



# City of Lawrence

## CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR  
JEREMY FARMER

COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT  
MIKE AMYX

May 26, 2015

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Farmer presiding and Commissioners Amyx, Boley, Herbert, and Vice Mayor Soden present.

**A. STUDY SESSION: (3:00 – 5:15 p.m.)**

1. City Commission Study Session.
  - Public Safety
  - Mental Health (staff memo will be posted when available)

**B. RECOGNITION/PROCLAMATION/PRESENTATION:**

1. Proclaim May 29 – 31, 2015 as The Official Weird Weekend.

**C. CONSENT AGENDA**

**It was moved by Commissioner Boley, seconded by Commissioner Amyx, to approve the consent agenda as below. Motion carried unanimously.**

1. Receive minutes from various boards and commissions:
  - Fire Code Board of Appeals meeting of 05/13/15
  - Lawrence Douglas County Bicycle Advisory Committee meeting of 04/20/15
  - Planning Commission meeting of 04/20/15
  - Public Health Board meeting of 03/16/15
  - Traffic Safety Commission meeting of 04/06/15
2. Approve claims to 137 vendors in the amount of \$1,978,248.92.
3. Approve licenses as recommended by the City Clerk's Office.

**Drinking Establishment**

Alvamar Country Club  
Orion Management Solutions  
1809 Crossgate Dr.

**Expiration**

New License

The Roost  
The Roost LLC  
920 Massachusetts St.

May 31, 2015



4. Approve appointments as recommended by the Mayor.

**Contractor Licensing Board:**

Appoint Daniel Poull (785.331.4501) as the Plumbing Board representative, to a term that expires 12/31/17.

**Human Relations Commission:**

Appoint Nicole Humphrey (785.749.3298) to a term that expires 09/30/15.

**Joint Economic Development Council:**

Appoint Melinda Henderson to a term that expires 10/31/15.

**Lawrence Alliance:**

Appoint Nicole Humphrey to a term that expires 11/30/16.

**Lawrence Douglas County Advocacy Council on Aging:**

Appoint Tom Mersmann (785.764.0924) to a term that would expire:

**Pedestrian-Bicycle Issues Task Force:**

Appoint the following people:

- Dee Boeck (785.841.3587)
- Carol Bowen (785.842.9082)
- Charlie Bryan (785.218.7966)
- Clint Idol (785.312.1966)
- Marilyn Hull (785.218.3457)
- Mike Kelly (785.424.7527)
- Erin Paden (785.766.1963)
- Bonnie Uffman (785.856.0057)
- Marianne Melling (913.558.1339)
- Patricia Weaver (785.766.1734)
- Adam Weigel (785.424.5111)

**Public Incentives Review Committee:**

Appoint Aron Cromwell (785.749.6020) as the Sustainability Advisory Board representative, with a term that expires 01/31/16.

5. Bid and purchase items:
- a) Set a bid date of June 9, 2015 for the completion of O'Connell Road street and storm sewer improvements for the entrance of Lawrence VenturePark - Project No. PW1518.
  - b) Award the bid for 4,000 tons of de-icing salt for the Public Works Department to the low bidder, Central Salt, LLC, for \$203,080.
  - c) Authorize the purchase of 85 Self Contained Breathing Apparatus and related equipment, to Feld Fire Equipment, for a total of \$565,996.81, utilizing the City of Springfield, MO open bid from December, 2014.
  - d) Approve Change Order for the purchase and installation of 17 street trees to Preferred Lawn Service & Landscaping for \$5,716.76.

6. Adopt on first reading, Ordinance No. 9113, amending Chapter V, Article 5-18 of the City of Lawrence Code to allow limited off-premise advertising signs for businesses located on lots within multi-lot unified developments of five (5) acres or more.
7. Adopt on second and final reading, Ordinance No. 9101, to rezone (Z-15-00022) approximately 0.27 acres from CS-UC (Commercial Strip with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District with modification to the zoning restriction to permit a bar use without a food sales requirement, located at 804 Pennsylvania St. (PC Item 4; approved 6-2 on 3/23/15)
8. Adopt Resolution No. 7121, establishing June 16, 2015 as the public hearing date on the advisability of the making of certain improvements and signalization of 6<sup>th</sup> Street and Champion Lane.
9. **PULLED FROM THE CONSENT AGENDA FOR SEPARTE DISCUSSION.** Accept the dedications of easement associated with Minor Subdivision, MS-15-00181, for Simpson's Subdivision No. 2, located at 815 Oak Street. Submitted by Grob Engineering Services, for the City of Lawrence, property owner of record.
10. Approve the final elevations for the HERE mixed use project, FDP-14-00446, located at the southeast corner of 11<sup>th</sup> Street and Mississippi Street.
11. Approve a Special Event Permit, SE-15-00230, for The Selection's Inventory Liquidation Sale, a used vehicle sales event, located at 565 Wakarusa Drive. The event will occur June 11 - 21, 2015. Submitted by The Selection, for 6Wak Land Investments LLC, property owner of record.
12. Concur with the following recommendations from the Traffic Safety Commission:
  - a) Establish a Multi-Way Stop at the intersection of 9<sup>th</sup> Street and Crestline Drive and adopt on first reading, Ordinance No. 9114, establishing a Multi-Way Stop at the intersection of 9th Street & Crestline Drive (TSC item #2; approved 6-0 on 4/6/15).
  - b) Establish Reserved Parking for persons with disabilities in front of 3920-22 Overland Drive and adopt of first reading, Ordinance No. 9115, establishing Reserved Parking for persons with disabilities in front of 3920-22 Overland Drive (TSC item #3; approved 6-0 on 4/6/15).
  - c) Establish No Parking in front of 4 Westwood Road and adopt on first reading, Ordinance No. 9116, establishing No Parking in front of 4 Westwood Road (TSC item #4; approved 6-0 on 4/6/15).
  - d) **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Establish No Parking along the north side of 24<sup>th</sup> Place, the south side of 25<sup>th</sup> Place, and the west side of Jacob Avenue, west of Inverness Drive, and adopt on first reading, Ordinance No. 9117, establishing No Parking along the north side of 24<sup>th</sup> Place, the south side of 25<sup>th</sup> Place and the west side of Jacob Avenue, west of Inverness Drive (TSC item #5; approved 6-0 on 4/6/15).

13. **REMOVED FROM THE CONSENT AGENDA FOR SEPARTE DISUCSSION.** Authorize the acquisition of property for affordable housing by the Lawrence Douglas County Housing Authority at 1725 New Hampshire Street.
14. Authorize the Mayor to sign a Subordination Agreement for Joel and Deborah McDaniel, 1229 Laura Avenue.
15. Authorize the Mayor to sign a Release of Mortgage for Michael Lechtenberg, 1318 Rhode Island Street.
16. Approve as signs of community interest, a request from the Douglas County Master Gardeners' 2016 Garden Tour to place directional signs in the various rights-of-way throughout the City from June 5 – 7, 2015.

**Consent Agenda Item No. 13 -, Removed for separate discussion, regarding authorizing the acquisition of property for affordable housing by the Lawrence Douglas County Housing Authority at 1725 New Hampshire Street.**

Mayor Farmer: We're going to do this in reverse order and start out with Item No. 13.

Commissioner Amyx: Mayor, in going through information with emails that I received this week about this item, I did see that there was one thing, I felt, was missing in this item and that was to have an independent appraisal done to the property. Maybe an appraisal exists, but I didn't see it anywhere. If there's not one, I would strongly recommend that the Commission defer this item until such time as an appraisal of that property is done.

Vice Mayor Soden: Are we going to have Shannon talk on it or what?

Shannon Oury:  
Executive Director  
Lawrence/Douglas County  
Housing Authority

There's not an appraisal because we were matching a competitive offer, but we're happy to get one if that's what the Commission requires.

Commissioner Amyx: Shannon, I just think that in light of City Hall, we get appraisals on the smallest amount of property. I think its good business. I think it adds transparency. Again, I would strongly suggest that the Housing Authority does that and to see the true value of the property and improvements to be made.

Mayor Farmer: Public comment on this item.

Patricia Sinclair: I imagine the competitor is Dillons. I'm Patricia Sinclair, 331 Johnson Avenue. I just like to ask about the 30 year use, what that refers to and what might happen. We have an interest, I think, in the community as not having more property turn commercial. It sounds like a nice idea. I would also like to suggest that when you use abbreviations about income, like MIA

and so forth that you might spell those out for those of us who don't know them. I'm sorry, I should be addressing the City Commission, but do we have some sort of a timeframe where we'll lose it to the other bidder?

Mayor Farmer: I don't believe so.

Patricia Sinclair: That would just be the concern that Dillion might take it up and enlarge the parking or something like that.

Mayor Farmer: We're not on any strict timeframe at this point.

Rob Farha: Is it possible for you to ask for a deferral so we can provide the appraisal this week and still keep our target closing date of June 1 and somehow get it to you by the end of the week, if that's even possible?

Vice Mayor Soden: What if we have a motion that we approve it assuming that the independent appraisal...

Commissioner Boley: I think that's assuming a lot.

Commissioner Hebert: I don't think we can have a June 1<sup>st</sup> closing when this Commission approves on June 2<sup>nd</sup>.

**Moved by Commissioner Amyx, seconded by Commissioner Boley**, to defer the acquisition of property for affordable housing by the Lawrence Douglas County Housing Authority at 1725 New Hampshire Street, until an independent appraisal has been completed and brought back to this Commission. Aye: Amyx, Boley, Farmer, Herbert, Soden. Motion carried unanimously.

Consent Agenda Item No. 12d -, Removed for separate discussion, establishing No Parking along the north side of 24<sup>th</sup> Place, the south side of 25<sup>th</sup> Place, and the west side of Jacob Avenue, west of Inverness Drive,

David Woosley  
City Traffic Engineer

Good evening Mayor and Commissioner's. At the April 6<sup>th</sup>, Traffic Safety Commission meeting, the Commission voted to request to establish no parking along one side of 24<sup>th</sup> Place, 25<sup>th</sup> Place and Jacob Avenue, west of Inverness Drive. Each of these streets is classified as a local street in a residential area and was paved approximately 26 feet wide. Parking is currently permitted along both sides of each these streets. However, no parking was previously established along the south side of Gretchen Court which is also right in the middle of the neighborhood. At the Traffic Safety Commission meeting 4 members of the public addressed the Commission, generally in support of the request. One of the speakers suggested the residents be required to park in their driveways, instead of on the street. It was indicated that vehicles parked on both sides of the street, it's difficult for large vehicles to get through and they block the view of children. The Commission

was concerned about access to the area by large vehicles, emergency vehicles, trash vehicles, things of that nature. They wanted to eliminate as few parking spaces as possible. So the Commission on the unanimous vote of 6 to 0, recommended establishing no parking along the north side of 24<sup>th</sup> Place, along the south side of 25<sup>th</sup> Place and along the west side of Jacob Avenue. Any questions?

Mayor Farmer:

Any questions for Mr. Woosley?

Commissioner Amyx:

There was discussion about emergency vehicles and specifically, fire trucks being able to get down through there.

David Woosley:  
City Traffic Engineer

Yes, a couple of the residents brought up the fact that with vehicles parked on both side of the street, that it was difficult for vehicles like that to get through.

Commissioner Amyx:

I was going to say, in driving there this weekend, a couple of places where there were cars parked, either side. It was tough for just any vehicle to get through.

