



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

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

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

## CITY COMMISSION

**MAYOR**  
MICHAEL DEVER

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

February 11, 2014

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 Schumm, seconded by Amyx, to approve the consent agenda as below, minus consent agenda no. 6 and no. 9. Motion carried unanimously.**

1. Received minutes from various boards and commissions:  
Historic Resources Commission meetings of 08/15/13, 09/26/13, 10/17/13, and 11/21/13
2. Approved claims to 134 vendors in the amount of \$2,342,500.70, and payroll from January 26, 2014 to February 8, 2014, in the amount of \$1,967,643.53.
3. Approved licenses as recommended by the City Clerk's Office.

**Drinking Establishment License**

Gaslight Gardens

Gaslight Gardens Inc

317 North 2<sup>nd</sup> St.

El Potro Mexican Café

El Potro Mexican Café 2, LLC

2351 West 31<sup>st</sup> Street

La Tropicana

Severina M Del Campo

434 Locust

**Retail Liquor License**

Sawyers

Big Marys LLC

4811 Bob Billings Pkwy #D

**Expiration Date**

February 9, 2014

February 9, 2014

February 2, 2014

New Owner/New License

4. Bid and purchase items:

- a) Awarded Bid No. B1402 for an Autoanalyzer Instrument System, to Seal Analytical Inc., in the amount of \$49,415.



- b) Waived bidding requirements and approved the purchase of a ½ ton pickup, for the Public Works Department, from Laird Noller Ford, for \$21,702. An identical pickup was purchased in 2013, late in the year, and Ford will accept another order at the same price without the need to rebid.
  - c) Approved the purchase of two single axle dump trucks, for the Public Works Department, from Kansas City Freightliner, utilizing the Metro MACPP contract, for a total of \$301,348.
  - d) Approved the purchase of one 1-1/2 ton cab and chassis for the Public Works Department, from Olathe Ford, utilizing the Metro MACPP contract, for a total of \$54,479.
  - e) Approved the purchase of one dump body, one snow plow, one spreader, and one pretreatment system, for the Public Works Department, for the one 1-1/2 ton cab and chassis listed above. The components were being purchased separately from the truck, utilizing the Metro MACPP contract, to reduce costs. The total cost was \$40,684.
5. Approved rezoning, Z-13-00479, approximately .6 acre from RS7 (Single-Dwelling Residential) District & IG (General Industrial) District to OS (Open Space) District. The property contains two lots located at 547 Maple St. and 500 Perry St. and adjacent alley right-of-way. Submitted by Bartlett & West, for the City of Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8958, for the rezoning (Z-13-00479) of approximately .6 acre from RS7 (Single-Dwelling Residential) District & IG (General Industrial) District to OS (Open Space) District. (PC Item 1; approved 9-0 on 1/27/14)
  6. **DEFERRED FOR ONE WEEK AS REQUESTED BY THE APPLICANT.** Approved Site Plan, SP-13-00525, for Struct/Restruct Design Studio a *Construction Sales and Services and Manufacturing and Production, Limited* use on approximately 1.8 acres 1146 Haskell Avenue. Submitted by Landplan Engineering, PA for BK Rental, LLC, property owner of record. (City Commission approval of site plans for standard and major development projects required as a condition of rezoning, Zoning Ordinance No. 8936.)
  7. Approved a revised Preliminary Development Plan, PDP-13-00477, for Bella Sera at the Reserve, located at 4500 Bob Billings Pkwy. Submitted by GOKU LLC, for Bella Sera LLC, property owner of record. (PC Item 3; approved 9-0 on 1/27/14)
  8. Authorized Mayor to sign Authority to Award Contract for 9<sup>th</sup> and Kentucky Street Intersection Improvements, and commitment of \$16,339.41 in city funds.
  9. **REMOVED FOR SEPARATE DISCUSSION.** Adopted the Bed Bug Infestation Procedures.
  10. Approved request for “signs of community interest” from the Pilot Club of Lawrence to place a directional temporary sign at the northwest corner of Harper and 23<sup>rd</sup> Streets, on the US Bank property, advertising the Antique Show & Sale. The sign was placed from February 21<sup>st</sup> through February 22<sup>nd</sup>, 2014.

Amyx removed from the consent agenda for separate discussion, the adoption of the Bed Bug Infestation Procedures. He said he wasn't sure he was ready to move ahead with

adopting these procedures because he had question about how this policy would affect downtown. He said in the policy, under item B. Procedures for Reporting/Responding to Complaints in Transient Accommodations and Rental Properties of Multi-Family Dwelling Units or Single-Family Dwelling Units, specifically item B(a) which stated that within 72 hours a licensed pest control operator must complete the initial bed bug verification inspection which will include all rooms with an adjacent wall, but didn't mention downtown. If there was a residential unit upstairs from a commercial unit, he asked if the infestation could be transferred to the downstairs commercial unit and would inspection need to take place on either side of those shared common walls.

Corliss said he thought the answer was "yes."

McCullough said yes, that was an important part of learning how big the infestation was and based on where they found it, then the treatment step kicked in.

Amyx asked if staff could explain the treatment and the affect that would take place on that business if infestation was found.

Corliss said it would be a case specific situation, but in many cases it could be very involved for a particular property, depending on the level, the furnishings involved, and those types of things.

McCullough said this policy action, steps, was a policy staff used in 3 separate cases in the past 18 months but the Code Enforcement Manager could speak in more detail on what was observed and how staff implemented some of those steps. He said it had ranged in terms of the scope and treatment available. He said he understood the best way to treat bed bugs was through heat. Professional exterminators would assess the situation, would recommend treatment, carry out that treatment and staff would do follow up on those treatment measures.

Amyx said he understood that the treatment took several hours and had to be brought up to a temperature of 135 degrees.

McCullough said it was fairly involved.

Amyx asked if the City would need to tell someone that they had to close their business for a period of time.

McCullough said that was a possibility.

Amyx asked why it wouldn't be part of the rental registration requirements. Also, if someone had an infested unit that needed to be treated, the City would need to tell that person to leave their facility or apartment. If that person had no place to go and the City put that person up in a hotel/motel, he asked if the City would be required to tell that hotel/motel about this problem.

McCullough said that was a good question and staff hadn't experienced that scenario yet.

Brian Jimenez, Code Enforcement Manager, said staff had seen a significant increase to these types of complaints in the last 2 to 3 years with a couple of major hotels/motels in Lawrence and several apartment complexes with multiple units of infestation. The reason they put "the adjacent walls" in the policy was because it was a proven fact that bed bugs moved very easily between units. He said staff was recommending any adjacent dwelling unit, motel room, possibly a commercial space downtown had to get exterminated and go through the inspection process. He said any business owner would want to know if they had bed bugs, especially if it was a restaurant downtown. He said the problem with bed bugs were that they were transient in nature and cling to your clothes, luggage, furniture and mattresses. The problem was if a tenant indicated that he/she had bed bugs in their unit, but could not afford to pay for the exterminator, that tenant could move and take the infestation to the next place and the landlord would still have the same problem. He said it was always staff recommendation that the extermination process start with the tenant and in the policy it talked about how to take care of clothing, how to discard it and get rid of furniture. Usually, when there was a major problem, it was a multiple unit structure and staff had a good idea where it started but then there were another 5 or 6 units that had that problem too. If you didn't treat all of the units then it would continue to get worse.

He said from what he knew staff hadn't had the situation where a tenant was referred to a hotel and the City had to give the hotel any type of correspondence.

Schumm asked if there was any option for dwelling owners to include that under their insurance.

A person said they looked into that idea and that was not a possibility at this time.

