



# City of Lawrence

## CITY MANAGER'S OFFICE

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### CITY COMMISSION

**MAYOR**  
MIKE AMYX

**COMMISSIONERS**  
JEREMY FARMER  
DR. TERRY RIORDAN  
ROBERT J. SCHUMM  
MICHAEL DEVER

July 1, 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 Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

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

**B. CONSENT AGENDA**

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

**1. Received minutes from various boards and commissions:**

Bicycle Advisory Committee meeting of 05/20/14  
Mental Health Board meeting of 05/29/14  
Public Health Board meeting of 04/21/14  
Public Incentives Review Committee meeting of 05/21/14

**2. Approved claims to 146 vendors in the amount of \$2,834,218.46 and payroll from June 15, 2014 to June 28, 2015 in the amount of \$1,987,009.02 .**

**3. Approved licenses as recommended by the City Clerk's Office.**

**Drinking Establishment**

**Expiration**

Hog Wild Pit Bar-B-Q  
LR Development LP  
1516 W 23<sup>rd</sup> St

New License

John Brown Underground  
John Brown Underground LLC  
7 E 7<sup>th</sup> St

New License

Kokoro Japanese Sushi & Steakhouse  
Kokoro Inc  
601 Kasold Dr

June 23, 2014

On the Border  
OTB Acquisition of KS LLC  
3080 Iowa St

June 29, 2014



The Sandbar  
Ricky Deans Inc  
17 East 8<sup>th</sup> St

July 2, 2014

4. Bid and purchased items:
  - a) Awarded the bid for Bid No. B1444, Blower #1 Rehabilitation at the Wastewater Treatment Plant, to JCI Industries, Inc., in the amount of \$17,333.
  - b) Authorized the City Manager to execute Change Order No. 6 to the construction contract with Emery Sapp & Sons for project UT1205, South Lawrence Trafficway Sanitary Sewer and Watermain Relocations, increasing the contract amount by \$29,225.30.
  - c) Awarded the construction contract for Bid No. B1424, Lawrence Avenue Waterline Replacement, to Schuetz Construction, LLC, in the amount of \$581,785, and authorized the City Manager to execute the construction contract.
  - d) Authorized the Parks and Recreation Department to apply for a Sunflower Foundation Community Trails Grant to fund the Burcham Park River Trail, with the City cost to be approximately \$53,460.
  - e) Authorized payment to Gene Fritzel Construction Co., Inc., in the amount of \$26,847.70, to provide a wall to create a future multi-purpose room and a header in the concessions area in the Sports Pavilion Lawrence facility.
  - f) Awarded bid for Bid No. B1442, battery-powered riding floor scrubber for Sports Pavilion Lawrence, to Pur-O-Zone, Inc., for \$22,771.20.
  - g) Approved Change Order to Gene Fritzel Construction Co., in an amount not to exceed \$12,350, for dehumidification of Sports Pavilion Lawrence, in anticipation of wood floor installation.
5. Adopted on second and final reading, the following ordinances:
  - a) Ordinance No. 9005, allowing the sale, possession and consumption of alcohol in the 700 block of Vermont Street adjacent to the Lawrence Public Library on ~~Thursday, August 7, 2014, Saturday, July 26~~, from ~~1:30 p.m. – 11:30 p.m.~~, **7:00 a.m. – 10:00 p.m.** for the ~~Downtown Film Festival~~ **Lawrence Public Library Grand Opening event**.
  - b) Ordinance No. 9014, prohibiting the criminal carrying of a weapon.
6. Authorized the City Manager to sign the Solid Waste Management Household Hazardous Waste Grant Contract for state fiscal year 2015.
7. Authorized staff to negotiate for professional services for the Solid Waste Facility on Kresge Road, with Bartlett & West, to include all professional services necessary to re-plot, site plan, provide design and construction documents for infrastructure, facility construction documents, and optional services for bidding assistance.

8. Authorized the Mayor to sign an application for the Lawrence Safe Routes to Schools Phase I and adopted Resolution No. 7076, a resolution of support and administration, declaring the City of Lawrence eligible to submit the application.
9. Approved a street event permit allowing the closure of the 100 block of East 8<sup>th</sup> Street from 12:00 p.m. on Friday, August 8, to 1:30 a.m. on Sunday, August 10 2014, for the Sandbar Birthday Party and adopted on first reading, Ordinance No. 9015, allowing the sale, possession, and consumption of alcohol in the 100 block of East 8<sup>th</sup> Street during the event.
10. Approved a street event permit for the KU Homecoming Parade and Pep Rally event to close the 100 block of East 8<sup>th</sup> Street on Friday, September 26, 2014, from 1:30 p.m. – 11:00 p.m. and adopted on first reading, Ordinance No. 9009, allowing the sale, possession, and consumption of alcoholic liquor on public property in the 100 block of East 8<sup>th</sup> Street on Friday, September 26, 2014 from 1:30 p.m. – 11:00 p.m., for the KU Homecoming Pep Rally event.
11. Approved a street event permit allowing the closure of the 700 block of Mississippi Street from 3:00 p.m. to 8:00 p.m. on Saturday, September 13, 2014, for the Old West Lawrence Neighborhood Association Block Party and adopted on first reading, Ordinance No. 9017, allowing the sale, possession, and consumption of alcohol in the 700 block of Mississippi Street during the event.
12. Authorized the Mayor to sign a Subordination Agreement for Jerod Ryan Gregg and Stacy L. Wall, 1243 Prospect Avenue.

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

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

1. **Considered adopting Resolution No. 7077, accepting the Multimodal Studies Project final reports and receive the Bicycle & Pedestrian Planning, Existing and Proposed Plans memo.**

Todd Girdler, Senior Transportation Planner, presented the staff report.

Farmer asked how big would a Park and Ride facility need to be.

Girdler said those facilities could vary in size. The dedicated facility that would basically be built from scratch would be a 5 acres site to accommodate the bus traffic, bicycle parking, connections with local transit, pedestrian access and circulation. He said some of the other lot sizes could be quite a bit smaller, including the existing KTA sites which were much smaller.

Farmer asked if the City was doing any paths around 6<sup>th</sup> and Iowa.

David Corliss, City Manager, said yes. He said Schumm asked staff to look hard when looking at the plans to see if they could enlarge the path on the north side of 6<sup>th</sup> Street and that was what they were doing. He said there was a sidewalk that would be on the south side of 6<sup>th</sup> Street.

Farmer asked if that fit in with staff's recommendation for that area.

Girdler said yes.

Schumm said if they approved this resolution, he asked how staff saw this plan of action.

