



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

October 28, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 6:00 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. EXECUTIVE SESSION

1. **Consider motion to recess into executive session for 30 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney-client relationship. The justification is to keep attorney-client matters confidential at this time. The City Commission will resume their regular meeting in the Commission meeting room at the conclusion of the executive session.**

Moved by Schumm, seconded by Farmer, to approve the motion to recess into executive session for 30 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney-client relationship. The justification is to keep attorney-client matters confidential at this time. The City Commission will resume their regular meeting in the Commission meeting room at the conclusion of the executive session.

The City Commission recessed into executive session at 6:01 p.m.

The City Commission returned from executive session at 6:30 p.m. and resumed the regular meeting. No action was taken following the executive session.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaimed Thursday, October 30, 2014 as Lights on Afterschool Day.
2. Proclaimed Friday, October 31, 2014 as Halloween Trick-or-Treating Night.
3. Proclaimed the month of November, 2014 as Pancreatic Cancer Awareness Month.

Commissioner Riordan recognized Dr. Chuck Loveland.

C. CONSENT AGENDA



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

1. Approved City Commission meeting minutes from 09/23/14, 10/07/14, and 10/14/14.
2. Received minutes from the Lawrence Douglas County Bicycle Advisory Committee meeting of 09/16/14, the Planning Commission meeting of 09/22/14 and the Public Health Board meeting of 08/18/14.
3. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 214 vendors in the amount of \$7,673,854.20.
4. Approved a Taxicab license for Yo Taxi LLC, 315 Industrial Ln., Suite C, as recommended by the City Clerk's Office.
5. Approved appointment of Rod Hernandez to a Bicycle Advisory Committee position that expires 12/31/15 and Jay Wachs to a Historic Resources Commission term that expires 03/01/16 as recommended by the Mayor.
6. Bid and purchase items:
 - a) Authorized the purchase of three (3) Motorola MDC Model MW810 for the Fire/Medical Department, from Motorola, for \$16,695.50, utilizing the Kansas State Contract.
 - b) Authorized the three year lease of seven (7) Ford Explorers for the Fire/Medical Department, from Shawnee Mission Ford, for a total amount of \$215,603.46. (Annual payments will be \$72,176.20, \$71,726.20, and \$71,733.20, plus \$7.00 and City owns vehicle).
 - c) Authorized the upgrade of Fire/Medical Department wireless equipment used for 911 calls and approve the purchase of equipment for the upgrade to Vital Support, for \$28,527.60, utilizing the State of Kansas contract.
 - d) Authorized the purchase of office furniture for City Hall office reconfiguration from DBI, for \$20,211.72, utilizing the State of Kansas contract.
 - e) Authorized the execution of a purchase agreement with Logic Inc. in the amount of \$56,488 for the purchase of one ABB Variable Frequency Drive (VFD) with a five (5) year warranty for the Clinton West Hills #3 pump.
7. Authorized the City Manager to execute an Agreement with Virginia L. Romero, for \$23,795.09, for the purchase of three (3) easements and property for right-of-way, for the Wakarusa Wastewater Treatment Plant road improvement project.
8. Authorized the City Manager to execute the necessary agreements with Voya to provide stop-loss coverage at the current levels for the City's Employee Healthcare Plan for 2015 in the amount of \$1,031,603 and Cigna for interface fees in the amount of \$14,958.

9. Approved Sign Permits for mural installations at the Lawrence Community Shelter and New York Elementary School, as recommended by the Lawrence Cultural Arts Commission.

Amyx pulled consent agenda item no. 3 regarding claims for a separate vote.

Moved by Schumm, seconded by Dever, to approve non-Rock Chalk Park related claims to 206 vendors in the amount of \$6,567,470.22. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Dever, seconded by Farmer, to approve Rock Chalk Park related claims to 8 vendors in the amount of \$1,106,383.98. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding: First week of residential recycling collection; Kansas Forestry Service Assessment of Douglas County Forest Resources; and, 920 Missouri Street Update.

