drivers, riders or a combination of both. Everyone was vetted, registered, background checked and had to provide photo identification to keep everyone safe. The drivers would receive a window cling that showed they were in the network with their member number and the riders get a ride board which was very recognizable and they could go to any safe appropriate roadside write your destination on the board and hold it out and get a ride with a passing car, whoever was going in that same direction. She said if she received a ride from someone that, as a member of Lawrence On Board, she would take her cell phone and call or text their member number to Lawrence On Board which made a record of the ride. And that was a safety feature, platform for feedback and enters the driver in a drawing for a prize. That way they could reward their drivers, make an

incentive for them to pick up the riders, but in such a way that it didn't turn the driver into an unlicensed taxi cab as an exchange of money might do.

Other features were that if the driver wasn't a member of Lawrence on Board, they had safety protocols to ensure that person could ride with that driver safely. They also had a map where they were mapping those good locations where people could safely get a ride. She said they would institute a public relations campaign, a training program and a user handbook to make sure everyone was being safe and smart while they use this program.

She said she got together 23 volunteers and they went out with those Ride Boards on some locations in the area and received rides. They logged 121 rides. She said they were taking this idea to the Transportation Research Board annual meeting. She said she wanted to make 2 observations. One was that the success of the riders definitely depended on a good location which meant good visibility but, more importantly, a safe and obvious place for drivers to pull over which was a concern by the Police Department. She said they were building that into the training book and the safety protocols. The second was how astonishingly easy it was to get a ride. Over the 121 ride attempts, 95% were successful and the other attempts that weren't successful were after the rider changed places to a better location. She said 1/5 of the rides happened to be with someone that was known to the rider. She said those were random strangers because they didn't have driver members circulating at this point, but 1/5 of the drivers that stopped were people who were known to the rider. She said their average wait time was less than 7 minutes and over half the rides the wait time was under 5 minutes.

She said imagine a transportation network where everyone could participate as drivers or riders or supporters and was a transportation network that reached out to Eudora, Baldwin, Stull and Tonganoxie and all of the rural areas in between. She said that was almost as convenient as driving your own car which was sustainable and efficient because it used cars that were already on the road and that not only gets people around, but encourages trust, community connectedness and neighborly good will. A network that is quick and easy to

implement and best of all didn't need to cost one dime of taxpayer money. She said imagine what a game changer that could be, a transportation network like this for this community. The only thing that was standing in the way of further research and development was the Standard Traffic Ordinance which stated "no person shall stand upon or along a street or highway for the purposes of soliciting a ride." She said it was important to keep this ordinance in line with what the State law stated. She said if taking the word "along" out people could still do roadside ride sharing activities, but would also recommend adding in some language that would help to preserve traffic safety. One recommendation was to put in language along the lines of "pedestrians shall only be picked up where there was adequate road space for vehicles to pull off and not endanger or impede the flow of traffic. There were other municipalities that had addressed those, also addressing dangerous or obnoxious behaviors and some of those she attached to the letter she had written to the Mayor. She said she would be happy to work with the City Commission in crafting an ordinance that would allow their activities, but also preserve traffic safety.

In closing, she wasn't ready to fling riders out on the streets of Lawrence. They still needed 6 months to a year of additional research to make sure they could be smart and safe about this program. Even a pilot roll-out would be slow and gradual. She said she wasn't asking the City to fund, approve, support or take responsibility for this program, she was asking for the City to help remove the stumbling block to further progress. A lot of people around the country were very interested in what they were doing in Lawrence. She said the International Ride Sharing Institute, with members as far away as Australia and New Zealand were watching carefully to see how they progress with this program. She asked the City Commission to accept her request for a change to Section 69 of the Standard Traffic Ordinance to allow Lawrence on Board Roadside Ride Sharing while preserving traffic safety.

Schumm said O'Brien indicated that there would be no charge or nothing the City would need to come up with monetarily. He asked O'Brien how this would be funded. He said she would need some type of office staff, computers and other things.

O'Brien said they were exploring funding and had several ideas. First of all to do a crowd source fund raiser to get the startup costs. She said, at some point in the future, they expected to charge a membership fee, at least for the riders and possibly the drivers too. She said they were looking at some strategic partnerships. She was going to travel to Washington DC in January and would be talking to some of the ridesharing company's on-line and smart phone ridesharing apps to see if they could do a partnership which would allow people who wanted to pre-arrange rides to do that with their smart phones. There was also a transportation research board idea grant that was available for innovative programs like this. Now that she had some credibility with the TRB she could apply for that and possibly get funded.

Riordan said if someone was going to be standing in a particular spot there was no way to prevent someone who wasn't a member of their ridesharing to stand there also. Someone else could use that service.

O'Brien said yes.

Riordan said that worried him a little bit because safety was always important. He asked O'Brien how she would promulgate this to the citizens of Lawrence so they understood the concept to help participate in a safe ride and that they were educated enough to know what certain people they were able to pick up and some they wouldn't know if they were.

O'Brien said part of the roll out would include public relations and information campaign with tabling at events like the County Fair or various other activities around town. The newspaper stories had gone a long way towards helping. And, even in the last few test rides they took they noticed that several of the drivers had heard about Lawrence on Board either through newspaper story or through the TB. Also, social media was a powerful source for getting the word out.

Riordan asked if O'Brien would ever think of requesting some type of sign on those safe places.

O'Brien said that would be a pipedream and an excellent idea.

Mayor Dever called for public comment.

Marilynn Roy said she gave up her car about a year ago and it was quite a challenge not having a car in Lawrence. She said she had a network of friends that took her places and felt fortunate to have those friends but she would rather not be dependent. She said she was curious about what purpose would this ride share program serve because she was a gardener and would like to be able to go to Westlake and get her mulch and compost. She would love the freedom to go grocery shopping without having to call her friends up to ask if they were going. She said when O'Brien was talking about getting a ride it sounded like they were going from destination A to destination B and it wasn't to serve that purpose of getting errands done.

O'Brien said she wanted to invite anyone who had questions about the actual workings of the program and it was practical applications to address her directly.

Tom Harper said he wasn't familiar with this program until he got on a blog and read about it. He said he was very impressed with O'Brien's presentation and thought Lawrence was small enough for this to work well. He said Farmer talked about being progressive and this was it and was a great opportunity for them to do something different and fun. He said he thought O'Brien was really together and had faith in her that it would be a good thing for everybody. He said he would stop and pick someone up.

Sven Alstrom said he supported this agenda item. It was a great proposal and was forward thinking and as they appealed to retirees and seniors this program would help them. He said some of the seniors that still drove could help their friends through this program. He said he lived near Lawrence High School and often, when he was driving back and forth from downtown, ran into people that were in his orbit. He said this program would do the same thing

and different little neighborhoods in Lawrence would have their own orbits. He said it was “fuelish” not to do it.

David Holroyd said he wanted to thank Schumm for raising an issue about costs because he thought there would be some cost to the City down the road. He said, as far as riding, no one was going to get in his car and doubted there would be any younger people picking up someone walking. He said the most important thing was how their auto insurance covered this type of program and likewise the City had a reason for people not being in the street. He said he was not so sure the auto insurance carrier would not be interested in a change. He said there was a liability factor involved.

Natalya Lowther said many years ago she lived out in the country with an infant and the situation evolved where she ended up without a vehicle, no phone, and no way of contacting anyone. She said she was about 8 miles from town in another County and walked in 90 degree heat with that infant and, as people came down that very small country highway, she tried to hitchhike. They all knew her and thought she was joking because they knew she had a car and thought she was playing with them with putting her thumb out. If she had a Lawrence on Board sign they would have known that she needed a ride and where she was going. It was really important to consider that they really didn't have any public transportation options outside the City limits. She said even if it was something people didn't use regularly there were those times that it could be really useful. She said she hoped the City Commission would consider this idea something that would benefit not just City, but people in the County that needed to get to the City.

Matt Kirby, Baldwin City Planning Commissioner, said he took a part in a research day last May with this program and was pleasantly surprised the ease and speed with which he was able to get to where he was going, do some commerce and come back to the point of origin. He said he found that the people that picked him and his partner up were actually excited to do so. He said a number of years ago he was doing some research writing a proclamation for the 100<sup>th</sup>



Anniversary of the Vinland Grange Fair and in the course of that research he was looking into the founding documents of the American Grange Movement and some interesting words stood out. The purpose of founding the Grange was to promote convenience and kindness among the people. One of the things that stood out to him about the experience on the research day was the sense of kindness the sense of building within the community a new fabric in the sense that in some ways he found that many people were frustrated altruists and were often hoping there was a way to do some good in the world without too much skin off their backs. This was a nice way to build community and build a new sense of connection within the broader community outside of Lawrence. He said he would like to think this was the way they did things in Douglas County and there was a sense of kindness and involvement with our fellow persons. He said he wanted to commend O'Brien's work and asked the City Commission to vote to change the wording and it would be an interesting and beneficial program, certainly in its experimental form and onto an established form.

Beth Reiber said as someone who lived in Europe in the 1970's she hitchhiked and almost everyone she knew hitchhiked and it was so established that you would go to the rest area at the highway, put up your sign and people would drive by to see if there was anyone there who needed to go to the University or whatever they were doing. She said if it was a liability to have somebody drive in your car then there were probably a lot of churches out there that don't know the problems they were having because a lot of older people couldn't drive and the church worked out a driving schedule to get their members around town and she didn't see this being any different than that.

Aaron Paden said, as President of East Lawrence Neighborhood Association, they supported this and it was an exciting thing for the community.

Dever said O'Brien wanted the City Commission to removed one word from the STO.

Corliss said, as they find out later, words were important in ordinances. He said it sounded like a great program. They wanted to find a way to say "yes" but he hadn't had a

chance to talk with the City Attorney's office or the Police Department about any unintended consequences. He said he would like the City Commission to direct staff to come back with an ordinance in January to hopefully accomplish what they wanted and hopefully not have any unintended consequences that the City couldn't deal with. He said what she was asking for was to be parallel with the state law. He said he liked some of the other suggestions on the wording. He said he thought they could find a good way to get to "yes" quickly in January.

Dever said would the Commission agree that they wanted to move forward assessing this situation and asking them to look at any unintended consequences that might arise.

Amyx said yes. He said taking into consideration the concerns from the police department in making sure that they had adequate safeguards for people pulling over and picking someone up and where pedestrians would stand when waiting for a ride. He asked if there was any problem coming from the County inside the City or was that where it parallels state law.

Corliss said my bet was that they had some experts and didn't know if Douglas County had any particular regulations. He said he knew they had an individual speak from Baldwin City and didn't know if they had any City ordinance on this. He said obviously our ordinances only apply within the City limits. He said he didn't think that Douglas County had any specific resolutions on this subject that would have the effect of law. He said staff would certainly find out to see if they could accomplish goals set out this evening.

**Moved by Schumm, seconded by Amyx,** to receive the request from Lawrence OnBoard to explore changes to the City Code to allow a roadside rideshare program. Motion carried unanimously.

2. **Considered authorizing the City Manager to execute a license agreement with Dawn Fiber, LLC, dba Free State Broadband for the installation of fiber in various city rights-of-way.**

James Wisdom, Director of Information Technology, presented the staff report.

Riordan asked for clarification on the conduit and about the length of running the conduit and fiber.

Wisdom said there were 3 conduits involved. One conduit would be for the run to Baldwin, one for the City, and the other would be for Dawn Fiber's future use that hadn't been defined yet.

Riordan asked if the conduit for the City would be put in at the same time.