Girdler said the implementation of all of those good recommendations were something that the City Commission was in charge of with the budgeting process. He said was that type of information from those types of studies painting this vision for this connected multi-model transport network which had those mode choices because they had facilities of different types. He said the facilities needed to be connected and the facilities that needed to be built should be build and they needed to look at those types of documents as they were reconstructing roads, building new road lengths and so forth. He said it wasn't going to happen overnight and this would take a lot of years to get pedestrian and bikeway system up to the type of connectivity the city had for the roadway system for the automobile. He said this was a vision document, planning document that pointed you in that direction. He said they had to have projects in the CIP to build this stuff.

Amyx said the City Commission received correspondence today from the Lawrence Pedestrian Coalition and knew that Dever, in discussions about the budget, talked about a plan. He said the suggestions about the taskforce and coming up with a process were some of those things could be completed in an orderly fashion made a lot of sense. He said they were supportive of different levels of the recommendations and coming up with a plan in the way that it had happened.

Girdler said those planning documents had policy recommendations and outlines of projects that should be done sooner than later, particularly the pedestrian part in the transit study.

Amyx said maybe there were ways that a taskforce could come up with ideas on funding. He said Dever was involved with the Metropolitan Planning Office the last several years and asked if Dever had any comments.

Dever said this was a great plan and Todd Girdler and Jessica Mortinger worked hard on this plan. He said they did a great job of creating a vision for the County and they should be commended on their hard work because this was the type of stuff that went on behind the scenes, but didn't get a whole lot of play out there. He said he was proud of the work they did and proud to be part of the MPO.

Mayor Amyx called for public comment.

After receiving no public comment, Schumm said he had been working for the last year more with the different groups that had been bicycle and walking enthusiast, complete streets and all the different wellness groups. He said there was a ground swell of support for more pedestrian improvements, more bike trails, and more bike access. He said he would encourage the Commission to make a statement that they would support forming a task force to try and come up with a comprehensive plan. He said those were plans but more than anything a to do list in some kind of order that made sense and have it sequenced in a recommendation to come back to the City Commission. He said you would have all of the different groups that were out there that had an interest in those types of activities and hopefully come to some kind of consensus with a workable plan as how they moved forward with all of the different sidewalk issues, bicycle issues and complete streets etc. The time was right and he hoped the City Commission agreed to do that.

Riordan said it was a good idea and he was in support. It made sense to have a taskforce to look at this and do it in a logical way.

Amyx said he agreed. He said several weeks ago Michael Almon made a presentation and they had informal budget meetings. He said obviously bicycle and pedestrian safety and improvements was high on the list. He said a taskforce made all of the sense in the world.

Schumm said they would be happy to get the width of the road bed extended just in time for the 6<sup>th</sup> and Iowa construction and that was right at the last minute. In fact, they delayed it for about 2 weeks to get additional plans for the widening. He said they had another opportunity coming up to do something substantial for bicycling and that was when they started to look at 21<sup>st</sup> Street if they continued to the depot with a bus depot on the interchange. He said Michael Almon had a great idea and that was a great route for a bicycle boulevard and they indicted to the neighborhood that they needed to take a hard look at traffic an how things would function. He said it was a good opportunity and at the same time work on some kind of bicycle format that might well work into the traffic restrictiveness in that area. He said he kind of felt bad when they had an opportunity and they miss it because they weren't ready to address it. He said there were a couple things that were coming up that were a real opportunity for the City.

Amyx said if that was a wish of the Commission then they were present to receive the studies and adopt the resolution and also make that statement that they could prepare necessary paperwork for a task force to be formed to discuss those issues.

David Corliss, City Manager, said one of the things that had been helpful when establishing taskforces was to do it in some type of formal manner by a resolution that set out the scope, the membership, timeframe, expectations and those types of things and if that was the City Commission's direction staff could get started on a draft for consideration by the City Commission and people interested in this issue.

**Moved by Schumm, seconded by Riordan,** to accept the Multimodal Studies Project final reports; received the Bicycle & Pedestrian Planning, Existing and Proposed Plans memo; adopted Resolution No. 7077; and, direct staff to prepare a draft resolution to establish a

taskforce to look at the pedestrian and bicycle planning issues and report back to the City Commission. Motion carried unanimously.

2. **Considered the following utility department items related to the Wakarusa Wastewater Treatment Plant, emergency reconstruction of 12<sup>th</sup> Street (public works), and the 2015 water and wastewater rates:**

- a) **Considered awarding bid for Bid No. B1435, UT1304 Contract 3, Wakarusa WWTP Site Fill and E1600/N1175 Road Improvements to the low bidder, King's Construction, in the amount of \$5,086,413.65 and considered authorizing the City Manager to execute the contract. Considered authorizing payment to Clay and April Phillips, in the amount of \$21,707.60, for acquisition of easements and rights-of-way for East 1600 Road.**
- b) **Considered authorizing an emergency reconstruction of 12<sup>th</sup> Street, between Louisiana Street and Ohio Street, and related improvements in the amount of \$350,000.**
- c) **Considered adopting on first reading, Ordinance No. 9008, establishing the 2015 water and wastewater service rates, effective November 15, 2014.**

David Corliss, City Manager, presented the staff report.

Schumm said if that was the pipe that came out of Louisiana and 12<sup>th</sup> Street and asked if staff had to dig up the pipe to reconstruct the road. He asked if it would collapse and form a divot later on.

Chuck Soules, Public Works Director, said they would use concrete and build 8 to 10 inches of concrete.

Corliss said staff would try to salvage some of the brick.

Soules said they would be keeping all of the brick and limestone curbing.

Amyx said regarding the emergency reconstruction they could automatically do change orders with the other companies.

Soules said staff had already talked to RD Johnson and Sunflower who would be the City's contractors. He said Rodger Johnson was the successful contractor on the Wakarusa and it wasn't to compromise the Wakarusa project, but they were trying to get this done. He said the project wouldn't be completed the first day of school, but they were going to shoot for as close as they could.

Amyx said at an agenda meeting they visited about the roads in and around this project at the Wastewater Plant. He said he would like to ask the City Commission to talk a little bit about directing staff to visit with the County Administrator about some relief from some of those roadway projects, but only on the roads that didn't affect the traveling public that went in and around the area with a lot of traffic.

Corliss said he believed they could do that. Obviously, their project was going to impact those County Township Roads and the City wanted to be a very good neighbor and it was illustrated in the City's work previously, but they thought there would be some opportunities for the County to maintain those roads to help out as well.

Mayor Amyx called for public comment.

After receiving no public comment, Amyx said the City received good bids on the fill project for the Wastewater Plant. He asked if there was any consideration by the Commission in directing staff to visit with the County about relief on some of those roadway projects.