Jimenez said some landlords did an addendum to their lease. When staff received a single detached complaint, their first question to the tenant was how long they lived at that address but, ultimately, staff did not get into the business of saying who had to do the extermination other than the fact that it needed to happen. He said it usually became a civil issue between the landlord and tenant and who took care of that cost. He said that cost would happen whether the tenant was there or not because a landlord wouldn't want to rent that unit out to the next person if there was an infestation going on. He said maybe there was an addendum language that he was not aware of from the landlord prospective that helped them out in this type of situation. He said it was important to note that the licensed pest control company was final because what staff found was that some people say they treated the infestation with something off the shelf from a home improvement center. He said he could not think of one instance where that treatment was a good resolution. In all the research he had done, extermination needed to be done by a professional. He said heat treatment was one option but wasn't the only option. He said, with the heat treatment, they heated a unit up to about 130 degrees and it depended on the size for how long that treatment would take. Bed bugs were resilient and could live up to 10 months to a year without any food and is a reason why it was hard to get rid of the problem.

Amyx asked if Jimenez had a copy of what the eradication of those bed bugs by a professional would look like, those costs, time element and other things that went along with it.

Jimenez said he knew the heat treatments were not cheap. He said it could be several hundreds of dollars to a thousand dollar range very quickly. Last time he checked there was

one pest control company in Lawrence that did that treatment but there might be more now. He said that equipment alone was over \$100,000. He said what he had read and had been told was that heat was a pretty effective treatment that didn't use any chemicals. The air temperature everywhere had to be heated so high and it didn't matter if the bed bugs were in furniture or underneath the base board. The reason they had this problem was that with all the chemicals they used in the 30's and 40's. He said staff had watched this problem for years but gradually it happened over night and now staff received inquiries once or twice a month about how to resolve their bed bug situation.

Amyx said he wanted to know the requirements and costs for the property owner with the eradication process for bed bugs. He said downtown would be the major area where there was generally residential above businesses.

Jimenez said as of today staff hadn't received any complaints or had been asked for assistance on what to do on commercial type businesses or restaurants specifically.

Dever said the idea was to formalize the procedures in order to eradicate those infestations.

Jimenez said it was basically what the responsibility was on a transient accommodation or a dwelling unit, the process, if managers were being educated on what was needed. He said the policy indicated that a plan needed to be developed within two business days or, at least, get an inspector out to inspect and then gave another three business days to take action. This policy was based off of other jurisdictions and the main model was the City of San Francisco and San Francisco's policy was very stringent because it was a larger city with bigger problems. He said he took some of the ideas that he thought were important but lessened the effects and added some pretty stringent protocols to follow. He said the time period was relevant. Licensed pest control, from staff's experience, was critical to stop the problem. The other part was an educational standpoint and anticipated putting this information out on the City's website, having brochures and working with the health department, in a joint effort, to come up with some

educational information through their website and their office as well. It ultimately fell on the City's hands because the health department was very limited on their follow up and enforcement action.

Dever asked if there was any merit to rolling this out first into transient accommodations and test it out to see how it worked and then roll it back into multi-family and rental properties. He said he was wondering about the burden of proof, burden on the landowner and the lack of ability to stop it from happening. The City would basically be penalizing the landlord for the actions of their tenant. In a transient environment it seemed like this would be a reasonable place to start and then, once staff knew what the cost was, best techniques and the best protocol. It might be the best way to go about this issue.

Jimenez said that was a good possibility. The transient accommodations was the easy part. For example, a guest complained and the complaint made it to the Code Enforcement Office and staff got involved telling the hotel what was needed in order for the city to be satisfied. He said where it became a problem was when there were multi-family type structures. Knowing the infestation started somewhere, which was typically where there was the heaviest infestation, compared to others and now it needed to be resolved. The last thing they wanted to do was to move those people somewhere else because those people would take it with them and the huge question was how it would be resolved and ultimately someone had to pay for it. He said staff wasn't saying it was the property owner or the tenant but if that tenant left, the problem was still there. The adjacent part of this issue was being proactive to prevent the infestation from going on and on. He said there were units that were in the double digit infestation and it could be determined that some of those units were in different buildings but people knew each other and it was that easily transferred over. It wasn't an easy fix. It was really a problem and unlike any other rodent infestation there was.

Riordan asked what the incidence in hotels/motels was versus rental units.

Jimenez said staff only responded on complaints and didn't know how many infestations that the business owners were handling on their own. He said there were no requirements to let city staff know to place it on record. He said he could think of two hotel/motels, in the last year or year and a half, staff dealt with.

Dever asked about apartments.

Jimenez said staff probably dealt with 3 or 4 apartment buildings and double that on single-family. He said sometimes staff was the mediator between landlord and tenant.

Mayor Dever called for public comment.

Brandy Sutton said she had been through the bed bug procedures and there were a lot of definition issues and a lot of concern about how some of the language was written. She said they referred to staff, and some places city staff, and it wasn't really clear how that was to work out. One of the issues was under C(4) "Property owners and/or property management shall not allow any items to be removed from bed bug infested dwelling unit(s) or room(s) before treatment to prevent transmitting bed bugs to other areas on the premises." She said they could not force a tenant to leave their items there. Also, under record keeping E(1) "Property owners and/or property management must keep records of all identified instances of bed bugs either via staff referral, tenant complaint or agency inspector observation. Such records shall be provided to the code enforcement officer upon request when a complaint was made." She asked if they were to report every bed bug infestation, call the City and let them know that this had happened. She said it needed to be clarified on that issue. One of the big issues that was being missed was what happened in the situation where there was a renter in the middle of a row of townhouses and they were asking the landlord to take care of the adjoining units when the landlord had no control or possession over the adjoining units. The same thing with condominiums, there were several condominium apartment type units in Lawrence that wasn't addressed in the procedures. Another concern was cost but most of her landlords had bed bug addendums. They educated tenants on what bed bugs were and how to



spot them and what the consequences were if their unit was infested. She said she was concerned the tenant could make the argument that, under this procedure, the landlord was responsible for all costs when the landlord and tenant might have a contract that stated otherwise. She said she had conversations with McCullough about most of her wording concerns which could be worked out very easily. But, the issue on multi-family dwellings that were not rental units needed to be addressed and needed to have clarification on the issue of what responsibilities that property owner had over tenants. She said they couldn't control tenants and couldn't tell tenants what to do but they could ask. She said she didn't want to see a landlord or property owner liable for something a tenant did that they had no control over. She said she would hate to see a landlord being responsible for 5 or 6 other units that he or she didn't own and didn't have control over. Yet, the code was putting the onerous on them to try and treat those other units when the landlord had no way of getting in to.

Greg Polk said he owned quite a few rental properties in Lawrence. He said recently one of his tenants had bed bugs and they found out that she had purchased a couch at a thrift shop in town. After some investigation they found out that the couch she purchased had bed bugs. He said his question was how a landlord could be held responsible for bed bugs when it was not an action of the landlord. He asked, was the thrift shop responsible and would he need to check everything a tenant purchased or when a tenant moved in. Did he need to be present and go through their possessions? He asked who was going to check the thrift shops. Also, he asked about furniture rental establishments. A lot of his tenants rent furniture because he rented to a lot of Section 8 properties. He asked about a mini storage where someone took infested furniture, stored it in one unit and infested the entire facility. Who would be responsible for that? He said he had in his leases an addendum for bed bugs. He said his attorney put that addendum in the leases because the attorney saw this coming and knew it would be a problem. He said he didn't think he should be held responsible for someone's problems that they brought on themselves when it was completely out of his control,

Schumm said relative to the incident with the couch, he asked how Polk worked that out.

Polk said the tenant paid for it.

Schumm asked if Polk had an exterminator come in.

Polk said his tenant had an exterminator come in from Olathe to do it. He said his tenant lived by herself in a very small house and was about 700 square feet. It cost his tenant \$1,400 or \$1,500 to have her place exterminated.