Wisdom said correct. He said they would have separate hand holes. Dawn Fiber would put in 11 new hand holes for the City and then at 6<sup>th</sup> and Tennessee and 23<sup>rd</sup> and Harper, they would end up connecting at that location and that would be the length of the City's conduit that they would be providing. He said on Hwy 10 or 23<sup>rd</sup> Street there was fiber already on both sides of the street as well as on 6<sup>th</sup> Street. Also, they would complete a ring around from 23<sup>rd</sup> Street, down Iowa, back to 6<sup>th</sup> Street and then out to 19<sup>th</sup> in that direction. It would also make them very close to completing another ring for the fiber that came from the Utilities Plant which would eventually be going to the new Reclamation Facility and help them complete a ring and help the Utilities Network also. He said it was definitely a positive thing for the City.

Riordan asked how many strands that would be.

Wisdom said he wasn't sure how many strands they're putting in, but the City would be supplying the fiber and probably would need to put out a bid. He said locations at 11<sup>th</sup> and Haskell and 19<sup>th</sup> and Haskell for the Fire Station were priorities but they would need some cost figures and bring that back to the Commission at a later date. He said all three pipes would all be in one conduit. As coming to a place where it was within the City, one of the conduits would come out into a box and then go back into the conduit. It's been a policy where they separate the City's fiber hand holes and splice cases from other vendors.

Schumm asked if there was a requirement that they produce an operating system by a certain time. He asked if there were any time constraints.

Wisdom said not that he was aware of but there intentions were to do this on the first quarter or second quarter of 2014. He said they didn't need to supply anything until that was all a go.

Schumm said what if they went ahead with this item and two years from now they hadn't seen anything happen and asked if there as a way to re-enter the contract and make a contract with someone else.

Randy Larkin, Senior City Attorney, said it was his understanding that they were going to start construction as soon as the contract was completed. If nothing has been done over two years, the City would renegotiate and there would be something else done. There was nothing in the contract that covered that particular outcome but that was something that they discussed briefly and would re-negotiate the contract.

Amyx asked if all maintenance of the conduit and fiber would become their responsibility and ownership.

Wisdom said yes, of the City's conduit.

Amyx asked if the City was in charge of that conduit once it was in place.

Wisdom said yes and the City was in charge of the conduit that they had now.

Dever said, as it related to compensation, they were to receive 1.25 inter-duct and the City would be allowed to do what they wanted as far as installing the actual fiber. He asked if Wisdom could specify exactly what they were receiving in response to this because he didn't hit very hard on the exact compensation they were receiving from the City which meant what in return Dawn Fiber received under Section 7, Item B.

Wisdom said Dawn Fiber was getting access in the right-of-way from 5<sup>th</sup> and Tennessee to 11<sup>th</sup> and Tennessee to 11<sup>th</sup> and Haskell to 19<sup>th</sup> and Haskell, 19<sup>th</sup> and Harper, 23<sup>rd</sup> and Harper, 23rd and Harper to O'Connell Road and then O'Connell Road. The main thing they were receiving from the City was the ability to install fiber inside a 3 inch conduit from O'Connell road under the river. One of their obstacles was to get to Baldwin under the Wakarusa River. He

said they currently had a 96 count fiber already and there was plenty of room and a limit to the outside diameter of the cable they could install. It would be a one-time thing, going to Baldwin. They would also have separate hand holes at different places along the way.

Dever asked if that was separate from the hand holes the City used.

Wisdom said correct, they would pay for those hand holes and put those in.

Dever asked if it was access to an existing conduit the City installed and that was the biggest get from what he was reading.

Wisdom said correct.

Dever asked if the size of the inter-duct a 3 inch ID conduit that they were installing.

Wisdom said 3 inches and a quarter. He said normally the City would like to get a bigger size than an inch and a quarte, but for what they were installing there was expense and for what they were installing that was about the biggest conduit they could install with the 3 conduits being installed in the same installation. The back draw was that the City wouldn't have an opportunity to go back later and install additional fiber and when installing the fiber in the conduit, you would want to install as much as you could. Since they would be using it for a lot of different buildings and potentially for the business parks, both Venture Park and East Hills Business Park and probably would want to put in the maximum conduit they could.

Dever asked if they discussed a larger conduit installation.

Wisdom said yes, it would also raise their installation cost.

Dever asked if the cost would be raised substantially.

Wisdom said he did not know. He said the one advantage the inch and a quarter gave them with installing the conduit with air was that it was very fast and easy to install.

Mike Bosch, Dawn Fiber, said they appreciated the City's leadership in their regional economic development project. They presented their plan to Wisdom and where they needed to start and end in Baldwin and they challenged Wisdom to choose a best route and he thought Wisdom did a great job in choosing a route that really benefitted the City without taking them out

on a wild detour across West Lawrence and through every neighborhood. There were 18 City facilities that were not currently connected that would be connected as a result of this agreement. Bosh said 3.6 miles of conduit would be installed for the City's use and a second route out of the City of Lawrence to the backbone of the internet offering great redundancy options and improving Emergency Management Service (EMS) both locally and in Baldwin City. They would be completing a couple of fiber rings so if a line was cut the City would still be able to maintain service and were saving taxpayers about \$300,000. In the end, they needed a license agreement which essentially was permission to put conduit in the right-of-way that the City was stewards of and they wanted to be able to go through Wakarusa in very strategically place a large enough pipe to enable future development. He said they appreciated the opportunity to do this and they thought it was a great win/win both for their project as well as for the City of Lawrence.

Farmer said he received a question in an email about an interview, earlier this year, they said their ability to provide fiber network was being Crowd funded and this concerned citizen sent the City Commission a screen shot of the current crowd funding that was taking place on Crowdfiber.com and there was zero funding there. He said the citizen's concern was making an investment on behalf of the City to something that might or might not pan out.

Bosch said there was a lot of experimentation and a lot of interest in having a fiber optic network for many of the reasons the City Commission knew. The guy who built CrowdFiber was a friend of his and a part of being in this community with innovating and trying to figure out how they could pull this off for a bedroom community such as Lawrence and Baldwin City. He said they looked at Crowdfiber as a potential opportunity to do that. There were a lot of different flavors and how that ultimately worked. He said what they found out was ultimately the crowd source funding model didn't work for the size of the project they needed to do so they went a completely different route. He said they left Crowdfiber in place and left it public because they thought there would be some future opportunities for a sign-up and a preregistration. He said

there might be some opportunities for Crowdfiber and it was a great innovation and experiment to see what would happen. There was varying degrees of success. Ultimately, they needed to raise several millions of dollars which just didn't fit the crowd funding space. He said to-date, they had raised sufficient funds for their Baldwin City project and wasn't concerned with the funding of this project. He said their ready to move, pending any lead times for purchasing of equipment.

Farmer said he just wanted to tell the citizen that the City Commission asked the question.

Schumm asked Bosch to verify the start-up time for the project and the time it would take to complete the project.

Bosch said they would be starting in Q1 and would have 4 construction crews and plan on being done within a few months.

Dever asked if it would be Q1-2014

Bosh said yes.

Schumm asked if they would have the fiber optic to Baldwin

Bosch said yes, both the main line coming out of Lawrence and throughout Baldwin.

Kennis Mann, Dawn Fiber, said when they first came to the City of Lawrence regarding getting access fiber out of a point of presence (POP) to get to Baldwin City. As their first experience dealing with the City, it was evident that Department Directors, City Personnel, and the city's standards and guidelines were spot on and the experience for them was very efficient and a model for other communities to look at. He commended the City of Lawrence.

Mayor Dever said he appreciated that compliment.

Mayor Dever called for public comment.

Kris Adair, Wicked Broadband, read a brief statement:

"Wicked Broadband would like to speak in support of the right-of-way agreement being considered for Dawn Fiber, LLC d/b/a Free State Broadband. We have always been consistent

in our message that more internet access, more competition and more infrastructure was good for our community. This project, as proposed, compensated the City of Lawrence for the use of right-of-way and has benefits for Baldwin and potentially rural Douglas County. We're excited to see Dawn Fibers project developing in Baldwin. The subsidies that Baldwin is providing are putting them in the lead in Douglas County when it comes to ultra-high-speed internet. By issuing industrial revenue bonds, tax abatements and most importantly providing support for the project. The Baldwin staff and Baldwin City Commission are making it possible for Dawn Fiber to build a state-of-the-art network in Baldwin City. We whole heartedly support the project and hoped Mike Bosch and his team at Dawn Fiber is successful in their endeavor."

Schumm said everything was explained very well and they answered the question regarding the citizen's concern.

Farrmer asked if it was possible for the City to go with the larger conduit, the 2 inch to support 2 or 3 separate cables in the same conduit.

Mann said they looked into that, but the issue was the directional boring in most of their installation through this town and the size of the duct bill on the initial head would accommodate the 4 inch diameter without having to back drill the hole larger to accommodate a 2 inch pipe. He said they were right on the border line between having to do a back ream to make the hole larger by pulling that 3<sup>rd</sup> larger duct back. It was something they could discuss with the contractor and ask for pricing. He said there was a fair amount of footage to investigate a fair price. He said that was the issue, was that the direction void of a pilot hole which would accommodate 3 ducts and was recorded without back reaming. He said they could go to 2 inch around that border line where they might need to back ream.

Schumm said it would be good information to have and if it was not a lot more maybe look at increasing the City's conduit portion.

Dever asked if the subsurface condition would dictate whether or not it was going to require the back reaming.



Bosh said it was the size factor of the initial pilot pole.

Mann said the outside diameter, the 3 conduit that were together and the friction caused by not having enough clear space because of mud and other things.

Bosch said there was a possibility of going to a larger, perhaps, duct bill.

Mann said the initial head was something they needed to look into and price. He said it would be an extra drilling operation.

Amyx asked if there was enough room in the easement to do back fill and everything else.

Mann said yes. He said they were directionally drilling everything so there was a pilot hole which was a small hand dug pit to 3 foot depth and then go underneath everything so not to disturb the surface. The pole boxes were put in by small tract or hand dug to accommodate the area that they were in. Again, that was what impressed him a lot with the coordination between all the departments when discussing all those locations of full box, hand holes, and duct. He said there would probably be some adjustments along the way in this project.

Schumm said if they could get some other estimates on adding more capacity, at this point, it won't cost the City anything and it might be a very valuable asset to have in place for the future. He said he guessed that the City wouldn't need less fiber but more when moving forward.

Mann said there were considerations to go along with that. With an inch and a quarter duct they could put in rather than a 144 count fiber it could go up to 288 count or 432 count fiber and still fit within that inch and a quarter duct.

Schumm said maybe the Commission could get a report back from staff to let the Commission know the different load options. He said his question had to do with capacity and they were thinking they needed more conduit in order to increase the capacity. He said he was interested in the maximum of capacity for the future as long as they were digging the hole and putting stuff in now.

Wisdom said he hadn't looked at the specs for the 400 count fiber and the 288 standard CommScope fiber. He said he would need to check because they wanted to keep to a certain fiber specification that included zero water peak fiber so he would need to check the other larger count fiber specs. He said besides those 18 or 19 buildings, which they would probably use less than 60 fibers, the rest of the fibers they would probably be using for rings and other things. Wisdom said he was comfortable with that and didn't want to hold up their project over this but asked if the Commission could approve it with the option to bring it back with an option of possibly increasing the size, if they could work out the affordability.

Mann said there was a couple of options. He said, for example, the fiber they were putting in was 144 count and had an outside diameter of .67. If you get down the road a way where you need more fiber optic applications they would go to DWDM or you take 1 fiber and put 16 or 32 different light waves over that single strand and could exponentially multiply your 144 count out to 1000, if you need to. Technology was there and the pricing has come down a lot. The capacity issue could be overcome easily through larger technology such as DWDM.