Scott McCullough gave an update on 920 Missouri Street.

McCullough stated Mr. Keating, the owner, called me yesterday and advised that they're still looking at keeping the house but are considering attaching the second unit to the house in the back. Not a separate unit, a detached structure, but it would amount to a new duplex but keeping the house. I advised him, give us the plan and let us share that with the commission, and the public, and go from there. That's the update.

Amyx stated thank you for the tour this afternoon. That was something spectacular to see. I didn't have any idea what we were going to see. To see the technology there, and the work that's being done, it definitely meets the goal as it was set out in the recycling program.

E. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing on the unsafe two-story porch structure located at 608 Kentucky Street and consider adopting Resolution No. 7095, declaring the front porch structure to be unsafe and dangerous, and ordering the owner to complete substantial structural repairs or to initiate demolition and removal of the**

porch within a specified period of time. Should the property owner fail to comply, the City would contract for the removal of the structure.

Kurt Schroeder, Assistant Director, presented the staff report.

Riordan asked, was that shoring done in March and was it adequate for the structure. It seemed to indicate afterwards that it wasn't adequate. I'm confused.

Schroder stated yes the shoring was done. The shoring that you see here is what was installed in March and it was intended to be temporary. We did check it every couple of weeks to make sure it was holding up. It did its job well over the last 5 or 6 months. But, this needs to be totally repaired and re-done.

Riordan asked, with the shoring, it was a safe structure at that time?

Schroder stated it was not in danger of collapse at that point.

Mayor Amyx opened the public hearing

Bonita Yoder, property owner of 608 Kentucky, stated I think your question hit on the point I wanted to make. With the temporary shoring in March, I don't believe it was an unsafe structure at that point when this process was initiated in September. My request would be that the City Commission continue the hearing, at least another month, four to six to eight weeks and providing that the structural repairs that are being made right now are completed, then the matter be dismissed. Last spring I broke a foot and then subsequently fell on crutches and broke my wrist and was laid up for 5 weeks, out of state. I do ask that the city continue the hearing given that repairs are underway and that the structure was not unsafe on September 16.

Schumm asked you're asking that we continue for four, six or eight weeks so you can complete the work that needs to be done. Does that include all the cosmetics? Are you going to repair that to a finished surface in front?

Yoder stated the material that's being put on is what they call weather resistant. The plan is to add stucco. I don't know what the weather will be like. I'm not saying four weeks will

be sufficient to get the stucco added. Certainly, the roof should be placed on the porch. I would say if you could continue it eight weeks, probably take care of that, but I don't have an exact time frame on the stucco portion.

Schumm stated that is weather related, if it's too cold.

Yoder stated and the material that's being put on it's called weather resistant so I don't see that being a structural issue. If you're having cosmetic concerns, that's a separate issue.

Schumm stated, for me, I would like to see it look nice. I'd like to see the structural problem taken care of and I'd like to see it repaired.

Yoder stated I totally agree.

Schumm stated I did get a number of calls on that when we were talking about rental licensing and the theme was, you got this going on right underneath your nose and your trying to put your nose in somebody else's business to find out what else is wrong. It's kind of embarrassing to have that thrown back at us so I'd like to see that get taken care of.

Yoder stated I understand that. From a purely technical, legal thing, cosmetic is not a basis for passing the resolution and, I appreciate that. It's close to downtown and I appreciate your concern.

Schumm stated my point is I'd like to work with you if you would like to work with us.

Yoder stated I would. I was a little indisposed for little bit there but I'm back.

Amyx asked for other public comment. There was none.

Moved by Schumm, seconded by Farmer, to close the public hearing. Motion passed unanimously.

Amyx asked Schroder, continuation of this hearing, things go along with no deadline. Is that correct? If we just continue without adopting the resolution?

Schroder stated that's correct.

Amyx stated the one thing that 7095 does is give us date specific as to when things need to be done. We can adjust it if we see general progress done, acceptable to inspectors? Correct?