Schumm asked if that was because he had that clause in place.

Polk said yes. He said when his tenants moved out each house was checked to make sure there were not bed bugs, roaches or that type of infestation. He said he had another house that had bed bugs. He said what happened was that a family member borrowed camping gear from another family member and that tenant moved out to another location and left a lot of her belongings and he had to have all the carpets ripped out of his house and had to pay for that expense.

Dever said it sounded like staff needed to take a look at the wording, the ability for the City to take possessions. He said he didn't know the solution but perhaps another public meeting.

Corliss said staff could provide additional responses to some of the concerns that had been raised and also invite those that had spoken to have another meeting to discuss issues. He said he didn't know if this mattered but staff didn't invite this issue. For a long time, staff didn't think it was a City responsibility but the health department and others weren't sure they had the authority and the issue wasn't getting appropriate attention so the City had taken this issue on. He said staff wanted some type of protocol but wouldn't have protocol that answered every specific instance. He said he wanted to try and get it right, appreciated the comments and could work on that accordingly.

**Moved by Amyx, seconded by Riordan,** to table the adoption of the Bed Bug Infestation Procedures. Motion carried unanimously.

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

David Corliss, City Manager, presented the report.

Amyx said last week there was an item on the City Manager's Report that he wanted to recognize. He said Mayor Dever and Commissioner Schumm were recently awarded the Distinguished Elected Official Award from the Kansas Recreation and Park Association for their support of parks and recreation at the local level, as well as their leadership over the past year, in development of a new recreation center for the Lawrence community.

**D. REGULAR AGENDA ITEMS:**

1. **Considered authorizing staff to submit a Transportation Alternatives application to the Kansas Department of Transportation for the Hobbs Park to Constant Park Shared-use path connector project.**

David Cronin, City Engineer, presented the staff report.

Schumm said, regarding the Heritage Grant that was available, he asked if that grant could be used in conjunction with this particular project.

Cronin said yes. KDOT could award the project and if Lawrence received the award amount and needed extra funding it could be done. Staff had done a preliminary estimate. If they developed plans and the estimate was not enough, they could probably use funds from another grant to complete a portion of that project. He said it would be separate, and not tied together, but it could be part of the project. He said the City was always looking for additional funding sources to complete shared-use paths. He said Bert Nash had a grant to do a section of shared-use path further to the northwest, and ultimately, both paths would be part of the shared-use path loop around the City. The next phase would be a path through Burcham Park from Constant Park to the Bert Nash Trail. He said there could be opportunities for that grant to be the next phase if the city received enough funds from KDOT for this project.

Mayor Dever called for public comment.

Richie Kennedy said he was somewhat speaking on behalf of the Kennedy family at 7<sup>th</sup> and New Jersey. He said, while they were not necessarily opposed to this application, they did have a little bit of concern regarding the section that would be going near their property, near the Depot. He said he noticed a fence currently surrounding the Black Hills property, due to land contamination of that property. He said, currently, the north end of the fence was approximately 20 feet from the nearest rail and knew, from being a railroad fan, that the clear zone for a railroad was about 25 feet and would, obviously, necessitate putting the trail within what was currently fenced in. He said city staff was suggesting that Black Hills would be on board but was wondering if Black Hills would need to oppose putting the trail through their property. The next likely candidate would be going down the east side of New Jersey and, needless to say, the Kennedy's had some concerns. In particular, how this project would disrupt their access to New Jersey. They currently had two curb cuts for their parking lot at that location.

Ken Lassman said he would like to add a 21<sup>st</sup> letter to the project from the Kansas Area Watershed Council, which is a non-profit organization that was very supportive of the organization for the trail, in general, and then some additional possibilities that it presented. He said there were three points:

1. It encouraged healthy exercise and opportunity for folks to get outside and learn from native plants and animal life that could unify the length of the trail;
2. It provided neighborhoods to the southeast of downtown a low carbon alternative from getting to and from downtown, easing congestion and reducing pollution in carbon emissions and improving the quality of life for those who used downtown;
3. Provided a way for people in those neighborhoods to meet and get to know each other better and utilize the assets along Burroughs Creek that the City neighborhoods had already invested.

He said some runners that they had talked to had expressed some concern about it all being cement and if they could have a fine gravel shoulder on one side so there was an option. Obviously, there were people with skateboards that might want to have the cement but, on the other hand, some runners had problems with cement and done very successful with the crushed limestone, like on the levy and other places. He said this idea might be something to consider for the trail.

Garrett Tufte said he worked a fair amount at Lawrence Creates, one of the studios in the Warehouse Arts District. He said this was the first he had heard of this plan but, as far as he could tell, it sounded great and was awesome. On a slightly related note, he asked if this would involve installing some light fixtures over in the Warehouse Arts Districts because when it was dark in that area it was hard to move around. Especially if they were going to create a unique part of the town that would draw in tourist and for people to see the things Lawrence did. It was a bit shameful to be out and not be able to walk around at night as well as it being a little dangerous too. He said he hoped the City Commission would think about putting in some extra lights in the Warehouse Arts District.

Michael Myers, Hernly Architects and Live Well Lawrence Healthy Built Environment Work Group, said he was excited to get to talk about this trail. He said one of the most important things to bring up was going back to those letters of support. It was remarkable the breadth of different sorts of people, and groups of people, that were supporting this project. There were groups interested in public health, bicycling, walking and running in natural environments and river. He said it seemed like it had universal appeal. He said he attended the Douglas County Heritage Grant Workshop and it sounded pretty promising that they would be able to leverage some funds in several different places for different aspects of the trail. He said there were several different venues that that grant was designed to support; open space, cultural assets, historical assets, those sorts of things. He said this trail, being that it sort of

connected all of those things, brushed on what that grant would support. Again, he hoped the City Commission would consider passing this motion.

Schumm said for those who were not aware of it, they were present tonight with this trail concept because of Mike Myers. He said Myers worked on this for quite a while, a few years ago, when they were thinking about closing New York School. He was worried how he could get his kids safely, on their own, over to Pinckney School because it was apparent that was maybe where his kids would go to school. He said Myers worked out this alignment and it was pretty difficult to get from the beginning of the trail, or the end of the other trail, to downtown and took some creative work. He said Myers did a good job and hung in there and got it done.

Tim Herndon, Landscape Architect, Urban Planner, Lawrence Live Well Coalition member, and most importantly in this case, a West Lawrence resident. He said they could see, among the body of letters that the City Engineer assimilated for this grant, there was an awful lot of support. At this point, they could do a little bit more work garnering the support of the West Lawrence residence and a heightened awareness in this overall idea and, as the grant stated, a bicycle multi-purpose path friendly loop around the City was the ultimate goal. He said, as Myers stated and Schumm happily pointed out, the work that was starting to accumulate behind this movement was really significant. The participants, in terms of the professional realm, and the public sector were noteworthy. He said he wanted to make one point that he hoped would persist as this dialogue continued overtime and that was the value to this community from an economic development standpoint, from a quality of life standpoint, from the fulfillment of larger efforts and initiatives such as the Kansas Leadership Foundation, the Kansas Health Organization and some of the other broader initiatives of spanning well outside this city boundary. The idea, back to the West Lawrence issue, the ability to get on a bicycle from somewhere out around Rock Chalk Park, or Southwest Middle School, and get to Constant Park or Hobbs Park, or go to the newly renovated library, was a profoundly high aspiration. He said it would take a lot of effort. He said the last time he talked to the City Commission about this was

when the Commission exercised the foresight to look back on a set of engineering plans that had been done for the improvement of Iowa and 6<sup>th</sup> Street and retro fitted those plans with a multi-purpose path. He said what was observed during the context of those discussions was that a segment of path right there wasn't necessarily going to connect East Lawrence to West Lawrence but every tile in this mosaic would get Lawrence there. The Constant to Hobbs connection was all part of the big loop and the big dream. He said he hoped the City Commission would approve this grant application.