Patricia Sinclair:

I did send in comments, I guess just a few minutes after these other updates were done and Bobbie was going to post them, but I guess they didn't get posted on here. I still wanted them on the official website. So I don't have graphics or anything with me, I just have what was on the website. I'll just basically read this because I believe what was presented to you in terms of a map that had errors in it and I would say, not accurate. Well, here we go. I'm voicing my strong opposition to approving this item and passing an ordinance based on un-substantiating complaints of a few neighbors and the recommendation of the Traffic Safety Commission. First, the submission to the Commission is filled with errors. It took me a lot of time and several phone calls to even figure out what the current situation was and what was proposed. The memo from David Woosley, May 7<sup>th</sup>, 2015, that's included in your packet, states that, "parking is currently prohibited." That word should have been permitted so when in if fact, is currently permitted. The map submitted showed double yellow lines for 24<sup>th</sup> Place, 25<sup>th</sup> Place and Jacob which indicate no parking on both sides of the street. This is not what's being proposed. In other words, you have serious errors in the memo and then we have this thing, I was pulling my hair out trying to figure out. This is relatively a new neighborhood, which benefits from a large roundabout which serves them...am I speaking loud enough. Yes, thank you. Which benefits from large roundabout which serves them in the school. It is designed in a "U" shape to avoid drive-through traffic which is a problem on local streets in older neighborhood. The minute's state, Commissioner Rothrock stated that, "It's a pretty narrow street and it's clear that there are some issues with getting larger vehicles through." In fact, in a conversation that I had today with David Woosley, he stated that

this street is a standard width of 26 feet. That perhaps somewhere far west Lawrence, they're building it wider, but there's nothing particularly narrow about this street. This development was done with sidewalks on only the inside of the streets, not on the opposite side of the streets. This is common all over parts of Lawrence. Perhaps, the City should no longer allow such designs and the homeowners should not have bought in a neighborhood where their homes lack sidewalks. There are double garages and large driveways. This development has some restrictive covenants which are different from those throughout the City and appears to have most of the yards behind high fences. I don't know what the covenants might have to say about what some say things about what you can... kind of vehicles you can park in your driveway or whatever. If there is a problem with one or more neighbors having large trucks or other vehicles, which really seem to be the key thing that was setting people off? Isn't there another way for this issue to be addressed then to request that the City create an ordinance? Is this issue addressed in the covenant or other documents of this development? There's no universal neighborhood agreement about the ordinance. For example, Nathan Bremer voiced his opposition to anymore no parking in his emails stating that he wouldn't want his side of the street to be the parking side and that, "This idea would address a non-issue by creating an annoyance for the residents on the side of the street with parking." He stated that, "parking is almost never an issue on these streets. The rare occurrence is when the school has a very large event and that is only a few times a year." No evidence was submitted as to a problem of trash or emergency vehicles getting through. It is Mr. Woosley's opinion, that any neighborhood, or group of neighbors, who wants no parking, should get it. I disagree. Should each development with a similar design request no-parking? I also feel that the efforts of the Commission would be better spent in looking at ways to protect local and other streets in the older parts of town. Some years ago, I drove around the set of streets one time. I observed a portable basketball goal setup on the south edge of the street, on Gretchen Court, that's the one that goes down the middle and dead ends, so that basketball could be played in the street. This is the side that already has no parking, so clearly there was a planned use at this street for recreation. Finally, although it looks as though his side of the street will wind up with the parking, and his name is not shown as contributing to this idea, I feel that it is inappropriate for a prominent City staff, such as Brian Jimenez, the Codes Enforcement head to be involved in a selective city privilege. I don't know if that's clear. I don't know if the map is clear. I know you have a lot of paperwork to go through and probably just accepted the staff on this, but there were not that many comments. The comments were not all in favor of it. There was no substantiation about emergency vehicles or they said a couple of times, the trash...complained or something like that. I'm saying that would be a problem. Any

vocal is a problem. On my street, we don't have the protection of being protected by drive through traffic. I don't know why it is that they should get this and it did just take me a very long time to figure it out because the map showed no parking on either side of the street. I don't know. Do you have that map? Show it to you on your overhead projector in black and white. It's not clear, but I'm hoping I made myself clear because I sacrificed a lot of this beautiful day to address this. I sent in my comments and made calls and sort of blew off whatever else I needed to do because I think this is a bad precedent and we have no protection. That's the model that is in use in a lot of places, and driveway garage houses. They expressed a concern about children darting out from parked cars which every place in town, people have concerns about children darting out, but it sounded like the darting was these neighbors' oversized vehicles. One person wants them to make sure that they always had to park in their driveway, which you can't do. Is this really the solution to what ails them and do we want to start a chain reaction of every little neighborhood coming through. When I'm driving somewhere and my cell phone rings and I try to pull over somewhere safe to answer it, I won't be able to park anywhere in Lawrence.

Commissioner Boley:

What is your address?

Patricia Sinclair:

331 Johnson Avenue. It runs between Barker and Learnard, just north of 19<sup>th</sup>, by that roundabout. We get lots of it and Learnard is just bombarded with commercial traffic just increasing as from the plans with 19<sup>th</sup> Street that just going to get worse.

Mayor Farmer:

Thank you Ms. Sinclair.

Patricia Sinclair:

Thank you very much.

Mayor Farmer:

Alright, other public comment on this issue?

Richard Bennesch:

Hello, my name is Richard Bennesch. I live on 25<sup>th</sup> Place, directly impacted by this ordinance. First of all, I'd like to counter this previous speaker who is not even a resident of the neighborhood so with that being said, I also, Mr. Amyx, you indicated that it was a type you actually experienced yourself. So it is narrow. We're not saying. I'm representing myself as a neighborhood resident so I don't want to speak for other people, but I do believe that something has to be done and it was a little misrepresented from the previous speaker with what was discussed at the Traffic Commission meeting which to me, it was an issue. I think people would have been aware of it and could have attended at that time, voicing opposition at that time. My biggest issue though is there has to be a safe way for emergency vehicles to get through there. Now, yes it is a standard neighborhood with street. No one's opposing or had any opposition to how the streets are designed at this point. What we're asking for, what I'm asking for is that you

approve and follow the recommendation of the Traffic Commission suggestion of putting the no parking on, what we're referring to as the outer circle of that neighborhood because it is a "U" shaped route. Basically what I'm saying is I think you should follow the recommendations and approve this ordinance because it's a major safety issue because you have so many children in that neighborhood. You have parking on both sides. You do have children that are darting out. There's like a narrow passage. If you have vehicles parked on both sides. If you have a child accessing the street. You're looking at trying to maneuver through that narrow passage in addition to watching for children. I mean to me, it makes sense. Just limit the parking to one side. Make it safe. Make it so that two vehicles can pass in the roadway. Also, there is a number of times I've seen vehicles, like large garbage trucks back up because they could not make the corners where a lot of the congestion is currently with the residents parking in that area. Now there was prior to this meeting tonight, there was one person that voiced opposition and that is a resident who said it was a non-issue. It's a not issue, but yet he still doesn't want the parking in front of his residence. If it's a non-issue, why should it be a problem? Obviously, he hasn't been in the neighborhood long enough to experience the congestion with the parking issue. Additionally, a lot of these residents in the neighborhood are middle aged people with multiple driver households, many who have children way from college. So their back, more congestion and more traffic. So yes, one suggestion was maybe we could have people utilize their driveway more often. I think by eliminating parking to one side of the street, not only are we creating a safer environment, it would be a little more practical because people will be able to move their vehicles into their driveways. So the whole discussion with the Traffic Commission meeting was which side, how do we eliminate and are we eliminating too much parking? So obviously the Traffic Commissioner suggested that yes, put the parking on the sidewalk side, just simply board the handicapped accessibility and on top of it. I've personally walked the neighborhood and identified where the location of the fire hydrants are. Fire hydrants are on the outside parameter so they're on the areas that the Commission is recommending the no parking. So again, it just makes perfect sense that based on the observation, the current conditions, safety factor and the general consensus of the neighborhood. Right now we have one person, now two people and this person isn't even in, doesn't even reside in the neighborhood so it's not a direct impact to her. So we have one person who is opposing it, compromising the safety of the rest of the neighborhood. So, I strongly recommend that the Commission approve this, based on the recommendation of the Traffic Commissioners and from the input of the residents of that neighborhood. Thank you for your time. Any questions?

Mayor Farmer

Any questions? Thank you sir. Other public comment on this

item?

Jarvis Stirn:

I would just like to say, I commend Richard on his comments. I'm Jarvis Stirn, you can't see me because I'm down here, but I live at 4404 Gretchen Court and that's my wife Sarah back there. I just want to agree with all of Richard's comments that he said. It make sense that parking on both sides, when coming down 24<sup>th</sup> Place, a "U" shape that is formed by 25<sup>th</sup>, 24<sup>th</sup>, and Jacob Drive, there are many people coming down that neighborhood that are coming around that corner and there's cars that are parked on the corner, on the inside that it blocks vision and a couple of weeks ago I had a person coming around that corner and they had to hit their breaks pretty hard to stop before I couldn't stop because I'm going down the middle of two cars on each side. I had nowhere to go. I could go straight. I could stop, but they can't see me until they're around the other car and they hit on the breaks when they come around that so it's dangerous on that side and parking on one side would be a good idea.

Sarah Stirn

I'm Sarah Stirn. I'm his wife. I live on Gretchen Court. So we come and go both sides to access our house because that's the only way we can come in. It is really...I know, I understand that maybe that's a standard width but when you have two pretty big oversized pickup trucks that are parking across from each other on the curve, it make it really hard to get through. I understand her concern about other neighborhoods jumping on this bandwagon, but I'd like to state our neighborhood is a little bit unique in this situation because we're made up of 4 streets that come off of Inverness and they both come in this curb area which I think that's the most dangerous part on the street and that tends to be where it's heavily parked is that part. I've also had an ambulance come to my house for my own personal use and it does make me a little bit nervous that I'm relying on emergency vehicles to be able to access my house by streets that are parked heavily on both sides. I want to know that my house, my family is safe and that we can rely on emergency vehicles to get to us and get to us in a timely fashion, not having to realize that they have to take a different route around to come around. The other thing, that maybe isn't quite as important, but I'd like to bring up is plowing the streets. When you've got this many people parked on the street that makes it difficult for snow removal and everything else also. When we have heavy snow those cars get kind of packed in and then it's hard to get those cars out and they stay there for a longer period of time. Now we've got icy, slippery road conditions and you're trying to maneuver around those corners. So I definitely agree with what Richard is already said and what my husband has already said and strongly ask that you guys approve what is being recommended to you from the safety commission.

Mayor Farmer.

Thank you. Other public comment? (No public comment) Alright, let's bring it back to the Commission. You were there at that

meeting.

- Commissioner Boley: I was for it then and I'm for it now. I mean, I think we have to be concerned about getting emergency vehicles through 26<sup>th</sup> Street so we have parking on both sides. I think that's an issue that we have to deal with. In this situation, the neighborhood showed up and asked us for it. What we tried to do was try to figure out how we could preserve the most parking on this stretch and that was to leave the parking on the interior and not do it on the exterior and the point about the fire hydrants is an excellent one as well so I'm for it.
- Commissioner Herbert: But by an odd alignment of the stars, I've been to exactly one Traffic Safety Commission in my entire life and it happened to be that meeting so I was also in the room that evening. The comment was made by the first speaker, Patricia Sinclair that this is setting a bad precedent. I guess I'm going to have to disagree, I think it is setting a precedent, but I don't know that it's a bad one. I think the precedent of building neighborhoods that have ambulances that can get to them. I think that's a good precedent to set. Having neighborhoods where fire trucks can get to them, I think that's a good precedent to set. So I'm in support of it as well.
- Commissioner Amyx: Mayor, excuse me, but didn't we deal with a similar situation on University Drive? Stuart you probably heard that item, parking on both sides of the street.
- Commissioner Boley: Boley stated we did.
- Commissioner Amyx: Again, we talked about emergency vehicles, the access, being able to get through the neighborhood.
- Commissioner Boley: I think the Chief came for that.
- Commissioner Amyx: Absolutely, and I think this follows the same way so it gives plenty of parking, but it gives a safer access for vehicles to be able to get through.
- Commissioner Boley: There was another "U" and that was up by the Oread. Remember that one? It's that little stub and the Chief came for that too so there is already precedence before this.
- Commissioner Amyx: This is a good place to think about public safety.