After receiving no comment, **it was moved by Riordan, seconded by Schumm**, to award the bid for Wakarusa Wastewater Treatment Plant Site Fill and E1600/N1175 Road Improvements to Kings Construction, for \$5,086,413.65, and authorized the City Manager to execute the contract; and, authorized payment to Clay and April Phillips, in the amount of \$21,707.60, for acquisition of easements and rights-of-way for East 1600 Road. Motion carried unanimously.

**Moved by Farmer, seconded by Dever**, to authorize an emergency reconstruction of 12<sup>th</sup> Street, between Louisiana Street and Ohio Street, and related improvements in the amount of \$350,000. Motion carried unanimously.

**Moved by Farmer, seconded by Dever**, to approve a change order to Project PW1403, not to exceed \$350,000. Motion carried unanimously.

**Moved by Dever, seconded by Farmer,** to adopt on first reading, Ordinance No. 9008, establishing the 2015 water and wastewater service rates, effective November 15, 2014. Motion carried unanimously.

3. **Conducted an appeal of the Planning Director's Determination for approval of Site Plan, SP-13-00423, for Menards, located at 1900 W. 31<sup>st</sup> Street. Accepted dedications of right-of-way and easements for Final Plat, PF-14-00201, for Menards Addition, located at 1900 West 31st Street. Submitted by Menard, Inc. property owner of record.**

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

Matt Bond, Stormwater Engineer, presented the Stormwater Plan.

Amyx said the water in the regional pool was not going to be metered out.

Bond said it would overtime. There would be water in it because to drain it completely by gravity, it would be too deep. The material that they were using for fill on their site to raise their pad site up would always hold water. It was similar to what they had at Bauer Farm and Tractor Supply on the south side of K-10. He said most of Menard's site was being drained back into that site and some of it because of the topography was going to end up draining directly into Naismith Creek.

Schumm said there was mention of a gas line across the property line and asked Bond to point that line out.

Scott McCullough, Planning and Development Service Director, said the line was essentially through the proposed parking lot of Menard's on the site plan.

Bond said gas line started at the southeast corner of the site and worked its way diagonally across.

McCullough said this was the opportunity to have this sort of regional retention. He said when that opportunity presented itself and because of the decisions to create a buffer yard, the owner of the property saw it as an opportunity to tie into that regional detention pond thus providing opportunity to further develop the Plaza Lawrence site. To further develop that site in

the future this area would need to be rezoned, the stormwater needed to be addressed, and the property would probably need to be replatted and site planned to accommodate some additional retail development in this area.

Bond said with the proposed detention it would be taken by closed conduit and it would be metered into Tract A. He said he didn't want the Commission to think that the 2 current detention basins didn't have anywhere to drain. He said currently they were drained by open channel out to the northeast and with this proposal it would go into the stormsewer that captured the parking lot and it would be routed into Tract A.

McCullough said in Mr. Watkins letter it noted that the appeal was necessitated by reneging on a prior agreement. One of those issues had to do with the platting process and Ousdahl Road essentially was only platted with half of the right-of-way provided in this location and that half was on the Plaza Lawrence site. There were discussions at one point about vacating this half of Plaza Lawrence's side of the right-of-way not dedicating the Menard's side of the property, allowing them to pick up the stormwater from Plaza Lawrence and essentially not getting access and it was an either or kind of an agreement. He said that was one option and the other option, if that didn't turn out to be the case, was that Menards would go ahead and dedicate the rest of Ousdahl right-of-way providing access up to what could be a potential developable lot on the Plaza Lawrence side. That agreement was captured in about 4 conditions of the preliminary plat approval which were:

1. The owner of First National Addition agrees to request vacation of the 40' of right-of-way along First National's east property line (that portion of Ousdahl Road north of the frontage road in Menard's proposed preliminary plat) and First National will execute easements in the former Ousdahl Road right-of-way necessary for Menard's access, public utilities and pedestrian path required for Menard's development.
2. Menard's agrees to allow un-detained stormwater runoff from the First National Addition's property into its detention basin located on Tract A. This detention basin will function as a regional basin for the parcels within close proximity. The ability for First National Addition's stormwater to be conveyed undetained to Menard's detention area will need to be further reflected in the Menard's site plan.

3. The parties agree to the following terms, which will be made part of a private agreement executed and recorded between the parties
  - A. Menard's and First National Development agree to execute a cross access agreement for the shared use and maintenance of that portion of Ousdahl Road and other facilities constructed as part of the Menard's development, in the area north of the frontage road in Menard's proposed preliminary plat, and
  - B. Menard's agrees to provide First National Development with the necessary easements and access rights for construction, implementation, and maintenance of necessary facilities for the conveyance of stormwater into to the regional detention pond.
  - C. First National Addition agrees it will pay the cost to install/construct the pipe from the Menard detention pond area to First National Addition's north property line to receive First National Addition's undetained stormwater and will pay its fair share of detention pond maintenance once the pipe is installed.
4. If these agreements are not fulfilled, then the 30' of half-width right-of-way Ousdahl Road to the north property line of the First National Addition's property shall be dedicated with the final plat.

He said at the end of the process that was the condition that Menard's implemented and they sited that the gas line had some effect on their site plan which required some relocation of the building and not giving them the opportunity to raise the pad as high as they wanted to. He said the Menard's site plan showed some of the out lot buildings and there would be additional site plan work on the property. He said turning to the appeal process, certain stakeholders had rights and standings to appeal the action on administrative site plans so the applicant, City Commission, Neighborhood Association or record owner of property within 200' of the subject property. The City Commission shall consider the appeal site plan decision as a new matter, inviting public comment before acting on the original application and this mailed notice had been fulfilled. The site plan was approved on June 2, 2014 and the legal appeal from Plaza Lawrence LLC was submitted on June 10, 2014. He said it was noted in staff's memo that the City Commission was to use the same criteria that staff used in their decision making authority. He said the action options to be considered by the City Commission were:

- (1) approve the Site Plan application;
- (2) identify those modifications that would allow approval of the Site Plan application;
- (3) approve the Site Plan application with conditions; or

(4) disapprove the Site Plan application.

He said that was one action item before the City Commission which was the appeal decision. The second item was looking at the final plat, accepting dedications of rights-of-way and easements which was typical. He said so far they had done the preliminary Plat, the final plat had been approved as of May 29, 2014 with conditions and the City Commission would be considering accepting easements and right-of-way. The action requested on the final plat was to accept those easements and right-of-way for Menard's Addition final plat. He said as a quasi-judicial matter staff recommended that the City Commission declare ex parte communications when deliberating.

Schumm said regarding the preliminary plat approval condition no. 4, he asked if that condition was made by the Planning Commission or was it a recommendation from staff.

McCullough said this was essentially the outcome of a facilitation of what the 2 parties were doing off track of the Planning Commission process that they arrived at before it was submitted to the Planning Commission as a mutually agreeable condition. The Planning Commission accepted it as the two party's agreement that that set of conditions would be part of the Planning Commission approval of the plat.