Corliss asked if the Commission could get an answer as to whether or not the City wanted to try a larger conduit within the next 30 days.

Mann said they could have an answer but it might impact the project.

Dever said Mann was concerned about the cost.

Mann said yes.

Corliss said they understood that this proposal didn't allocate that additional cost and that might be something that should be negotiated between the City and Dawn Fiber.

Bosch said he was also concerned about the timeline to rolling out this project if they were to delay some more projects. A lot of their costs for construction were really borne out on the timeline of construction and they wanted to ramp up the construction. They were kicking off construction and other segments in the County and Baldwin City and if not coordinating that effectively there would be significant added costs because of the confusion on the timelines. He

said 288 strands of fiber with division wave multiplexing could appear as 9,000 strands which were way more than anyone out there had.

Randy Larkin, Senior City Attorney, said if the Commission was in favor of this agreement they could go forward with this agreement making an addendum and negotiating the cost of adding a larger conduit if they needed to at some point. That way Dawn Fiber could at least get started and could receive price estimates for staff's review and then come before the City Commission.

Wisdom said James Risner, Public Works Department, had installed a lot of fiber and just reminded him that if they increased the conduit to two inches the fill factor ratio required would not be enough to install two 288 count fibers and they would be looking at 288 and another smaller count. He said he didn't know that it would make that much of a difference.

Farmer said he thought staff should look at it anyway.

**Moved by Schumm, seconded by Farmer,** to authorize the City Manager to execute a license agreement with Dawn Fiber, LLC, dba Free State Broadband; and, direct staff to come back with information regarding overall capacity for the future. Motion carried unanimously.

3. **Considered documents related to Ordinance No. 8840, expanding the rental licensing program to all rental units in the city with certain exceptions noted.**

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

Schumm said there seemed to be a difference of opinion about the existing rental registration program with single-family dwellings. It was his understanding that whatever they did with this multi-family rental registration program would be mirrored through the single-family homes as well. If they reduced or diluted the program they were, in effect, diluting the existing standard in the ordinance.

McCullough said that was correct. They had all along incorporated the RS based program into this program, in one rental licensing program.

Schumm asked if they eliminate the environmental part of the ordinance then they eliminate that with the single-family homes as well.

McCullough said for the inspection part of the program, correct. It would remain standard for complaint based complaints.

Dever asked David Corliss, City Manager, that when they met on Monday, he was asking about how many inspections staff thought would be carried out based on the new potential scope of work and asked if Corliss had gotten a summary.

Amyx said that information was added to the agenda.

McCullough said on that issue staff believed they would have touched every property owners unit through one round of inspections. Depending on when they begin their discussion of renewing the program was going to depend on what the best date and year was to have that discussion. The memo points out that typically, when they talked about program improvements or deletions from the City's program menu, it was usually during budget time and was backed up quite a ways. He said if they were beginning in spring of 2017 when they discuss the budget for 2018 and they would have done about two years of inspections at that point. He said that data set might be fine for the purpose of Commission discussion.

Farmer said a few weeks ago they talked about this and McCullough indicated that 5 inspectors performed inspections between 1200 and 1500 a year and now it was 5 inspectors doing 3400 total inspection per year total. The total went from 7500 inspections to 3400 and wanted to know why there was such a significant of a reduction.

McCullough said during the meeting he stated 1200 to 1500 in reviewing staff's assumptions again it was more like 1100. He said this was the number based on a sampling size which would give staff 3400 inspections, 2400 units, 3400 total because staff was looking at re-inspecting a number of those units. It was also important to note that, as they implemented this program, they did believe that their inspections were going to take longer than what they had found with their current RS Program. He said with the current RS Program, typically those

units and structures have had multiple inspections over the course of years. He said inspections were pretty quick right now. He said they based their assumptions on that factor but didn't know if they could get there quite the same level, at least for a few years, as they got into the new multi-family units.

Farmer said that was 3400 a year total for the 5 inspectors.

McCullough said that was what staff thought they would need to get at by trying to touch all 18,000 units under the program as proposed. That it would be somewhere around 3400 units of inspections that staff would need to do to be able to get to the number of units out there.

Farmer said it was 680 per inspector, per year that was 13 per inspector per week which equated to 2.6 a day. Last week it was 6 a day and he was happier with this number.

McCullough said it would be 3 inspectors they would add to get 4 total inspectors.

Farmer said that would be 850 inspections annually, 16 per week, and 3.2 per day which was half it was last time. He said he felt better about the workload issues. He said he was concerned last time, which was predicated on the inspectors being able to do it, if they took a sick day or vacation. To him, 6 inspections a day would be tough.

McCullough said initially it would be a challenge.

Farmer said he felt better about 3 inspections per day.

Riordan said Section 6-1303 talked about licenses and about having one license although there might be a possibility of multiple people within that could be licensed. If one was denied were they all denied or could the other come back and get a license.

Randy Larkin, Senior City Attorney, said there would be nothing that would prohibit a license. He said, let's say it was owned by multiple people and if one person was denied for an incomplete registration, or if that person committed fraud, there would be nothing in the current form that was drafted that would prohibit a co-owner from coming back and seeking a license.

Riordan said if one person owned it and the license was denied, no one else could come back. But, if 2 or 3 owned it they could come back once or twice more.

Larkin said correct but staff could change that if so directed.

Riordan said that didn't seem right.

McCullough said that would be case specific and if staff understood they were the same owners, they would need to remedy the issue of fraud or misrepresentation if that were the issue to staff's satisfaction before staff would allow them to have a license again.

Amyx said he appreciated the City Commission giving the Mayor and him the opportunity to make changes to the violation portion of the draft ordinance. During a study session, a person was in attendance that probably wouldn't have supported the existing program and he wanted to let everyone know that it went too far. He said, as he went through this process, he could count noses and could see that three folks present would probably support this ordinance regarding rental registration licensing. He said he thought of a licensing program that was going to include registration and inspection and thought the majority of the people could live with it. He said almost everything that someone brought up during the discussion, he tried to incorporate back into this ordinance. One important point in this licensing program was how they could accomplish taking care of the life/safety portion of the inspection process and granting someone a license based on a number of issues that had to be met. He said in the draft ordinance 26 items were left in the ordinance to make sure the life safety/issues were taken care of. In no way did this affect any of the Property Maintenance Code the only difference was the way it was written. He said they didn't change any of the language that denied anyone the opportunity to call Development Services Staff to take care of a problem. The code also took into consideration the inspecting of unoccupied units. He said several landlords indicated that the vacancy rate was at 10% which was 1800 units and, with that said, inspectors wouldn't need to impose on anybody if licensing places now. He said, regarding Farmer's idea about the pilot program, he thought it was important to include a sunset clause. If an inspection was needed, it didn't have to be 3 years and maybe staff could accomplish 100% of the inspections in 5 years based on the numbers given. He thought it was closer to 5 years.

He said he would suggest bringing in the city auditor to review the program to see if the program was working correctly. That way you could have a 3<sup>rd</sup> set of independent eyes looking at the program. There were still questions regarding the consent form, in that everyone had to sign on but if one person didn't sign, he asked if they would give up their right therefore, triggering an administrative warrant. He said the items that the Mayor recommended ought to be considered for that license. He said with the changes that they made to the ordinance he thought it met the intent.

Dever said back to his questions about the number of inspections. He said he understood that they would reduce the number of inspections that they thought they could do per day and asked if that was because it was going to be harder.

McCullough said it was going to vary quite a bit by where they were at in the community; what type of structure staff would be looking at; the effort to get the inspections scheduled; the consent forms; and, all of the administrative work as well. He said they used an assumption in a much previous memo about 1100 to 1200 inspections per year that one inspector was doing today. He said there should be some recognition that the first couple of years of this program there would be fewer than that, that they would be able to do. He said staff hadn't put pencil to paper to say how much they could absolutely do each day they were there. So, they were using some assumptions based on what they knew now about the RS program. He said when they had put forth their commended staffing levels it was a little bit different program than what they were looking at today. It was also going to be true that as they enter this program, they were going to ramp up accordingly as they knew that they needed their staffing levels. He said they might not reach the level of meeting for inspectors in the first year and knew they needed the administrative staff and knew they needed to get their inspectors hired and trained for example. But, staff also, very much, had in mind the Commission's mandate direction to keep the cost down to a minimum level. That was something they worked hard on at the beginning part of this year. Staff hadn't changed what the assumptions were about how many inspections they could

do. What had changed was the sampling size and the fact that, with that sampling size, overall the number of inspections would come down for the year. He said he didn't know yet if it reached the level of not needing that 4<sup>th</sup> inspector or not because, at some point, they needed that 4<sup>th</sup> inspector depending on exactly at what limit they were at. He said they wanted a program where they're able to do their inspection, do their re-inspection, close their cases out and move on to the next series of units to inspect.

Farmer said McCullough indicated 1100 inspections were performed by one inspector per year so if there were 4 inspectors that would be 4400 per year but the number in the memo in their City Commission packet was 3400.

McCullough said that was at full capacity and was as much as staff could do was 4400.

Farmer said the expectation was 3400.

McCullough said the assumption was how many units to start with under the 18,000 and asked that the Commission remember that 8 units were added every year. The assumption was that they had about 3400 overall inspections to complete a year. So, when looking at it that way, if doing 1100 per staff, 3 of those staff members could do about 3300 using the hard numbers. Any more than 3300 was going to generate the need for another inspector, and anywhere between 3300 and 4400, which was why staff was assuming that they needed 4 inspectors. This was now a couple of year's old worth of data that they were using on the 18,000 and were adding a few hundred more each year.

Farmer said he thought that two weeks ago the City Commission set 5 inspectors, but staff was talking about 4.

McCullough said they had 1 inspector and proposed adding 3 more inspectors to cover 3400 plus inspections per year. He said using the number of 1100 inspections per inspector then that triggered the need for 4 inspectors in staff's opinion.

Riordan said when McCullough indicated they were adding some every year, he asked what that meant.



McCullough said adding more rental units every year.

Riordan said he thought new rental units were not to be inspected for 6 years.

McCullough said that was true.

Riordan asked where those 30 units were coming from.

McCullough said, at some point, all of those units would roll over into the inspection part of the program and they were all being licensed.

Riordan said those units would not be involved for the first 6 years.

McCullough said correct. But, if looking retroactively at that, then still each year that 6 years would roll over and a new prop of units came onto the inspection program.

Schumm said here was an interesting statistic that might help everyone with those numbers. He said he was looking at the Manhattan plan in which their building official indicated that: "I am pleased to report that all 3 of their rental inspectors had passed national certification and testing and was certified by the ICC Property Maintenance." He said in March they inspected a total of 338 dwellings, so they were about in the range that McCullough was talking about. He said that was in Manhattan's startup and, in the first 2 months, they had inspected 663 for February and March and those numbers jived with what McCullough's suggestion of what could be done.

Dever asked if staff had seen a copy of Manhattans inspection check list.

McCullough said no.

Mayor Dever called for public comment.

Marilynn Roy said she lived in a rental house, always rented in Lawrence and had one very good landlord whose house she rented for 4 years before they sold their property. She also lived in another house for 11 years and that landlord was not someone who wanted to do anything about his property until it was an emergency and they had 3 big emergencies. She had been in Lawrence since 1974 when they had the student ghetto which was the Oread Neighborhood but there had been a lot of improvements. She said she was pleading with the

City Commission to pass this ordinance. It was really important to stop the cycle of damaged property, neglectful landlords and a shortage of decent housing for people who care about their rental properties and wanted to have a nice place to live because they couldn't afford to own a home. She said the rental market was dominated by KU students but if landlords saw that they had to be responsible for keeping up their properties. Again, she asked the City Commission to approve this rental registration ordinance because they needed better housing and needed the landlords to be more encouraged to take care of their rental units.

