



# City of Lawrence

CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT

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INTERIM CITY MANAGER

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August 25, 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 Amyx presiding and Commissioners Boley, Herbert and Vice Mayor Soden present.

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

**B. CONSENT AGENDA**

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

1. Received minutes from various boards and commissions:

Public Health Board meeting of 06/15/15

2. Approved all claims to 504 vendors in the amount of \$2,362,304.22 and payroll from August 9, 2015 to August 22, 2015 in the amount of \$2,002,033.20.
3. Approved licenses as recommended by the City Clerk's Office.

**Drinking Establishment**

**Expiration**

The Granada  
Granada Downtown Music, LLC  
1020 Massachusetts St.

New License

Harbour Lights  
Harbour Lights Inc.  
1031 Massachusetts St.

August 29, 2015

Biggs Barbeque  
Rib Tickler Inc.  
2429 S Iowa

August 24, 2015

4. Bid and purchase items:

- a) Set a bid date of September 15, 2015, for Project No. PW1504 - City Hall HVAC and Digital control upgrade.



- b) Set a bid date of September 22, 2015 for Bid No. B1543, Project No. UT1417 - Clinton Water Treatment Plant Raw Water Pump Station Improvements.
  - c) Set a bid date of September 22, 2015, for Bid No. B1540, Project No. UT1427 - Michigan/Arkansas Street, 2nd to 9th Streets and Florida Street, 3rd to 4th Streets Waterline Replacement and approved the traffic control plan.
  - d) Awarded Bid No. B1537, KDOT ITS Project for 6th Street, Wakarusa Drive, and Clinton Parkway, to K & W Underground, Inc., in the amount of \$90,400, provided the contractor can meet the terms established in the contract documents.
  - e) Authorized the Public Works Department to upgrade FleetFocus fleet tracking and reporting software, in the amount of \$37,200, utilizing the NJPA cooperative purchasing contract 051613-AWI.
  - f) **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Authorize payment of \$44,754.01 to First Construction for additional sewer replacement in the alley adjacent to the North Project, located at the northeast corner of 9<sup>th</sup> Street and New Hampshire Street.
5. Adopted on first reading, the following ordinances:
- a) Ordinance No. 9145, renaming that portion of old "Haskell Avenue" between 29<sup>th</sup> Street and Horizon Drive to "Haskell Lane" and renaming that portion of old 31<sup>st</sup> Street remaining open to public travel to 30<sup>th</sup> Terrace.
  - b) Ordinance No. 9149, "2015 Standard Traffic Ordinance, Edition 2015."
6. Adopted on second and final reading, the following ordinances:
- a) Ordinance No. 9137, for Special Use Permit (SUP-15-00256) to permit a *Limited Manufacturing & Production* business that will manufacture and sell dog treats on-site in the existing building located at 1045 Pennsylvania St.
  - b) Ordinance No. 9139, to rezone (Z-15-00244) approximately .193 acres from CN2 (Neighborhood Commercial Center) District to OS (Open Space) District, located at 6300 W Bob Billings Pkwy.
  - c) Ordinance No. 9140, to rezone (Z-15-00245) approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy.
  - d) Ordinance No. 9141, to rezone (Z-15-00251) approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6300 Bob Billings Pkwy.

- e) Ordinance No. 9142, to rezone (Z-15-00252) approximately 3.255 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6304-6323 Serenade Ct.
7. Acknowledgment of dedications as shown on the Final Plat, PF-15-00343, for Deerfield Woods Subdivision No. 10, located at 3320 and 3370 Peterson Road. Submitted by Landplan Engineering PA, for YMW, LLC and Cheer Pole Ltd, property owner of record.
  8. Approved a Street Event permit for use of various city streets from 7:00 a.m. to 9:00 a.m., including the rolling closure of the northbound lane of Massachusetts Street downtown from 7:00 a.m. – 9:00 a.m., on Sunday, September 27, 2015, for The Circle of Sisterhood 5K.
  9. Approved a street event permit for the KU Band Day Parade event to close various streets downtown on Saturday, September 12, 2015, beginning at 10:30 a.m.
  10. Approved a street event permit for the Fire Medical Department Open House to close the 200 block of west 8<sup>th</sup> Street on Saturday, September 12, 2015, from 11:00 a.m. to 3:00 p.m.
  11. Approved a street event permit for use of various rolling street closures for the 2015 Light the Night Leukemia Walk on Saturday, September 12, 2015, from 7:00 p.m. to 9:00 p.m.
  12. Authorized the Mayor to sign a Subordination Agreement for Ryan Douglas Johnson and Ann-Louise Elizabeth Dean, 1246 Prospect Avenue.
  13. Authorized the Mayor to sign a Subordination Agreement for Jack Jason Greever, 2512 Ryan Court.

Commissioner Herbert removed consent agenda Item No. 4(f) for separate discussion, authorizing payment of \$44,754.01 to First Construction for additional sewer replacement in the alley adjacent to the North Project, located at the northeast corner of 9<sup>th</sup> Street and New Hampshire Street

Commissioner Herbert: I wanted to direct this to staff to have a public statement, go on the record with it. On the issue of the sewer replacement, we have a situation where there was some grout that had been dumped into a sewer by First Construction that had resulted in a necessary sewer replacement, and so there was some concern from the community, and also from myself, that we were authorizing a payment of \$44,000 to the same people who caused the damage. That, to me, seemed a little bit off, and so I wanted just a public clarification of exactly what's happening with that situation.

Diane Stoddard:  
Interim City Manager In the course of the construction of the project currently underway at 9th and New Hampshire, there was a subcontractor on that project, and there was an incident with grout that got into our sewer main along there. We worked with them. There was a need to have an emergency repair. First Construction was very cooperative in doing that. As we were looking at the grout section,

there was also another section between the grout section and our manhole that we felt, for a variety of reasons, was prudent for the city to go ahead and have replaced at our cost, because it wasn't really affected by the grout, but for long-term reasons, it was wise for us, as well as it didn't create a weak area where you're trying to join a new line with an old line. The payment here, because First Construction basically paid the entire bill, is our portion of the line that didn't include the grout. Our staff, I think Mike has some examples of what's required when we put pipes together, and the weak point that we talked about. Sometimes pictures are helpful in these things.