Schumm said it was basically saying that if they couldn't get together then they could go a different direction. He asked if he was interpreting that correctly.

McCullough said staff's interpretation was that if the parties didn't agree to the terms that were set forth in condition number 4, if the agreements were not fulfilled, the 30' of half-width right-of-way Ousdahl Road to the north property line of the First National Addition's property shall be dedicated with the final plat and that was what Menard's had done which was dedicate that via this plat.

Schumm asked how they were using it in the plat.

McCullough said they weren't actually using that for their purposes and pointed out their drive. He said they would get access from an internal private road. It would just be dedicated right-of-way at this point.

Schumm asked what purpose did that serve.

McCullough said it served the purpose of accessing a future development parcel for the Plaza Lawrence property.

Schumm asked if the other half was dedicated at this time.

McCullough said yes. He said upon filing of the Menard's plat they would have a full width right-of-way to construct a City street along that corridor.

Mayor Amyx asked for the Commission's ex parte communications. He asked how far back did they need to go in this discussion.

Randy Larkin, Senior City Attorney, said whatever communications the Commission had that was relevant to this discussion that might not be on the record so that everyone had the same platform upon which to make a decision.

Schumm said he couldn't remember if he talked to anyone regarding the original zoning because it was quite a while ago. He said he talked to Dan Watkins within the last two days and went over his appeal letter. He said he didn't believe he talked to anyone else about it.

Farmer said he had a conversation with Pat Watkins this afternoon.

Amyx said he had questions and comments with Dan Watkins over the last several weeks a couple of 2 or 3 times.

Dever said the only conversation he had relative to this issue was Dan and Pat Watkins over the phone.

Rirodan said he had a conversation with Dan Watkins about a week to 10 days ago just explaining the letter in Watkins words.

Dan Watkins said this was the first time there had been a site plan appeal and this was not the place where they wanted to have this discussion. He said they thought they had this

discussion at the preliminary plat stage and the question of provision no. 4 in the agreement was not an either/or, but the City saying if they didn't do those things they had to dedicate the right-of-way. At the time of the preliminary plat, Menards did not want to dedicate right-of-way, they wanted First National Development to vacate their right-of-way and grant an easement in the entrance to Menard's was going to come down the easement all the way in, along what have been abandoned Ousdahl. He said that was agreed in the fall in November and it was done before the Planning Commission meeting before approval of the preliminary plat. He said it was facilitated and there was discussion with City staff and City staff stated to Menard's that they either had to dedicate right-of-way or work something out and it was put into the preliminary plat. The alternative was if they didn't finalize those agreements then they had to dedicate the right-of-way. He said Menard's dedicated it but wasn't going to use it. They understood that the pipeline meant that they didn't get to put as much fill on their property as they originally anticipated, but at the same time that didn't really change any of the reasons for not taking the road in where they were, made a decision not to follow through with it, and to moved their site a little to the east. He said the detained water was going into this regional site. He said no one argued that the regional site had enough capacity to handle all of the stormwater from that entire region. He said the area that Bond showed actually extended to the First National Development area and went in there detained. He said he would like to make it clear that it wasn't Plaza Lawrence's intention to try and restrict development in Lawrence or try to delay or increase Menard's cost, in fact, they had expedited this hearing at the first possible date and did not object to it even though his client could not be present. He said they didn't object at any stage of the planning and development for Menard's. He said they started talking to Menard's as they needed to make some accommodations and tried to work out something with Menard's and thought they did. He said it wasn't necessarily the City Commission's job to referee those types of things at the same time, this Commission was allowing them what he had thought was twice the size store, but it turned out when looking at their warehouse and outdoor

area, it was really 4 times as big as the previous City Commission allowed Home Depot. He said at the time Home Depot came in, they wanted to go all the way to Ousdahl and have a bigger Home Depot Store and the City said “no” and that they needed a buffer area and weren’t going to develop past Ousdahl which was the City’s policy. They had to change the comprehensive plan to allow the Menard development to which Plaza Lawrence did not object. He said they were not present to tell the Commission that Menard’s had not complied with the City’s requirements other than them getting approval on a preliminary plat which had all those arrangements in it only to back up and then provide a whole bunch of reasons why they were backing up, none of which held water. He said he agreed that Tyler Edwards, Menard’s Official, and he got off on the wrong foot when Edwards stated that they weren’t going to do it and that was it. He said they hadn’t had the opportunity to really try and work something out. It was interesting that Bond indicated that there was a stormwater problem and the City stated that they had to fix the stormwater problem as a part of their development. The City could tell people what needed to be done with site plans and what made sense for development. He said what they were asking for was equitable relief and that the City either make this a public detention pond and Menard’s was not going to pay any property tax on this undevelopable detention pond so the City could own it just as well as Menard’s could. He said it shouldn’t cost much since they didn’t pay any property tax on it or the City could say, as a part of this development process, there was more stormwater that needed to be taken directly. He said if they were taking it indirectly, he suggested putting it in there just like it was in the preliminary plat with all of those conditions that First National Development had to pay for the cost of the pipe, a fair share of maintenance and they could work things out.

Schumm said in Watkins letter of April 28, 2014, it was indicated that there was plenty of capacity in that regional detention basin for their water as well as everyone else’s water. He asked if that was currently Watkins viewpoint.

Watkins said they met with City staff and they could confirm that for the City Commission.

Schumm asked to be told a little more about a regional detention pond and the legal-eze, how it was formed, who it had to take care of or did it need to take care of everybody, who had the authority to say it was a regional detention pond, and who had the authority to say you would or wouldn't take certain waters.

Bond said as far as authority went and who took what, the regional detention was tricky because it was always the guy that was lowest on the watershed that was stuck with the regional detention facility. He said having said that, it was going to be an area that everyone could agree upon that that was an area that would never be developed because it would be for regional detention for stormwater. In this particular instance, in Watkins case he said it was regional detention because they had a problem area to the north. He said he didn't have a problem with the stormwater that was coming off of the Home Depot site. He said he talked to Chad Voigt, former Stormwater Engineer, just to make sure he had all of his facts straight before speaking tonight. The original decision to make this into detention, Voigt noted that they were going to do some channel improvements along that corridor that they were discussing along the north side of the property. The next time Voigt saw the next genesis of it was the detention that was seen today. He said he didn't know all the specifics because he wasn't present at that time, but for some reason they changed from changing from their channel improvements to the detention basin. The detention basin for the size of Tract A and would take the site for the Home Depot site because it wasn't that big considering the area he showed previously. He said the problem was that now Menard's was going to be responsible for the maintenance of that basin. The way it was setup now was that Home Depot took care of their basin and Menard's would take care of their basin. He said with that being said they could rework their own site and still had enough spot because the detention basin on east side of the development was larger than was needed. He asked if Schumm if that answered his question.