**Moved by Commissioner Amyx seconded by Commissioner Boley**, to establish No Parking along the north side of 24<sup>th</sup> Place, the south side of 25<sup>th</sup> Place, and the west side of Jacob Avenue, west of Inverness Drive, and adopt on first reading, Ordinance No. 9117, establishing No Parking along the north side of 24<sup>th</sup> Place, the south side. Aye: Amyx, Boley, Farmer, Herbert and Soden. Motion carried unanimously.

**Consent Agenda Item No. 9 - Removed for separate discussion, the acceptance and the dedications of easement associated with Minor Subdivision, MS-15-00181, for Simpson's Subdivision No. 2, located at 815 Oak Street.**

Richard Pilant:

My name is Richard Pilant and I have an 8<sup>th</sup> Street address, but the south side of my property is on Oak Street. I received a letter on May the 1<sup>st</sup> about the subdivision and it was the first time that we really were notified by the City that these things would take place. Now, the petition that I have passed to you is very simple in that it just asked that the city property be left as an open space for either gardens or parks. Now, there're a couple of things I want to bring up before any of the discussion takes place. If you get past Comfort Street, which is Habitat for Humanity Subdivision which is very close; which the property adjoins this particular acre of ground and the acre of ground is purchased, originally by the City about 16 or 17 years ago because of easements. It was assumed that nothing would be placed there because it ended up being two different drainage systems under that property. The idea was well, nobody would will the City won't allow anybody to build on there because there's an access issue and that was the assumption of people who build houses there and the assumption of people who bought houses there. Also, I would like to bring your attention that if you go pas the houses that are built, if you think about the block as between Oak and Walnut, and then you proceed to the east, until you come to the county line which as far as I know it's going to be the end of the City for a long time because that's the plan, whatever, all that property has been bought up. All of that property from there is going to be developed some day, in some way. It's just a question of money and time and economics. My thought on that is that you already own this piece of property. The City owns it. Why not keep it as a park for that area? If the rest of that area is privately owned now, and the City may not have access to it. Now part of that property could be habitat could build on that property, should they acquire the property. Most of their property was acquired through a contractor basically. I bought my property from the same guy because he had to sell it. So I got it. I was lucky. The City bought it for other reasons, but what I'm saying is that we have a large contingent in the neighborhood, subsidize housing and we have one open space which we kind of considered to be a park. Now it was never developed, but we kind of...nobody took an active view of doing anything because we figured, they'll do it sooner or later, but economics of 2008, you were firing people, not firing, but laying them off. We figured well, there's just not the money. Money isn't there and then the whole garden thing came up and that was a good idea, but I didn't think it was handled as well as it could have been by the private sector or volunteers. I still think it would be best as a garden area or a park and we would like to see it, the people who live on 8<sup>th</sup> Street would like to see it left in that fashion and not arbitrarily cherry vended by a private concern who....let's put it this way, if it was a commercial

developer, he'd never get past first base. We have some concerns about the type of housing they want to put in there if they're successful. I would strongly recommend that you vote to keep this and open area and if you might enlighten me on this, this was voted on February 15<sup>th</sup>. Am I correct?

Mayor Farmer: February 10<sup>th</sup>, I believe.

Richard Pilant: It washed in with an administrative agenda. In other words, it wasn't put out to the public that it was going to happen. Am I correct?

Mayor Farmer: Mr. Pilant it was actually on the regular agenda, Item number 2 on the regular agenda. Scott can you speak to what notification happened with the neighbors?

Scott McCullough:  
Planning and Development  
Services Director Yeah, in fact, I can give the Commission a summary if you're not familiar with the project like the previous Commission was, it that's helpful or not.

Mayor Farmer: Hold on, go ahead and finish your comments.

Richard Pilant: The point is making it. We didn't get any kind of statement until May 1<sup>st</sup> and I think it was voted on by another Commission. I just wanted to clarify that and I think this is pretty obvious that we would just assume that. We're not against...because...I mean was there any opposition to it? I mean organized opposition. Was anybody down here saying anything?

Mayor Farmer: No public comment.

Richard Pilant: Not a bit, not a bit. So try taking that into consideration that we're not after this organization. We would rather see the property left as it is. We all can see Comfort Street. Two of the signatures on here are from Comfort Street. One of the signatures on here is from a family who does work on concrete. So I mean there's some participation. It's not a "them" and "us" situation, it's just merely how you use the property and how you use it best in the future.

Mayor Farmer: I will add Mr. Pilant, I just looked in the February 10<sup>th</sup> packet and there was a letter of support from the Douglas County Food Policy Council and also a letter of support from the North Lawrence Improvement Association.

Richard Pilant: And who signed that?

Mayor Farmer: Ted Boyle

Richard Pilant: Yeah, well Mr. Boyle didn't talk to us about it. I want it noted. He didn't come down 8<sup>th</sup> Street and say "Hey, I did this." He didn't tell us about it. We didn't know about it. It could be are fault for not

communicating with the North Lawrence Association, but it has a tendency to be an issue driven organization, but we didn't even know the issue was there. Thank you for your time.

Mayor Farmer:

Thank you. Scott hang on let's have other public comment. Any other public comment on this item? (None) Thank you Mr. Pilant.

Scott McCullough:  
Planning & Development  
Services Director

Mr. Mayor and Commission, Scott McCullough with the Planning Office. I want to use the agenda here to provide you a brief summary of this. Lori Harse with Habitat for Humanity is here as well to answer any questions you might have for her. I'll just highlight some of these key points here. First of all, just so you have some of the facts. This one essentially takes one lot into two lots. The City acquired the property in 1997 as part of the sewer pump station construction. A few years ago, well it wasn't a park in the system, it was offered up for the common ground gardening program and is being gardened, as I understand, to date. Habitat for Humanity approached us last fall looking and seeking some opportunities to provide some more affordable housing in the community. We worked with them in looking at several different, city owned, properties. At the time, the current commission was having discussions about trying to sell or get rid of some of the excess properties that they had in their possession. In February of this year, the agenda item came before the then City Commission to authorize the Mayor and City Manager to create and sign the necessary documents to transfer a portion of that property to Habitat for Humanity to let them do what they programmatically do in that situation. I'll point you out to the actual development here. This area in turquoise or blue, if you will, is the property in question on Oak Street. It is the RS-7 or 7,000 square foot zoning. This is a pretty typical lot here, these lost to the east of what that 7,000 square feet looks like. The property to the west is much larger and more like the property of question here. This to the right, this exhibit is the actual lot split or minor subdivision. At that February 10<sup>th</sup> agenda meeting where the City authorized us to move forward, it was really just an initial step. We knew that notice to adjacent owners within 200 feet would come with dedication of easements for the lot split so the agreement we came up with is contingent upon getting the land divided. At the time, the only contact that I'm aware of was the Food Policy Council and what Habitat had said they've done with North Lawrence Improvement Association which triggered the support letter which we encouraged them to get, at that time. What we knew about the property and their desire for actually multiple lots on this property was that the lot was quite constrained with the force mains on the east side of the lot here. After we got the initial direction to pursue, we actually discovered that there's also storm water pipe along the west side of the lot. So what that creates is a little bit larger, 7,000 square foot lot here with an 18 foot setback, due to the easement and then the home would sit somewhere in here and it would essentially would look very similar to the pattern of these homes.

The City would own lot one. We'd keep that in the common ground program, In fact Habitat has agreed to help with some minor improvements on that property, for common ground program. Installation of a shed for example that would be responsible for bringing this sidewalk to the west, to provide a little bit more sidewalk gap into the area and so that is where it stands now. We did provide our typical code authorized notice for the plat process, not necessarily for the transfer discussion. So that part is accurate that the last speaker mentioned. So with that explanation, I'm happy to answer any questions.

Mayor Farmer: Questions? (None) We'll bring it back to the Commission.

Commissioner Boley: It's possible Habitat might want to speak

Lori Harse:  
Executive Director  
Habitat for Humanity

I had my communication with Mr. Boyle had been about having the North Lawrence Improvement Association in support of the idea of working both with the City and common ground program and having one RS7 lot that was his main concern when we spoke with him because there had been a history of Habitat, a long time ago seeking something that wasn't in RS7 lot, but once we confirmed that, he didn't seem to have any other concerns. I am certainly sorry that the neighbors didn't get that information. I would be absolutely happy to speak with the neighborhood further on what is going to happen. Scott also spoke a lot on, we're looking to put another affordable house on the property and extend a fence and sort of spruce up what would be a neighborhood garden there on the front end of the property and then towards the back, I think they want to possibly keep that as more of the urban agriculture, similar to what is currently on the property. We're working on supporting or putting more families in houses and we were hoping that we could build on this house this fall with our 89<sup>th</sup> homeowner.

Mayor Farmer: Questions for Lori. (None) Alright, back to the Commission.

Commissioner Amyx:

Mayor, as somebody who was supportive of the project before and Richard I'm sorry I didn't realize that there was an opposition to this development and this split. I didn't at the time. We had no comment. I think that we did attempt to do everything to make sure that we were trying to follow North Lawrence suggestions on improvement, one to allow affordable housing, but also to keep the open space there for the garden program. That's still my intent. I have no desires Commission to rid ourselves of any the rest of the property and the maintenance garden forever, an open space, but I don't know if we've made a deal in all of this. I mean how far are we in the process? Are we sign-up?

Scott McCullough:  
Planning & Development  
Services Director

Well, we essentially right now have an agreement with them that's contingent upon getting the property developed. This would be one of the final steps before closing on the property.

Commissioner Amyx: Well, it's still a unique way to get an affordable housing unit for a family or an individual here. Again, I think that we have done everything that we possibly can to keep the open space and allow for that new home.

Commissioner Boley: Then we kept it with RS7 too.

Mayor Farmer: We got that letter from Ted and I honestly had no idea. I remember asking about this and I think that's why we got the Food Policy Council letter from Jill.

Richard Pilant: Who's the Food Policy?

Mayor Farmer: So a Food Policy Council is a joint City/County body and they actually, along with our Sustainability Coordinator that the City and County share, Eileen Horn, oversee the common ground program and so since this would be taking away part of their garden space and basically putting it around a few lots, the agenda from February 10<sup>th</sup> has a letter from them, the Food Policy Council supportive of this request as it still leaves a substantial area for food production. It also opens up the possibility of an innovative partnership with Habitat for Humanity to create affordable housing to food production. So that letter was included in that packet. I mean, I wish we would have heard. Did we notify the neighbors within 200 feet right?

Scott McCullough:  
Planning & Development  
Services Director Upon the plat, not at the time of the transfer.

Mayor Farmer: Maybe we can look at that in the future.

Scott McCullough:  
Planning & Development  
Services Director We could, it's very unique.

Mayor Farmer: And make that part of our process.

Scott McCullough:  
Planning & Development  
Services Director Absolutely.

Commissioner Boley: What's the current status of the garden now? I mean JCC had it for a while.