Brandy Sutton said Farmer gave her a heart attack last time when he talked about a pilot program for 3 months, but, now that she had time to think about it, it made sense. On a longer term basis that was proposed by the Mayor and Vice Mayor made a lot of sense. She said when they were discussing the 10% rental inspection, the 15% cap was left out. She was concerned that with the 15 unit cap the budget was not going to be adequate to be self-funding. She wasn't sure those figures had been re-worked since that 15 unit cap was put back in. She also had some concerns regarding rent by the room. There were a lot of units that were rented by the room and not the entire apartment. They shared a common area, a kitchen and a living area and didn't think that scenario was properly addressed in the ordinance as far as giving consent. In making sure it was clear when giving consent for the unit that if it was a rent by room community, consent was required for each individual lease agreement.

She had major concerns with the occupancy addendum. If you tell a tenant that they could have up to 3 persons living there and had a lease for 2 people they would say that the addendum stated that they could have 3 and it would cause confusion. It also stated that in RM Districts you could only have 4 renters but there were exceptions to that rule and would be creating some confusion in that situation if they were having tenants sign that.

She also had concerns about the notice requirements which stated that the notice may be by hand delivery, first class mail or email. She said she received 100's of emails a day and some went to her junk filter. She said if they were going to say that email was an option, there

also be a requirement of 1<sup>st</sup> Class mail just so they didn't have a spam filter or a server down and somebody missed a very important notice.

In Section 8, while it did not need to pay the license fee and did not need to be inspected, she encouraged that be counted in the vacant unit inspection requirements so they actually were being inspected and it be counted toward that 10% of the total units. She said that would elevate some of those issues they had regarding the number of inspectors and how many units they could actually inspect. She had seen so many different figures that she wasn't sure that what was being proposed in Draft 2 was fiscally appropriate and could be done. She said that's where it came back into the sunset provision being important so that they had a definite drop dead to see if they were on the right track. She said she was pleasantly surprised when she saw Draft 2 because it addressed a lot of the issues the tenants had, addressed some of the issues the ACLU had raised and it addressed a lot of concerns that the landlords had. She strongly encouraged that they continued working with Draft 2. That they address some of those issues and make sure the funding was correct based on this 10% with a 15 unit cap because she had some concerns, especially given the numbers of inspection confusion, how many units would be inspected a day and they needed to get that information nailed down before moving forward.

Laura Routh said she would like to express her gratitude to staff and the Commission for their hard work and long consideration of the proposal to better regulate rental property in Lawrence. She knew this had been a difficult process and thought the effort was being made. She was disappointed in the recent changes proposed for this program. She believed a sunset clause would inherently weaken the effectiveness of any new program or would give the opponents a clear target for revocation. She asked what incentive would there be to comply or excel when overturning the rule became the primary political goal. Further, she was afraid that watering down requirements for the new rental inspection program might threaten the effectiveness of the City's current rental inspection program. The current program had been in

place for over a decade and worked to ensure safe habitable rentals within single family neighborhood. Lessening this to a program that relied on consumer complaints would not work. It would leave tenants vulnerable and would not provide staff or administrative resources needed to run an efficient program. It was a big step backwards.

She said both landlord and tenants had responsibilities and some of the changes made to the tenant end of this proposal were appropriate. However, when either a landlord or a tenant failed to fulfill their responsibilities, it was invariably that the taxpayers that flipped the bill for the increased fire and police calls and repeated code enforcement activity. She said they suffered because of the blight, reduced property values and impacts to quality of life that occurred. She said asked the City Commission to please pass the rental registration and inspection ordinance as it was proposed during the City Commission September reading. Lessening the requirements or timeline of the proposed program would cause confusion and distrust and might damage the integrity and functionality of the regulations in place now.

John Bowen said he was in the insurance business for 15 years and they did inspect because it affected their bottom line and he thought inspections were needed and they needed to make it strong. He said some things like the dryer vent combination should be in the ordinance and should cover safety and liability.

Tom Harper said this was about life/safety. He said he owned a 4-plex at 1100 Tennessee and actually invited Brian Jimenez, Code Enforcement Manager, Scott McCullough, Director of Planning and Development Services, and Treni Westcott, Zoning Inspector, to come over and look at his 4-plex. He said he gave everyone a week notice and everyone signed it with no drama. He said when it was presented in a good way the issue of privacy was a non-issue. If wanting to stir it up, you could certainly stir it up. Everyone welcomed the City staff in their home because City staff was there to make sure the place was safe or what could be done to make it safer.

He said he was a little concerned about diluting the ordinance that was done the last couple of weeks and didn't quite understand that that would also dilute the single-family inspections. Yet Amyx stated that the other code was still in place. He said part of him wanted to believe that if they diluted it, the other piece was still there and they weren't really diluting it. He said if that was what needed to be done to press on and get this issue behind them that was great because he was tired.

The sunset issue was just inviting more debate in 2017 and he would be even more tired in 2017 because he would be older and why would they want to go through this again. He said let's have faith in the City staff because they had done this inspection process for 10 to 12 years already and believed they could do this too. He said there would be people that would be angry and would need to spend some money but safety was the issue and they would have achieved a level of safety that was worth the price. He asked that the 2017 sunset not be done.

He said, regarding inspecting vacant properties, he thought that was fine if City staff wanted to do that but he didn't want a landlord directing the traffic. If the City thought it made sense to look at that particular unit, then fine.

He said the City had a proven track record and asked that everyone be patient with the City in implementing this program and it would take a lot of time. He said those houses in Oread would take more time than the newer homes. He said be patient and it wasn't all about how many inspections staff would do in a day. Sometimes an inspection would be complicated and research would be needed but it was going to be time and money well spent. He said he went back to the previous presenter regarding broadband that praised City staff and stated that staff did a great job working with them. He said they needed to trust City staff that they could do this inspection process effectively and it was having faith in the people that you work with.

Bill Schulteis said the thing that hadn't been pursued was education. He said overall housing was pretty good but if you look at what's been reported, it was less than 1/10<sup>th</sup> of a percent that was an issue. He said they had some time to kick around education and asked if

there was an easier approach that was not intrusive and didn't cause as much concern to different parties around the room and still take care of the problem. He said he agreed with Sutton about the form and the maximum people you could have would cause all kinds of problems because their leases stated exactly who could live in the house and would like to see that go away.

He said if a landlord had a home that had Section 8 inspection that should be included in the 15 units if those units had been inspected before. He said he also wanted to make sure they didn't have the scope creep because everyone had good intentions. They really had to put things in writing and the administrative procedures really needed to support the guidance and not drift away from that guidance. He said he agreed with the expiration date because it would cause a lot of debate in 2017 but most of their programs were worthy of a good debate to make sure they're good and make sure there wasn't something else they needed to change. He said he liked the direction that things were going compared to where they were a year ago and would like to see some consideration of education being a good approach as opposed to new infrastructure, new staff and a new program.

Rick Kupper, Vice President of the Oread Neighborhood Association, said the people that he rented to and most of the people that he dealt with had properties in the Oread area. One of the first concerns was the privacy issues. He said it was his job as a landlord to protect his tenants from whatever he could protect them from. He said he had parents and students coming through his homes as well as firemen. He had people telling him what to do and how to fix things. He said they made their properties as safe and tried to offer a clean and safe environment for those students. He said he was concerned about the privacy issue and a majority of people thought the students needed to be protected from the mean old landlord but it was really not the truth. He said it was a very small percentage of those guys and he was sure the City had received complaints about those guys before. He said maybe Schulteis was on to something by saying maybe they could rectify this as landlords by giving a pamphlet to each of

the students that move in and it wouldn't require a new ordinance. He said there were already ordinances to cover whatever was wrong with those houses. He said it was his job to protect his tenants from a bad living environment and thought he had done a good job through the years. It was the City Commission's job to protect the students from the landlords or so they thought. But, when they had people coming into their homes, going through rooms with all this crap coming down from the privacy issues and the NSA, now he had people coming through his homes and looking in kids rooms and asked who was to protect them from the City. He said a lot of this could be taken care of with some education that they could produce as landlords. He said in the Oread area there were landlords that had homes for years and the City was asking them to go from whatever they had now up to code. He said whether there were good or bad landlords asking them in one fell swoop was unrealistic. He said whether the Commission liked it or not there was a difference between a clean and safe house without having it totally up to date.

Farmer asked staff if they could respond to the statement about getting thing up to code in one fell swoop. He said how long had the code been in effect for people to bring their homes up to code.

McCullough said he would need to get with staff to find out when the Environment and the Property Maintenance Code which would be applied here, were instituted.

Larkin said the International Property Maintenance Code was adopted within the last 10 or 15 years, but the environmental code was passed in the 1960's.

Matt Hoy said the revised draft that the Mayor and the Vice Mayor had worked on, he appreciated their effort in reconsidering and working on that. He said he believed that a sunset to this ordinance was important. He said in part because a lot of what the Commission had heard was anecdotal, based on assumptions or a best guess and those were staff that were professionals and were really trying hard. But, they didn't know because they didn't have the full volume of specific information regarding what exactly the focus might end up needing to be.

He said creating an inherent opportunity to review the program, after implementation, seemed only appropriate. As the Commission considered what were the tasks that City staff needed to be equipped to perform in the inspection. Those were things that would be learned through the process and if there was a point in time when whoever was on the Commission had to sit down and reconsider this, again that made a great deal of sense. A sunset would also allow the City Auditor to come in and review the implementation of the program, see about the costs associated with the program and make sure appropriate effectiveness was being achieved. He said there was going to be a lot of experience and wisdom gained from the experience of having the program. Including what really was happening when tenants were being asked to give consent to an inspection. What reaction would that generate from the tenants and what issues did staff or landlords find as a consequence of asking for the inspection consent from tenants. In addition, it was not necessarily his area of the law but the 4<sup>th</sup> amendment was relatively a hot topic area. There was a recent decision from the United States Supreme Court judges that had different prospective, all agreeing about the illegal search associated with a case in Florida which was an example that illustrated and that decision came out the summer of this year. He said today they had a decision rendered by a court in the District of Columbia, again on warrantless searches and the 4<sup>th</sup> amendment. He said, ultimately, debate and discussion on policy matters was a good thing and creating a frame work for the next Commission to evaluate the propriety of this program made a great deal of sense.

Candice Davis, speaking on behalf of the Lawrence Association of Neighborhoods (LAN), said LAN had been a long-time supporter of an extended City-wide rental registration program. The need for expanding the present program had been debated by the City Commission for at least 5 years and there had been many opportunities for study and public input. The proposed program was designed to be cost-neutral once it was established and she agreed that there would be hardships felt by smaller rental businesses who hadn't kept up with maintaining their properties and, as was just pointed out, a lot of people have had 50 years to



do that. She said on her own block she talked to a proud owner of the house that was in disgraceful repair and was for sale and was proudly telling her that he hadn't done a thing to the house in 20 years. She said that was an example of a really bad landlord but there were many places like that. The present proposal had gone through many changes and made multiple accommodations to landlords. It was a good program with built in incentives. The existing 12 year rental inspection program in single-family neighborhood had been a very successful model. There had been some talk about the demographics and realized that they weren't identical but there were many similarities to the multi-family and some of the single-family rentals. If this program was not as effective as it could be, this would also be a problem for the single-family neighborhoods as had been mentioned. The City had already adopted the Universal Minimum Property Maintenance Standards for Commercial and Residential Properties. Those standards were in use throughout the United States and in many parts of Europe. The City staff did not make those up. Property owners were already subjected to compliance or expected to comply with those codes so she found it confusing to think that inspectors of a rental ordinance wouldn't be able to go ahead and site things that they notice when going out on the initial visit. She said she didn't know how many visits it would take and was a little confusing since it sounded like they had to comply with the ordinance anyway and it seemed like it would be a waste of resources. To LAN, the privacy issue was a red herring. The need to access units is addressed in the lease for repairs and maintenance and units were also shown to incoming tenants as part of doing business. After all, it was a rental business. She said she doubted that landlords would like to have some stop point for a month while people move out and then spend weeks or months showing the property with no one there. It just wouldn't happen and they would seriously complain about money.