Schumm said it answered his question somewhat, but then it raised other issues.

McCullough said essentially it was a large area, but it was a private retention basin and was maintained by a private party like Tractor Supply. He said when looking at Bauer Farm that was constructed by the developer to take several different lots by the developers own action and it had taken several different private properties. He said Bond could speak of different properties the City owned that might be considered regional, but they were talking in terms of regional just because it was a private retention pond that the party had agreed to accept other waters to alleviate some of the problems the City had been having upstream.

Amyx said regarding the question Schumm brought up, the decision on how this regional area setup was setup by all the parties involved that would allow their water to go into it or if those agreements couldn't be met then everyone had to have their own detention.

McCullough said correct. He said essentially it was that simple. It was through Bond's work with Menard's and Aspen Heights before Menard's that Bond was trying to address stormwater problems in the region. He said if they get away from the "who's" it was that this presented opportunity because of the borrowing of the land to build the property up where those discussions were allowed to occur.

Amyx said when they get to condition no. 4, if the agreements couldn't be met to allow everyone to use that detention facility then Menard's had to provide their own detention and obviously Home Depot had their detention.

McCullough said correct, before that agreement as put together that was how they viewed it. The street right-of-way became a little bit of a bargaining chip because Watkins was correct at the time Menard's didn't want to dedicate the right-of-way, they wanted to vacate it, have their building closer to that area, thus needing that area for setback. It became a bit of a bargaining chip to use the right-of-way and say okay, if they wanted them to vacate the right-of-way, than accept their stormwater. He said that was private agreements between the parties. The City was never requiring Menard's or Plaza Lawrence to do anything in terms of stormwater

accept staff was working with them in a voluntary way to solve the problem to the north in the region.

Bond said because of the need for the Bauer area, fill presented the regional detention so to speak. He said when it was the Aspen Heights Development they were going to do some channel improvements and some closed conduit and there wouldn't have been any detention involved. It was that that presented an opportunity because they had a borrowed site that they could put the water in. He said with Aspen Heights, when it was slated to be that, it was a different stormwater solution that didn't involve detention or retention.

Schumm asked at what point did the site change and not be able to be lifted higher than they wanted it to because of the gas line. He asked if that was after the Planning Commissioner heard the request.

Bond said correct. He said Southern Star came back with their preliminary plan and submitted it and said they didn't want that much fill on their gas line.

Schumm said once the gas company told them they couldn't do it, then things changed.

Bond said correct. It had an impact on the development.

Schumm said prior to that the Planning Commission made its recommendation based on a different set of outcomes.

McCullough said yes, by what Menard's understood with the gas line they had the opportunity to not dedicate the right-of-way for Ousdahl and asked that their neighbor vacate their portion, thus both getting a little more setback area.

Amyx said under the City's rules on site planning, Menard's met all of the requirements and there was no effect on the existing Home Depot site.

McCullough said correct. He said there was no harm by this site plan by what was being proposed by Menard's to any of the adjacent neighbors.

Riordan said when this became a regional detention pond and they accepted water from private property, he asked if that was something they did volitionally.

Bond said they agreed to that.

Riordan said if they hadn't done that, would that have been a reason that staff could have recommended that it not be done.

Bond said they wouldn't have to make a regional detention and could have gone ahead and gone with the subterranean or underground pipes that were discussed with the Aspen Heights Development.

Riordan asked if that was all optional.

Bond said yes.

McCullough said they believed they had the authority to require some solutions to stormwater issues to a point because there was a balance there. He said they couldn't have taken another half of the Menard's property to make a huge retention pond so there was that nexus between what their request was to solve the problem.

Bond said once again because of the need for a borrowed pit he thought that was one of the reasons it was an easy solution to go with regional detention. If they didn't need as much fill for the site then they would end up putting in closed conduit and taking it over to Naismith Creek and that would have solved the problem to the north.

Riordan asked if staff could have required Menard's to do one of those two solutions.

Bond said yes.

Riordan said the other question was that from the League of Women Voters they stated that the site plan had been given approval by the Planning Director before the final plat had been recorded with the Register of Deeds and that was not appropriate. He asked McCullough to explain.

McCullough said it was very typical from the City's process when they had multiple applications that they allowed those applications to run concurrently so that staff could be looking at plats, site plans, public improvement plans, and stormwater plans all at the same time. He said how staff addressed the code requirements for making sure those were done in

order was that they would approve those plats and plans conditionally. He said on a site plan it was very often the case that they condition the site plan to the filing of the final plat. The site plan was considered approved somewhat for the purpose of allowing this appeal process to occur, but it didn't get released for permits until all of the conditions, including any filing of a plat were made. He said staff's process was very typical and he believed they were being met.

Riordan said this was not unusual.

McCullough said no, the process wasn't unusual.

Riordan said it was beneficial. He said the League stated that the final plat was in non-conformance with the preliminary plat.

McCullough said since they didn't site ways that it didn't conform, he couldn't address that statement. He said staff believed it complied because they've looked at the conditions and staff's interpretation of that condition was that it applied.

Scott Nuttelman, speaking on behalf of Menards, said they supplied a letter summarizing their thoughts on the appeal that was filed. He said in the City's staff report and Watkins admitted that the site plan was in compliance with section 20-1305. It also met all conditions and other requirements placed on this project throughout the course of the approvals. They had been through the 4 conditions on the preliminary plat that seemed to be the most relevant to the question at hand. He said as city staff had stated, it was clearly an alternative, it was phrased that way and they took the alternative B, or condition no. 4 as opposed to the first 3 conditions. He said before he got into why they did that, he also wanted to say that this was not a proper venue for private property owners to be debating legal terms for cross access easements or another arrangement that had no benefit to the community what so ever. This would allow Plaza Lawrence to fill in a detention pond to create a lot to make money and they wanted Menards to detain that water. He said the terms for that was complicated and how you design that arrangement was complicated. Early on in the process they had some discussion with Plaza Lawrence trying to be a good neighbor and come to way that Menards would get