Richard Pilant: As far as I'm concerned, the future of the garden may be some private owners. The City's not going to do anything with it. You voted on about this, can I make some comments because this is an on-going process? I mean we've told you what we want, but you already made, through prior involvement, already made a choice and you're going to vote on that choice, but it doesn't end

there because what Habitat wants to put in, could be modified. At least, I assume it could be modified, but not without the City's involvement.

Mayor Farmer: Scott as that true?

Scott McCullough:  
Planning & Development  
Services Director

Well, what I think we are essentially seeing now is that you've got the neighborhood kind of wanting to speak to the transfer issue. What I would recommend is that you here the comments now, and if there's anything we need to do to renegotiate with Habitat in good faith to, if it's reasonable accommodations, then it would be nice to hear that list and then know if we're going to alter the deal, if you will, before we go ahead and close on it. Does that make sense? We don't know what those issues are yet.

Mayor Farmer: Since you've already had time and we've got a lot of other issues, tonight, you can have two minutes. Is that okay?

Richard Pilant: Are you going to vote on it now or are you going to vote on it later?

Commissioner Herbert: We have to vote on it after public comment.

Mayor Farmer: Just take a couple of minutes if you would, please.

Richard Pilant: Habitat never builds a garage. I don't know why. I guess to save money, but I don't know, its volunteers. It's not much volunteer labor as you think. They're pretty expensive. The houses are pretty expensive, the way I understand it. More than you would think. I thought it was a cheap deal. It's not really, but there's no garage. Now, in essence, it makes it non-conforming with the neighborhood on that street. When you build in Comfort, you build every house like that, there's uniformity, but when you go into a neighborhood a build a place with no garage. The pent houses they built are not that much different as noted then the other houses on the block with the exception that there's no garage and that's an issue, but they only built 3 houses and there pretty much ranchers, cocked sideways on long thin lots because they have to take what they can get in terms of property. What we would like to see is something that matched up a little bit closer and also there's been some talk about how this particular individual would help, whoever moved into the house been chosen to take care of their garden and I think that's a fantasy. I think that's not the real world because whoever signs that contract, buys that house. It's done. They're going to live their lives when they have their home. Whether they like to garden or not or how it affects them, there would be a road or some pathway down the side of their house so you can get access to the back. So there will be people walking up and down there and they have a legal right to, if you keep it as it is.

Commissioner Herbert: You mentioned that the garage being a big issue. I noticed on

your petition as I go down the left hand column, the second and third signatures, Christy and Kevin Jackson. These are people who live quite literally right there. There actually family friends of mine. Their property does not have a garage either and they would be literally right across street.

Richard Pilant: It's an older house. It's the only two story house. Well it's not the only, but it's an older house left over from the...He could put one in, he just can't afford it. He's talk to me many of times. So from the get go, if you have a contractor in here, what contractor would build that house on that property without a garage? Is it a restriction? Is it a law that you have to put a garage in?

Commissioner Hebert; No.

Richard Wilkins: Yeah, but they obviously don't build them. All the new houses have two car garages.

Mayor Farmer: We'll get a response to that from staff. Thank you. Scott can you speak to that?

Scott McCullough:  
Planning & Development  
Services Director There are two parking spaces required. It doesn't have to be in a garage so as long as the driveway has enough for two parking spaces. I don't know if you'd like Lori to speak to the idea of a requirement for the garage or not, or if that's something her budget is allowing for. I will say these are by right, administrative processes, the platting of this. I think it's more about who's picking up the property and what the use is there because there's no special use or rezoning required.

Lori Harse:  
Executive Director  
Habitat for Humanity As far as the garage goes, Mr. Pilant is accurate. It's an affordability thing. We do build sheds on all of our properties, unless we do require property in a neighborhood where there is an ordinance that the garage goes, but it's an affordability thing.

Mayor Farmer: Thank you. Alright, back to the Commission. What would we like to do here? Regardless, can we make sure that in the future when this happens that there's notification to the neighbors.

Scott McCullough:  
Planning & Development  
Services Director Yes.

Commissioner Boley: I guess I'd like to ask Lori about this second point that the gentleman made that there's some assumption that the person that lives in this house would somehow take care of the garden.

Lori Harse:  
Executive Director  
Habitat for Humanity I have not had that assumption I don't believe is correct. I've spoken with Eileen and she and I were trying to work with Mr. Boyle to get a meeting with the neighborhood to find out if there was somebody in the neighborhood that would like to sort of take

on the responsibility of the garden because previously, it was, I believe, leased by Johnson County Community College and that's whose been doing the potato garden that was within the last year, but no, we are not expecting our homeowners to take care of the garden.

Commissioner Amyx: That's a good idea.

Mayor Farmer: Well, what's on the table for us, right now, is to consider accepting the dedication of easements associated with the minor subdivision for 815 Oak Street.

Commissioner Amyx: Can they condition that about the garden, the discussion about the garden?

Scott McCullough:  
Planning & Development  
Services Director

Mayor, my understanding of the common ground program is that it's a little bit of a RFP kind of process that somebody with interest in going to that specific property because of its size and location and soils and that kind of thing, works with Food Policy Council to get that plot for the gardening project. Gardens will come and go and the people who run the gardens will come and go throughout the years. So I'm not sure that we've had any discussion about linking this lot to the garden itself. That's a separate program in our mind. That's City property and City risk and a City committee running it.

Mayor Farmer: That's a good point, thank you.

Commissioner Boley: So it would be two completely separate things.

Commissioner Amyx: At this point the plats approved and it's just down to the acceptance and dedications and easements, right?

Scott McCullough:  
Planning & Development  
Services Director

Correct

Commissioner Amyx: If we were not to accept these, the plats are still approved, right?

Scott McCullough:  
Planning & Development  
Services Director

No, it's only approved with the acceptance of the dedications because we need those easements to carry out their functions on the plat.

Commissioner Amyx: Well, I still believe that it's a good project. A week ago we were sitting here talking about affordable housing. Many times, we talked about the food situation. I still believe that this is a good project and one that I'll continue to support.

**Moved by Commissioner Amyx, seconded by Commissioner Boley, to accept the dedications of easement associated with Minor Subdivision, MS-15-00181, for Simpson's Subdivision No. 2, located at 815 Oak Street. Motion carried unanimously.**

Vice Mayor Soden left the Commission room at 6:46

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

Diane Stoddard, Assistant City Manager, presented the report regarding Kasold Drive Reconstruction; Solid Waste Division Received an award; Freestate Festival Update, Outdoor Sculpture Exhibit Opens as part of the Final Fridays Events; and Retirement Surprise for LPRD Fitness Instructor.

Vice Mayor Soden returned at 6:48.

**E. PUBLIC COMMENT: None.**

**F. REGULAR AGENDA ITEMS:**

1. **Received public comment on 2016 budget.**

**Moved by Commissioner Amyx, seconded by Commissioner Herbert,** to open the public hearing. Motion carried unanimously.

Tim Herndon:  
Chair, LiveWell Lawrence  
Coalition

I'm speaking to you tonight on behalf of that organization as well as just mentioning by the by that I'm concerned about our budget concerns in the context of, for instance the 9<sup>th</sup> Street Arts Corridor Project that's on-going which I'm privileged to be able to participate in. I'm also speaking as a landscape architect and in environmental design and work and live and been privileged to participate in a variety of projects over the years and watch this City evolve and grow and improve. It is a matter of, I think, grave concern a variety of constituencies that I talked to frequently and that I know you do too. I think we've succeeded recently in consolidating a lot of those concerns under the auspices of Bike Pad Coalition in the work group that's been recently formed and that on-going initiative, but it's important first of all to just state the obvious. Today we have no line item allocated in the City's annual budget to devote to alternative transportation modalities, including pedestrian issues whether that's recreational or vocationally related bicycle issues, recreational vocational. So that would be the underlying comment that I bring tonight. Because you're on-going initiative, again the pedestrian bicycle coalition is just recently formed that body is really unable, at this time, to weigh in on this on-going budget consideration. So in the absence of that body being able to interact with you in a more vibrant way, I'm also here under that auspice. In recent years and I mean within the last couple or three, discussions with the governing body had brought to our general attention that something like half a million dollars a year was what we need to be able to be able to rely upon, in order to respond objectively and certainly successfully to the opportunities that come before us as a City and by those opportunities, I do mean such as the Safe Routes to Schools initiative. Safe Routes requires a 20%

municipal match on grant funding applications. Another example is the Sunflower Foundation that I know is interested in this upcoming year and potentially giving the City money to do some projects and I'm not going to get into the details of the projects. We can talk about that later. It's going to come to your attention by the by, but the Sunflower Foundation requires a one to one match. KDOT requires a 20% match on Capital Improvements that involve alternative transportation as well as conventional transportation projects. Kansas Department of Life and Parks typically require a 20% match from municipalities that they engage with. So again, that goes back to this half million dollar, this 500 million dollar figure that I implore you to consider in this budget cycle. Why allocate an annual budget such as this right now? We've got health issues that are a continual conversation, retiree attractions, more public municipal initiatives, the tourism issue, sustainability in general, the lifestyles that we, as a community care to endorse and embrace and then finally the point I would make is, this is important in the context of economic development as a whole. Why now? We have a lot of momentum and fundraisers are available now. They're making themselves know now. We've got the Safe Routes Initiative, Complete Streets Initiative, lots of things that beg for a viable funding stream in this year's budget. So with that I'll standby for comments and I appreciate you're hearing this.

Mayor Farmer: Thank you sir, questions for Mr. Herndon? Thank you Tim. Additional public comment on the 2016 Budget?

Amy Sanchez: I've been here before talking about 27<sup>th</sup> Street and this kind of ties into it, but it's more along the 2016 Budget figure. I just want to make sure that attention is brought to that entire list of the traffic calming, not just the 27<sup>th</sup> Street which happens to be first. I would like to see some kind of allocation so that we can start knocking off the items on this list. I think they've all come before the Traffic Commission. They were all approved. I would just like to see some movement on that list, specifically, number one.

Michael Almon:  
Sustainability Action Network Before I get into my comments themselves, first of all I just wanted to thank you Mayor for the enormous amount of background materials and memo's and reports and whatever you make available on the agenda, I think it's a very good sign about how the transparency of your government is improving vastly. I just wanted to thank you.

Mayor Farmer: I have nothing to do with it.

Michael Almon:  
Sustainability Action Network I just want to thank you for this opportunity in the budget as well. So the comments that I have here were posted to the agenda only a half hour before your study session and I don't know if you had a chance to read it. I'm going to spear you a point presentation tonight, but I want to go through these in some

detail. I don't need images for the most part, it's more economic information and policy information so that said: (Almon's written correspondence below)

"Sustainability Action Network has for eight years been Lawrence's grassroots bicycle transportation advocate. The goal of our Bicycle Program is the reduction of motor vehicle trips per day, matched by an increased number of trips by non-motorized vehicles. While we also want better sidewalks, we emphasize the bicycle as a vehicle that closely competes with motor vehicles in covering distances quickly, and because it uses no petroleum. Transportation accounts for 18% of typical U.S. household expenditures, and accounts for 65% of oil consumption in Lawrence (Lawrence Peak Oil Plan, page 13), resulting in a significant portion of our CO2 emissions. Transportation expenditures account for an average 11% of the City of Lawrence budget expenditures, or \$20,823,766 in the 2015 budget (CIP transportation projects, plus the funds for Public Parking, Public Transit, Street Maintenance, Engineering, Traffic Engineering, and Street Lighting). To clarify an important issue, I don't recall anyone saying that the City is doing nothing for people who walk or bicycle. Rather, the contention is that budget allocations for sidewalks and bicycle lanes have, for 39 years, been but a fraction of motor vehicle allocations. Transportation 2040 states that only 0.82% goes annually to bikeways and sidewalks. Although in all fairness, the past two budgets have been more favorable than that. Based on Public Works figures for 2015, \$1.7 million is being spent this year on bikeways and sidewalks, or 8% of total transportation allocations. But unlike the one-time huge infusion of SLT dollars this year, a more typical budget year spends \$430,000 on bikeways and sidewalks, which is only 2% of total transportation allocations. However you compute it, those percentages continue to be quite small. Considering this disproportionate spending, and how large a role transportation plays in the Lawrence economy and the City budget as well, Sustainability Action has identified bicycle transportation as having multiple benefits for our community.