K.T. Walsh, East Lawrence Neighborhood Association, said they supported this project and their association sent the City Commission a letter of support. They also wanted to say thank you to Mike Myers who was truly a visionary in this community. There had been some talk, among a few, that perhaps this part of the trail would move through East Lawrence and, being so close to the river, should have a name and a name that reflected the area. She said they supported putting in this grant application and hoped it wouldn't keep them from naming this section further down the road. The people that lived just west of the Santa Fe Depot, that pocket of people, felt like they had been left out of this process, and perhaps the process wasn't far enough along, but sense the trail would be running so close to their homes, they needed to do what was done with the Burroughs Creek Trail. He said people felt that bicyclist would look into their windows, there were all kinds of crazy fears that came up. But, people need a chance to sit and talk and hear about the plan and hoped that would be further down the road.

Michael Almon, Sustainability Action Network, said he also wanted to commend Mike Myers because ever since the Burroughs Creek Corridor Planning Committee finished their work, all of them informally had been looking at where it would go next, north. And, there were any numbers of possibilities and the plan didn't indicate any one particular area. It was Mike Myers who prevailed upon the previous City Engineer to put in that first section between 8<sup>th</sup> and 9<sup>th</sup> Streets. He said, once he saw that happen, that pretty much fixed it in place even though, like Herndon stated, they needed more parts of the mosaic. Last August, he also noticed that

Tony Krsnich was going to put in a section of the trail in front of his place at 900 Delaware so more pieces started to fall in place. He said he then set up a meeting with Westar and Mike Myers because it was pretty narrow along Delaware particularly with the business and they agreed to remove the telephone poles and bury that power line which basically would allow it to take place along Delaware Street. The businesses along that area supported it and just from there it started to snowball. He said 6 months ago he would have never expected that he would be standing there looking at \$750,000 for this project. He said all he did was build some consensus and tried to get people to sign on and talked to people but Mike Myers had been doing that for years. He just walked around and talked to people and got signatures. The people that signed the memorandum from last November, they had indicated a preference for that trail and didn't necessarily align with this conceptual trail but what he understood from various conversations there would be future design charrette discussion like what K.T. Walsh had requested which were engineer studies to come up with the actual alignment and he was looking forward to that. He said the Sustainability Action Network also had a broader picture then simply multi-use shared trails. He said they liked the idea of a circumferential loop because it was nice, romantic and recreational. But, ultimately, they wanted to see the inter-city connections and doing that in a way that was less expensive, with complete streets, bicycle boulevards in which they used the existing infrastructure without modifying it very much to make those connections from school to school, and apartments to shopping areas, and from park to park, from the circumferential loop, from the trunk line trails, to the destinations within the City. He said they saw this mosaic growing in many facets and many different forms. He said he looked forward to future discussions and getting this grant moving forward and hopefully the City Commission would request that funding for those trails.

Kirsten Bosnak said she was one of those runners who were concerned about concrete surface. She was very supportive of this trail project and other trail projects and it was wonderful for the City. She said she especially appreciated it on the east side. She said she



was 50 years old and had been a runner for 36 years since she was 14 years old and known since she was 17 that if she wanted to keep doing this she had to stay off concrete which she had done and avoided significant injury. She said she wanted to register the need for runners for a softer surface trail if they were going to do this over the long term. She said to raise the idea of a soft surface trail such as fine gravel and narrow trail along the concrete trails and bring that into the discussion for the future and she would love to be part of that discussion at any time. She said she ran on the river levy and the trails by the river for at least 20 years and her weekday morning route was up Learnard and along the gravel trail, along the side of the Haskell campus but understood that area was about to be paved with concrete. She said while she loved the idea of the trails for all kinds of reasons, she just had this dismay over the constant use of concrete for those trails and was worse than useless for the purpose of running to be quite blunt, it was a knee breaker. She hoped for further discussion and knew maintenance was a key issue for those trails but hoped for further discussion about this idea along the side of the discussion of trails around the City.

Carey Maynard Moody said she was representing Depot Redux. She said their campaign to rehabilitate the Santa Fe Station was about 6 years old and it seemed just like a few weeks ago she was present encouraging staff to cope with the cuts that they had experienced in their last transportation enhancement grant and also to congratulate them for working together to come up with some alternatives to fulfill. One of those cuts was to the parking lot on the east side of the depot and it was heartening to see staff work so hard to get creative about how to cope with what dictated from the Kansas Department of Transportation, which ultimately administered federal monies. Also, she was thinking about bathrooms and knew there were bathrooms in Hobbs Park but wasn't sure how winterized those bathrooms were because she hadn't visited one lately. But, the depot secondary use had yet to be determined but if they did come upon a secondary use that kept it open during the day, their bathrooms were really warm. She said they had radiant heated floors and would be ADA

compliant by the completion of this Transportation Enhancement Grant that was recently awarded for the Santa Fe Station. She was present to ask the City Commission to move forward and authorize staff to submit the application, sign the resolution and also congratulate all of the other players that had worked so hard, especially Mike Myers.

Dever said they were present to talk about how to move forward with this item and asked about any questions or comments about the feedback they received today or about more general concepts about surface materials or physical locations of the trail. He said today, the City Commission needed to determine if they wanted to adopt and support this resolution.

David Corliss, City Manager, said they hadn't specifically identified a funding source for their match. The good news was that staff would find out about their successful application early in the City's 2015 Budget process and that would be an item the City Commission would consider about how they would either readjust existing priorities or allocate appropriate resources for that match. He said he wanted to make sure that the City Commission notice that Robinson Park was a County owned park and was an interesting tidbit that no one knew. He said he very much enjoyed his conversations with the County Administrator as they looked out of his window and pointed out that it was a County park.

Dever asked if the County tended to the park.

Corliss said no, but the City had enjoyed the park as well.

Schumm said one of the interesting features of this trail was that the park seldom saw a visitor just because it was landlocked and hard to get across at that location. This trail would dip under and programed to come around the front of the building, come along side to side, go under one span of the bridge at about 8 or 9 feet from the top of the bridge and then rise back up to the plain of the park. Which, they envisioned some steps or an off loading area where people could mill around the park and go back down and go under the west lane of the bridge. He said it opened up that park to a use that it didn't see today. He said it was a neat part of the trail itself. Additionally, he was on the Cultural District Taskforce and they saw this trail as

something that could, and should, be identified by works of art, should be iconic kinds of either sculpture, art pieces, amenities such as crafted benches. It would be part of the district itself and would identify the fact that it was part of that district through the different placement of art and art facts along the way. It was really a kind of a cool addition to the concept of the arts district itself, the Cultural District. He said that was how that group envisioned this project coming along over the years in the future.

Dever said from a semantic standpoint, in talking about funding, he asked if it was appropriate for the City Commission to adopt this resolution without identifying the source of funding and/or committing. He asked if this Commission would be creating the budget that allocated the funds for this project.

Corliss said typically, in the grant process, staff would indicate that the City would provide funding and would find a way to either issue debt, which was the likely scenario, or either push back projects or reallocate projects. He said it was a sizable amount of money and staff was trying to be wise about it but it wasn't something that they shouldn't go ahead and proceed. One of the great things about this project was that they were leveraging additional dollars from the community. Every budget was challenging and had any number of those discussions and would have it again in the coming months regarding creating the 2015 budget. But, the opportunity to leverage additional dollars from the State on something staff thought was a valuable asset for the community, he thought they should proceed with. He said, with that said, they would have challenges to whether or not they wanted to do this or not. He said he thought the City Commission might want to think about some type of continuing revenue source for those types of amenities or issues. He said he was meeting with the Pedestrian Coalition tomorrow and they had big concerns about sidewalks. He said he and Farmer had discussions about getting at sidewalk issues. He said the City might need a continuing revenue source of this amount of money to get at this issue, additional bike lanes and those types of things. He said this might be the initial step in that regard and the Commission might want to carve out

existing resources or add to resources. He said he didn't think the City's statement in this resolution that they had sufficient funding was inaccurate but it would be more solidified through the City's 2015 budget process. If the City didn't receive the grant, they would need to reallocate resources as well.