Schroder stated certainly and that resolution is talking about the structural repairs. It really didn't speak to the finish work on the column and that kind of thing. We do think that could be completed pretty soon.

Schumm asked can blight be connected with this structural part of it to require a finished product at the end of the work period.

Schroder stated the minimum property maintenance code could do that. I don't think that state law would allow us to connect that. It is about dangerous and unsafe, or failing structures.

Amyx asked, once it's determined to be safe and no longer dangerous, it needs to be painted, or stucco, or whatever the finished product is going to be, that is something that takes a totally separate action. Is that something that's done through rental registration?

Schroder stated, this property is vacant but we could pursue it through our property maintenance code.

Amyx stated Bob I appreciate your comment but the action here tonight is to deal with the unsafe and dangerous part of this thing and I think that is the part we ought to deal with. If there is something at the end of this, and we look at the timing, we get six or eight weeks out, we could be in the middle of snow or freezing weather, let's just look at 7095.

Schumm stated I wouldn't be opposed to asking the applicant, one more time, if she, for an extension, wouldn't agree to a completely finished job. That thing has been like that for a long time.

Amyx asked Schumm, what are you asking.

Schumm stated we would continue the hearing with the agreement that the applicant would finish the job in total, not just leave it as raw wood, weather permitting.

Amyx asked weather permitting.

Schumm stated yes. I'm interested in seeing the thing get fixed.

Riordan stated, Mayor I would agree that this is the time to ask the applicant, if we work together with this, and allow this to continue, if she will finish this and have a finished structure that looks consistent with the rest of the building, within a reasonable time, with weather permitting.

Yoder stated that is the intention. Weather permitting being the key. The material that is going on will be a primed white material.

Kevin Edwards, Ms. Yoder's contractor, stated it is not a finished product but it will protect the structural framing even through the winter if necessary. It won't be a Tyvek, be lose and flap in the wind. It will be a solid structure but it's not a finished product.

Dever asked are you going to put up actual stucco or EIFS.

Edwards stated no. It's like an OSV product that has a membrane on the outside and you tape all the seams.

Dever stated I mean the finished product.

Yoder stated the finished product. The plan for that is to be stucco but what we're talking about is the product that will go on the outside of the column in the interim. Even that product will look much better than what it has been.

Dever stated you can't apply stucco if it's 32 degrees, ever.

Schumm asked how long it will take you to stucco it.

Edwards stated I am not doing any of the stucco work. I am strictly doing the structural repairs.

Amyx asked Yoder, do you know the answer to that.

Yoder stated I do not. I'm still looking for a stucco person. I don't have a contract signed yet on the stucco. They use Dryvit more in this part of the country.

Amyx stated, so Bob back to your original question of Ms. Yoder about finishing that as part of continuation of this deal.

Schumm stated, I think we still do it. If we come back in six to eight weeks and it's not done, and the weather has been nasty, then we'll know that was a reasonable excuse. If the weather has been good and it's not done, then we move on, get it done, whatever it takes. But, in the spirit of things, and with us trying to accommodate you for eight more weeks, that job is not that big of deal. That can get done. Unless you have ice all the way through the eight weeks, I think you have the opportunity to get that done.

Riordan stated, Bonita would you be able to come back and let someone know from the city if you have had the ability to get a contractor.

Yoder stated, I can communicate with you or could get in contact with Mr. Schroder.

Amyx asked, Bob what you're suggesting is to not approve 7095 and continue this with the understanding that Ms. Yoder is going to finish this project, or go ahead and approve 7095 to get the finished project done, weather permitting.

Schumm asked, is the date of the Resolution today's date? December 15th is good, that's six weeks. Let's see where we're at in six weeks. I don't want to let this thing go any longer. Give them six weeks.

Yoder asked, how about the end of the year?

Schumm stated, no let's make it December 15th. That way we don't have to redo the resolution.

Amyx stated, so the action before us is to adopt Resolution 7095. Is that what we're going to do, with the date of December 15th, and that is for the finished project, weather permitting, correct?