The motivation for LAN to support a City-wide inspection program was for public health and safety as well as for neighborhood health and vitality. Renting was a business and restaurants have inspections as do many other businesses. They doubted that tenants were

able to hire attorneys to speak on their behalf as they had seen over the years in this process. Tenants often lack the resources or power to combat unfair rental practices and in her estimation, and LAN's, tenants did need protection. She said what she wanted to ask, and it had never been made clear, was that she would like to know who did those attorney's represent. They had two attorneys present tonight but very often there were three and she wanted to know the names of the people they represent, not some LLC. She was very concerned about the scare tactics that were used by Hutton Farms and Tuckaway Apartment Complex to disseminate inaccurate, misinformation to tenants. Some of those lawyers, she believed, might be representing some of those management companies. In the end, she was wondering how credible some of their statements and requests were, given some of the tactics that had been used. LAN asked the City Commission to move forward with an effective City-wide inspection program, including the environmental standards already adopted by the City. LAN did not support the sunset clause. They believed passing this ordinance would provide safety for tenants, reduce blight and improve the entire community. She said she was looking for a really nice Christmas present.

Beth Reiber, speaking on behalf of the Oread Residents Association, said two weeks ago she was present at the City Commission meeting and did not feel the need to talk because everyone else spoke so eloquently about why they needed this rental inspection. As it progressed and the City Commission debated it, she felt like she was watching a train wreck in slow motion. She said she understood Farmer's concerns with the letters he had gotten but when he said he received a slew of them, just before the meeting, that tipped her off that there was a reason for that and it was pretty obvious that some of those were landlord driven. Students don't usually get up in arms about City Commission meetings, especially if they hadn't been to a Commission meeting before. The reason why she was suspicious was that a lot of the residents used to be on the Oread Neighborhood Commission and when they had elections a lot of landlords brought their tenants, had them vote and they voted them off the board. She

said she thought landlords would use the privacy clause as a way to combat the rental inspection because that was the only thing they had to stand on. She said she believed students wanted to be safe to. She said she didn't know if she was the only one that had a problem with Amyx coming up with this reduced list after, two weeks ago, he admitted that he had rental property that did not meet standard city code and that it would be too costly for him to comply and then they see this reduced list of things that would be inspected. She said that was kind of like the gas company bribing their own regulations. She said she didn't see what was eliminated but it struck her as odd. It did seem crazy for the inspector to go and do a certain set of things when they see other things. She said they could or could not note violations but that was left up to the inspector. She said to say there was an existing City Code that students could call and have the City come inspect, that's just not going to happen. She knew some students that had rental property with several violations but they weren't going to call because they had too many people living there. The landlord knew that but the landlord knew that those students wouldn't call because they were already in violation so the students just live with it. She said, when she was younger, she lived at a property where she opened the basement door and it looked like a river was running through the basement and it was open sewer. Every time someone had their air condition on, which there were three units, it blew a fuse about 2 or 3 times a day. She said she got use to saving her documents every 30 minutes because the electricity would go out so often. She said that place was condemned and she had to move out and it never occurred to her to call the City and complain.

She said regarding the sunset clause she thought it would become political after seeing what happened with the Oread Neighborhood Association and those of the Commission that voted for this now would probably not have a job. There would be people present that were against the rental inspection. In conclusion, in the Oread Neighborhood within two blocks of her house there had been four major fires that gutted the property; two on Tennessee, one on Vermont and one on 13<sup>th</sup> Street. She said nobody should have to live with that and she didn't

know the causes of the fire, but four fires? She said she was sure it wasn't happening in the Commission's neighborhood but the underlying issue was safety. She said she had two college aged sons and wanted to know where they're living was safe and didn't need to worry about things not working and things not functioning properly. She said her sons deserved to be safe and she needed to know that they're safe.

Farmer said since there was an accusation about the slew of emails he received, that allegedly his email was hacked into by a citizen. They weren't landlords but a lot of people for and against. He said, just to go on the record, his comment last week was more about how many people seem to wait 'til the last minute to give input and he took offense to Reiber's statement and she was wrong.

David Holroyd said, first of all, he didn't own hundreds of rentals. He said he had two properties and sold those properties because the owner occupied homes were constantly run down and the only way to do anything about it was on a complaint basis. He said that got old so he sold and bought in Arizona.

He said Riordan talked about the new units. He asked if they would pay a license fee and then not be inspected for six years.

Riordan said it was his understanding that they would pay the fee.

Holroyd said they would pay something. He said he could assure Schumm that staff, when he complained about a bunch of weeds in their ally at the north end of 12<sup>th</sup> Street, staff acted properly and also cited a couple of houses for peeling paint. He said when staff went to a property staff knew what to do and they didn't need to add more and more on this.

He said he had two properties that he took care of. One of the properties had two families in it. The owner lived out of town, but owned the house since 1979. The home would be put up for sale because they were tired of being hassled with a bunch of non-sense. He said they would pay the license fee but that brought him to something else. Those businesses downtown were in business and asked if they paid a license fee to operate.

Amyx said he did but not to the City.

Holroyd said who inspected the properties downtown. If going into the parking lot where the Farmer's Market is held and look at the backs of all of those buildings, you might think you were in his neighborhood. It was an absolute disgrace. The walkway behind Mark's had bare wires hanging and asked who checked that stuff. The City now wanted to check apartments but they weren't even taking care of your own neighborhoods and that made him mad because they paid a lot of money to keep up downtown.

Janet Gestner said she lived in Oread for 10 years and has been a landlord for longer than that. She strongly supported rental registration and inspections and strongly supported the expansion to those neighborhoods because it was something that was long overdue. She really supported the ordinance as it existed. She was concerned about diminishing the ordinance. She said Holroyd commented that he didn't want layers added on but she saw it as not adding on layers but were actually taking away layers. She said that really concerned her when they've had a successful program. She said she was very concerned about the sunset clause and did not support that. As Harper said earlier, she did entrust City staff because they had excellent City staff. She said she also trusted the City Commissioners for their on-going efforts to being aware and evaluating those programs. She said she didn't see that anything that was brought up that could happen in 2017 probably wasn't already happening with programs and would continue to do so. Lastly, she was a little upset that they have had this other ordinance in place and had been inspecting single-family residences on this full list and had gotten the benefit of that. After a number of years inspecting, they've rectified some issues and those neighborhoods were doing well at this point. It seemed like a bit of a slap in the face to some of those other neighborhoods, such as Oread, if they were saying they weren't worthy of those same standards. She strongly urged the City Commission to support this program. But, if they had to as the draft 2 she strongly supported it as draft 1 and didn't see any reason when they

had at least 3 votes, if not all 5, of the Commissioners supporting safety for their tenants that they couldn't go ahead and continue the program they had and expand the program.

Russell Livingston said they needed to find a compromise. The sunset clause was a great opportunity to make compromise. He said it would serve as a useful data gathering tool but it was something that could go into effect because it would be the ordinance itself and the Commissioners expressed some concerns about a pilot program not being easily implemented because it wasn't an ordinance. He said if they just go ahead and pass the ordinance they could put a sunset clause in it and it did a second thing, it gave staff good direction and motivation to do all the things they needed to do to make this system more transparent than what it currently was. The current system failed in many ways and he was a man of numbers and he ran a lot of businesses and it was difficult for him to see how they quantified this expansion of this program when they didn't have any quantifiable numbers that they could base this expansion on. He said he had some numbers that did kind of tell him why they shouldn't do it. He said the City's Auditor had done an extensive and exhausting study of this rental licensing program and they've come back and made numerous recommendations about things that needed to be changed. There were no written policies and procedures in place and for him, as a manager of a business, he found it difficult to believe that they would have a business that they were operating in this community where the staff didn't have any written direction and the public didn't have anything they could look at. He said that was a real problem point for him as a person who's ran businesses for years. This current program had been running revenue neutral by a 100% for 12 years and he looked at the numbers where they were talking about bringing in \$400,000 and as a business owner their talking about spending every penny of it. It was just going to be more of the same and the City would need to go to the general revenue fund to fund this. He said he didn't think the taxpayers or the citizens of this community were really aware of how much money had been expended to support this rental program that they had now and what was likely to be in future. He said all staff would do a lot better with a written policies and

procedures and good directive to help staff understand what their objectives and goals were and it should be transparent to the citizens of the community as well. He said he supported a sunset provision because it could be used as a carrot and stick approach. It could be a motivational tool to get the transparency out there that the City needed. He said he would like to see some numbers that showed that they really had a problem in this community. He said he asked numerous times and had written letters and he could not see the data. He said it was sad that the City had spent almost a million dollars over the last 11 years and they had no data to show that there was a problem. He said he was a "Johnny Come Lately" and he had other things to do too but this was part of the democratic process of standing up and raising objections to things. He said he was raising and objecting to things and he liked to be heard and appreciated the Commission was hearing him but he urged the City Commission to support the pilot program idea by including the sunset provision. He also urged the City Commission to strike the digital imaging from the inspection process and pass an ordinance with privacy.

Dever said in response to some of the correspondence that came there was a lot of it specifically about people requesting information about the City's existing program, allowing them access to data, allowing them to effectively evaluate what they had done. It's clear and wanted to apologize on behalf of the City that the City hadn't done a great job of documenting, in an easy to release fashion, all of the history of the inspections and the details related to the inspections. People asked for copies of the forms but they might not have those forms and might transcribe into the database and then people would ask to see the database but the database wasn't easily searchable in that fashion. He said there were real concerns that people had and that was one of the reasons to hone in on a program that was accountable and it was relatable to people and they could measure the quality and the progress of their work because otherwise it was silly. He said he brought that up because Livingston brought up a good point, and in reading some of the requests for information, the Freedom of Information Act, those

things came up and weren't able to answer some of those questions. He asked McCullough to supplement that by indicating that the new system would allow what?

McCullough said it would allow staff to input a greater amount of data, but bear in mind that they've had a one person program from inception until now. The existing ordinance was straight forward and a simple program. The audit was completed a year or two ago and its finding was that it was a predominately well run program but its institutional knowledge was only with a few staff people and encouraged staff to set that institutional knowledge practices on paper. Staff immediately got to that task but it's been in draft form because they also immediately go to this exercise of determining whether or not they wanted to expand the program and was now in a transitional phase. Also, transitioning into a more powerful software system was going to allow staff to provide reports to the City Commission as often as they liked and run reports as often as staff needed to make sure that they were meeting the performance measurements and those issues. He said this was a large expansion to the program. There was going to be a lot more data that staff would be able to provide as the years go down the line. He said staff had memorandums through the last couple of years of numbers, data and violations, number of properties in the program and he felt they did have a lot of numbers but there was only so much data to go by. He said they hadn't had the opportunity to accumulate that data in reports because it was a one person shop program. This exercise in looking at expansion had exposed that deficiency in their former software program and how they were accumulating data for this exercise.