Riordan said an important statement that Corliss made was that this would require some commitment on the City Commission for funding. He said he personally would be very much interested in providing funding if they could do it in a way within the budget process but if that wasn't possible, he wouldn't be opposed to a new revenue source for this. He said this was important enough and would benefit enough citizens that a new revenue source would be very appropriate.

Farmer said the work that had been done on this was second to none with all the groups that had come together and really put their feet on the ground and ran with this concept that he thought was very needed in this community. He said he was very excited because this was setting a precedent that he thought the City Commission would want to set to declare this was a priority for this community. He said he loved the fact that it started on the East side of town and it was where they were putting their efforts and energy into connecting with downtown which was the heart of Lawrence. He said kudos to all the work that had been done and he thanked Schumm for spear heading this project as well as Mayor Dever for all his hard work. He said this was the kind of stuff that when they looked back 50 years from now, those were the kinds of decisions that this City Commission would be extremely proud that they were a part of to make. He said he was excited to say "yes" when the time came. He said they needed to allocate resources to make things like this sustainable and appreciated Corliss's comment. He said this couldn't just be a one-time thing and needed to continue to put resources into this project because the biggest disservice that they could do was to get the trail up to Constance Park and just stop. He said the Commission needed to keep in mind to make it a priority to continue to make it around the community. He said Lawrence was a progressive community and was about

walkability, physical activity and adopted those health goals as part of the community health improvement plan and this was an opportunity for the community to take a step in that direction.

Amyx said this was a good infrastructure project that helped the entire community. This was one of those times where he thought of the ring around this community and how many pieces he had been involved with. He said he wanted to thank everyone for all the work on this project. He said he also wanted to thank staff for thinking of all those little pockets of money that might be available to help finish this valuable piece of infrastructure for this community. He thanked Schumm for his hard work.

Schumm said it was a labor of love. He said the important part to this was later in the fall they would pave the south end by Haskell, and other than 300 or so yards, other than a small connecting strip, a person could go from Rock Chalk Park to Constant Park which was a long way on a continuous trail that was safe, easy to ride on and fun. He said right now he would characterize the City's trails as good recreational trails but didn't think they were very good for transportation because the trails did not connect. But, once they get the connections in, then there would be a lot more people just riding to work and different activities. He said right now it was piecemeal but we're getting close and hoped to see trails all the way around.

Farmer asked if the City Commission could get an estimate on the cost of what it would take to make a portion of that trail runner safe.

Corliss said staff would get the Commission information about the different costs and consequences of different materials.

**Moved by Schumm, seconded by Farmer ,** to authorize staff to submit a Transportation Alternatives application to the Kansas Department of Transportation for the Hobbs Park to Constance Park Shared-use path connector project; an adopt Resolution 7060. Motion carried unanimously.

2. **Considered directing staff to distribute a Request for Information for common carriage fiber network.**

David Corliss, presented the staff report

Dever said this RFI had a date of March 5, 2014 and asked if Corliss was indicating that the City Commission should extend it out.

Corliss said he would add one more week. He said usually 4 weeks was a good response period for request for bids and projects and such but that was obviously up to the City Commission. He said staff knew there was interest in this issue and there were already some proposals that were ready to be received.

Dever said the date would be March 12<sup>th</sup>.

Corliss said yes.

Amyx asked about the advertising scheme.

Corliss said staff would put it on the City's DemandStar. They would send it to the local telecommunications and other similar companies. Google, companies that had a facility and are an internet host in downtown Kansas City Missouri as well. He said staff would publish something in the newspaper and direct people to this project and was welcomed to any other suggestion as well.

Mayor Dever called for public comment.

Kris Adair, Wicked Broadband, said while the City had called this RFI a common carrier request, the common carriage was not actually in the language of the document. It was in the title but not in the language. She said they would like to request that any response be consistent with the principles of common carriage and a wholesale model of service. They believed that a section needed to be added on how the vendor would implement common carriage, specific price structures for rules, wholesale assess, technical details on exactly how infrastructure would be shared among providers. She said they would also like to request that the City move the PIRC meeting to after the response date for the RFI because currently that meeting was scheduled for March 4<sup>th</sup>. If they had this RFI due on the March 12<sup>th</sup>, she requested moving the PIRC meeting to after that date. Also, they would like to request that the mayor

appoint a special committee to review the RFI. Staff had indicated in the past that they did not have the expertise to evaluate those types of proposals and had hired out in the past to have consultation of this type and wanted to make sure those proposals were evaluated by someone with the expertise to understand what was in the proposals. They also wanted to point out that the City was taking the lead in developing a local network and Commissioners should be aware that in every single municipality where the City took the lead, the incumbent provider sued. If the City took a lead in this proposal and put out an RFI for this request, the City needed to be prepared for that possibility.

Mike Bosch, Dawn Fiber, said they were the internet carrier bringing gigabit to Baldwin City, just south of Lawrence. He said they looked forward to receiving the RFI as written and believed that no real changes needed to take place on the information that was provided. And, that would be incumbent on the providers to be able to provide the adequate detail to satisfy the City Commission and compete in that way. As far as Dawn Fiber stood on this proposal, they were excited to evaluate the options and determine if it was a great fit for their company at this time. He said they looked forward to this and appreciated the City taking a leadership position and opening it up to other carriers to take a look at investing in Lawrence.

Dever said there was a title regarding the common carriage process versus a singular provider and single source infrastructure and asked Adair to provide staff with a copy of her response to this item. He said the original idea was to try and provide the City a source of high speed service without limiting competition. If they were going to change this, staff needed to be mindful of what they were talking about and, basically, that was either someone coming in and setting up a system where multiple players could use relatively the same infrastructure or allowing one person to come and build infrastructure as need be. He said that didn't preclude someone else coming right behind them and doing the same thing. It was just a matter of how much infrastructure would be put in place in the City's right-of-way and the private properties of

the land owners. He said he thought the Commission should acknowledge that fact because it was true.

Farmer said this really was coming out of the PIRC meeting that happened three weeks ago. He said in all fairness, they had already asked a company to give the City information that would basically satisfy what they were asking now other folks to do. He said this was about common carriage and this is a question we do need to address to make sure this document was reflective of that. He said they needed to know the costs, rules for wholesale access and how the vendors would implement the common carriage. He said those were questions that, if the City didn't do their due diligence upfront, he thought that was why cities had been getting sued. He said those were very fair requests, having a committee they appointed, a group of 5 to 7 people, to look at those RFI's and to give an objective feedback regarding what they were and how they were going to work and logistics of details. He said this really needs to be about shared use and, again, this was an opportunity to set the stage for future growth and development in a technological area that Lawrence could be front runners in, providing the State didn't screw it up. He said they had a really good opportunity and had a responsibility to get it right. He said he would ask that this group consider those requests and also the appointment of a committee to make a recommendation to the City Commission with people who had skin in this game. He said he thought they should take all of this into consideration and do what they could to ask all the right questions now so they were not left holding back later.

Dever said this was not a firm RFP but more of an RFI and if someone wanted to submit an alternate proposal that didn't include common carriage that could certainly be evaluated.

Schumm said he thought they should cast out the net to see what came back in, start picking through it and then try and set the rules to where they wanted to operate within. If they narrowed it too much right now they might exclude something that they would have thought was beneficial. He said the fact that they were saying this was Lawrence and were open for fiber



business and what they could do for us was what they needed to look at and see who comes to the table.