Mike Lawless:  
Deputy Director of Utilities

Just a little bit more to follow up on what Diane said, on a lot of sewer point repairs, we have different types of pipe, and the clay pipe is generally where we do point repairs, because it's brittle as it gets older. It's cracked, sometimes the way the connections are actually made to it, it's cracked, and so when we find those or when we TV and we see that the sewer is caved in, we go in and make a point repair. The problem is that we don't use clay anymore, obviously, because that's why we're fixing it, and so in order to make the connection between the plastic tress pipe and the clay pipe, we have a, we call it a Fernco. Basically it's just a piece of rubber with a couple of bands on it, and you mate the two pieces of pipe up, slide it in, and that's the repair. You know where you can get to that repair easily, and if it ever were to fail. These, on occasion, they will fail. What happens is the pipe begins to separate, and then if you have settlement, if you don't get good bedding underneath that pipe, the pipes begin to settle at a different rate, and this rubber piece, it actually stretches. Then basically what you get is, instead of pipe that looks like this, you get pipe that's offset. That is a potential point of failure. In the repair that we did in the alley there, the grouted section was the portion that was damaged by the subcontractor for First Construction, and they made that repair. When we got to the point of the old clay sewer, this would've been the point of connection between the old sewer and the new plastic sewer that they were putting in. Given that that alley's in the neighborhood of 16 to 20 foot wide, we're going to have a building less than nine feet away from where that sewer is. There are utilities less than three feet away from that sewer that are only about four foot deep. As we start digging in to that line, those utilities are going to get unwieldy. In fact, we had to make that, the plastic repair that we did, the replacement, we actually had those utilities chained up to the shoring that was there, for safety reasons, for future interruption of service, for the fact that that potential is there, and in the future could be a very costly repair, just to go make that point repair, we felt. I believe that the best option was to continue that sewer on to the manhole, because at the manhole basically that pipe has a place to rest on the manhole. It still has a rubber gasket to seal the rainwater out, but it's actually resting on the manhole itself, and so you don't have that potential settlement

issue to the degree that you do with the repair.

Commissioner Herbert: Question, what was the age of the pipe, the portion that we ended up paying, or are in the process of paying to replace? Do you happen to know how old?

Mike Lawless:  
Deputy Director of Utilities It was 1930s. I don't have an exact date.

Commissioner Herbert: This was a pipe that we very reasonably would've replaced anyway?

Mike Lawless:  
Deputy Director of Utilities We had done some lining in it. That's the other, the factor in this, is that that sewer had been lined. The clay pipe, we put a liner in it to strengthen it up and make it last longer, but in the future, let's say that we did put the Fernco connection in and it did begin to separate. Then our option to reline or do something like that, you can line it once and you reduce the inside diameter. You line it again, you reduce it more, so your capacity goes away, so we lose some of that flexibility in how to make a repair in the future, or 70 years or 100 years from now, they wouldn't be able to do that with a single run of pipe. It's a much easier and less costly repair in the future.

Mayor Amyx: Any other questions of Mike? Thanks Mike.

Mike Lawless:  
Deputy Director of Utilities Thank you.

Mayor Amyx: Is there any public comment on this item? No public comment? Okay, back to the Commission. It seems to me that the recommendation to proceed with this was wise. While you've already got it opened up, you make the decision to replace an 80-year-old pipe. I think that it's just assurance. I think you do it at this time versus having to dig that alley up and do it again. I think that that's some of the trouble that we would've gotten into there.

Commissioner Herbert: I just think that, and I didn't want to raise a whole lot of fight on this issue, I think this is a situation where when you look at it on the agenda, you're only able to write one sentence, and so if you're just reading that one sentence from a public perception point of view, it looks like, "Well, this company just profited off of ruining a pipe," and the reality is the explanation points out that that's not the case. I just wanted that explanation on the public record.

Mayor Amyx.: First Construction did pay 100% of the part that they did damage.

Diane Stoddard:  
Interim City Manager Definitely.

Mayor Amyx: This is only the part that we had put in new while they were there.

Diane Stoddard: Correct.  
Interim City Manager

**Moved by Commissioner Herbert, seconded by Commissioner Boley,** to authorize payment of \$44,754.01 to First Construction for additional sewer replacement in the alley adjacent to the North Project, located at the northeast corner of 9<sup>th</sup> Street and New Hampshire Street. Motion carried unanimously.

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

Diane Stoddard, Interim City Manager, presented the report regarding 10<sup>th</sup> Street and New York Street 24" Watermain Relocation – UT1428 8<sup>th</sup> Street Waterline Replacement, Indiana Street to Kentucky Street – UT1419 Eagle Scout Project April and May Rental Licensing and Inspection Report.

**D. PUBLIC COMMENT:**

K.T. Walsh

I want to give you a little background. I've been coming up to the mic and talking about getting a bus bench out by the Community Shelter and the Douglas County Jail. I just wanted to give you a little background. In 2013, many people came to the Commission and asked for a bench out there. Then a kind person dropped off a sofa, but the City took it away. Then Spencer Art Museum donated a beautiful gallery bench, it was very elegant, but it wore out. The men staying at the shelter built a bench out of scrap wood, and that was cobbled together, it lasted for a while. Somebody else dropped off a wooden bench. That too fell apart. Then finally the City came up with the bench. That took about a year. Someone also donated a trash can. Now, because of the construction on K-10, which Chuck tells me will probably go on for another year and a half, year and a quarter, that bus stop has been moved a block down to 25th and Fairfield. There's no sign yet that it's a bus stop, and there certainly isn't a bench, but the old bench is a block away. In the new bus schedule that just came out, 25th and Fairfield is listed as the official bus stop. Unfortunately, and I've heard through the grapevine from a couple of people that the realtors who are trying to sell 43 lots across the street, south from the official bus stop, are not happy that all these people are near their land, these scruffy people. These are people who are going to work, going to job interviews, going to medical appointments, going to veteran's benefits appointments, coming back to the shelter, coming back to the jail, families visiting. Mickey Stremel and Lance Johnson are the realtors. I think they need to know it's going to be more than a year that it will be a bus stop, and they need to make friends with the people there. I have some really good news for you, and hopefully I can make this work, because the citizens of Lawrence have taken it upon themselves to create bus benches. This is a mom and two girls who live at

11th and Delaware, and they got these chairs from a dumpster, because they saw so many old people standing in the hot sun at their corner, so they painted "Bus Stop" on them. The men who own Struct/Restruct, the construction firm and also design and build beautiful custom furniture on the side, made this bus bench across from their business at 12th and Haskell. It's gorgeous. Amber Hanson, Nick Ward, and the church at 15th and Haskell put out these chairs. These are heavily used. They see people coming with walkers, people pushing baby strollers, and elderly people. They know they need some shade and a place to sit down. Somebody put these up recently at Haskell and LaSalle. Those are nice. Then this one showed up at the shelter jail bus stop. What I want to tell you is, this is great, it's a movement, and everybody who's listening, everybody in this room, everybody at home, if you would start looking for sturdy chairs, painting "Bus Stop," put them by the bus stops, we can take care of this together. Thank you.