- Fewer trips by motor vehicles means less auto lane congestion, lower auto parking requirements
- Cutting that 66% motor vehicle fraction of Lawrence's oil consumption would help to achieve our targeted reduction of greenhouse gas emissions
- Douglas County is about to be required to comply with the Kansas City EPA ozone non-attainment standards as part of the MO-KS Combined Statistical Area, with much of the

- economic cost resulting from motor vehicle exhaust.
- Most notably, enhancing our bicycle transportation system would prove attractive not only for quality new industrial jobs but also for boosting our tourism.

That last point is what plays most prominently in the Lawrence budget deliberations. The Commission would be wise to think “bicycle as transportation” (distinct from fitness or recreation) as a capital investment with a healthy return. From the report *Protected Bicycle Lanes Mean Business* - “City leaders find that building high-quality bicycle networks is an efficient and appealing way to move more people in the same amount of space. Companies and cities are scrambling to attract the most talented Millennials and Generation X-ers. Most appealing are protected bicycle lanes that physically separate bicycles from auto traffic and sidewalks, and promote economic growth in several ways. By extending the geographic range of travel, protected bicycle lanes help neighborhoods redevelop without waiting years for new transit service to debut. Employees who benefit from the gentle exercise of pedaling to work help boost overall hourly productivity. And entrepreneurial innovators are discovering that protected bicycle lanes can help retailers get more customers in the door.”

There are a couple of graphics there which I can't read per-se, but show various economic benefits for retailers and City parking space.

“From the report *How Bicycles Bring Business* - “According to the NYC DOT, retail sales on Ninth Avenue are up 49 percent since the street's protected bike lanes were installed; that's 16 times the area growth rate. City officials are recognizing that the small cost of bicycle infrastructure provides a big payoff for taxpayers and business owners. A recent study from North Carolina's Outer Banks showed that the one-time investment of \$6.7 million for a network of bicycle lanes has yielded an annual nine-to-one return, thanks to increased bicycle tourism.” An Oregon study by Dean Runyan Associates measured the impact of bicycle tourism, and based on a survey of about 5,000 people, it found that vacationing bicyclists spent \$400 million last year. And the report *Build It And They Will Come* concludes - “Beginning in 1990, Portland OR began investing \$5 million per year in bicycle infrastructure, resulting in bicycle transportation use rates now higher than the national average, averaging 10% of vehicle trips.” The report concludes “Bicycling provides the best return on investment for transportation dollar spent, in terms of providing personal mobility”. An Oregon study by Dean Runyan Associates

measured the impact of bicycle tourism, and based on a survey of about 5,000 people, it found that vacationing bicyclists spent \$400 million last year. And the report *Build It And They Will Come* concludes - "Beginning in 1990, Portland OR began investing \$5 million per year in bicycle infrastructure, resulting in bicycle transportation use rates now higher than the national average, averaging 10% of vehicle trips." The report concludes "Bicycling provides the best return on investment for transportation dollar spent, in terms of providing personal mobility". Finally, an Auckland New Zealand study, *Costs & Benefits of Bicycle Commuting* states - "If a city built a network of separated lanes and slowed down traffic speeds, it could increase cycling by 40% by 2040; but adding only a few lanes in a few places might increase bicycle traffic by only 5%. The smaller investment would have little impact". The economic development experienced by other communities can be a model for Lawrence. As during the 2014 and the 2015 budget hearings, Sustainability Action is recommending that the City create a Bicycle Engineering Division within the General Operating Fund 001, possibly numbered Division 3050. This Division should be staffed full time by a Bicycle Transportation Engineer and a Pedestrian Coordinator. We also recommend that the CIP line item "Non-motorized Transportation" be capitalized in 2016 with \$2 million, half for protected bicycle lanes and half for sidewalks. If Lawrence is to realize a meaningful economic benefit from non-motorized transportation, we will need to commit to a significant capital investment. There are many revenue sources to fund capital projects including the following: Property tax – the \$3million budgeted for East 9th complete streets is property tax. Sales tax, 2008 – 0.30 % for streets, sidewalks, and bicycle trails, other infrastructure; appropriate at present because bicycle lanes are on or beside the streets. Sales tax, 1994 – 1% "including but not limited to the following": parks and recreation facilities Sales tax, TDD – 1% for Transportation Development Districts; designate bicycle transportation districts (such as downtown) and levy tax. Transient guest tax – 6% on tourist accommodations; revenues increased by becoming an attractive bicycling community. Street safety fee – improve public safety with protected bicycle lanes, sidewalks, intersection improvements, etc.; modeled on Portland OR progressive income tax. Bike-Ped utility – same objectives as street safety fee, but using a fixed household and business fee. Could be a Bike-Ped Fund to track revenue over expenses. Transportation Demand Management, TDM – typical revenue sources are: fuel taxes (Gas Tax Fund), parking fees (Public Parking Fund), and carbon tax levied at the

pump. Downtown night parking meter fee – incentive to walk or bicycle to the bars. The salaries for a Bicycle Transportation Engineer and a Pedestrian Coordinator would come from the General Operating Fund. Some Commissioners may be inclined to wait for recommendations from the Pedestrian Bicycle Issues Task Force, which will be prioritizing which sidewalk and bikeway gaps should be constructed first. That's all good and fine, but those recommendations won't be available until early 2016. Here are some reasons why Sustainability Action urges you hire bicycle-pedestrian staff and allocate project dollars now:

1. If you budget the funds now, you will have a Bicycle Engineer ready in 2016 to implement the Task Force projects, and most importantly, funding for “shovel ready” projects. If you don't budget for staff and project dollars now, a year will be lost until the 2017 construction cycle.
2. In order to have bicycle-pedestrian staff ready to move in 2016, those positions will need to be advertised soon, for hiring in early 2016.
3. It is budget-smart to increase community mobility through bicycling and walking, which move more people per dollar spent, reduce motor vehicle congestion, more efficiently utilize parking space, and reduce pavement maintenance costs.
4. An investment in a walkable-bikeable community is known to provide a high rate of return, something even the Chamber of Commerce would not choose to delay.
5. As politicians, the Commission aspires to please all the people. A study by People For Bikes found that protected bicycle lanes appeal to everyone – people who walk, people who cycle, and people who drive. They noted “There’s a very clear delineation ... this is where the bikes belong, and this is where the cars belong. You just want those choices to be made very, very clear for you. Whether you biked or didn’t bike, you got it.”
6. Commissioners have stressed a number of times that providing for public safety and infrastructure are core functions of City government. Protected bicycle lanes and safe sidewalks and intersections meet both those stipulations.
7. Other communities, both large and small, have not invested heavily in walking and bicycling purely out of altruism. They have found that they gain a competitive edge in attracting the best industry and capturing tourist dollars.

Sustainability Action urges you to allocate City funds in the 2016 budget to hire a Bicycle Transportation Engineer and a Pedestrian Coordinator, and capitalize the “Non-motorized Transportation” CIP line item with \$2 million. Please make this

investment for our children, for a robust transportation system, and for our entire community. Thank you, Michael Almon”

Mayor Farmer:

Other comment on the 2016 Budget? Alright.

Commissioner Boley

**(LEFT THE COMMISSION ROOM AT 7:11 PM.)**

Bonnie Uffman:  
Pedestrian-Bicycle Issues  
Task Force

I will be very brief. Thank you for the appointment to the task force. I appreciate that Mayor Farmer. I want to say that I share the concerns of the previous speakers that I would like to see money dedicated to bicycle and pedestrian issues and I'm concerned about the possibility of putting that off longer. I think that there are many benefits of many kinds to our community by becoming more bicycle and pedestrian friendly. I think there are economic benefits. I think if we want to attract and keep seniors and boomers and millennials, we need to become more bicycle and pedestrian friendly and everyone's heard a lot of talk about that. There's a lot of momentum and I think it's important to put funding behind it now and I'm concerned about delaying that any longer so I hope there will be a line item. I'm not suggesting any particular amount, but it's important to put money behind this if you want to keep the momentum going. Thank you.

Chris Tilden

I live at 1121 Williamsburg Court. I'll keep this very brief because I could say amen and sit down. I won't be quite that brief. I do support a lot of the issues under consideration here and think that these bike path issues creating a more walkable community really is terribly important. I think that the grants that Tim spoke to initially, I think the amount of non-local funding that would go into those projects alone would be about 1.5 million so I think it really is important for us to look at being prepared to apply for the possible funding streams that would come down the pike through those 3 or 4 programs that Tim mentioned. I do think it's important not to only provide for the match, but to think about, are there some other dollars that might be needed to ensure that we have the property planning in place. Last year when we applied for the transportation alternatives grant, for instance, that would extend the Burroughs Creek Trail from its current terminus on 11<sup>th</sup> Street in to downtown and Constant Park. We were not awarded that grant. I think we had a pretty strong application, but some of the planning around the actual alignment of that trail, I think was insufficient for us to be as competitive as we could have been. So for that reason along, I think it's important to put some planning dollars into this effort so that we have a real picture of what we wanted this connected bicycle and pedestrian network to look like in the future so that we will be competitive when funders see the vision that we have created as a community and would be willing to step up and be partners in that process. Thank you

Commissioner Boley:

**(RETURNED AT 7:14)**

**Moved by Commissioner Amyx, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.**

Mayor Farmer: Thank you all for your comments on the 2016 Budget. We've got a lot more opportunities for public input and that is...gosh Diane where is the budget calendar, was it on last week's City Commission agenda? There we go, budget calendar. So the next opportunity for public comment, we'll have a study session on Tuesday, June 16<sup>th</sup> about the budget and then will have another study session on July 7<sup>th</sup> and then we'll have public hearing on the budget on Tuesday, August 4<sup>th</sup>, but any time anybody wants to make comments on the budget, please feel free to come down and comment during our general public comment period. We deeply appreciate your input in those that have come to the previous sessions as well to help us get this budget kicked off and in place this year.

Casey Toomey:  
Assistant City Manager I was talking with Vice Mayor Soden and we thought we might just make a plug that the social service funding Advisory Board is meeting tomorrow morning and those are open to the public, just if there are folks out there who want to come and listen to the deliberations that board doesn't typically receive public comment, it's there work meeting, but they're certainly open. It's here in this room from 8:00 to noon tomorrow morning.

Mayor Farmer: Mayor Farmer stated Thanks Casey. Thanks for that.

2. **Conduct a public hearing regarding a sidewalk dining license for KC Smoke Burgers, 1008 Massachusetts Street.**

Mayor Farmer called a public hearing regarding a sidewalk dining license for KC Smoke Burgers, 1008 Massachusetts Street.

Commissioner Soden: Well, I'm new to these so I was just curious what the required written statements are, expressing the lack of objection? Would they write a letter that says this if fine with me?

Diane Bucia:  
Acting City Clerk Diane Bucia Acting City Clerk Yes. If they had any objections, they would state what their objections are.

Commissioner Amyx: So it goes through this process which were letters of support or not support come in and couldn't get the exact number, the required numbers, and so we issue a letter of denial?

Diane Bucia:  
Acting City Clerk We send a letter of denial to the applicant.