Diane Stoddard, Assistant City Manager, said she wanted to point out that the way it was drafted and the number 8 where it was asking for responses from vendors it did ask what they were proposing. She said staff was trying to leave it as open ended as possible to see what the responses were. There might be some vendors that had an interest in a partnership but for whatever reason, might be their own proprietary issues and prefer not to have a common carriage. But, the way it was drafted, it would enable anyone to respond and then to comment why. She said staff could certainly ask, in that portion, for them to describe the technical details of the common carriage and how that would work if they were planning on that type of a network.

Dever said Farmer was right that this was in response to the PIRC meeting. He said he saw what was in number 8 but wanted to make sure there wasn't any desire from anyone here to be exclusive or use language that identified that they were really looking for a competitive, business environment or looking for reasonable, prudent, technological solutions to what they were asking. He said he didn't know if this did not do it or did. He said he read the RFI and it seemed reasonable.

Amyx said they had the request before PIRC now and the PIRC committee would make recommendations to the City Commission and this was a request for additional interest if there were other folks interested.

Dever said yes.

Amyx said the City had a pretty valuable asset in the fiber they had and it was about economic development and all the things that went along with that. That would tell a big tale.

Dever asked about the language that Farmer brought up and asked if they should add to this specific financial situation or was that something they could ask for in the second round after they received information.

Corliss said the City Commission could clearly ask for the specific financial situation in the second round and he thought that was what that process, assumed that it would be that discussion. He said they did ask for anticipated pricing structure, whether or not they were doing any type of special pricing for certain segments of the community. He said they were getting at some of that and obviously the more detailed of a response they received, the City Commission as reviewers would be more pleased with it being a solid proposal to proceed with.

Dever said he would like to get some agreement and might be okay to put together a group to review those. He said he was a part of the proposal review committee that selected the City's last technology consultant. They had some great minds throughout the community get involved, including staff, and came up with a pretty decent result. He said this should probably be evaluated in a similar fashion.

Schumm said he agreed.

Riordan said he would agree and thought it would be very important and to have the Mayor do, that was a good idea. Also, the financial aspects of this, it was too early to really comment because one of the neat things about this country was that people came up with interesting ideas that they hadn't thought of. He said not to limit it in that way allowed people to come in and say this was a great use for this fiber. He said to leave it open, as it was, and then come back to see what happened and then look at the financial aspects after words. He said that was the time to do it because otherwise it would be limited.

Dever said the City Commission was okay with the language of the RFI, were willing to put together a committee to review that document and willing to apply further review or request for information once they identified any one that came forward. He said they were also prepared for the liability that was associated with this activity.

**Moved by Riordan, seconded by Amyx,** to direct staff to distribute a Request for Information for common carriage fiber network with the new date of March 12<sup>th</sup> and change the PIRC meeting until after the RFI's were received and evaluated. Motion carried unanimously.

3. **Receive petition and consider adopting Resolution No. 7059, authorizing the formation of a Benefit District for improvements to street and water mains including Atchison Street, 32<sup>nd</sup> Street, 31<sup>st</sup> Street, and E. 1200 Road (Kasold Drive extended).**

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

Riordan said he understood that Wesleyan Church had a document drawn up that was 9 percent of the cost and usually they did 25 percent. He asked Soules to explain what ramifications, if the City Commission granted, that would have on the City. He asked if there would be any negative aspects or worries for the citizens of Lawrence.

Soules said the City's policy stated that they have a 25 percent requirement upfront that developments paid for benefit districts which were the total amount of construction cost and the improvements 25 percent. He said the City hadn't used that provision in establishing benefit districts. The property values of property within those benefit districts were better than the value cost of that 25 percent. In lieu of that, the development and church had agreed to provide the engineering cost which was about 9 to 10 percent of the cost. He said it was not quite 25 percent but it was more than the City received in a lot of other benefit districts. He said the building percentage rate wasn't very high on special assessments and were collecting all of the assessments.

David Corliss, City Manager, said the 25 percent rule was put in the City's development policy 20 to 25 years ago when they had a number of delinquencies in the community and the city was left on the hook for paying those special assessments. He said they didn't need to do special assessment financing and had done a lot of this work over his years and wrote the manual when he was at the League of Kansas Municipalities. He was familiar with this law and the city didn't need to form benefit districts and it was purely discretionary with the governing body. He said the City did special assessment benefit districts because it aided development. It was particularly an asset in situations like this where there were different property owner interests. He said there were a church and their income stream and a development and their likely income stream to be able to pay for certain things. He said the City hadn't done very many special assessment benefit districts in recent years. A lot of that had to do with the economy and developer choice. He said this community didn't

have a lot of different developer groups and were familiar with the groups that were in this community. Those developers usually like to internally finance projects and hadn't relied on the city much for benefit district financing. The City had created benefit districts such as the downtown parking lot and the Farmland / VenturePark property. That had been the means where the City hoped to be able to recoup some of those costs at VenturePark, with the eventual lot sales, and downtown because of all of the multiple property owners that they thought would benefit from that additional floor at the parking garage. He said the City hadn't had many development request but the development requests the City had were along the lines where there were multiple property owners in different development time horizons. He said some were ready to go and others not so much but the improvement needs to happen now. Most of the subdivisions the City had underway were some subdivision expansions. Some of the first subdivision expansions in 6 or 7 years were Langston Heights on Bob Billings Parkway and K-10 and Foxchase Subdivisions which were being internally financed and were not doing benefit districts. He said the city's delinquency rate was nominal which were 3 to 4 percent. He said one of the key things staff had observed was the value of the land that was being developed far exceeded the value of the assessment. It was very unlikely that the developer would walk away from a special assessment situation but that did not mean that the City did not want to still guard those situations. He said, for some years, he had a reluctance of recommending to the City Commission a special assessment benefit district for residential growth 3 or 4 years ago because there really wasn't much of a market but now things were picking up a little bit. He said the other reason why they could recommend that was that the development was participating with the engineering costs and also the development had a real strong track record of the duplex multi-family development that they were proposing. He said they had been very successful and Aldridge Court was a good example. He said staff thought it made sense in this situation to do that. He said there might be requests in the future where staff might indicate that they weren't sure this was a good risk for the City because the City did put their credit on the line and were the financers of the project. One of the reasons why he suggested putting this item on the regular

agenda because it was an important project and had not had very many. He said, back in the day, the City saw a lot of special assessment benefit districts but not so much now.

Soules said 100 percent of those assessments were being paid for by the development and there was no city participation.

Corliss said Kasold extended would do some improvements in regards to this project that they thought were appropriate and benefitted the development and to recognize that was a collector street that essentially became a County collector south of this site and had an at grade intersection on K-10 which, they all recognized that, it had its challenges. As there was more traffic on K-10 it would have even more challenges. He said you would run into floodplain pretty quickly south of this which made the ability for more development in order to pay for improvements very unlikely. He said that would be a challenge the community, City, County and KDOT would have regarding this area to the south.

Amyx said, on this particular project, as it came forward on March 26, 2013 when the City Commission considered this item and asked if the direction given by the City Commission was that they would consider waiving the 25 percent at that point and accept the 9 percent as the upfront costs.

Corliss said correct.

Amyx said the church put together a development plan. He said, in the City's policy, he asked if there was a waiver section.

Corliss said, as a policy, the City Commission had the ability to waive that and it wasn't a law.

Amyx said it didn't say the reasons that they would consider a waiver.

Corliss said no. As a matter of fact, there was any number of items in that development policy that the Commission decided was in the best public interest to require that weren't explicitly set out.

Amyx asked if it was something that should be there or was it something the City Commission should review individually.