something and wouldn't need to dedicate 30' of right-of-way and Plaza Lawrence would get that detention and maybe in the future if a host of other conditions and other requirements were satisfied, they might be able to turn that area into an out lot and sell it. He said through the course of the project, because of the gas line and other civil engineering considerations, including the grade that they could raise or lower the site which was related to the gas line, Menards got to the point where there really wasn't nothing in it for them in that arrangement between those two private property owners. He said even at that point they were still moving forward with the possibility of providing that benefit to their neighbor. He said they sent Plaza Lawrence a drainage easement for review and received back a copy of that easement which was gutted, heavily red-lined, including taking out reasonable maintenance cost that they would share to help Menards pay for the extra cost of taking all of the water from this development to their private property. Again, to have a debate about the legal terms that Watkins and he should agree upon for use of private property to detain water that would allow them to make money wasn't something this Commission should be involved with in his opinion. He said he believed the requirements for the site plan had been satisfied. He said they were excited to be in Lawrence and had spent a lot of time and effort to become part of Lawrence's beautiful community and to build this store. Frankly, they had gotten to this point with their discussions with those folks where it was clear that it wasn't going to be easy if they were going to come to some arrangement at all, it would take a long time and it was time they didn't have if this store was going to open next spring on schedule which was his job and Edwards job to get this store under construction. He said he would ask that the Commission consider whether or not they would want to hold up a project that was in hand and had been approved through the process that was at the finish line for construction for the possibility of some future project on a neighbor's property which would mean the City forcing Menards to give Plaza Lawrence a windfall so they could take their water on their site. As far as the discussions before the preliminary plat stage, he wasn't personally involved in those, but as heard tonight, it was a "we

could do this for you” and “you could do this for us” and could the parties come together on the details. He said Edwards stated in a letter that this appeal was specifically filed to cost them time and money. He said in the future all of those development issues were resolved and if this lot turns out it could be developed they would be happy to reopen that conversation. He said the detention pond could be modified at a later date to allow this lot to be developed and whether that was negotiation between the potential purchaser or Plaza Lawrence, he guest they would deal with that when they reach that point, but as far as the purposes of the hearing at this time, it was whether the site plan was appropriate to approve and whether the platted easements were appropriate to accept. It was Menards and City’s staff’s opinion that they were and he asked for City Commission’s support to approve the site plan, accept the easements, allow the final plat to be recorded and allow the project to move forward with construction which they were really excited to be doing.

Farmer asked how many Menards and Home Depots were co-located next door to each other.

Nuttleman said it was not uncommon, but didn’t know the exact count.

Farmer asked if those issues were typical.

Nuttleman said this was the first time he had ever heard the theory that by with Menards working with staff to try and solve an existing stormwater issue in this area of the City, somehow their private property had become a regional detention facility that anyone could use including other enabler who didn’t have drainage issues on their site. He said this sort of discussion had never come up as far as he was aware. He said he had been with the company for 10 years and had dealt with 50 or 60 of those projects.

Schumm said he was looking at the 4 conditions that the Planning Commission looked at and number 2 and number 3 were pretty specific. It stated:

“Menard’s agrees to allow un-detained stormwater runoff from the First National Addition’s property into its detention basin located on Tract A. This detention basin will function as a regional basin for the parcels within close proximity. The ability for First National Addition’s

stormwater to be conveyed undetained to Menard's detention area will need to be further reflected in the Menard's site plan."

He said the next point was very specific also, it called for cross access agreements, construction agreements an insulation of pipe and maintenance of the facility. He said those were the points the Planning Commission looked at and they were in agreement with. He said to him that stated a lot as to how the Planning Commission would have viewed how this would have come together. He said that was what he had a hard time understanding in how this all fell apart, but the Planning Commission didn't get to weigh in on it, it happened after the fact.

Nuttleman said condition 4 was a specific request by Menard's because everyone knew how those agreements went and it was not just simple and not 3 paragraphs, it was 20 pages and this was what they ended up with including all of the red lining for Plaza Lawrence on the document that they proposed. He said they knew full well and hopefully the Planning Commission understood this, they had an agreement in principle that was not in writing without plans, without civil engineering, without utility conflicts addressed, without legal terms negotiated and agreed upon. He said they had an agreement in principle and that agreement in principle did not follow through all the way to a full agreement on the details because they couldn't reach an agreement on details. He said condition 4 was a specific provision to accommodate that scenario which was always a scenario in real estate whether it was on a detention easement or a real estate transaction. The devil was in the details and when they got into the details on this proposal it was why condition 4 was there in case that scenario played out which was what exactly happened. Otherwise, why would the plat contain condition 4, it would be totally superfluous if those items in conditions 1-3 were a done deal and obviously they weren't because they couldn't come to terms on the details where they really dug into it.

Watkins said Bond brought up the fact that the iteration when looking back in history was to how the water ended up detained on the buffer area. He said this was a 3 to 4 year process to get zoning approval that got pushed down and a buffer area put in. He said there was a

choice of sending the water un-detained down Naismith Creek and doing some improvements there or detaining it on what the City stated was undevelopable and was never to be developed or never to go east. He said had First National Development put their water into Naismith Creek at that time, those guys would need to take it. The City created a situation in which the buffer area which was undevelopable, the water was detained at that location. He said he would like to address one thing that Menard's stated which was that there really wasn't anything in it for them and that all First Nation Development, Home Depot wanted to do was to make money. The only thing in it for Menard's was 4 times as big as site as Home Depot had and unwillingness to follow through on an agreement that was not convenient for them anymore, for none of the reasons that they stated in all of their letters to the City. It was clear that the City could condition site plans and this was the condition they were asking the City to put on the site plan for a lot of historical and equitable reasons. He said they didn't like to argue about this issue in front of the City Commission and it wasn't intended. He said they thought this was done with the preliminary plat all the reasons that had been offered by Menard's since the time of that agreement were not reason's they couldn't do this, Menard's just decided they didn't want to do it and that was where they were at right now. He said they would like to ask the City Commission to put a condition on Menard's site plan. He said he didn't want to slow things down and it was not hard to put a pipe from this place or to work those agreements out. He said there were 65 of those next door to each other and there was a reason they want to be next door to each other and a reason why they wanted to be a lot bigger than Home Depot. The City created the conditions and they were asking the City to level the playing field.

Amyx said along with the question that Schumm had, the Planning Commission obviously had the 4 conditions placed on this. He asked if McCullough could give any idea the discussion that went on about those conditions, especially the 4<sup>th</sup> condition that nullified all of it in the event that an agreement could not be met.

McCullough said again, often times the Planning Commission was put in a role where they were facilitating a conflict of sorts. This particular issue was presented to the Planning Commission and all parties presented it as a set of conditions that resolved the conflict. There was, in his opinion, condition no. 4 was an optional way that if those agreements weren't met or site constraints changed, that this could be employed as an alternative. He said he believed that it was in good faith that the conditions were presented to the City Commission and that the parties agreed in concept to condition no. 3 and then some things changed, but he didn't think the Planning Commission was using its authority as the preliminary plat approval authority to set those conditions up. The conditions were presented to the Planning Commission in an agreeable fashion and the Planning Commission simply accepted those conditions and approved the plat as he recalled. He said there wasn't a lot of discussion because it was presented to them in acceptance of all parties.

Mayor Amyx called for public comment.