Mayor Amyx:

Thank you. Diane?

Diane Stoddard:  
Interim City Manager

A couple of things that I wanted to note. We did get some concerns about the current location of the bus stop that is in the area to serve the shelter. We've been visiting a staff about how we could both serve that area better and maybe even look at some better service all around. One of the things that we've talked with Bob about and Bob is working on preparing is a proposal for a new route that would serve that area, because we really wanted to be able to get closer to the shelter and to the jail than where our current route allows. It really doesn't serve people very well in that area. Any additional time that we would add to our existing routes were problematic, because they would throw the route off too many minutes, so we'll be proposing a new route that I think will be much more efficient, it will serve into that area much better. Then we will also be able to pick up some areas of the Brook Creek neighborhood in doing so, which has also been an area that we've had some service challenges. I think we were planning to respond in that way. Pending all of that is one of the reasons why we hadn't finalized where we were going to place the shelter, because of course we wanted to make sure we were putting it in the right area. We're proceeding with that, and one of the things that Bob has to do is make sure to have neighborhood meetings and that kind of things with the public on any routes that are added. Unfortunately, we're doing this at a time when we really won't have it in the routes that have been published, but we'll work on figuring that out too. I think all around, it's a good solution that's a win-win for everybody involved. We also had a discussion about the bus stop areas that KT mentioned that have been popping up. I don't want to make excuses, but one of the things, as you all know; we've been looking at, the amenities issue related to where we're going to place the transit hub. Knowing that that decision may

be a bit off, even if under the best case scenario, we made a decision today, it would be a while to do that. I've asked him to go back and look at where we can begin to put amenities immediately, even amenities that we can move and be flexible with if we need to. He's going to be putting together a proposal to bring some of the stops in the exact areas that some of these things are cropping up, and that will be, I think, one more permanent bench and maybe one that won't blow away with the wind or whatever like some of the chairs would. We want to be responsive on this issue, and we're really working to do that. Part of the reason is trying to figure out where the best investment for the amenity would be, given that we may be changing routes.

Mayor Amyx:

Questions?

Commissioner Herbert:

To just put in a plug, as a request, if we start talking about the City funding benches at these, perhaps looking at going through Van Gogh Art for that. I know Van Gogh makes quite a bit of the money they bring in off building benches. It would seem the two would work together quite nicely. If we're going to spend the money anyway, we might as well spend it on a program to support a Lawrence program that helps a lot of kids out.

Mayor Amyx:

Vice Mayor?

Vice Mayor Soden:

What's the timeline for those amenities? Does he have one yet?

Diane Stoddard:  
Interim City Manager

We have just met with ... Earlier this week?

Casey Toomay:  
Assistant City Manager

I think it was late last week.

Diane Stoddard:  
Interim City Manager

Or late last week. We just met about this not too long ago. He was in the process of putting a memo together that we would bring to you all. We've been talking about moving as quickly as we can on it and bringing that to you, but we want you to confirm those locations and what we're going to put in and that kind of thing.

Vice Mayor Soden:

Thank you.

Mayor Amyx:

What's incredible is Casey and I had a discussion about this, this afternoon and I didn't realize that this was going to happen, this quick. It didn't, believe me. No, but I do appreciate you guys getting out front and making sure that we want to do something that works well. We've got a really exceptional bus system, and this is a big part of it, and making sure people that use the bus has the things that they need, so let's take care of it. Any other public comment? Then we are off to the regular agenda.

E. REGULAR AGENDA ITEMS:

1. **Consider adopting Resolution No. 7138 (Revised 08/21/15), establishing the Advisory Committee on the City Commission Vacancy, consider approving the Lawrence City Commission Vacancy Application and the Public Notice, and consider authorizing staff to publish the Public Notice in The Lawrence Journal World and the City's website.**

Toni Wheeler, City Attorney, presented the staff report.

Mayor Amyx: Questions or comments? Any questions of any of the materials as we've seen them so far?

Vice Mayor Soden: About the application?

Mayor Amyx: Application, criteria, whatever we want to talk about real quick.

Vice Mayor Soden: I do have a suggestion from Dennis Constance that I wanted to get in here. A lot of these are good questions that will be good for particular candidates, but one thing that I feel like is missing that might be added to the application itself, if you guys were interested, is, so you have the "your approach to governing," which is good, so that's a summary of your approach to handling issues that come before you, and I would like to see something, say a new question, that would say "your approach to planning," somehow. I think that would be really interesting. We could put it on the application or we can make it a question we ask later. I think that would be really interesting.

Commissioner Herbert: I'm okay with that.

Mayor Amyx: We can add something, and you want it to state knowledge, general knowledge of planning?

Vice Mayor Soden: I think that "your approach to governing," something similar to that, "your approach to planning," maybe something having to do with, Melinda mentioned you got the balance between long-term planning and short-term gains. That's a constant tension that we deal with. It's just a basic conflict. I think that would be good, how neighborhoods perhaps fit into the city, into the planning processing.

Mayor Amyx: One of the questions that I was thinking over the weekend was, as the Voter Education Coalition, and we're asking them to handle the form, the first form especially, and with the League and whoever else is involved in that format is, at first I thought it would be important that we might spell out the topics that we might see covered. Really, in all honesty, the League

and the VEC and everybody involved, they know the things that are important. I think at that point, we're going to have our opportunity to be able to question candidates. I think that it would be better served that we allow the organization to ask the questions that they feel are important today, and we keep our hands off of that. I think, a lot of ways, in all of this discussion, I think it's been important to all of us that the public gets to see and participate in this process, even though the final vote rests with us on who's going to be chosen. I know that all of us want the public's participation in all of this.

Vice Mayor Soden:

I think the VEC will do a great job.

Mayor Amyx:

They'll do a super job, they will. Other questions, comments? Public comment? Good evening.

Melinda Toumi:

Hello, I have been appointed to this committee. Unless the resolution has been changed since I read it last, I would ask for clarification of two things. The first clarification, it doesn't specifically say in the resolution that we need to narrow the field to 12 applicants prior to September 14th for the public forum event. Maybe that's understood, maybe that's implied from some other law or something, if that makes sense.

Mayor Amyx:

We'll get the answer on that. When was there another one?

Melinda Toumi:

The newspaper told me.

Commissioner Herbert:

I think it's in section 3, section 3A.

Melinda Toumi:

Is it in there now?

Commissioner Herbert:

It says, "To elect by written ballot not more than 12 semifinalists to fill the vacant City Commission position."

Melinda Toumi:

Excellent. Thank you. Second was, we need to determine that they are an eligible elector. Does that include, they must have lived in the city for at least 30 days? That's the legal definition, I think?