Amyx asked Corliss, can we add that language, weather permitting for a completed project?

Corliss stated we'll do that with the resolution.

Yoder asked you're approving it rather than continuing it.

Amyx stated we are approving the resolution with the idea that we'll look at it again in six weeks to see where you are, weather permitting.

Moved by Schumm, seconded by Riordan, to adopt Resolution No. 7095, declaring the front porch structure located at 608 Kentucky Street to be unsafe and dangerous, and ordering the owner to complete substantial structural repairs and complete re-stuccoing, weather permitting, or to initiate demolition and removal of the porch no later than December 15, 2014. Should the property owner fail to comply, the City would contract for the removal of the structure. Motion carried unanimously.

Schumm asked, if the applicant fails to complete the work, at what point does the city take it over and charge it against the property tax. Or, does this resolution provide for that action?

Corliss stated this Resolution provides you with that authority but, that's going to take some time. We would have to work with the property owner and if we can't work with the property owner we go to court. It takes some time.

Amyx stated right now we believe the property owner that this projects going to be done in the next several weeks and, weather permitting; all of it's going to be done.

Yoder stated I do reserve that I might challenge your finding for the resolution versus continuing it because I do think that on September 16th the basis for the property being structurally unsafe was not present.

Corliss stated the good news is that we're on to a successful resolution. Our disagreement on that won't necessarily matter.

2. **Considered adoption of Resolution No. 7096, providing that the City shall off-set all of the cost of acquiring the Hallmark site for a police facility by the sale of surplus real estate within its inventory.**

David Corliss, City Manager, presented the staff report.

Mayor Amyx asked if there were any questions of staff.

Amyx stated, one of the things Commissioner Dever stated last week, and I think it's important, anything that we can make as clear and concise as we possibly can helps with the education process. I think this does that.

Mayor Amyx called for public comment.

Dan Dannenberg, 2702 University Drive, stated more of a question I guess than a comment, what is Hallmark's basis for this property? How much did they pay for it?

Corliss stated I do not know the answer to that question. I do know Hallmark acquired the property at the plant site, and around the plant site, since they have been at that location which comes from the 1950's. With the turnpike they desired to have a buffer property. They donated 20 acres of the property to the city that was probably 10, 12 years ago at north Iowa and Peterson. They subsequently have started to sell the remaining buffer tracts south of the plant site and the property on the east side of McDonald Dr. has been on the market for a couple of years. I don't know their cost basis.

Dannenberg stated I think that's important information especially with the vote coming up because we need to know, as citizens, what Hallmark paid for it and what the City is being asked to pay for it in case the resolution passes. This looks to be a bailout for Hallmark because they bought some property and now we have to get rid of it because we don't have a use for it.

Amyx stated, Dan just to tell you, Hallmark has been a very good corporate partner in this community. The donation of the land, those kinds of things don't just happen. Those are nice gifts to this community. They provided great jobs for a whole lot of people in this community since the 1950's. Do we have the answer for the basis of the price that they have in it? Absolutely not. We can give the price that we're willing to pay for the property assuming that the vote passes with the right amount of education that everybody can get any place that they want to get it from.

Corliss stated we also have the independent appraisal of the property that shows it was more valuable than the contract price. That's usually the best basis for acquiring property to have an independent appraisal, somebody that is completely disinterested in the property, follow all their rules, and look at comparable. It came in at \$2.6 million for the 47 acres. It's more than what we are going to pay for the property.

Dannenberg stated, one final question, has Hallmark received tax incentives or abatements since they have been in town?

Corliss stated not to my knowledge. I've been with the city for 24 years. They have never received a tax abatement or any type of incentive. I'm not aware of anything prior to that as well.

Amyx asked if there was any other public comment. There was none.

Amyx asked, Commissioner Dever, does this answer the questions that you raised last week.

Dever stated, I think so. I would like everybody else's opinion but I think it's pretty straight forward. There are questions about the process and how we're going to pay for the land and how we're going to keep this under budget in a fiscally conservative fashion. I think this helps do that.