Commissioner Amyx: So this is an appeal of that denial

Diane Bucia:  
Acting City Clerk Yes, he had emailed a request to have this public hearing.

Commissioner Amyx: Okay, fair enough.

Vice Mayor Soden: Are there already, I guess a coral, for lack of a better word, outside of that establishment that has...you know, they kind of fenced it off a little bit. Is that already there? I'm having trouble picturing that frontage, I guess.

Brandon McGuire:  
Assistant to the City Manager There is an approved site plan already for that application.

Vice Mayor Soden: Is there already the fencing in place around it? I mean what was it before that, KC Smoke Burgers?

Brandon McGuire  
Assistant to the City Manager Shots

Vice Mayor Soden: It did have a little fence around it.

Brandon McGuire  
Assistant to the City Manager Right.

Vice Mayor Soden: I got it in my mind now.

Commissioner Amyx: So now the neighboring businesses don't want that fence around there?

Diane Bucia:  
Acting City Clerk We had permission from one of the property owners, adjacent property owners, but they didn't receive any from the other side. I think it was Ted's Taphouse that sent in the approval. I don't know who is on the other side.

Brandon McGuire:  
Assistant to the City Manager It's common in those situations for the adjacent property owner to actually participate in that process or they don't. In a lot of instances the property owners don't even live in the State of Kansas. So it's sometimes difficult for the business owners to get in touch with these property owners. For example, Pepperjax Grill, it was several months ago now, I think one of the owners was an LLC and it was extremely difficult for FedEx Kinko, which is an international operation.

Commissioner Herbert: You couldn't reach that guy by phone?

Commissioner Amyx: Send him a FedEx.

Commissioner Herbert: So is it safe to say that there's been no negative correspondence. There hasn't been...it's just kind of a, "we ask for feedback and got nothing."

Mayor Farmer: This is the second or third time that you don't hear from FedEx Kinko's Corporate ever, but we have to do this because it's our job.

Mayor Farmer opened the public hearing.

Upon receiving no public comment, **it was moved by Commissioner Amyx, seconded by Commissioner Herbert**, to close the public hearing. Motion carried unanimously.

Amyx, I'll second that because we do have an approved site plan and we have not gotten negative comments.

**Moved by Commissioner Herbert, seconded by Commissioner Amyx**, to approve the sidewalk dining license for KS Smoke Burgers, 1008 Massachusetts. Motion carried unanimously.

3. **Received staff report and recommendations regarding 27<sup>th</sup> Street traffic and pedestrian safety.**

Mark Thiel, Assistant Public Works Director, presented the staff report.

Commissioner Boley: The interim stop sign at 27<sup>th</sup> Street and Trail Crossing, that's where the raised crosswalk and the beacon would go, right?

Mark Thiel: Yes, if directed to do so tonight, that's the location.  
Assistant Public Works Director

Commissioner Boley: Essentially, you'd be switching out the stop sign for the raised crosswalk and the beacon.

Mark Thiel: Yeah, it would be the temporary stop sign would be there until the raised crosswalk and beacon were installed and then we would remove those stop signs. I did mention also that we believe we can complete those, the sidewalk and that crosswalk this summer, but I would note that there's a long lead time on the Hawk signal, getting those manufactured and delivered so we would need to get those ordered fairly quickly.  
Assistant Public Works Director

Commissioner Boley: Okay.

Mayor Farmer: Other questions for Mark?

Vice Mayor Soden: I have a question, on 13<sup>th</sup> Street where the Burroughs Creek Trail crosses right there, there's this really kind of awkward, as a driver awkward, there's a really large speed bump that's wide and then pass that, if I'm remembering right, is the red, kind of, actual crosswalk. We're going to have that speed bump before the raised crosswalk right. The crosswalk itself would be raised. Will it be colored red or anything like that as well?

Mark Thiel:  
Assistant Public Works Director

We're not recommending that additional speed hump be placed that close to the raised crosswalk. That raised crosswalk will in essence act as the speed hump or calming device for that area. I'm not sure if it will be painted red, but it would be identified as a crosswalk either with the white traditional panel key markings or as we've done in some locations to avoid having to repeatedly interrupt traffic by replacing those temporary pavement markings. We have done stamp concrete and if we chose to do that in this case, then it would be a red or a brown color.

Vice Mayor Soden:

Well, I definitely encourage the red. I bring that up about 13<sup>th</sup> Street because I end up, as a driver, not seeing the speed bump before the crosswalk, because my eye goes to the red and I really like that and then I somehow end up "wacking" into the speed hump. It's invisible in front of it so I just wanted to make sure we weren't recreating that.

Mark Thiel:  
Assistant Public Works Director

If I could, that hump on 13<sup>th</sup> was put in after the Burroughs Creek Trail project because 13<sup>th</sup> Street is on the list of additional, the list of 21 or so traffic calming projects. While there's a recommendation to put more than just that, we did want to have at least one raised speed hump there before you got to the crosswalk.

Vice Mayor Soden:

Yeah, because I mean my eye is drawn to the reds so I just don't want to recreate that, but I'm really happy with these, thank you.

Commissioner Amyx:

Without jumping ahead to the couple of items away, the rehab of Louisiana Street from 23<sup>rd</sup> to tie in with 31<sup>st</sup> Street. The reason why I bring this up, is what is our plan for detour while that construction is being done because it's going to have some kind of effect, I believe on 27<sup>th</sup> Street and specifically, did you take into consideration the placement of these signs and is that work going to be done during the time that the signs are in place, the stop signs are in place.

Mark Thiel:  
Assistant Public Works Director

There's a couple of ways we could get at that, Commissioner Amyx. One would be to have message boards on Iowa at 27<sup>th</sup> and a message board at Louisiana and 27<sup>th</sup>. We would anticipate doing both of those project, the sidewalk and the raised crosswalk, under traffic so the sidewalk obviously is out of the road, but we would have a portion of the lane there restricted for contractor vehicles and cement trucks and those types of things. When we do the raised crosswalk though, we would have to do that half at a time.

Commissioner Amyx:

But when we're doing the rehab and the maintenance work up on Louisiana Street, Louisiana itself, what is our plan for detour then? Because I think it's going to have an effect on

these stop signs here.

Mark Thiel:  
Assistant Public Works Director

The contracted portion and I'll address this also when I get to the next item, but the portion of Louisiana from 27<sup>th</sup> south which is currently closed. Well, it's not closed but its restricted access. That'll be done with one of our contractors. So we're not expecting a huge amount of access issues down there, but we will make sure that the appropriate emergency response vehicles can get in and out. The residents that are back in that area will have a way to get out as well. From 27<sup>th</sup> Street north to 23<sup>rd</sup> Street, we're going to do that in-house. That's going to be minor patching. So we would do that with flaggers and we start after morning rush hour was over and we would be gone before evening rush hour and Louisiana would be back open to full two-lane traffic.

Commissioner Amyx:

Is it similar to some the stuff that we did like on Bob Billings Parkway, cutting that out and replacing some of that patchwork stuff?

Mark Thiel:  
Assistant Public Works Director

Yes, it's very minor. Of the \$250,000 that we're asking for, for that item, there's about \$10,000 for the portion that the street division crews would do so it's pretty minor. It's an inconvenience because we'll have vehicles out there, but we'll do that with flaggers. It would be similar to how we're working on North 2<sup>nd</sup> Street right now.

Commissioner Amyx:

I'm just trying to make sure that we're taking into consideration because I would probably be trying to find a simpler route, trying to get home. Have we heard any other dates about the opening of 31<sup>st</sup> Street yet?

Mark Thiel:  
Assistant Public Works Director

We have not, summer of 2015. We're hoping that'll happen sometime in July, early August.

Commissioner Amyx:

In you expert opinion.

Mark Thiel:  
Assistant Public Works Director

Chuck told me to tell you this. We're anticipating mid-July

Mayor Farmer:

Any other questions for Mark? Mark thank you for all the good work that you've done. Stay close, we'll take some public comment and get back to you I'm sure.

Mayor Farmer:

Mayor Farmer called for public comment.

Amy Sanchez

I want to thank Mark too and I want to thank you guys. I think it's really wonderful, the steps that you've taken. I do want to draw attention to the crosswalk at Belle Haven. It seems to have gotten forgotten in this. I don't want to pull it off and have it not...I just want to draw attention to it. Its downhill

both ways, one block from two different schools and it's particularly dangerous. I myself was out there at 11:30 on the last day of school. There was an increase in pedestrian because the kids were leaving at an odd time and there had been lunch, but it was frightening, to say the least. There's a crossing guard at the top at 27<sup>th</sup> and Louisiana and then parents have been volunteering at the Belle Haven crossing and their wearing yellow vests and holding stop signs and it's still extremely dangerous where people are just coming down those hills quickly and even if they stop, the person behind them may not realize, we'll their stopping and could almost rear end them and go through and there would be 15 kids in the crosswalk at the same time. So while I appreciate all of it, I just want to draw attention to the one crosswalk still there, at the bottom of the hill. Thank you.

Vice Mayor Soden:

Hey, Diane, are joint City/County USD497 meeting that we have tomorrow, school crosswalks that was on the agenda, right?

Diane Stoddard:  
Interim City Manager  
Vice Mayor Soden:

Yes.

Do we need to specifically talk about 27<sup>th</sup> Street tomorrow or was that already on there. I never been to one of these joint meeting so I'm not sure what to expect.

Diane Stoddard:  
Interim City Manager

The Mayor may have a better idea of exactly of what all was wanting to be discussed, but I think that just school zones, in general as I understand it.

Mayor Farmer:

Yeah, school zones and traffic patterns in general. Because there was an issue with the beacon where it got put on the Traffic Safety Commission Agenda to be taken out and something happened with it and it wasn't done right so we want to make sure we have policy in place that that doesn't happen in the future.

Vice Mayor Soden:

Excellent.

Mayor Farmer:

We screwed up and you guys help us with it. Other public comment on this?

Michael Almon:

I just wanted to point out, I like the idea of some kind of control at the Naismith Valley Trail Crossing at 27<sup>th</sup>. That's an excellent idea, regardless of anything else. As I mention whenever this was, two weeks ago, I'm not a fan of the beacons because they do control traffic when somebody activates them very well, but then the rest of the time they're totally passive an off and people can speed right by regardless, without noticing a bicyclist coming in their side view. I'm much more in favor of speed humps for doing that

and I like to use the example of Burrough's Creek Trail. First of all let me back up, if you talk to any of our engineer's, they will tell you that speed humps are not all created equal. There're all kinds of design parameters in a simple little speed hump, the height, the width, the angle of the incline and actually whether the inline is flat or humped and that all have different effects on a vehicle coming to and going over it. The speed hump for instance at the Arts Center or the old Journal World Office. They're about three or four inches high and virtually ineffective. You can go over those and don't ask me how I know, but you can go over those at 30 miles an hour. The speed limit down there is 20. The speed hump at 15<sup>th</sup> and the Burroughs Creek Trail is designed correctly and we worked with David Cronin at the time that the city was constructing that to make sure that it didn't resemble the ones downtown. They are 8 inches high and the incline is slightly humped. So somebody approaching the 15<sup>th</sup> Street speed hump, people know now you really have to slow down and people, my self included and a lot of people I've seen, come to stop and give the right-of-way to somebody approaching simply because of that speed hump because they know they have to slow down, first of all. A beacon won't do that. The comment you had about...and actually like to correct a misconception that Mark has about the speed hump on 13<sup>th</sup> Street. When I was on the trail committee and when we worked with David Cronin. The reason it's not the cross walk itself, is because there's a storm water inlet, right where the trail comes across, so they couldn't put the speed hump as part of the crosswalk, that's why it had to be off to the side. Didn't want to move whatever it cost to move an inlet, but anyway so that one, it does work, but it's iffy because it can be confusing like you pointed out. So anyway, they can be designed all kinds of ways and I think we should do a speed hump at the Naismith Valley Trail and I don't know if it's very cost effective to put in a beacon particularly, if this really is a temporary situation until 31<sup>st</sup> Street is open.