Mayor Amyx:

Yes.

Melinda Toumi:

I don't really expect that kind of carpet bagging, but I am prepared for anything.

Mayor Amyx:

We'll get an answer to that one. Thank you

Melinda Toumi:

Yeah, thank you. Those are just things to think about.

Mayor Amyx:

Thank you and others for stepping up and willing to do this.

Vice Mayor Soden: Thank you, Melinda.

Commissioner Herbert: Just a clerical, as I'm looking at the resolution under section 1B, Dustin Rimmey's name should be R-I-M-M-E-Y.

Toni Wheeler:  
City Attorney: Can you say that one more time?

Commissioner Herbert: Under section 1B where we list the committee members, committee member 10, Dustin Rimmey, his last name is R-I-M-M-E-Y.

Mayor Amyx: Toni, can you answer the question about the elector?

Toni Wheeler:  
City Attorney: Yes. Qualified elector is someone who is at least 18 years of age, who is a United States citizen, and who lives in the district in which they are voting, or who would live within the city limits of Lawrence. There is currently no requirement that the person live there for a certain number of days that I'm aware of.

Mayor Amyx: Our definition is the way that the state law is written?

Toni Wheeler:  
City Attorney: Yes.

Mayor Amyx: Other public comment on this item?

Dennis Constance: I just wanted to reiterate a suggestion that I made before in this process, because the resolution says "identify criteria." That has not happened yet. I know because of the interest that you've expressed in making this process as public and transparent as possible. I would like to suggest that there would be value in allowing these 12 people to sit down and see what we come up with as citizens of the community, of what we think is important, because then you guys can add to it, subtract to it, mix the whole thing, whatever you want to do. I think it would be important to let that process occur before you say too much about what you expect.

Vice Mayor Soden: Mr. Mayor?

Mayor Amyx: Yes, Ma'am?

Vice Mayor Soden: You had your matrix, I believe, that had the rating system, which I think is the kind of thing that Dennis might be getting at, I'm not for sure. Did you see his matrix? Wasn't it in the attachments tonight?

Mayor Amyx: It is somewhere.

Dennis Constance: I did not see it, but something like that I think would be an instrument that you're going to want to use, because it will give you a fairly concise way to compare the assets that the applicants are going to bring to this.

Mayor Amyx: I want everybody to know that on the criteria for Commissioner consideration, and also the grading matrix, I did ask former Mayor Bob Moody to assist in this, so that we had somebody else who is ... Excuse me, I must be getting choked up. You must've turned the heat up. Anyway, he's been a great help in putting together this. There is criteria that is listed there, Dennis, just so that you know. We did decide that this and the evaluation form, the matrix, were something that is simply a starting point, something that we can do whatever to.

Vice Mayor Soden: Yeah. I didn't know if we were talking about this yet. I just want to make sure that what I was adding, "your approach to planning," that was for the application itself, or we can do something on here.

Casey Toomay:  
Assistant City Manager Is this easier, or the description easier to look at?

Vice Mayor Soden: I think the matrix is good.

Commissioner Herbert: Go back to the matrix, Casey.

Vice Mayor Soden: When I saw these, I liked all of the columns. Just one that I wanted to add was some kind of diversity column, rate one to five, because of course that's something that we struggle with at City Hall.

Mayor Amyx: Any problem with that? We can add whatever we want. We got all these people doing all this work, so we can do whatever.

Commissioner Herbert: The only one that stood out to me was the neutrality one, because I think that people that are interested in politics, just by their very nature, are going to score poorly on neutrality.

Mayor Amyx: They need to flush this out.

Commissioner Herbert: There's always some good fleshing going on at City Hall, that's for sure.

Mayor Amyx: That's right, I set you up.

Vice Mayor Soden: I was thinking, Dennis' questions, which I guess we can't do the same thing at the same time, the ELMO and this. I think it'd be really good. This would be good questions for the committee that when they're judging the criteria to ask these

questions to themselves as well. If you guys are done looking at the matrix, maybe I should just put this up on the ELMO.

Mayor Amyx: You want to add a diversity category on this particular item?

Vice Mayor Soden: Yeah.

Mayor Amyx: We can add that?

Commissioner Herbert: We can.

Dennis Constance: I can't read that.

Commissioner Herbert: He said he couldn't read that.

Mayor Amyx: Let's try to make it bigger.

Vice Mayor Soden: Yeah, maybe we should just yell them out.

Mayor Amyx: What we have in the categories, Frank and others, is community involvement, recommendation letters, city knowledge, accessibility to the public, decision history, neutrality, and the ability to serve, are the areas that we've identified as a starting point to have the committee grade the candidates or be able to score the candidates. Here again, and then Vice Mayor just added column with diversity. Those are obviously the basic categories we looked at, so here again, a starting point. If we wanted to add other things, we can definitely do that.

Vice Mayor Soden: These would be good guiding questions for the committee under those categories, which I should've made copies.

Dennis Constance: I just want to say that I submitted those as a framework for thought. I don't want to hijack this process by my list of questions. I really want the whole body of 12 to finalize and develop what it is they're looking at and what questions we may have to flesh out a matrix.

Vice Mayor Soden: We don't have to put it on the ELMO either if you don't want to.

Dennis Constance: I don't care if you put it up there; I just want understood that I'm not trying to steal the show.

Commissioner Herbert: I appreciate your willingness to take the blame for this though.

Dennis Constance: Hey, I've been blamed for a lot of things.

Vice Mayor Soden: It's clear that, that when you sent it to me, that you put in a lot of thought into it. I certainly very much appreciate it and now I just want to share it with the city because it's so great.

Mayor Amyx: I appreciate the former Commissioner and his willingness to step forward again and help with this. One thing that I had found and I think probably all of us had found we've had a number of former Commissioners who are willing to step up and assist us in any way they can. I really appreciate that, so a special thanks to everybody that's willing to help. Yeah, I can read that. There we go.

Vice Mayor Soden: I just thought they were really good questions. You have your categories, which are great, but you need a way to think about them out loud. I thought they were just really good for starting a conversation on the committee.

Mayor Amyx: Would these be questions that the committee itself would want? There is an initial meeting where they are going to get together and go to open meeting school and all this stuff, I assume. This may be something that they may want to discuss among themselves as that type of deal. Rather than us print it in the resolution or whatever, it may be something that Dennis and others on that committee would be able to discuss and say, "Okay, we like doing it this way," considering the philosophy or the leadership section, but they may want to go a different way somewhere else. I think that would be something for the committee members themselves to think of rather than us trying to run that part.