Corliss said that was a good question and staff hadn't looked at that document in some time and really hadn't had a need to because they hadn't had any new subdivisions which was really where it had been triggered. He said it might be something they might want to take a look at but it didn't contain some of the new requirements that were in the City's subdivision regulations that the Development Services Department enforced. He said, particularly, if the City got busier regarding subdivision creation it would be appropriate to look at.

Amyx said, as someone that voted last March in the waiver of the 25 percent in acceptance of the engineering fees, he would honor that vote. He said he was appointed to the Horizon 2020 committee and found that any time there was a conflict with the comprehensive plan an amendment was done. He said but this seemed wide open and there was no reason to make something fit the City's policy. He said when it would be appropriate that the Commission waive the 25 percent in acceptance of a lesser amount.

Corliss said that was a good point. The way that he looked at it, as far as making a recommendation to the City Commission, was to keep in mind what the purpose of that 25 percent which was to ensure that the City's credit was not being placed unduly at risk. In this situation, they had the skin in the game in the sense that they had spent money for engineering services and knew there was some money involved that would otherwise be part of that and were also familiar with some of the other attributes where the staff had a comfort level that the City's credit was not unduly at risk in this situation. He said it was certainly at risk because it was issuing debt and it was possible certain things could happen but staff didn't think that was particularly likely at this time.

Amyx asked about the City position on the public's debt on that property.

Corliss said the City was in a position that if they didn't pay the special assessments, then it would eventually go to a tax foreclosure sale and what staff continued to believe was that the value of the land generally exceeded the costs of both the taxes and the assessments. And, then the City, with the tax foreclosure sale, recoup the City's investment for those improvements. He said it was not in the sense of bank financing where there were different positions. Obviously, if it went into that

type of situation there was probably some type of transfer or bank take over but the property tax law then came into effect and the City would have the opportunity to have the successors of this pay the assessments.

Schumm said there were recourses to get the land back.

Dever said that area had been platted and it looked like the improvements that were going to be made to Kasold Street extended would be built to City standards.

Soules said it won't be the curb and gutter full meal deal. Staff had agreed with the development that south of that development ran into a County unimproved road. He said right now it was open ditch and staff planned on cleaning those ditches to make sure those ditches were draining properly but were not putting in storm sewers. He said they were going to do nominal overlay on top of patching and overlay so that they could get it into good shape. He said there won't be any development to the south because of the floodplain and the road was going to be very difficult to extend because there was a large ravine and would take a large structure to cross that ravine for drainage if they ever want it to tie in. He said that might be a very long-term project and didn't feel the need. He said Kasold extended would be used mostly for this development and it was a collector street and didn't think that since this development was small user on this street right now, and had a lot of County residence coming in, that they should need to flip the entire bill for the "full meal deal", the 10 inch concrete pavement such as Kasold.

Dever said they did have the City's recreation path that ran parallel to that road so both pedestrians and bikes could adequately traverse north and south and it took away part of his concern about putting a new road in. He said in this case they weren't putting in a road but overlaying and placing a couple of inches of asphalt on top of it.

Soules said staff would do some patching if it was needed and it was just overlaid a couple of years ago and thought the County did some work on it too. The road was not in bad shape and didn't expect the traffic volume to be huge but, again, they were not the only users. If they wanted to do that they would probably pick up the property to the west in the benefit district. He asked how far

they would go on those collector streets where a lot more people in the community used. He said when it was a small local collector street within the development it was easier to decide who would be in the benefit district. If it was Kasold and 31<sup>st</sup> Street, he asked if the city would participate in some of those improvements.

Dever said the road was not going to be much improved at that location but the interior roads of the development would be built to full City specifications.

Soules said yes.

Amyx asked, regarding the creek that ran under Kasold on the Curve, if that was water from the drainage and did it go across the property.

Dever said there was a creek that ran right through the property on the south end. He said Amyx was asking about the ditch the City put in on the curve further to the north.

Amyx asked if that water went underneath and across that property.

Corliss said it was flowing south.

Amyx asked how that would be maintained on that property.

Dever said they would improve the ditch at the curve when they did the road. It was dug out and they collected storm water and ran to the south. He asked how it was conveyed south under Kasold.

Dean Grobe, Grobe Engineering, said all the drainage on that project went south into an open track where there were ponds. It would ultimately drain in at that stream which was part of the Yankee Tank Tributary to the Wakarusa. He said it didn't cross any of Kasold and all the water was being collected, all but a little bit on the northwest corner and everything went south in the large amenity ponds that they were putting in southeast of the property in the floodplain.

Amyx said his concern was the bridge at the curve. He said that water had to go under that and go somewhere.

Grobe said it would cut through the west to the east and hooked up with KLWN Tributary and then crosses the by-pass.



Dever said there was floodplain and asked if there was floodway.

Grobe said there were both.

Dever asked what floodplain designation that area was in.

Grobe said it would be an E. He said there was floodway south of the pond within tract A.

Dever said the ditches on the side of the road would only collect run-off from the street and from any paved surfaces, mainly adjacent.

Mayor Dever called for public comment.

Patrick Peery, member of Wesleyan Church and property owner, said he appreciated the City Commission's consideration of this matter and understood their concern about possibly a precedent being set. But, all he could say was that the City Manager had looked at the credibility of the petitioner and the ability and resources that the petitioner had to faithfully pay those assessments off and would faithfully make sure the assessments were paid off. He said this was a very important topic in the life of their church community and they were a growing congregation with not quite a 1,000 members but there were new members participating in the life of their church. He said they were growing and needed a new facility and financially this was a big part of them putting this project together. He said they appreciated staff, the City Manager and Chuck Soules for what they were doing on behalf of this project.

Grobe said the benefit district only included Atchison to 32<sup>nd</sup> Street and 32<sup>nd</sup> Street back to E 1200 Road. The main part of the residential development was being completed and paid by the developer but that was not part of the benefit district and was being paid privately.

Dever asked if those were the public improvements.

Grobe said yes.

Amyx asked what properties would be paying for the public improvements. He asked if all of those properties were paying for the public improvements.

Grobe said yes.

Corliss said the developer would have paid off all of the costs of all of the developer financed improvements before the City accepted them. He said it was Atchison and 32<sup>nd</sup> Street that was being financed with the benefit district and the church was paying its share and any other platted lots were paying their share. He said it was common in most developments that the developer was paying for all of those other improvements. He said in the City Code and Development Policy a requirement that they didn't accept a developer built public improvement until they knew that all of the liens had been paid and that the city was getting something completely unencumbered. He said, obviously, it had to meet all of the City's inspection requirements from a physical standpoint and also had to meet all of the city requirements that it had been paid. One of the things the City did which was unique, and worked out very well, was they required development to show the City the money, essentially. He said they would give the City a letter of credit and the City had a relationship with the bank. And, the Public Works Director and City Engineer would sign off on the draw downs in the bank that the developer was paying off for the developer financed improvements. Again, protecting the City's credit and making sure the City didn't receive a lien on a public street.

Riordan said he had all his questions answered and felt comfortable that this was a good project for several reasons and would be supportive of the project.

Amyx said he wanted to thank everyone involved with the work that had been done on this project.

Dever said the Commission appreciated the development making the investment in Lawrence and hoped their church was successful and grew. He hoped the Commission could help contribute and participate in that success.

**Moved by Schumm, seconded by Amyx,** to receive the petition; and, adopt Resolution No. 7059, authorizing the formation of a Benefit District for improvements to street and water mains, including Atchison Street, 32<sup>nd</sup> Street, 31<sup>st</sup> Street, and E. 1200 Road. Motion carried unanimously.

4. **Considered approving the purchase of one (1) Velocity 105' PUC (Quint) for the Fire/Medical Department from Pierce Manufacturing (off the Houston-Galveston Area Council contract) for \$1,120,559.**

Mark Bradford, Fire Chief, presented the staff report.