Mayor Farmer:

Thanks Michael. Other public comment on this item. **(None)** We'll bring it back to the Commission... receiving staff report and recommendations regarding 27<sup>th</sup> Street traffic and pedestrian safety, we talked a few weeks ago about stop signs and we've added a sidewalk and raised crosswalk and pedestrian hybrid beacon that can be funded out of reserves, essentially. Thoughts?

Commissioner Amyx:

Mayor, I appreciate the work that Mark and staff had done. I think they've done a very good analysis of the situation along 27<sup>th</sup> Street. As I said a couple of weeks ago, as long as we're looking at this on a temporary basis, the stop signs along with the other improvements that were made along the street, we continue to monitor the traffic along the street while all of this

is happening with our Police Department and others. One of the things that would be interesting to know is if we can have traffic counts throughout the summer to see what kind of changes that we're seeing in traffic along that street right now, I think would be helpful, but, I would be in favor of the recommendations of staff and what they have and again, as long as we're looking at just the temporary basis until 31<sup>st</sup> opens and until the improvements are made.

Mayor Farmer: Other comments?

Commissioner Boley: Ditto.

**Moved by Commissioner Amyx, seconded by Commissioner Boley**, to receive the report and recommendations regarding 27<sup>th</sup> Street traffic and pedestrian safety. Motion carried unanimously.

4. **Presentation of Public Library 2014 Annual Report.**

Joan Golden, Chair of the Board of Trustees at the Library, presented the Public Library 2014 Annual Report.

Mayor Farmer: Any questions for Joan. Pretty amazing, isn't it?' 109,000 borrowers in Lawrence and surrounding areas. That's amazing. We'll take some public comment if there is any. **(None)**

Commissioner Amyx: Last July, it was a warm day in July when we had the ribbon cutting and that was a great day to be Mayor. I got to tell you. I got to see every little kid in town at our library, but it was such a special time. I remember talking about this during the campaign and everything that was going on, just to be a part of something that people bought into. It's our library and it was really fun to see. Again, thank you for all the hard work that everybody involved in our library does. I mean it's a special place. I found myself, if I had a meeting Diane, I hate to tell you I don't come to this building. I go upstairs. It's easier to go to the library and sit in one of those corner glass areas and talk. It is a neat place to meet. Thank you all.

Mayor Farmer: Any other comments?

Vice Mayor Soden: Sure, well as an avid long life library user when I could first read. The new library is so amazing and Brad Allen has done a great job. I actually kind of go there just to stop in. Of course it helps, I live just three blocks away, but with the old library I did not do that. I mean it's just so much more inviting and open and bright. I don't know, it just has a very different fill than the old library and I enjoy it and sometimes I don't check out anything, I just kind of circle around and say hi to people, but it's just such a beautiful space, it's hard not to. So thank you very much.

Commissioner Boley: I enjoyed my tour with Brad Allen. I really enjoyed that that was great. It was great to see what kind of goes on behind. I really like the machine that takes the books in and processes.

Commissioner Herbert: Herbert, It's hard to focus when their talking to you back there.

Commissioner Boley: Boley. It is a wonderful place. Thank you for your work and your efforts and I'll see you there.

**Moved by Vice Mayor Soden, seconded by Commissioner Amyx, to receive the report. Motion carried unanimously.**

The City Commission recessed at 7:51 for 5 minutes.

The City Commission returned at 7:59.

5. **Considered the following street maintenance projects:**

- a) **Considered authorizing additional expenditures in the amount of \$607,000 from Infrastructure Sales Tax for 2015 contracted street maintenance, and award City Bid No. B1532, Project No. PW1514 – 2015 Overlay and Concrete Rehabilitation Program and Alternates PW1519 & PW1520 – Mesa Way Street Improvements – Pioneer Ridge Center/Subdivision Benefit Districts, to Sunflower Paving, Inc., in the total amount of \$1,731,518.65.**
- b) **Considered authorizing additional expenditures in the amount of \$250,000 from Infrastructure Sales Tax for maintenance rehabilitation of Louisiana Street, from 23<sup>rd</sup> Street to Tie-in with the 31<sup>st</sup> Street KDOT project.**

Mark Thiel, Assistant Public Works Director, presented the staff report.

Commissioner Amyx: I have a question about Crestline Drive. Didn't we do like two years ago, Crestline Drive from 9<sup>th</sup> Street down to Westdale Road? Didn't we do a curb and gutter and mill and overlay project, south of Harvard there especially? Because that was the one that we got in all the trouble with the gas line, remember that?

Mark Thiel:  
Assistant Public Works Director I'm drawing a blank Commissioner Amyx. We did some of that.

Chuck Soules:  
Public Works Director Southern Star started that line.

Commissioner Amyx: It was Southern Star it's a Black Hills Line, I think it was the west side of Crestline drive.

Chuck Soules:  
Public Works Director Did we actually do the work?

Commissioner Amyx: I don't know if we did or if the contractor did, but we had that opened up for about 4 or 5 weeks.

Chuck Soules:  
Public Works Director That was the contractor and we probably didn't do that street work that was planned.

Mark Thiel:  
Assistant Public Works Director I can't speak to the specific year and the question that you have Commissioner Amyx, but I do know that the mill and overlay of these streets wouldn't be on here if we recently did some maintenance to that because typically, when we do a mill and overlay, on our current program are programmed every 20 years or so. We're spending more dollars on micro-surfacing which is every 7 to 10 years so the most recent maintenance, that I believe without checking would probably have been somewhere between 7 and 10 years ago on that section.

Commissioner Amyx: The only thing that I can think is that it's that piece that's missing, right there in the center of Crestline Drive from Westdale just south of Fortune Lane, but I guess the other part of that deal is that as we look at the mill and overlay and curb that goes down to Bob Billings Parkway that goes north up to just north of Oxford Road, let's make sure that gas line is out of the way before we even think of cracking that.

Mark Thiel:  
Assistant Public Works Director Oh, I do remember what you were talking about now about the gas line. That was a concrete section of roadway that was replaced.

Commissioner Amyx: All I remember is that we inconvenienced a whole bunch of people that lived along in there and it was for quite a while. Let's make sure that Black Hill and all of us are on the same page there.

Commissioner Boley Memory like an elephant

Commissioner Amyx: If you get talked to enough, I think you remember. I know that these guys go talked to a lot about it also.

Commissioner Boley: Mike, can you explain what the deal was?

Commissioner Amyx: It was something with the gas line. I know that when we took that curb out or whatever it was, the street out, that a gas line, something happened there.

Mark Thiel:  
Assistant Public Works Director The service line that went to the home was bored underneath it, the concrete street and it was right underneath the pavement so when they removed the curb with the backhoe, they caught the gas line as well and created an issue over there with getting a repair to the gas line. Because not only did it have to be temporary repaired

for service, but it had to be longer.

Commissioner Amyx: They just put in big delays for the street work that these guys are trying to get done and I just bring it up as I remember the difficulty.

Vice Mayor Soden: I was curious, I didn't have time to read this memo beforehand so I'm reading it and listening at the same time which is a difficult way of process. So I couldn't quite understand this \$607,000. Is the benefit district actually paying for that? So we front the cost and then the benefit district pays into it over a set amount of time? I'm just trying to understand how that stuff works.

Mark Thiel:  
Assistant Public Works Director Sure and Chuck can step in he does the benefit district. The 2.8 million dollars for the appropriate for this project does not include funds to fund the benefit district that would come from a separate source. So that's why it's broken out with the base bid and then the total bid. You see the difference between 1.6 million and 1.7 million that difference between those two numbers. I think they are normally bonded which is paid by the people in the benefit district.

Vice Mayor Soden: The total price, I guess you might say isn't completely paid for by the benefit district or they do completely pay for it or we're paying for part of it and they pay for part of it?

Chuck Soules:  
Public Works Director No. The bids are broken down and we need \$607,000 in infrastructure sales tax. We already authorized the issuance of bonds and the issuance would be in September that will all just be handled separately. So we need \$607,000 for the current bid, plus \$250,000 if the Commission wants to go ahead and authorize it for Louisiana Street.

Vice Mayor Soden: Soden How much is that benefit district paying.

Chuck Soules:  
Public Works Director They're paying 100% of the \$102,000. Now, their intent is to bring in about \$30,000 or \$40,000 of that upfront so the benefit district probably will only be about \$60,000.

Vice Mayor Soden: So will front that \$60,000 and they'll pay it back overtime?

Chuck Soules:  
Public Works Director Yes. It will come through the bond and interest fund that will pay all the interest so there is no cost to the City. They've done the engineering. We'll charge the inspection costs and the City won't spend a dime.

Vice Mayor Soden: Thank you I just wanted to understand.

Commissioner Amyx: How much did we spend last year?

Mark Thiel:  
Assistant Public Works Director

Last year we had a little over 4 million dollars for street maintenance funding, contracted street maintenance program.

Commissioner Amyx:

Is this the same type of work that's being done?

Mark Thiel:  
Assistant Public Works Director

It's the same. It's one of the three difference types of maintenance program that we have each year.

Commissioner Amyx:

Okay, around mill and overlay which is what this stuff is, right? How much did we spend there? Do you remember from last year?

Mark Thiel:  
Assistant Public Works Director

Last year, it's not quite apples to apples Commissioner because this year with the funding, we decided to combine the overlay project and the concrete rehabilitation project together and I don't have those exact numbers to give you the two different projects broke down. Typically, we try to spend around a million and a half on mill and overlay and about \$500,000 on concrete rehabilitation.

Commissioner Amyx:

So without spending the additional \$600,000 how much less mill and overlay work would we be doing?

Mark Thiel:  
Assistant Public Works Director

Without that additional funding we're looking at \$1,028,000 available so we would have to take, we would have to go back and look at this plan and we would have to figure out which streets totaling \$600,000 should come off first.

Commissioner Amyx:

I guess what I'm trying to get at, are we continuing to spend the same amount of money every year on our mill and overlay fund without having to dig into sales tax or whatever.

Mark Thiel:  
Assistant Public Works Director

No, we're not. 2.8 million, this year, was approximately equivalent to how we started the program in 2006 and the funding increased. I can show you kind of the funding over the term of the program. So you see roughly in 2006 we had about 3.9 million then we went up to 4.1, 4.3, 4.4. 4.5, 3, 5, 4 and then the 4.1 in the 2015 is not in this chart which was for contracting. We are, but it's relevant in the fact that since the infrastructure sales tax was approved, the City overall is spending more money on street maintenance rehabilitation, new construction of streets then we have in quite a while, but just the maintenance program itself. I mean you can kind of balance those numbers based on the results that we're getting with the PCI's and the deterioration rates that we evaluate, but our program is kind of hinged on a 6 million dollar number. That number may be close to what we need now. That number was developed when the program was designed in 2007 so you can make an argument that 6 million dollar number is low to stay with the goals that we established with the program, but it would be safe to say that

2.8 million were well below the number that we feel we need just for crack sealing, micro-surfacing, curb and gutter projects, mill and overlay and those types of things. When I did the 2014 Street Maintenance presentation I showed you a chart, but there's 3 lines on the graph, one of them was the spending, and the forecast for the spending, the other was the PCI number and the other was the deterioration rate. While most of the numbers and projects that we do, you all hear about PCI's because it's the easiest to understand in terms of zero being the worst and 100 being good. We focus more when we're trying to select streets and where to focus money on which type of streets are on deterioration rate for all the different types of pavements we have. The hinge is a zero and the numbers can be negative and they can be positive. You want positive numbers, but if you got a really big positive number it means we're spending way too much money there and not enough money on a different type of pavement. That's how we come to that number to decide which roads need to be, should be part of a program and how much money we think we need. As I said, and I'm sorry about being wordy, we put a map together each year as an exercise based on those deterioration rates and based on what we know and we forecast projected 6 million worth of projects. When we do that same exercise for 2016, we will increase that by inflation rates that we're seeing this year at least by that 15% so there would still be a 6 million dollar price tag on those maps, but there will be fewer maintenance projects on that map. We think we need to continue that. As I said when I started, we appreciate the support of the Commission's given over the years on these project for maintenance and if we didn't feel that was imperative that we continue in a positive growth direction for our program we would probably just say, let's just eat that \$600,000 out of the program this year and put those streets in next year, but we already know as of today, we're 3 million dollars behind already so taking an additional \$600,000 out of the program to get to the approved program that we had this year would put us even that much further behind, starting in January of 2016.