Dever said that information would be available to the public as well because it was important. But, even more importantly was that the public, landlords and the people that lived in those properties could gain access to how the City was doing.

McCullough said absolutely. He said staff reported information to the City Manager's Report and provided the City Commission annual statistics on their rental licensing program through a number of inspections. It all was put into their annual Planning and Development



Services Report but it's been fairly quiet because it had been a workable program. One without a lot of visibility because it was restricted to the RS program and it had been in practice for a number of years. He assumed that the first couple of years they probably did do some reporting to the Commission and would do the same as this program unfolded.

Dever said he wasn't sure if everyone understood how much better the City wanted to provide information if they take this program on. He said the Commission hadn't communicated between themselves about the changes and the alteration that he and Amyx provided.

Schumm said he appreciated the work that Dever and Amyx did on this ordinance. He said he indicated last meeting that he would look at a compromise regarding life-safety issues only, a paired down list that Dever and Amyx prepared. Since then, he had the opportunity to think about this program and read all the reports and he was all up to speed. A lot of the amendment language in Draft 2 was good and worthy language. There were three parts that he couldn't agree with. He said he could not undo what a former Commission had spent a lot of time doing with the single family dwelling requirements because it had been very effective. He said he couldn't go that direction and needed the environmental ordinances back in play. He said they compromised several times by reducing the sample size to 10% or a maximum of 15 units; had a 3 year bonus and if they did well on their score they did not need to be inspected for 6 years; reduced the cost of the program by more than 50%; they were now saying that the inspectors would inspect vacant units where possible; delayed the start of the program to coincide with the way the leases were written in August; agreed to a 72 hour notice to inspect; and tried to meet the challenge everywhere they could, but, at some point, a line needed to be drawn and ask, "What was best for Lawrence." He said he believed because they were talking about a business. He said his business was inspected by 3 different agencies and didn't like it. The cost was not a big deal and a memo from the City Manager indicated that for a single unit, depending whether it was a 3 or 6 year cycle was anywhere from \$1.53 per month to \$2.22 per month. If a person had an apartment complex of 100 units, and received the bonus score, it

would be 89 cents a month per unit which, was not a lot of money, to make sure that they were going to provide the service for safety and welfare. He said with the environmental code they would protect the neighborhoods. He said, regarding exterior yard, he had a rental unit across the street from his home that was blighted until someone calls code enforcement. He read some of the other exterior conditions which was in another ordinance that they just passed. He said some of the items that were left off that were really important were that a clothes dryer needing to be properly vented, the electrical service panel was safe and had a minimum of 60 amps and 60 amps was very small, plumbing fixtures, drains were working and extension cords. He said when the Fire Department inspected his premise that was the number 1 enemy because extension cords cause fires. He said he wanted to get something done and work in the spirit of compromise but they were denying themselves the fact that those were already rules that were on the books that were to be followed,. Yet, they were saying they would turn a blind eye to this stuff and it would get fixed some way which wasn't right. He said his solution was if someone didn't like the way the code was written, change the code and take out those things and we're at least consistent. He said he couldn't get there by compromising the standards on single-family dwellings. He said he thought they should have the environmental sections placed back into the ordinance and didn't see anything wrong with all the requirements it took. The inspection services had been good for 11 years for single-family dwellings.

Riordan said this particular issue showed many things about Lawrence. It showed that the City was willing to take a lot of data. He said there were some items on the minor violations that he could support if those violations were omitted and no major violations that he could support. He said his biggest disagreement was with the sunset law because it politicizes this excessively but mainly that they had a situation where they hired people and then 3 years later they discharge them. It placed the burden of proof in the wrong direction. He agreed with Hoy that they could certainly evaluate this program and wouldn't mind evaluating the program every year or every other year. But, on an on-going basis to see how it could be improved, not to

destroy it. The other thing it did was, other than creating a situation where people might not have employment in the near future, was that it told those people that the City didn't have their back. He asked why they would put City employees in a situation where they really didn't know what they were doing but they did know what they were doing. They had all the data and information and were going in the right direction. He said if someone only had a job for 3 years the City would get a decrease of application to do it. He said this gave the Commission a situation where they say they were indecisive and that wasn't a good message to give to staff and the City. He said they had five people on the City Commission who very much believe in protecting the City and creating a City they could be proud of. Even though they might argue in Commission meeting, there was a great respect for each of them. He said he always said that he would challenge people and he wanted people to challenge him. He said through all those discussions the thing he kept coming back to was that they weren't wrong with rental registration. He said he lived in the Oread neighborhood in a high density of rentals. His son and family had lived in those rentals. In a rental that he and his son spent hours and hours to something that would never pass code and was unacceptable. He said, even though the person that owned it took it off his rent, it should have been done before. He said he didn't have a lot of concern about people haven't done something that should have been 10, 20 or 30 years ago and had to pay for it now. He said this was about safety but there were items that weren't necessarily safety but would you want a place next to you with cars setup in the front yard or the grass two feet tall. He said rental registration helped the citizens and those people who were renting for safety. He said there were some things he could compromise on but he couldn't go with draft 2 because he didn't look at as a compromise, but as something that was unacceptable to him. He said he would be willing to talk about some things and there were about 8 or 9 that he could do without. If he had to vote on only one tonight he would vote on the draft from the previous week. He said he appreciated the actions and thoughts because the motivation for

draft 2 was there and he certainly thought it was meant in a good way but he couldn't go with that draft.

Farmer said compromise was really important and what had been the most frustrating about this issue was that it seemed there were two inherent sides where either one group was going to get their way or another group was not going to get their way and no middle ground. He said someone would be right and someone would be wrong and that bothered him because one of the reasons why he wanted to run for this job was because he wanted to find middle ground and compromise on a lot of the issues. He said he wanted to build bridges to people in groups in this community because he felt that so much of the community was polarized against one another. He said this had been one of the most hellish issues and had been tough. Everyone had different ideas about what was right and wrong in this scenario, but he wanted to talk about why he decided to run for this job. So many people asked why this program was even necessary. He said they went on a mock inspection with a landlord in town over on Kentucky Street and was a topic of conversation outside of the back of their home. He said within his first 6 months at Just Food there was a single mother with 3 children that was telling him about the deplorable conditions that she was living under. He said he didn't know the complaint process at that time so he did some research and had a conversation with that person the following week and told her that she could call the City and file a complaint. He said she was told by her landlord that if she filed a complaint with the City they would kick her out of her house. He said his response was that that wasn't legal and the Kansas Landlord Tenant Act precluded that from happening. He said she then asked if Farmer could promise her that her and her children would not get kicked out of her house. Farmer replied no, but if she did, she could hire an attorney and sue the landlord and, this woman, that was sitting across from him in the conference room, it came very apparent that there was no way that that was ever going to happen. He said people didn't understand just how life in poverty was for folks in this community. He said what might seem easy for some of us to call an attorney and explain the

situation and get recourse was not possible for a single mother and three kids working two jobs. He said he asked this to every person who opposed this program, "How could they protect vulnerable populations because at his core, this was what it was about. He said how they could protect those that didn't have a voice and were living in fear to make sure they're protected.

He said he didn't like the sunset clause idea at all because this made this continually an issue and it politicized this. He didn't think that should be said in spite of the Commission reviewing the program annually. One of the issues he had, and agreed with what Livingston indicated, was that they didn't have any idea how to evaluate this program. He said that was troubling to him and they needed to get that figured out. He said would they measure it by the number of tenants that didn't sign the waiver or would they measure by the number of administrative warrants. He said they had to get that figured out because that would help them figure out whether or not the program was working.

He said, regarding education, he didn't think it needed to be and/or education but something that was rolled out parallel to one another. He said he appreciated the work Dever and Amyx did on draft no. 2, some of the things he agreed with and some he didn't. He wasn't sure that that was something they had to figure out and they could go back and forth on what they could live with and what they couldn't. He suggested going ahead with the Ordinance 8840. In the first 6 months, he proposed requiring all landlords in the city to put placards similar to what people had on the back of hotel room doors saying "if you feel like you're living in unsafe conditions, there were laws to protect you as a tenant so you wouldn't get evicted from your home, please call the city to file a complaint". And, it was posted somewhere in their house that way they would know that the City would come and inspect if they felt like there was an issue and they would measure that. If they put this in 18,000 units and received 4 complaints in 6 months, that would be a problem. If they received 400 complaints but if they empowered people and give them permission to let the Commission know that there was recourse for things they had concerns about, they would receive a lot of complaints. He said it would create the

education component and then, after 6 months, the Commission would evaluate the program and start building metrics for the program.

He said when he went to do a test run on a rental property it became interesting because there were 6 people living there and 2 tenants did not sign the consent form. He asked those two tenants why they didn't sign the consent form and one tenant said he didn't want his pictures to be all over the internet and he didn't want his mom to be able to see what he had in his living room, in a sense. He said the consent form was a half-page long and didn't specify where those digital images are going to be. He said he indicated that the images would be seen by City staff and their landlord and wouldn't be on facebook. He said the tenant said if that information was in that form, he would have signed it. The second person said that if he would have signed it that would have given the City free reign to come in whenever they wanted. He said he indicated no, it had to be setup and a 72 hour notification period which was good for this inspection only, it wasn't good for inspection next week. If a tenant was inspected again in a month or two months there would be another form that needed to be signed. He said this wasn't like a one form fits all for inspection for the entire duration that they're there. He said the tenant said that wasn't in the form but if he knew that, he would have signed it. He said they needed to get that feedback somehow. He said in addition to the education piece that they spend the first 6 months of 2014 working with landlords and tenants to craft...get feedback from people. He said about the two weeks the Commission discussed the data and only cared about the data right now with the education and the placards but they needed feedback about what would help ease fears of people. Further, he proposed giving staff written policies, procedures and directives for what they wanted to get out of this. He said adopt the ordinance, the education piece with placards on the walls, as well as figuring out what they wanted to measure for the first 6 months of 2014. He said landlords would be amenable to that and it was important because if education was the answer and there was no complaints, then they would have something to work with but his sense was that there would be a lot. The third piece was figuring

out how to best get feedback from people and inform the community about what was going on. He said that was a good direction to go and was a compromise because it was getting at the education piece and a compromise because they were in a sense moving forward with the program and continuing to listen and get feedback from folks in the community.

Schumm said, regarding the woman Farmer cited in his first example, he asked if she would call and complain with the placard on her door.

Farmer said no.

Schumm said in Manhattan, 3 of their rental inspectors had passed National Certification Testing and were certified ICCP Property Maintenance Inspectors. In March they inspected a total of 338 dwellings, of those 107 passed inspections. He said that meant 231 did not or 2/3<sup>rd</sup> of what they inspected in their first month did not make it. He said they had 469 electrical violations; 239 smoke detectors missing or inoperable; 167 interior surfaces kept good, clean and in sanitary condition; electrical receptacles, not sufficient quantity leading to extension cord use; 133 outlets wired incorrectly; fire resistance rated assemblies, lack of fire separation between dwelling units were cited 122 times. He said he didn't know what the housing stock was like in Manhattan versus Lawrence but that was a lot of violations. He said there was a lot of stuff out there that just wasn't right. He said he was all for education but asked if Farmer was offering education in lieu of inspection.