Vice Mayor Soden: Yeah, I think maybe another column too that we might think about is some kind of ... Some of his questions get a very government financial literacy, perhaps. I'm not sure how to put that, how the budget process works. I think that would be very helpful to look for someone to already have experience with somehow, or even just of a large organization, or even a small business person, it's helpful.

Commissioner Herbert: Dennis, having just had about 10 seconds to look over this, I appreciate what you've done here. I think one of the benefits to having maybe an applicant fill this out on the front end ... I think about my experience running for office, and I'm sure the three of you had the same, how many things did we fill out? It got to the point where you had to really want it, because there was every opportunity to throw it in the trash and say, "This is too much." I think about, Mayor Amyx, your comments about, we knock on 5,000 doors, what are we asking these guys to do? Trying to compact that experience into a month is very difficult, but something like this gets that, you got to really want it to get it. I have no problem asking them to do that on the front end.

Vice Mayor Soden: With the application?

Commissioner Herbert: With your essays and your disclosure of financial, all that stuff, that way the 12 committee members have the chance to see, before they narrow down to 12 or narrow down to six, they have the opportunity to see each individual's, what their experience is. If you scroll up a page, there were a couple of them there. Where was it? Right there, the leadership. That section right there tells you a ton about people, "Have you ever been asked to lead anything?" things of that nature, "Have you ever managed a business? Have you ever dealt with employee relations? Have you ever been a board member?" Things of that nature I think disclose a lot about an individual and their ability to lead within a community. I think that would be good information to know before we start making, or not we, but before the committee starts making cuts. I like what you've done, Dennis, and I wouldn't mind stapling that to the rest of the stuff they have to fill out.

Dennis Constance: You can use this however you will. I envisioned it as a working start for the 12 people to sit down and ... I'm guessing the other 11 have maybe done something like this and maybe just haven't written it down or sent it to anybody. I think those 12 people need to hash this out a little bit before you append it to anything.

Mayor Amyx: If we're going to have another step here, we would have to have the committee hear this and then get it back to us. We're going to have to make a decision on whether or not this is going to be a requirement to fill this out, for whatever it's going to look like, whatever form it's going to take upon the end of the application period.

Commissioner Herbert: Do you think we need to see the final copy before we make that recommendation? I'm comfortable saying, "This is something that needs filled out," and then allowing the 12 committee members to finalize the wording of the specific questions. I don't know that I need to give that a final blessing.

Commissioner Boley: I don't feel that we have to direct the 12 folks this specifically. I think we've picked some good folks. They're going to get the essays, they're going to get the information they've already got in their package. This is Dennis' take on things. We've got 11 other folks that may have similar things. I think I have some confidence in the 12 folks. Let them work their magic with it the way we got it set up.

Vice Mayor Soden: This would be more of a guiding ... Then they can add their questions.

Commissioner Boley: I think the folks who apply might want to take a look at that and ask themselves the questions when they write their essays, because I think you're going to be getting a lot of that

stuff in the essays.

Mayor Amyx: Then if the committee meets and they want to ask something specific to be filled out, are we given that latitude to be able to do that? Our resolution doesn't say that.

Toni Wheeler:  
City Attorney As drafted, the resolution says that you all will establish that criteria. Our vision was to be able to post the materials tomorrow and have everything out that an applicant needs to fill out, because the applications are due September 9th. Our proposal called for us to have a preliminary meeting with the committee members to give them the training on the Open Records Act and the Open Meetings Act, and to talk about the two meetings on the 17th and the 24th, and what their responsibilities are. I think if you want a discussion among the 12 members, then we're going to have to adjust the calendar pretty dramatically.

Vice Mayor Soden: I don't want to adjust the calendar dramatically.

Mayor Amyx: No. I don't want to take this out any further than we've already set up. Other public comment?

Michelle Fales: I'm a member of the 12 advisory board. My first question is looking at these criteria, it mentions recommendation letters, but when I look at the application, it doesn't say anything about recommendation letters. Where is that coming into play?

Toni Wheeler:  
City Attorney The resolution as it was drafted did not call for recommendation letters, but we did post, at a later date, Mayor Amyx's suggestions on the criteria, and the letters of recommendation appear there. If the Commission decides that it wants letters of recommendation, then we would append the application to require that everyone submit three letters of recommendation.

Michelle Pills: Great. My only other comment I wanted, I love this list that Dennis has put together. My only concern under the leadership is if we do work off of this list tonight, I would like the question that says, "Have you ever participated in Leadership Lawrence?" changed to, "Have you ever participated in any type of leadership training?" I think that we're basically pinpointing one particular program here in the community, and there are other programs that could fall into that. That's my only other recommendation.

Mayor Amyx: Thank you. Yes ma'am?

Melinda Tourmi: I was going to ask that the Commission definitely set the criteria tonight, and also to go ahead and require the three letters of recommendation. I feel like because you're not

asking people to knock on thousands of doors and we're not actually voting, I think that if you can't get three people to write a letter for you in two weeks, then you might have a community problem. I think that the required letters of recommendation would be better. Thank you.

Mayor Amyx: Other public comment? Anyone else? Back to the Commission then.

Vice Mayor Soden: I did have a question.

Mayor Amyx: Please.

Vice Mayor Soden: Accessibility to the public, what were you envisioning that mean?

Mayor Amyx: I would hope that anybody that would be able to serve in this position would have the ability to be able to meet at times like we meet at all kinds of different times, but specifically being able to have the public have access to them at normal hours, fair enough.

Vice Mayor Soden: We got email

Mayor Amyx: We do.

Vice Mayor Soden: So we can access people. I'm just worried because Matthew here is a teacher and so that would make him rank low, I think, because he's a teacher during the day, so that's why I wanted to clarify.

Mayor Amyx: If I were to go through this, I couldn't get picked. I'll just be honest.

Commissioner Herbert: It's a perfect list then.

Mayor Amyx: I'm looking at this. I see where this is going.

Commissioner Herbert: My concern on the letters of recommendation I guess isn't really a concern so much as I view the committee's endorsement to us as their letters of recommendation. These are 12 people that we have identified as prominent community members. You're on the committee because we think very highly of you. When you say, "Joe Smith is one of our six we believe in," I receive that as a letter of recommendation from you. That's how I perceive that the committee is. I understand the importance of those letters of recommendation. My only concern would be the timeframe; that we are trying to do a whole lot of things really fast.

Mayor Amyx: I guess that we put the letters of recommendation in there

specifically so somebody will come forward, say great things about your character, and then you or I, Leslie or Stuart to be considered for the job, or whoever it may be. That's why you have them. I think it's an important deal. I think you make it part of the application process, and they're available to anybody.