Commissioner Amyx:

I guess for me, I appreciate everything that you say Mark and I know that the infrastructure sales tax was to be used for streets, big streets that we didn't have a financial stream to be able to take care and rebuild, and that is always what I thought. I do believe this is a one-time deal. I guess one the things that I saw as maybe a use there is maybe being able to catch up on some of the sidewalk stuff, but out of those, I don't want to say reserve funds, but those funds that may be available there as being the one place that we can do it. I guess you make a good argument. We got to get them fixed.

Mark Thiel:  
Assistant Public Works Director

I might add also, Commissioner Amyx, the Street Maintenance Program as it relates to the infrastructure sales tax and how that was approved; we're only earmarked for that program, through that process for \$800,000. The remaining funds in the Street Maintenance Program come from other sources. The general fund is currently our largest contributor. There have been years where City Manager and the Commission have given us additional resources beyond that \$800,000 which has helped us to get to where we are, but our starting number when we program every year, we just plug in that \$800,000. That's all we plug in for the infrastructure sales tax. All of those other dollars from that sales tax are going towards either fire trucks, transit, or rebuild projects.

Commissioner Amyx:

This will continue to meet the infrastructure sales tax audit committees deal on this expenditure.

Casey Toomay:  
Assistant City Manager

Yeah, we believe it is consistent with the language, the ballot language or uses of the sales tax.

Commissioner Amyx:

One of the things that I would like to have is what kind of fund balance we may forecast in that account as part of the...

Chuck Soules:  
Public Works Director

I guess the number that we're really interested in, are the estimated 2015 at the bottom.

Commissioner Amyx:

I'm thinking about 2018.

Chuck Soules:  
Public Works Director

We anticipate, at the end of the year, the unencumbered ending balance to be about \$2.5 million dollars.

Commissioner Amyx:

And how many projects are earmarked to come out of that right now.

Chuck Soules:  
Public Works Director,

This year we've got the engineering Kasold; we've got 4.5 million for the 5<sup>th</sup> and Maple pump station; we've got our share of the Iowa and 23<sup>rd</sup> Street project that's been paid; finishing up on Wakarusa, 6<sup>th</sup> and Iowa, just finishing work on trial improvement; some more on 31<sup>st</sup> Street; Bob Billings commitment; we've got the 4.2 million for the 3 projects that we recently did; we've got another 2 million dollars in 2016 which is kind of committed for improvements there. We still got all of our projects and here's \$400,000 engineering for Kasold between Bob Billings and 6<sup>th</sup> Street. We still have got all of our projects and the question was at the end of the program Commissioner, and we're looking at the end to have possibly up to 7 million dollars balanced out. We've got several projects still in the pike and we'll see where

those end up and we'll take the opportunity like when we received the grants from KDOT to do Iowa and 23<sup>rd</sup> Street, we had a million dollars come out of this fund to match those funds so when we get some opportunities, some of that money will be spent. We're looking fine throughout the remainder of the program.

Commissioner Amyx:

Okay, well the only thing that I'm looking at is whether or not, and Mayor thank you for indulging me this second, to see if there's any type of fund balance that may be something that we can earmark at the end for some of the sidewalk improvements that we could use from that fund that would meet the questions, the sales tax audit questions.

Chuck Soules:  
Public Works Director

We have used this for match for trails. Brookcreek Trail was the first project out of the pike and we do spend a lot of street maintenance dollars. Every one of these projects has sidewalks and bike lanes. So we are spending the infrastructure sales tax on both street maintenance and for bicycle and pedestrian improvements.

Commissioner Amyx:

Well just know we're not going to overspend that account so that there's going to be something left at the end and if we can earmark it for those kinds of improvements, it seems to me, it makes a little bit of sense. Anyway, that's all I got.

Mayor Farmer:

Chuck, can we get that document posted to the infrastructure, public works.

Chuck Soules:  
Public Works Director

Yes.

Mayor Farmer

Questions for Mark?

Vice Mayor Soden:

I just want to double check; we aren't going to have every major east/west street in some fashion torn up during the summer.

Mark Thiel:  
Assistant Public Works Director

One of the things we did look at, when we trying to come up with the maintenance program is we were trying to alleviate some of the stress on arterial and collector construction so a lot of our projects are not on those, but some of them are so I don't think we have any major KLINK project on Iowa, maybe a little bit of an inconvenience, but we will have that open the entire time, the reduced speeds and maybe a lane drop here and there.

Vice Mayor Soden:

I love 6<sup>th</sup> and Iowa. I use that a lot.

Mayor Farmer:

Any other questions for Mark. Mark, thank you. Public comment on this issue? Alright, back to the Commission.

Commissioner Amyx: Here's a question we build them this year, we build them next, is that about right? We're fortunate to be able to be in a position that our sales tax is able to cover the cost that way we can keep up with our program. We're fortunate that we have taxpayers and shoppers in this community that are willing to step up and fund a program to be able to help us get our streets back into good condition. I believe you pay it this year or next so as we'll do it, well, maybe we save a little bit.

Commissioner Herbert: Maybe I should have had asked this question when Mark was up there, but on that spreadsheet it played out to 2018. Is that correct? Is that when that expires?

Vice Mayor Soden: Yes

Commissioner Herbert: So on that spreadsheet we had a 7 million dollar projected balance which obviously, is that correct, was it 2018?

Casey Toomay:  
Assistant City Manager 2019

Commissioner Herbert: 2019...sorry. If we get to 2019 and all goes as planned which it always does of course and we end up with 7 million dollars...

Commissioner Amyx: We've got projects that are going to take care of that 7 million. I guess what saying if there's a little left and I'm thinking in the 1 to 2 hundred thousand dollar range, is probably what that fund balance will be.

Commissioner Herbert: Okay. What becomes of that though regardless if it 7 dollars or 7 million?

Commissioner Amyx: That's what I'm saying if we could use it on some of this sidewalk stuff, that might be a possibility, but we've got those projections of what that might be.

Mark Thiel:  
Assistant Public Works Director I don't. I do know we will try to program every penny of that money for some type of project.

Casey Toomay:  
Assistant City Manager And it will be consistent again with that ballot language. Our plan is to have it spent before that time elapses so that it's not living on beyond that sales tax. You all will have the conversation about, if we want to ask the public to re-up that sales tax which I think we all would recommend, as you can see we have the needs, but I think either way, our goal would be to have those dollars programmed so that they would line up with the sunset period of that sales tax.

Commissioner Amyx:

Along with what Casey just said, we've done some great projects. I mean we have done some things that we would never get to. I mean we would not have a chance to get to some of these street improvements and some the big roadway things that have happened, I mean, we just wouldn't have so I think the publics to be commended and thanked for willing to step up and make this happen, I mean, this is truly something that I know in 2005, when I was reelected, I mean, the number one item is on any public survey is to fix our streets and just hammering it home. Without that sales tax, I mean, we would have just fallen further and further behind because we could not catch up with being able to fund it through the budget, there was more of that. It was...I know sales tax was tough on folks, but this is the time when they were really willing to step up and really put money where it really needed to go and that's in our street network system.

Commissioner Herbert:

That's what I wanted to make sure with that fund balance that we've got projects ahead of time, because I think one of the frustrating things, having sat on the other side of this table, is when you have a sales tax initiative, really any tax increase and issue, and you see these large fund balances. A lot of our City programs have some sizable fund balances. We talked the other day about public transportation and what, 5 million dollar fund balance and that program. I think when you sit on the other side of the table a lot of times people begin to say, why are you increasing our taxes when you're sitting on 7 million? I just think it's important that we front. We make sure the project comes on the front end so we say like these are things we have to do because when it comes on the back end, it makes it look like, wow, we're sitting on a bunch money let's hurry up and spend it before, you know...

Chuck Soules:  
Public Works Director

Well a couple of weeks ago we talked about what was mentioned about the turn back agreement for 23<sup>rd</sup> Street. That is going to be huge deal. We are hopeful that we can commit to pay that they need the lion's share of that, but at the same time we know we'll have to participate. That will probably eat up a large portion of that money. There're a lot of projects.

Casey Toomay:  
Assistant City Manager

I would also say on the revenue side of it, that there are some assumptions in that revenue estimate for that projection and sustaining 2.5 percent sales tax growth out through that far, may not happen and when you have a revenue source that so...we'll it is solely dependent on sales tax which I hate to use the word, "volatile", but that's the word that's used when you talk about sales tax revenues, it

goes up and it goes down. The importance of having that fund balance becomes even more important because if you have a bad year of sales tax returns, but you committed to doing those projects, you still have to pay the bill, but I agree with your thought, that they have a long range plan for those.

Commissioner Herbert: I'm not trying to raise issue with the way you spent the money. I think the work you've done is incredible. I'm just trying to look out for the argument out there that hold on, why are you asking for more when you're sitting on everything I've got already.

Casey Toomay:  
Assistant City Manager Having a large range plan is what that sales tax plan is trying to get at and we'll visit with you all later, when we talk about capital improvement plan and about planning out, based on our current projections, if there are other projects that we want to add to that list.

Commissioner Herbert: Okay, thank you

Commissioner Boley: I think it's really important to keep in mind that that fund is solely dependent on sales taxes which can be volatile and you don't want to spend the money before it comes in.

**Moved by Commissioner Amyx, seconded by Commissioner Boley**, to award the bid for 2015 contracted street maintenance in the amount of \$1,731,518.65 and authorize expenditures of \$250,000 for maintenance rehabilitation of Louisiana Street, from 23<sup>rd</sup> Street to 31<sup>st</sup> Street. Motion carried unanimously.

6. **Considered a motion to recess into executive session for approximately 15 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. The City Commission will resume its regular meeting in the Commission Room immediately following the executive session.**

**Moved by Commissioner Amyx, seconded by Commissioner Herbert**, to approve a motion to recess into executive session for approximately 15 minutes at 8:32 p.m.

The City Commission returned after executive session at 8:46 p.m.

**H. FUTURE AGENDA ITEMS:**

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

**I. COMMISSION ITEMS: None**

**J. CALENDAR:**

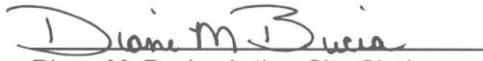
David Corliss, City Manager, reviewed calendar items

**K. CURRENT VACANCIES – BOARDS/COMMISSIONS:**

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

**Moved by Commissioner Amyx, seconded by Commissioner Herbert,** to adjourn at 8:50 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 22, 2015.**

  
Diane M. Bucia, Acting City Clerk