Farmer said no. He said it didn't need to be an "and/or" thing and wouldn't lose anything by putting a placard up indicating that if they had issues with things in their home. He said when they went on that mock inspection the tenants had no idea that they could notify the City. He said those tenants would probably complain if something was in violation. He said those were two separate groups of people. The education was going to affect a majority, over 50%, but the ordinance was really helping to protect the vulnerable and innocent of the City's population. He said they could measure the successes of the placard use and use that as a metric on how they

reviewed the program on an annual basis. He said it didn't need to be one or the other but it could be both.

Riordan said, in his practice, he probably talked to 150,000 people in poverty and 60,000 hours face to face. Anywhere from child sexual abuse, to not being able to get to his office because they didn't have a ride or that they allowed sexually molesting other parent stay in the house because they loved him so much. Having all that experience, those were people who, in many ways, he loved as much, or more, than the other people he saw that had money and abilities. One of the lessons he learned was that people who had stresses, whether it was poverty or 6 kids and not enough time and working 2 jobs, lived for today. He said they didn't plan like people that had the ability to do that and had the time. He said they looked at problems today and if it wasn't a problem today, they wouldn't address it. He said if they were talking about protecting those people by going on with Draft 1, plus instituting those other things, that was great because they're very simple things to do. If talking about gathering that information and looking back in 6 months and saying, because of this data, they were no longer going to do draft 1. He would have problems with that because the information they had was that people who need protection, often did not know they needed protection. Often did not have the time or the ability, mental stability to follow through. 8% of the population had ADD and had difficulty finishing things. He said they might start a complaint and never get to the point where they actually did it. He said a written policy would be great and reviewing this every year or every other year basis was a good idea. He said, regarding Farmer's concept of the placards in the right place, they had those placards in the hospital and if a person didn't think he or she was getting good care they let the hospital know. He said to get feedback from people was also great and, with those 3 things that Farmer was talking about, he would have no problem supporting those ideas in any way. Again, he couldn't do the sunset and couldn't agree with all the changes that were made. He said he could support Draft 1 along with the things Farmer added.



Amyx asked Farmer which ordinance draft he would choose.

Farmer said they could figure out what they could live with but the bottom line was if you had an inspector that was walking in and saw violations, regardless of whether or not they were on a major, minor list, or left off, if they were in violation of City Code then he agreed with Schumm in changing the code. He said they didn't gain anything by classifying them as different things leaving certain things out. He said there were some significant reservations that he had with some of the code. He said, the more that he thought about this, he wasn't sure that it would behoove the Commission to accomplish what they needed to accomplish with this. He said all of the City Commissioners would have different interpretations about what was and what was not a life/safety issue.

Schumm said he wouldn't want people to think the City Commission hadn't compromised because of all the issues he had read off, meeting after meeting, as the apartment industry brought up recommendations and the Commission tried to incorporate those recommendations into the overall end product. He said the Commission had done a good job at listening to the public and trying to accommodate the different areas where they felt was overbearing for them.

Farmer said he wasn't suggesting that the Commission wasn't being accommodating but the education piece because they were talking about doing that after they rolled it out. He said, also, they needed to continue to get feedback because, that 10 minute conversation with those tenants that didn't sign the form, that would alleviate a lot of fears and concerns by being a little more specific.

Schumm said Draft 2 had some good language, the only parts that he had a problem with was the taking out of the environmental code and the designation of fewer points of violation. The rest of it had very good stuff. The last thing was that he could not go with the sunset provision. He said they might need a draft 3 which was a hybrid and was probably

where they were going. He said he really needed to see the environmental part of that back into play.

Amyx said last week Schumm indicated the importance of being able to reach consensus during the Cultural Task Force. He said they might not be at the point to give that direction.

Schumm said the problem was that they were going to be undoing a very good strong ordinance in favor of a lighter ordinance. That didn't make sense.

Dever said the Commission didn't have to do that.

Schumm asked if they would run into a legal problem.

Dever said they had a rule in place that didn't cover any of those other items. He said there was simply justification for one or the other. He said if they had a rule that only covered one area and didn't cover any of those and now they were creating a rule that covers those. He said he didn't see a legal problem with having a rule that was enforced originally.

Corliss said one of the primary attacks on the ordinance that was adopted a dozen years ago was they had singled out a particular zoning category for registration and did not have it elsewhere. If the Commission wanted to keep the existing program for single-family residential districts then staff could craft a strong rational basis why they wanted to keep it that way and want to have a different set of regulations for property in the multi-family districts and craft a strong rationale for that and he thought it would be defensible which was the goal. He said staff could write something like that and give advice to the City Commission if that was their direction.

Dever said you could and still accomplish the goal. The suggestion was to come up with a list in draft 2 and, clearly, that wasn't going to fly but that was fine. He said he didn't take any ownership to it but tried to come up with a compromise that he felt were on the lines of what Amyx wanted to include and what he thought was reasonable. Clearly, they needed to either decide if they wanted to come up with another draft including the language that the Commission reported was acceptable and enhanced draft one, as well as any additional language or

changes regarding placards, consent communication or any other ideas. He said they couldn't move on this item today and agreed with the idea of enhanced communication because it was crucial. Obviously, if they wanted to create a rule, they should put it as a rule to begin with. As far as changes to the rules he understood the rationale for undoing a rule that was enforced by another Commission and it worked effectively. He said his submission was not to undo that but it was to include a new group of regulated bodies and try to come up with what he thought was a reasonable working plan. He said he was a little concerned with adding in 26 more items. He said they needed to re-assess the cost and how much time it would take to do those inspections. He said he would like to know clearly how many inspections they could do in a day. He said that was a reasonable question to ask before they approved this ordinance.

Schumm asked if you see an extension cord, if it took more time write up an extension cord or if you didn't inspect it, how much more time differential was it.

Dever said he didn't know and should ask that question because it changed. He said would it change the amount of time it would take if they went back to Draft 1 or was it the exact same amount of time whether they did Draft 1 or 2.

McCullough said it wouldn't be the exact amount of time.

Dever asked if they would estimate the same number of inspections per day.

McCullough said they would probably be in the same area. Again, staff didn't fully know and it would have to be data that they would need to gather over the first couple of years. Staff based their assumptions on the RS program which was running at high efficiency right now. He said places like the Oread would be challenging for staff and staff might get two inspections completed in one day and five done the next. He said they didn't know that part of it right now and made some gross assumptions just to get their staffing level and program implemented in a way that they thought those were the resources they needed. He said they would need to review their program every year because that was what the ordinance indicated associated with the fees and program costs so that they know they had the right resources.

Dever said the amount of time it took, for example, to trace down a dryer vent. He asked if McCullough thought if it would take any more time to figure out if the vent was properly vented in the house that was built and subsequently there were 3 dryers installed and staff had to figure out if it was properly vented.

McCullough said clearly each inspection would be unique and it would take different times. A ten bedroom congregate living facility was going take more time than a duplex because it would be smaller and more compacted. The age of the home would matter, how much renovation was going to matter, the type of appliances and all of those would play into it. He said staff's assumptions on how many inspections per year were based on the full property maintenance code and staff's experience with that code.

Farmer said by getting something done, adding in something about a placard and using the time that they had before this was rolled out. He said they could send inspectors to that 6 bedroom house and go down the list and figure how long it would take and that way they would have some better information and they had time to do that. It's not a pilot program of sorts but a matter of getting feedback from people on the best way to go about this and also for their own planning staff, how long things would take. He said there was value in that because it gave them something to work with. Right now they would not know anything until January 2015. He said they could use the time that they had to be proactive to answer some questions. He said this wouldn't preclude the City Commission from passing an ordinance but they could use the time to gather more information.

Riordan said to pass an ordinance tonight would be a good idea along with what Farmer suggested. He said he would have difficulty having 2 different ordinances and would be putting staff and the City in a situation. He said to keep those together made more sense. He said there were some things they could do tonight to pass an ordinance and still look at some of the actions and costs to make sure they were doing things correctly. He said when he was on the Planning Commission there was always a situation of studying something more because it

wasn't perfect. If they did that they wouldn't have the regulations they passed in 2006 because there was always going to be something wrong and with imperfections. He said the City Commission made compromises on this program and had a draft 1 with Farmer's changes. He said it was adequate to pass Draft 1 with the modifications that Farmer's suggested.

Amyx asked if the Commission was in support of putting draft 1 into consideration with all of the major and minor violations as listed in that draft.

Riordan and Schumm said yes.

Amyx said he could tell the City Commission all the reasons for supporting Draft 2 and the draft did a good job for a licensing program.

Riordan said Draft 1 and Draft 2 were up for discussion.

Schumm said he liked the list on Draft 1 and would like to clean up language on Draft 2. He said he proposed that the City Commission approved, in concept, the ordinance and ask staff to come back with the hybrid of the Draft 1, minus the sunset clause, with the placard, feedback and the written polices as well as the environmental part.

Farmer said the list from Draft 1 with the cleaned up language in Draft 2, with the 3 things he suggested.

Schumm said in Draft 2 it specifically took out the environmental ordinance in a couple of places and had to be deleted. The rest of the comments were good.

Farmer said under 6-1302 that incorporated the concept of requiring inspection of vacant units first.

Dever said they had a Draft 1. Schumm would like some language incorporated from Draft 2 into Draft 1 but wanted to approve the ordinance, in concept. Or, let staff fix the draft and place the language into Draft 1 along with the other additions that Farmer had introduced into an ordinance that they could vote on.

Corliss said what he was hearing from 3 Commissioners was to place on an agenda in January the first draft of Ordinance 8840. That they would look at the various comments in

Draft 2, not the list of items and not the sunset clause, but some of the other items and staff could talk with Commissioners which items in Draft 2 that the Commission would like. He said they would provide some type of informational signage for landlords to have in residences and work out something. He said Farmer didn't want the hotel feel of a placard on the back of a door. He said if that was placed in the ordinance than that was something that staff needed to inspect for. He said given the importance of understanding what the wording, staff should work up a draft wording of that statement so that it would be clear and think about where that placard could be placed. He said the Commission also wanted some measurements and staff would work on some statements about what success looked like with the new program and maybe some milestones. He said there was also the opportunity for feedback and, if it was still the Commission's intent, than after it was adopted still try to find ways to see if they could fine tune it. He said that was what he was hearing from 3 Commissioners. He said the ordinance was not on first reading at this time all he was asking for was direction on what the Commission wanted staff to work on and communicate back with the Commission. He said he had to check on some holiday schedules to see if placing it on the January 7<sup>th</sup> agenda was realistic or not.

Schumm said in Lieu of the Sunset Concept was an annual status report from staff which gave statistics and updates and recommendations for improving the program.

Corliss said they could still have that be a regular agenda item where people could talk about the pros and cons and problems and successes.

Amyx said they would also consider this matter every year at budget time when looking at authorizing the program.

Farmer said the only thing he would say was that he did not think it was fair to leave it up to Corliss or other staff to figure it out. He said just similar to what they did before the study session in giving input by the 1<sup>st</sup> of November. He said the City Commission needed to give input and figure out what the public wanted in relationship to how they would define whether or not this program was successful. He said the Commission needed to drive the conversation of

what metrics they were going to use to define the success of this program. He said the Commission should certainly drive that conversation.

Schumm said all the statistics and all the information they could gather from whatever source would be valuable and it could all be in one report that a staff person assembles and gets to the City Commission.

Dever said, as Amyx pointed out, it was premature to vote on this.

Amyx said there wasn't anything to adopt.

Corliss said it hadn't been published that the City was going to have an ordinance up for first reading.

Schumm said it was right to wait and get all this stuff in one draft form, let everyone read it again and then it would be up for adoption next time.

Corliss said that was what the direction was from 3 of the Commissioners.