Melinda Henderson, Lawrence, said she read the letter from the League of Women's Voters and everyone knew the issue that she commented on frequently, which was process. She said she understood why the League commented on the process with the site plan being administratively approved with conditions on June 2<sup>nd</sup>, but the final plat hadn't been approved or recorded yet. She said she read article 13 of the code closely and it didn't indicate that it was okay to go ahead and approve all of this with conditions. She said she understood that the City wanted to be business friendly and try to move this along as rapidly as possible. She said maybe that was why they did so many things concurrently with conditions. She wondered if staff could comment on whether or not they were comfortable with that process and if they were, would it be appropriate to change the language in the code to indicate that. She said she worked with the League in the past on the Land Use Committee and she knew they appreciated being clear and didn't want to bring up issues that were unnecessary to be brought up. She said personally, as far as process went, it would help immensely if they could have some clarification

on whether it was appropriate to continue this process concurrently with conditions that needed to be approved before something could happen and if so, should they note that in the City's code.

Celle King, League of Women Voters, said they had a land use committee for decades and many of the people on that committee had been there for decades and were there when the first site plan codes were drafted and had seen the process of how land was developed and the problems that were sometimes associated with the process and the lack of process. She was relatively new to the situation and she wasn't informed as a lot of her colleagues on this committee. When they wrote the letter saying that the preliminary plat did not coincide with the final plat, it was regarding the easements on Ousdahl and the general drainage plan. She said as they understood it and in the code, the final plat needed to conform to the preliminary plat. The Final Plat needed to be recorded with the Register of Deeds and checked by an engineer to make sure that all of the easements, right-of-ways, drainage, and financing were all taken into account so when the site plan was approved, that there were no variances or nothing that did not comply. He said they had seen in the past before the current regulations that when a site plan was approved before the Register of Deeds had a chance to check all the measurements drainage, and easements that the site plans were approve and the building permits were issued and before you knew it you realize from the engineer at the Register of Deeds that they didn't have conformance and then you had to go to a variance to make the lot acceptable to code. She said they were asking that the City Commission step back. Obviously, the people who were seeing the final plat were saying that it wasn't in conformance with the preliminary plat and there was misunderstanding from whatever region and not that they were wanting to make Menard's take longer or make more costly, but there was process and asked that everyone had a fair hearing in this and they all understood and made sure that everything was right.

Amyx asked McCullough to answer the question about the platting process where it stated "the site plan shall contain only platted land." He said the plat was approved and the

action before the City Commission was acceptance of dedications, easements, and rights-of-way. He asked if that was an approved plant.

McCullough said staff had administratively approved the plat and it was not only appropriate from their prospective, but necessary that staff looked at site plans and plats concurrently. On the plat itself many easements that were dictated were by the site plan layout. He said they had a pedestrian and bike trail where you would see an easement and there were stormwater easements, utility easements, access easements and restrictions. He said in fact it was necessary for staff to look at all those things with the public improvement plans, storm drainage plans, and a series and host of other things so it all culminated into one package and then they adopted those with conditions so at the end of the day as King mentioned, and the recording of plat was the first step which opened up the door to release the site plan to ensure concurrence, release it from building permits, through the permits, inspections and so on and so forth. He said he was a little surprised they were talking about the process because this process had been very typical and were the City's standard operating procedure and it ensured compliance because of the way they looked at them together.

Amyx said he knew it was not part of the process and it didn't say that, but basically the final part of the site plan was essentially approved once the plat as filed and was a condition of that plat.

McCullough said correct, it was very typically when they had a plat and site plan concurrently being reviewed, that they would approve the site plan, wait for the plat to be recorded. He said when there was an approved site plan it didn't mean it was released for building permits. He said the conditions of a site plan had to be met whether those were changes to notes on the site plan or changes in building materials or a plat being recorded, that all had to occur before staff issued a building permit. He said to address King's statement about ensuring compliance that was the vehicle that was used to ensure the compliance.

Amyx said back at the beginning of this process, as they went through this issue, the City Commission's deliberation was if this was a new site plan coming to the City Commission after the public hearing.

McCullough said correct. He said staff was recommending that the City Commission adopt staff's conditions and findings in their determination letter.

Amyx said the appeal process was held now they were considering this like it was a new site plan coming before the City Commission with the recommendations from the Planning Commission or from staff.

McCullough said the City Commission was hearing the site plan and employing the criteria of the code that were listed out, the same criteria staff addressed in their administrative determination and essentially cut and paste those criteria and show how they were addressed. The site plan should contain platted land and yes, staff knew the final plat needed to be recorded so staff considered it platted land because before they released it for a building permit, it would be platted property and staff considered that criteria met. It complied with all standards of City Code and it was reflected in staff's memo on how it complied with City Codes through the listed criteria.

Dever asked McCullough to touch on some of the language in the appeal memo submitted by Dan Watkins and his law firm addressing the City's policy to encourage regional detention and the concept that the City encouraged this. He said he would like to see it happen but there was no direct tie between the languages submitted on the preliminary plat and asked was it an implicit requirement. He said he was trying to understand that they weren't overstepping that.

McCullough said he would use Bauer Farm for an example. He said those ponds in Bauer Farm weren't addressing the entire basin worth of stormwater. He said it was regional in that it was kind of a sub-basin. He said they had opportunity at that location with the 40 or 60 acres to address storm water on a comprehensive manner so each site didn't need to retain or

detain, it all went into a more regional pond. He said when they get single use lots like Menard's or anywhere else in the City when it was of a certain size, then staff applied the standards of their stormwater ordinance and they had to retain a certain threshold on property and then that might mean retention or detention for that particular site. He said it was not necessarily worked out at the platting level, unless the applicant knew that they were going to use a tract, tract A in this particular instance and then it would need to be platted as such for that purpose which was essentially what occurred here.

Bond said one of the things in the stormwater management criteria was that they had to withhold 1.8 cubic feet per second per acre which was the threshold. One of the things that they were allowed during that was that anything up to that amount had to be detained anything over that they could let it go and he gave an example.

Dever said in reading the information that was provided, this detention basin that was proposed was going to serve all of their developed area proposed on the plat as well as the watershed north of the property that currently went through the property so they were actually serving a regional area beyond.

Bond said they were detaining the first 3 lots, as much as they could detain topographically to go back to tract A. He said based off of this, they were actually getting that to. The reason that they were able to detain all that was based off of the fill requirement that they were trying to get from their borrowed pit. He said it wasn't any different than a ski pond, east of town when they were building up the roadway for K-10 and just provide an area to do that and an opportunity to do that. He said they had another option which was to do what staff outlined with the Aspen Heights development and taken it in close conduit and taken it out. He said that would have solved the stormwater problem too. He said he didn't have a spot to tell someone that just because they were developing a piece of property, they were going to detain the water in their private detention basin, off site.