Amyx said, with Bradford's predecessor, they were able to go four stories which concerned the Commission, in not being able to get to the top.

Corliss said they didn't want too much of a digression but was one of the reasons the City had a strong fire code and building codes where they discussed fire depression/suppression systems, whether it was the Poehler Building or some of the new dormitories that KU was going to build. In addition to having apparatus and the excellent fire fighters to respond, there was hopefully a fire suppression system that could help as well.

Mayor Dever called for public comment.

After receiving no public comment, Mayor Dever said they were swapping and paying cash to buy down their investment of \$1,120,559.

Amyx asked if Bradford was sure the City couldn't get anything in trade in selling it outright.

Bradford said their past sale of apparatus brought in far less than this. He said the 100 foot stick that he had discussed they were just taking it for scrap. He said they were giving the fire department \$36,000 for the American LaFrance and would probably have a difficult time selling it because the company was no longer in business and they couldn't get parts. He said Steve Stewart, Central Garage Superintendent and a member of their staff, had done a lot of evaluations around the country on what vehicles were selling for and they felt this was probably a greater cost than if they sold it on egov which was how they normally disposed of those vehicles.

**Moved by Amyx, seconded by Schumm,** to approve the purchase of one Velocity 105' PUC Quint for the Fire/Medical Department from Pierce Manufacturing for \$1,120,559. Motion carried unanimously.

**E. PUBLIC COMMENT: None**

**F. FUTURE AGENDA ITEMS: None**

**G: COMMISSION ITEMS:**

Farmer said he would like the City Commission to consider sending a letter of support from the Mayor to the State urging the State to participate in the Medicare expansion under the Affordable Care Act. Normally, they didn't like the state telling them what to do with their money. This really wasn't us telling the State what to do with their money but this was money the State was rejecting that they could use for helping out people in the community and the impact specifically as it related to low income folks in Lawrence was unprecedented. He said he felt it was appropriate for the City Commission to send the letter to the governor's office to urge their participation in accepting those funds that they had chosen to reject for reasons he did not understand. It would be a different story if the State was deliberating where to find money and doing it that way but this was money the State was rejecting.

Riordan said he was fully supportive and it was tragic that thousands of people could not get insurance who could get insurance with this Medicare expansion. He said it was really to the benefit of the children if they were to permit this and even the State of Missouri was interested in doing this although the legislature was a different beast. He said it could only be helpful and doubted it would be successful but it might be helpful.

Farmer said it was extremely irresponsible and this was the second cut. The first cut didn't effect Douglas County and was rejecting money which was to be used for getting people enrolled in food stamps.

Dever said the City Commission was in favor of writing that letter.

Schumm said he would like for the Commission to discuss at some time a timeline to finish up rental registration. He said he didn't know exactly where they were at but knew Farmer was working with staff on getting some additional information. He said he was getting people asking what was next and when they would meet again. He said there was frustration on the parts of some citizens and had been on this subject for over a year. The fact of the matter was,

that the discussion had gone on for more than a year and would like to see if they could come up with a timeline that defined the finish line, and what would happen between now and the finish line, so he could tell people about the timeline.

David Corliss, City Manager, said the Planning and Development Services Director had been working on it and had reviewed a draft memo that would get at a number of issues that Farmer had raised. He said they had been working on it to get at Farmers proposal. The City Commission could direct staff how to proceed.

Scott McCullough, Planning and Development Services Director, said, as it stood now, staff was diligently working on putting together Farmer's proposal and researching a number of questions and data on the current program. Staff had been active in the last few weeks in doing that. The next step was that he would meet with Farmer to try and set a meeting to review the packet that staff prepared on Farmer's behalf, understanding that Farmer directed staff in certain ways, and staff had a few questions about that before they show the Commission and the public. In the meantime, over the next week, he would work up a firmer timeline and get that to the City Manager to share and that would be hopefully after meeting with Farmer to get the last bit of direction. And, staff would then schedule a public meeting and the ultimate City Commission consideration.

Dever said so, next week the City Commissioners would have a timeline.

Schumm said next week was fine but it seemed that to schedule a public meeting the public needed at least a three week notice. If it was too quick, people would say they didn't know about it or couldn't be there. He said to set the public meeting didn't seem like it would cause any problems, yet they get it on the books.

Farmer said he wanted to address what he felt needed to happen at the public meeting. He said he had sat down with both sides of the table, with folks that were both for and against this, and had come up with a very workable compromise. A lot of the questions centered on how they could most effectively do this program and measure its success. He said, as an

example, the number of re-inspections that were done to remediate issues. They really needed data from the first year of the single family program to estimate the number of re-inspections that staff had to do on top of the 1,000 inspections that each inspector would need to do. If that number was 85 percent in 2007, then they could expect that 85 percent with this particular policy would need to be re-inspected. That was going to affect the workload and the numbers but it was good to see the history. He said houses that were not in the program had 5 or more violations and houses that were in the program had an average of 2.5 violations. He said that was good because they could say how many re-inspections in the beginning versus now and let's track our progress so they had a guide for how this was going to go. He said what this meeting was not going to be was trying to talk about why rental registration was a good idea or it wasn't. He said they were way past that point now and they all agreed that something needed to be done. The reason why he felt it was incumbent on him to take so much time to get this right, even though it had been going on for a year, was because he had not felt that they were too far away from a really good compromise where they could all live with and be okay with the outcome when they had measurements in place and metrics on how they would measure their success. He said this meeting would be more of what was being proposed, the statistics from the previous single-family program, how they would measure success for this program and feedback. Not so that it could be completely changed but tweaked if need be. He said he thought they were going to hit one out of the park with this one and hoped that all of the Commissioners would support it because it was getting at what they all wanted in the ways that they all wanted it. He said they might be taking a two door vehicle to get to the finish line instead of a four door vehicle but they were getting there. This public meeting wouldn't be so much as anything else but laying out the proposal, getting some feedback and the feedback he had gotten so far from groups on both sides had been great. He said he was happy to lead that conversation. He said for the record, he was very supportive of rental registration and it wasn't a manner of which to try to kill the program but getting to a better outcome that would make this

a less tenuous issue in this community that as they build blocks for the future sustainability of it, they would be able to look back and be proud they took time. He said the Commission had worked a long time trying to get this rental registration done and appreciated that the Commission gave the new guy a little bit of leniency and leeway to try come up with a compromise.

Schumm said not to press the matter but did Farmer see the public meeting happening sometime in the next 30 days or 6 weeks.

Farmer said they could set the date for the hearing.

Riordan said 3 weeks from now was March 4<sup>th</sup> and asked McCullough if that would give staff enough time to get this together and present it to the public for comment.

McCullough said they could digest it for a good week before the meeting because there were things that still needed to be worked out in terms of getting it in shape enough to go to the public, let the public have the information and educating the public more.

Schumm said the information needed to be in the public's hands a good week before the meeting.

Farmer said he was not sure the right venue for that was a City Commission meeting but a meeting at a Lawrence high school or someplace where a lot of people could gather and give feedback. He said he would like to be chatting with folks. He said if they could meet this week and then put it on the calendar for the early part of March. He said in the next month they would be able to get it on the agenda, talk about it and ultimately, hopefully, pass it unanimously.

**H: CALENDAR:**

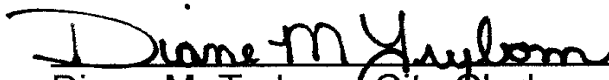
David Corliss, City Manager, reviewed calendar items.

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

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

**Moved by Schumm, seconded by Amyx, to adjourn at 9:07 p.m. Motion carried**  
unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 25, 2014.**

  
Diane M. Trybom (City Clerk)