- Commissioner Boley: I think people will learn more about the candidates from the information that is included in the three letters of recommendation. That may flesh out things that may not be a specific response to one of the questions that's asked. I think it's an opportunity to learn more that way.
- Commissioner Herbert: Are we personally abstaining from this process, if Joe Smith asks Leslie to write a letter for him?
- Vice Mayor Soden: That might be inappropriate. I don't know.
- Commissioner Boley: I don't plan to write any letters.
- Vice Mayor Soden: Yeah, I wouldn't want to be in that position.
- Commissioner Boley: I'm actually plenty busy, Matthew, I don't know about you.
- Commissioner Herbert: Oh, I got all the time. Are you kidding me?
- Mayor Amyx: Anyone that's thinking about it and needs me to write a letter, save some time. Letters of recommendation in, I think they should be in.
- Commissioner Herbert: I think so too.
- Mayor Amyx: Leslie?
- Vice Mayor Soden: That's great, I think that's good. I feel like we should take out the accessibility to the public though, because I worry about that one knocking people out that shouldn't be.
- Mayor Amyx: That's fine. I think the accessibility issue is something that ... Are you saying that everybody's going to make up their own mind on whether or not they're going to have the time and the ability?
- Vice Mayor Soden: Right, because with email, phone, it is possible to communicate with people after regular business hours, it is possible to do, but I think Matthew probably has more, because I think he's been the one doing that.
- Commissioner Herbert: I would've scored very low on that category. There's no doubt about it.

Mayor Amyx: That's fine. I thought about that. Everybody's going to have to make up their mind whether or not they can do this job. Leave it out?

Commissioner Boley: I'm okay with leaving it out.

Mayor Amyx: Matt?

Commissioner Herbert: I'm good with what the three of you decide on that. I'm indifferent to whether it's there or not.

Vice Mayor Soden: I think it's good that we had this conversation. If someone does rank really low, that doesn't mean that the committee needs to just throw them out because of it. I think it's good that we had this conversation.

Mayor Amyx: I'm downtown all the time and everybody can generally find me, and that's fine. Nobody's going to have that kind of accessibility that I may have just because of where I'm at, but I think everybody does a good job of making sure that they have plenty of time to be able to participate in everything that we go to, obviously.

Commissioner Herbert: It's ironic that this quote comes to mind, but several years ago, I guess maybe two years ago, I invited former Mayor Farmer to speak to my classes about City Commission, and one of the things I distinctly remember him telling my students was that one of the problems that our city faces perhaps, in the way we do governance, is because accessibility to the public is such a big part of this, you almost have to be a business owner or a retiree to do this. Your average citizen who works 8:00 to 5:00 can't leave work at 1:30 on a Tuesday, just at will. I distinctly remember him saying that and thinking, "Man, he's spot on." I started thinking about the four of us, and he's got a point.

Mayor Amyx: We'll talk about that small business person and participating and coming and going. It's tough from time to time. Anyway, that's another story.

Vice Mayor Soden: I wonder if your call on the ability to serve maybe was overlapping with the accessibility perhaps. I can guess what you think.

Mayor Amyx: It may very well be.

Vice Mayor Soden: I think ability to serve is probably better.

Mayor Amyx: That'll cover it all?

Vice Mayor Soden: After hearing us talk about it.

Mayor Amyx: Accessibility to the public is out.

Vice Mayor Soden: To add diversity.

Mayor Amyx: Add diversity there. Is there another item or another column that we were going to add?

Vice Mayor Soden: I was thinking about some kind of budget knowledge.

Commissioner Herbert: City knowledge, I would see that as city governance knowledge, do you understand basic concepts of economic development, do you understand basic budget process concepts.

Mayor Amyx: Zoning, those kinds of things.

Commissioner Herbert: Ultimately, these are three-word categories, two-word categories. I think that the committee members are going to have a lot of different interpretation into what exactly that means, and that's great. I kind of joked to Dennis, "Thank you for taking the blame for this," but I like the idea of us turning over as much power in that initial interview to the committee as possible. It's become very apparent, you don't have to read a whole lot of people's writings in the blogs to know there are a lot of people concerned that we've already targeted our choice and we're just setting the process in motion. That couldn't be farther from the truth. I want to make sure that our process makes that very clear.

Mayor Amyx: I have no idea who's going to apply to this job.

Commissioner Herbert: We had open house night at Lawrence High the other night, and I can't tell you how many community members came up and, "Okay, so tell me who your pick is." I don't have any idea. I don't know who is applying.

Mayor Amyx: I don't know. Oh well. Again, I'm like Matthew, I believe that city knowledge is going to cover a number of those things. I think that that's going to be okay. We're going to change the accessibility, public to a diversity column. Are there any other columns that we're grading? I think this works. Let's talk about the criteria for Commissioner consideration.

Commissioner Boley: To me, the ability to represent the citizens of Lawrence as a City Commissioner is the criteria that should be used.

Mayor Amyx: Very good. The information that I brought forward, you want that reduced to ...This would be the criteria that we would be handing off to the committee that they would follow, this or some form of it anyway. We've already said that it would include the three letters of recommendation from those residents. Pretty much lays it out. It basically covers our

ordinance, which reflects a state law, I guess, Toni, again, back to the elector.

Toni Wheeler:  
City Attorney

Yes, that's our understanding.

Commissioner Herbert:

Mike, one of the comments you made in writing this up that I-

Mayor Amyx:

Remember, former Mayor Moody has a lot of fingerprints on this.

Commissioner Herbert:

Former Mayor Moody.

Mayor Amyx:

That's right.

Commissioner Herbert:

One of the things that I strongly-

Mayor Amyx:

I got to give credit.

Commissioner Herbert:

I strongly agree with is the sentence that says, "They should exhibit a desire to serve the Lawrence voter." What stands out about that with me is I've, and I'm sure you all have received the same emails I have; there are a lot of people that say, "Why don't you reach out to X, Y, and Z, and see if he'll do it?" I have no desire to call anyone on the phone and recruit them for this. I think if you don't possess that natural desire to want to do it yourself, I have no interest in trying to drag you kicking and screaming into it. I guess my strong recommendation to the three of you, which is what I plan to practice myself, is I will not be out recruiting applicants. I think they need to walk across that bridge themselves.

Mayor Amyx:

I think we're asked to ask for advice quite a few times, and we're always going to be able to give whatever advice we may have, but at the same time, you're absolutely right. There is no way that any of us could make that decision for anyone, and we should not. I know that we all hope that there are a lot of people that want to do this job. The public deserve that, and I believe that we're going to find a number of people that really want to do it, a lot of really solid people that want to be a part of this process. I can't send home enough that this is an extremely open process. There's no way that, in any way, that myself, and listening to the other Commissioners, we want to direct this at all. We want this recommendation to come from the committee. You have the hardest job in town right now.