**Moved by Riordan, seconded by Schumm,** to utilize Draft 1, adding modifications based on Draft 2, sunset provision should not be added, but add the placards, feedback and the written policies and staff present this as an ordinance in January. Aye: Farmer, Schumm and Riordan. Nay: Amyx and Dever. Motion carried.

4. **Received information concerning City commission salaries.**

Mayor Dever introduced the item.

Mayor Dever called for public comment.

K.T. Walsh said she was speaking in huge support of a living wage for the job of City Commissioner and Mayor. Once in a while she heard someone say that all the Commission had to do was show up for one meeting a week but everyone knew that wasn't true. She said she had two good friends that served on the City Commission and observed some of what's required of a Commissioner beyond this weekly meeting. She said working closely with the City Manager and City staff study sessions and some County School Board joint meetings; being available for the press; responding to emails, texts, phone calls and snail mail; ribbon cuttings

and representing the City at many charity events; the reading material, reports, studies, minutes of meetings Commissioners attend along with the minutes and reports; the 30 city advisory boards along with 14 other boards that had city representation and the City tasks forces. Additionally, citizens often forward articles, studies and even books to City Commissioners expecting those to be read and then provide feedback; conferences; Sister Cities visits; meetings with citizens and citizens group; knowing that each Commissioner must be available at all times and willing to listen to citizen's concerns. She said all that including their day jobs, spending time with family and trying to maintain their own mental health. It should be obvious that the job was demanding and took a lot of time from their day job. The job they probably rely on for their living. One of their issues was the affect the low Commissioners pay had on an hourly wage worker who was elected infrequently. Every time an hourly worker took off for a meeting or ribbon cutting meant loss pay at work. If a Commissioner was a salaried employee, she hoped they had a very supportive and flexible boss who would allow you to be away from work to serve this city. Some past Commissioner's had gone to two-thirds or half time at their jobs to accommodate their Commission duties. If you own your own business, time away from work might be easier to arrange but some revenue must be bypassed because of their chosen City duties. It was simply unfair to ask good people to serve and work hard and not pay a living wage for the time they put in. She said they showed this respect to the County Commissioners and asked why they shouldn't show it to the City Commissioners. The second issue beyond the fairness and respect aspects was the barrier that low pay presented to those in our community who work hard and care about Lawrence but was low to moderate income earners. She said they might be blue collar workers or work for a non-profit. If time away from their jobs meant a big dip in household dollars then public office wasn't inviting. They must also be brave and face the most recent census figures that clearly told them that there were people who earn less on average still than white males. Those people were women, people of color, indigenous peoples, the immigrant community and people who had disabilities. She said they needed the



Commissions voices in public office and needed a broader representation of the community and public leadership. Raising the pay for Commissioners were overdue but, more importantly, raising the pay would open the door for more Lawrencians to step up and participate in the public process.

Ziug Galliano said she agreed that there should be an increase in the pay for the Commissioners but an important factor that needed to be tied was if they hoped to get a broader representation or larger candidate pool. Even more important than the pay scale was to set some sort of campaign spending limits because it didn't matter if this position paid \$50,000, if she didn't have any money to campaign, she would not get elected. She said she would like to see that addressed somehow.

Dever asked campaign, limiting the amount of money.

Galliano said yes because she would like it to be opened to more people. It was an expensive process and not everyone could afford it.

Dever said they didn't need to do anything at this time but thought it would be good to at least have the conversation. And, decide if they were to make any increases that they at least agreed to a term by which they wouldn't receive any change in salary. He said the first question was if they should address the actual amount and the second question was how to address, fairly, if that amount was increased, how to affect that increase in the most appropriate and reasonable fashion.

Schumm said he agreed with the two speakers that there should be an increase and it should be equal to some fair market value. As someone that had to give up hours in their job that they couldn't get out of such as a teacher, nurse, or technical skilled labor and if they didn't show up for work they wouldn't get paid and that came right off their ability to take care of their household needs. He said he didn't know what that number would be but there was a survey in Kansas, the employment survey, that gave the hourly wages of all kinds of groups of people, from professionals to minimum labor. They could ask for a survey of what those numbers were

and maybe it was \$18 or \$20 an hour but he did not know for midrange professions of people to try and get some salary average. He said they could apply that to whatever they thought was the right number. He said whatever that number was, he was more interested in the institution, as opposed to any kind of personal enrichment, but look at stating that anyone who was elected, from this point on, would be eligible for that new wage. That way, not one of them was graduating their selves into a new raise category. He said the ordinance could state that anyone elected after January 1, 2014 was eligible for the new wage level and all other people would stay at the current salary level. He said to try and find out the wage of a professional person and applying some hour per week metric and multiply by 50 or 52 and come up with a salary and guessed it would be in the range of around \$20,000. He said they would probably be looking at a \$17 to \$18 an hour rate or \$20 and the extrapolation of those numbers, unless there were more hours that needed to be plugged in, in terms of the service the Commission committed to each week.

Amyx said he agreed with the numbers with the current Commission. He said this salary change would be for a future Commission. He suggested the salary change would begin on April 2017. That way every member of this Commission would already be gone. He suggested a salary of \$15,000 for the Commission and an additional \$2,000 for the Mayor. He said they wanted to make sure that anyone that wanted to run for City Commission had an opportunity and wouldn't have an effect on that person financially. Amyx asked Farmer about the living wage numbers.

Farmer said the living wage floor was \$12.21 an hour and that still put someone right at 130 percent of the federal poverty level. He said for someone to be above what it would qualify them for services in their organization, 185 percent would be about \$15 an hour. There were some weeks that they spend 10 hours and some weeks 30 hours but they didn't want someone to suffer on the basis of having an hourly job and not being able to be compensated to provide

for their families. He said the number that he ran was \$15 an hour at 30 hours a week would be \$23,400 and could be 23,000 - 25,000 or 21,000 - 23,000 or 20,000 – 22,000.

Riordan said a nurse made between \$40,000 and \$60,000 a year, a social worker made \$40,000 to \$50,000. He said they were all in the same ballpark if assuming 20 or 30 hours a week. He said they might want to create a situation where people get reasonably compensated but not so much as it became an avocation and that's what they did. He said he was thinking in the \$20,000 to \$25,000 range would be a reasonable amount considering what it took to be elected and the amount of time they put in. The study showed that other cities were grossly underpaid. He said they weren't going to be overpaid but it allowed people to run for Commission that hadn't run so far. He also thought if a person didn't have money they wouldn't win an election. He said to look at that aspect in the future would be a good idea.

Farmer said, regarding the timing issue, he thought there were 3 options. The first option was that every person that was elected from this point forward. He said he was not sure that people truly understood the time that it took to do this job. He said it was a taboo point to say it would be stupid of them to give themselves a raise but he didn't think that should be something that should be discounted based on the fact that it was taboo. He said they weren't talking about a \$9,000 a year to \$250,000 a year number. He said the second option would be that some of the Commissioner's would be off the Commission in 2015 and some were staying on. He said they could vote on and they could abstain.

Riordan said it wouldn't make sense for one Commissioner making \$9,000 and another Commissioner making \$20,000. He said he thought the Commission should seriously consider after the next election instituting an increase rather than wait that much longer. The people that get elected should have an increased salary and didn't think the people that were elected previously should be paid less. It wasn't a huge amount but to have a two year delay would show everyone that the reason they were doing this was not to enrich their selves but to

encourage people to run and the ability to have some compensation when out of their office. He said if he wasn't at his job, the meters ticking for the money going out but not for coming in.

Schumm said he was fine with that but didn't think it should be put off until 2017 because that defeated the purposes of what they were trying to do for the next election cycle and made it one more election cycle out.

Dever said that would be the longest time period without any increase in salary too.

Farmer said for the three Commissioners that were out going, he thought that wasn't fair to those Commissioners.

Riordan said a person ran for Commission because it was a civic duty and not because of what it paid. He said 2017 was too long of a period of time.

Schumm said they didn't receive any kind of car allowance and there were a lot of days and weeks where he ran all over town to meet with groups. He said when thinking about salary, salary was everything. He said they recently did receive internet services but he used his phone, computer at home and work and car. There were a lot of things that they used that were their own items for the City's benefit.

Farmer asked if it was taboo to say prepare staff to draft an ordinance.

Dever said if you don't vote for it, you could abstain. It was easier to enact it in two years and none of them were enriched. The majority of the Commissioner's that voted for it were not enriching themselves. He said he didn't want to vote himself a raise but believed this position merits a better, more equitable compensation for the time it took.

Schumm said the Mayor's position was so much more time consuming than the Commissioner's position. He said they could use \$20,000 and \$25,000 which seemed like a fair number.

Riordan said he agreed with those numbers.

Dever said he was thinking \$18,000 and \$20,000 because that was doubled what they were making now.

Amyx said he was \$18,000 and \$20,000 because it doubled it.

Schumm moved to allow for the increase in salary for Commissioners of \$20,000 and Mayor of \$25,000 to be put into play on April 1, 2015.

Dever asked if the other Commissioners were good with those numbers.

Amyx said it was an awkward position because they would be recipients of the plan just discussed.

Schumm said it would be 16 years by the time the Commission took action and then it would be another 10 years.

Amyx said \$18,000 and \$20,000 was fair compensation for the amount of hours.

Dever said he just did the math and if going with \$20 an hour and 20 hours a week that was \$20,800 and the mayor was more like \$20,000 or \$25,000.

The new Commission would be sat on April 14, 2015.

**Moved by Schumm, seconded by Riordan,** to received information concerning the City Commission's salaries; increase the annual salary for Commissioners to \$20,000 and the annual salary for the Mayor to \$25,000; and, direct staff to prepare an appropriate ordinance for consideration at a future meeting. Aye: Dever, Riordan and Schumm. Nay: None. Abstain: Amyx and Farmer. Motion carried

5. **Directed staff concerning the 2014 Legislative Priority Statement.**

David Corliss, City Manager, presented the staff report.

Riordan asked if the City had to be silent on the handgun and knife resolution.

Corliss said the City pointed out, in their opposition to unfunded mandates and legislation restricting local authority, that the City opposed the changes that the legislature made in 2013 other than concealed carry law that was called a Personal and Family Protection Act. He said they had a section where the City highlighted their opposition to unfunded mandates and legislation that restricted local authority. That legislation would fall under the City's general principal that they opposed things that took away local authority.

Schumm said in, terms of environmental issues, there was concern about whether they're going to eliminate credits and funding for wind power or alternative power. He said he would like the City to take a position where they would support the continuation of sustainable renewable energy, especially because there was interest in Douglas County of a wind farm.

Corliss said they could have statement supporting the continuation of the renewable energy standards.

Farmer asked when the 2013 Legislative Priority Statement was on the agenda.

Corliss said right before Christmas last year. He said the priority statement would be very similar and would add photographs and contact information.

Mayor Dever called for public comment.

**Moved by Amyx, seconded by Riordan,** to adopt the 2014 Legislative Priority Statement with amendments. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Candice Davis said she definitely thought the City Commission needed a pay raise and knew the Commission worked hard and really appreciated all the work by everyone on this rental inspection.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:** None

**H: CALENDAR:**

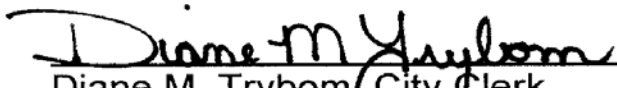
David Corliss, City Manager, reviewed calendar items

**I: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

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

**Moved by Amyx, seconded by Schumm,** to adjourn at 11:10 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 4, 2014.

  
Diane M. Trybom (City Clerk)