Dever said it was actually providing a regional benefit as well.

Bond said yes at this location and said because there was an area that was big enough that it would handle that. The thing that was driving the bus on this was not so much the stormwater, but the size of the borrowed material.

Schumm said regarding the Planning Commission, as it was stated by staff that the for points had been worked out. He said it was a benevolent moment at that time with regard to the Planning Commission and asked if there was any discussion to say what if it didn't work out and what would happen to this water or was the theme was that everyone was happy about this and it couldn't fall apart.

McCullough said he didn't recall and had to review the minutes or the tape of the meeting. He said he didn't know that if the discussion went that far down, what realistically could happen, they believed, on the Plaza Lawrence site was that they didn't need all of the detention that they had on the property today. It was a little bit over built because it was required to be a buffer area. He said staff believed they were in agreement that probably this entire detention pond could go away and this pond would need to be a little bigger and deeper. He said there had to be some detention on site to address the stormwater criteria of the stormwater ordinance, but they also believed that there was some ability to develop the buffer area once platted, once zoned, and once site planned. He said he didn't think the Planning Commission went that far and could have been a possible response to the Planning Commission about what if Plaza Lawrence stormwater didn't go to Menard's retention.

Dever said he wanted to make sure he understood, from reading again, this was a requirement of the original plat for the westerly adjacent property, this overly large, overly sized, extraneous detention basin as a buffer area to the mobile home park which was adjacent and was considered buffer land. He said they went ahead and probably dug a shallower basin and submitted the water to it and it was a double device. He asked if McCullough was saying that that requirement would be removed since their developing the property to the east as commercial.

McCullough said the requirement would remain how they addressed their stormwater on this property and could be re-engineered and changed to residential.

Dever said now that it changed, this was a positive change for the site to the west and this buffer requirement would likely be removed.

McCullough said the change in policy of the Comprehensive Plan that accommodated the Menard's project, did open up the opportunity for the Plaza Lawrence owner to come in and request that that buffer area be rezoned because it was currently open space, to be rezoned to a commercial district and then site planned for those uses.

Dever said to create a larger basin to the south and more than likely be able to develop that parcel since it was oversized and extraneous in its extent and depth. Essentially, they used a lot of area to address their stormwater and there were other engineering solutions.

Amyx said in listening to the Planning Director and looking at the appeals process, the Menard's site met all of the city code requirements (20-1305) and had gone through the plat and site plan processes. He said the idea of this regional detention area was something that was created by name only because of the water coming from the north. He said under the 4 conditions that were part of the process, if an agreement couldn't be made between the parties and the detention could be met on both sites than the site plan approval process had been met and should be approved by the City Commission as well as the acceptance of dedication of easements and rights of way.

Farmer said by virtue of the City Commission amending the comprehensive plan, they actually did Menards and the Home Depot site a favor in that they could detain their water in a different way and also still get the benefit of having other parts of their property as zoned commercial. He said that was a great point and was in support of the approving this site plan. He said he received 10 emails and facebook messages from people saying that they couldn't wait for Menard's to open.

Amyx said regarding the comment from Henderson about the City's platting and site planning process, staff took those processes very seriously, and he was comfortable with staff making sure the proper process was followed regarding plats being taken care of in a timely manner which worked together with the site plan that had been approved. He asked McCullough what the Commission's action should be.

McCullough said he would approve the site plan application with conditions and adopt the conditions of staff's determination

**Moved by Farmer, seconded by Dever,** to approve the site plan with conditions, located at 1900 West 31<sup>st</sup> Street. Aye: Amyx, Dever, Farmer and Riordan. Nay: Schumm. Motion carried.

**Moved by Dever, seconded by Farmer,** to accept the dedications of right-of-way and easements for Final Plat, PF-14-00201, for Menards Addition, located at 1900 West 31st Street. Aye: Amyx, Dever, Farmer and Riordan. Nay: Schumm. Motion carried.

4. **Consider authorizing the City Manager to execute an agreement for Phase 1 (market feasibility) in the amount of \$29,000 (University of Kansas to pay 50%) for a conference center feasibility study.**

David Corliss, City Manager, presented the staff report.

Amyx asked if this feasibility study would be back by the end of the year.

Corliss said that timeframe would be appropriate. He said they had a few things on their plate right now to finish up the budget, the police facility, and the successful roll out of curbside recycling. He said the consultant could start doing their work in working with the City and KU to get some of the data, but it would take a healthy portion of the remainder of 2014.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Farmer,** to authorize the City Manager to execute the agreement for Phase 1 (market feasibility) in the amount of \$29,000 (University of Kansas to pay 50%) for a conference center feasibility study. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Ted Boyle, North Lawrence Improvement Association, said Sunday was a busy day for Lawrence. He said he was glad to see all those people come to town and maybe they would be paying sales tax in the future, but the problem they had on Sunday was getting across the bridge with first responders. He said he and his wife went out to breakfast every Sunday on the south side of town, but on this particular Sunday, he explained why he couldn't get across the bridge in a timely manner and noted that he had never seen Kentucky Street so congested. He said he had been fighting the issue about first responders having accessibility to North Lawrence for a long time. He said he, Commissioner Dever and David Corliss had discussion about this problem and at that time they asked about putting in an ambulance in North Lawrence. He said that would be half the problem solved, but it was better than nothing.

Amyx suggested that staff come up with a policy of some kind that stated when it would be appropriate to have a first responder sitting on the North side of the bridge. He said he thought staff did a good job making sure they could get to North Lawrence, but it was obvious to him, at this point, that they needed a policy so Boyle did not need to come before the Commission.

Corliss said the Fire Chief could respond as well and staff could work on any direction that the Commission thought was appropriate.

Amyx asked if the Fire Chief, Mark Bradford, could come up with a policy as to when it was appropriate to have a first responder on the north side of the bridge.

Bradford said yes.

Boyle said he had several residences that called him and were willing to tell their story to the City Commission.

Amyx said the City would take care of it once and for all.

Boyle said it was his job to take care of matters in North Lawrence.

Schumm said he had two other emails about traffic that moved a block to the north this year and it really did change the traffic pattern dramatically. He said next year they should look at a different course.

Corliss said it would go back to the original course was the plan.

Farmer said 9<sup>th</sup> and New Hampshire would be opened next year and would change everything.

Corliss said that was a good point.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:** None.

**H: CALENDAR:**

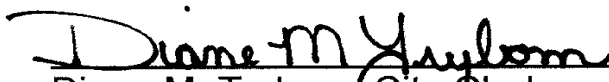
David Corliss, City Manager, reviewed calendar items

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

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

**Moved by Schumm, seconded by Dever,** to adjourn at 8:41 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 2, 2014.**

  
Diane M. Trybom (City Clerk)