Vice Mayor Soden:

Yes they do.

Mayor Amyx:

You really do, and I know that you'll take it extremely serious. That criteria, is it good as written?

Vice Mayor Soden: I think its fine to me.

Mayor Amyx: Stuart, do you have ...

Commissioner Boley: Looks good to me.

Mayor Amyx: Then the items that are before us are the adoption of the resolution that establishes the committee on the City Commissioner vacancy. We are going to approve the application public notice and authorize staff to publish in the Journal-World and the City's website.

Vice Mayor Soden: Are we adding that question to the application, your approach to planning?

Mayor Amyx: Sure.

Vice Mayor Soden: We didn't decide that.

Mayor Amyx: Where would you like to add it at?

Vice Mayor Soden: On the application.

Mayor Amyx: On the application itself?

Vice Mayor Soden: Below the "your approach to governing."

Mayor Amyx: That's right. Sorry.

Vice Mayor Soden: Yeah, that's all right.

Mayor Amyx: On the application form?

Vice Mayor Soden: Yeah, at the very bottom.

Mayor Amyx: Under "your approach to governing," we're going to add a new section, "your approach to planning." We need verbiage there. Do you want 500 words or less again?

Vice Mayor Soden: Mm-hmm (affirmative).

Toni Wheeler:  
City Attorney: The question is just your approach to planning, and they can interpret that as land use planning or budget planning or what kind of planning?

Vice Mayor Soden: Yeah, this would be more land use type of planning, not budget planning, zoning.

Commissioner Herbert: I think you could use the same language as in the "your approach to governing," "Please provide in 500 words or less a summary of your approach to handling issues that would

come before you as a member of the Lawrence City Commission and your approach to working with other City Commissioners on these issues, as they pertain to land use planning," or something.

- Vice Mayor Soden: Neighborhood zoning.
- Mayor Amyx: Language-wise, what all do we want?
- Commissioner Herbert: That's a big old run-on sentence there.
- Mayor Amyx: I think that we need to be pretty clear on that, don't you, Toni, be specific as to what we're asking them to write 500 words about?
- Diane Stoddard:  
Interim City Manager: If we changed it to, "Your approach to land use planning," and then, as Commissioner Herbert suggested, have something that said, "Please provide in 500 words or less, a summary of your approach to handling issues," the same comment above, does that leave it open enough, but yet specific enough?
- Vice Mayor Soden: Yeah.
- Mayor Amyx: We'll do that.
- Vice Mayor Soden: That's good.
- Diane Stoddard:  
Interim City Manager: We'll just copy that same language down basically, but the header would be new, "Your approach to land use planning."
- Vice Mayor Soden: Mm-hmm (affirmative). Thank you.
- Mayor Amyx: Now, did we need to clear up anything on the questions that Mr. Constance brought forward or is that something that is going to go back to the committee and they hash that out on the discussions that they have?
- Vice Mayor Soden: I think it'd be good as a guiding document, but each committee member cannot bring their own questions too. I think it's good just to kick off conversation with the committee.
- Commissioner Herbert: Maybe instead of having them fill it out, include it with the packet and just say, "Be prepared to answer the following questions that may be addressed to you by a committee." Is that what you're saying?
- Vice Mayor Soden: I was thinking more they might pull out the answers from the written materials that they receive, rather than from verbal.
- Commissioner Boley: I don't really want to be directing the committee to do a specific thing with that list. Again, what we're counting on them

to do is to bring forward folks that they feel confident in the ability to represent the system.

Vice Mayor Soden: Yeah, because 11 other people will have their questions they want to ask too, that they can pull out of the documentation.

Mayor Amyx: I would suggest that the committee's going to have to deal with a line of questioning that they're going to put together. That's the way that I see it. If they want to take Dennis' or anybody else that's going to serve, I think that that's fine. They will come up with their own list, the way that they're going to do that, correct?

Vice Mayor Soden: Mm-hmm (affirmative).

Mayor Amyx: We've given them the matrix to be able to give them a score of some kind, we're going to give a resolution that establishes all this, we're going to give the application form as amended to include the language that you brought forward, the changes in that matrix that's going to change the ones from accessibility to diversity, and then we're going to improve the criteria as was written. Everything else then, the committee's going to have the ability to come up with what the committee's going to do, right?

Vice Mayor Soden: Mm-hmm (affirmative).

Mayor Amyx: That understood?

Vice Mayor Soden: Mm-hmm (affirmative).

Mayor Amyx: Anything else? Anything else, Matthew? If not, then we'd ask for a motion to adopt Resolution No. 7138 that establishes the advisory committee on the City Commission vacancy and approved the Lawrence City Commission vacancy application form as amended to include the information from the Commission, also and then the public notice, and then consider authorizing staff to publish the notice in the Lawrence Journal and the City's website, and to improve the criteria as is written.

**Moved by Vice Mayor Soden, seconded by Commissioner Herbert,** to adopt Resolution No. 7138, establishing the Advisory Committee on the City Commission Vacancy, approve the Lawrence City Commission Vacancy Application, as amended, and the Public Notice, and authorize staff to publish the Public Notice in *The Lawrence Journal World* and the City's website. Motion carried unanimously.

Mayor Amyx: Thank you all very much. The committee members that are here, thank you all very much for the work that you're about to do on behalf of the city.

2. **Conduct note and bond sale. Review bids received and approve sale of bonds and notes to the lowest responsible bidder. Declare an emergency and consider adopting on first and second readings, Ordinance No. 9148 and consider adopting Resolution No. 7136, authorizing the sale of and prescribing the forms and details of \$9,450,000 in General Obligation Improvement Bonds, Series 2015-A and consider adopting Resolution No. 7137, authorizing the sale of and prescribing the forms and details of \$10,795,000 in General Obligation Temporary Notes, Series 2015-I.**

Bryan Kidney presented the staff report.

Kevin Wempe:  
Gilmore & Bell KC  
City's Bond Council

I don't have anything to add other than to echo the great results from this morning that Bryan just introduced. Like you said there's 3 action items for you on the agenda and going through, there's a note resolution, a bond resolution and bond ordinance and these 3 items will lock in the interest rate from the public sales this morning and authorize City staff and the Finance team to move forward with a closing date and expected delivery of funds of September 29<sup>th</sup> and with that I'd be happy to answer any questions you might have about the documents, that you all have in front of you.

Mayor Amyx:

The ordinance and the resolutions in front of us, they've been updated to include Commerce Bank and Oppenheimer & Co., Inc.

Kevin Wempe:  
Gilmore & Bell KC  
City's Bond Council

Yes, final documents were distributed this afternoon following the sale. I assume that's what you have in front of you, is the final that was distributed this afternoon.