Amyx stated, I share your concern about that but this does spell out very clearly the intentions of this governing body.

Moved by Riordan, seconded by Farmer, to adopt Resolution No. 7096, that, in the event the qualified electors of the City of Lawrence, Kansas, approve the sales tax referendum for the construction and equipping of a new police facility, it will, in order to off-set all or a portion of the cost of the purchase of the real property upon which the police facility will be located, sell surplus real property within its inventory. Motion carried unanimously.

F. PUBLIC COMMENT:

Jon Josserand, stated thank you all for the work you do. I'm not down here on a big topic but I did just happen to notice before the meeting the item on the City Manager's Report about 920 Missouri St. It's an item I'm interested in because I live proximate to it and I'm getting a lot of calls from neighbors. It's good to learn, from the memo, something is being discussed that would be on track to meet the desires of the neighborhood. I don't get all updates. Quite frankly, this thing is a moving target. I hear different things from day to day. I do want to applaud that process. It's unfortunate that the parts of this community we ought to be more proud of, and save, are sometimes under attack. I do serve on the Planning Commission and I serve on the four person committee mentioned in the memo contained in the mayors update describing the creation of the conservation overlay district. I'm not an architect but I don't think anything has been harsh or difficult to comply with. They are good design guidelines. Some of this goes back to the history of the challenge we have north of the stadium. The question I want to leave you with is do you really want to have the north of the stadium have happen what's happened on Ohio, Tennessee, Kentucky? Planning staff mentions this recommendation in the draft guidelines for a new housing type in the subject area. I didn't want it to go unnoticed or unchallenged that, as the only person on the committee that actually lives in the Oread District; I know we have some residents that have some considerable questions about this recommendation. We think it may actually work to aggravate the abandonment by this area from residential owners and families. It's not a done deal. The committee of four has not put its touch on it. The only day the committee of four discussed this I happened to be gone and I know I'll be getting a lot of input from the community about that.

Amyx stated, we will look forward to all the information soon and if you want an update from Scott tomorrow contact him. There was an update on some additional information on 920.

Dan Dannenberg stated, on November 5th and November 12th there are going to be forums on the Horizon 2020 Comprehensive Plan. At each session there are going to be four topics. None of these sessions is there a topic on neighborhoods. Neighborhoods are under

assault by rental properties. Part of my job is to be an unpaid code enforcement staff member. If you look south of 19th street, just east of Iowa, you will see a steady deterioration of that neighborhood. It's mostly due to the influx of rental properties. There is a property on Sunset Dr. which used to be a very nice building, a nice residence. It is slowly becoming a slum. There's a property on Century Dr. that for years has been out of compliance with codes according to what I can see. The owner, or whoever lives there, has continually shoved a stick in the neighborhoods eye by not doing anything to remedy any situation. There is also a property on University Dr. that was allowed to construct an adjacent building south of the main residence. That building, in essence, blocks any access by first responders. We have another weapon that has been employed. It's called the UML, the un-mowed lawn. Why is that such a big deal? The city standard is 12 inches. That's too high. Ticks like tall grass. That's from the Douglas County extension office. We also have the situation of cars parked in yards. This has been a continuing problem and it just adds to the blight and deterioration of neighborhoods. On the corner of 9th and Lawrence Ave. is really a problem. The grass has been worn down by cars parked there. This three minute rule is ridiculous.

Mayor Amyx asked if there is any additional public comment. There was none.

G. FUTURE AGENDA ITEMS:

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

H: COMMISSION ITEMS: None

I: CALENDAR:

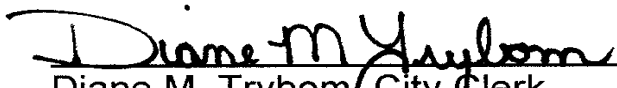
David Corliss, City Manager, reviewed calendar items

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Farmer, to adjourn at 7:24 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 11, 2014.


Diane M. Trybom (City Clerk)