Mayor Amyx:

Other questions? Do you have something else?

Bryan Kidney:  
Finance Director

Yeah, just a real quick clarification. We did receive the premium on the bonds that basically again, was a good result. The interest rates are so low, the investors want a little higher interest rate and so we basically...the underwriters are paying us a little bit more in order for them to have a little bit higher interest rate as kind of a prepaid interest, but as a result, we lowered the amount of bonds we're actually issuing from \$9,600,000. The actual ordinance then would read \$9,450,000 and then on the resolution instead of \$10,880,000, that amount is \$10,795,000, same thing there was a small premium on that one.

Vice Mayor Soden:

I do have a question. You know this agenda item starts out basically saying, declare an emergency and consider adopting and that is odd language because apparently we do this every October.

Bryan Kidney:  
Finance Director

It's a little odd for me too. Lawrence approves its ordinances by two readings. We did the sale this morning. The underwriters are...their sales team is set up. Their expecting us to pass for the law of an ordinance for itself to take place and that's why we speed up the first and second reading in one evening and I believe the only way that we have to do that is to declare an emergency to be able to do the first and second reading at the same time.

Vice Mayor Soden:

It's not that the City's going bankrupt tomorrow and we need to declare.

Bryan Kidney:  
Finance Director

Oh no. It's just a procedural type thing in order to do the first and second reading at one time.

Vice Mayor Soden:

That's odd wording.

Commissioner Herbert:

I don't think it would be the second item on the agenda if that were the case. Oh yeah and by the way...

Commissioner Amyx:

It secures that interest rate that looks very favorable

Bryan Kidney:  
Finance Director

Absolutely. Great question because that was my question first when I got here too.

Mayor Amyx:

I think I asked that a long time ago because I thought the same thing, Vice Mayor. Other questions? Thank you gentlemen. Any public comment on this item (none) Okay, back to the Commission. It seems like we got a pretty good deal.

Commissioner Herbert:

Herbert Good result that's why we hired Bryan.

Mayor Amyx:

So if I need to borrow money, I know where to go, one percent. No, I appreciate all the work that you all do in making sure we get the best deal, so anyway. So we've conducted the note and bond sale so the item before us then, is I would entertain a motion then if there are no other questions, to declare an emergency and adopt on first and second reading, Ordinance No. 9148, and adopt Resolution No. 7136, authorizing the sale, prescribing the forms and details of \$9,450,000 and General Obligation Improvement Bonds, Series 2015-A, and adopt Resolution No. 7137, authorizing the sale of the prescribed and the forms and details of, \$10,795,000 in General Obligation/Temporary Notes Series 2015-I. I would entertain that motion.

The City Commission reviewed the bids for General Obligation Improvement Bonds Series 2015-A, in the amount of \$9,450,000. The bids were:

<b>BIDDER</b>	<b>Net Interest Cost</b>	<b>True Interest Rate (%)</b>
<b>Commerce Bank N.A.</b>	<b>\$2,048,495.29</b>	<b>2.5080%</b>

Robert W. Baird & Co., Inc.	\$2,106,319.41	2.5495%
Hutchinson, Shockey, Erley & Co.	\$2,139,255.43	2.5827%
BMO Capital Markets Inc.	\$2,137,404.74	2.5955%
Morgan Stanley & Co. Inc.	\$2,125,602.47	2.5992%
Piper Jaffray & Co.	\$2,173,886.40	2.6249%
D.A. Davidson & Co.	\$2,282,129.71	2.7177%

**Moved by Commissioner Boley, seconded by Vice Mayor Soden,** to award the bid to Commerce N.A., for the Net Interest Cost of \$2,048,495.29 and the True Interest Rate of 2.5080%. Aye: Amyx, Boley, Herbert and Soden. Nay: None. Motion carried unanimously.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2015-I, in the amount of \$10,795,000 (check amount). The bids were:

BIDDER	Net Interest Costs	True Interest Rate (%)
Oppenheimer & Co., Inc.	\$272,755.56	1.1031%
Hutchinson, Shockey, Erley & Co.	\$259,264.36	1.1872%

**Moved by Commissioner Boley, seconded by Vice Mayor Soden,** to award the bid to Oppenheimer & Co., Inc. for the Net Interest Cost of \$272,755.56 and the True Interest Rate of 1.1031 % Aye: Amyx, Boley, Herbert and Soden. Nay: None. Motion carried unanimously.

**Moved by Commissioner Boley, seconded by Vice Mayor Soden,** to declare an emergency and adopt on first and second reading Ordinance No. 9148, authorizing the sale of General Obligation Bonds, Series 2015-A. Aye: Amyx, Boley, Herbert and Soden. Nay: None. Motion carried unanimously.

**Moved by Commissioner Boley, seconded by Vice Mayor Soden,** to adopt Resolution No. 7136, authorizing the sale of General Obligation Bonds, Series 2015-A, in the amount of \$9,450,000. Aye: Amyx, Boley, Herbert and Soden. Nay: None. Motion carried unanimously.

**Moved by Commissioner Boley, seconded by Vice Mayor Soden,** to adopt Resolution No. 7137, authorizing the sale of General Obligation/Temporary Notes, Series 2015-I, in the amount of \$10,795,000. Aye: Amyx, Boley, Herbert and Soden. Nay: None. Motion carried unanimously.

3. **Conduct public hearing to consider approving the vacation of the pedestrian easement located between 1543 Hanscom Road and 1547 Hanscom Road, as requested by property owners Dustin & Sarah D. Smith and Subina A. Annamma & Ryan G. Eggen.**

David Cronin, City Engineer, presented the staff report.

Mayor Amyx: If we were to not allow this and want that sidewalk to be built and the improvement to be made down between those houses, what's it going to connect to, just that grass?

David Cronin: Potentially, I think the intent would be to construct a sidewalk from that cul-de-sac all the way to the trail. The easement itself, which is outlined in the orange-ish pink color here on the map,

is the area of the plat that would need to be vacated. We already own the linear park of the Burroughs Creek Rail Trail, so that what's depicted is just the area that was platted, but I think the intent would be that it would've connected to the Burroughs Creek Rail Trail. If this were to happen the other way and the trail was in before the plat and the infrastructure for the addition that connection would've likely been made with the installation of the street and the sidewalk and everything else. Since the timing of it and the uncertainty of the Burroughs Creek Trail at the time, it wasn't installed. That's typical for a lot of, not a lot, but there are several areas around town where we, through the planning process, platted pedestrian easements and for any number of reasons, they never got made. When folks buy houses, sometimes they don't look at all those plats and specific areas of those, and build fences, sometimes without even knowing if it's a pedestrian easement or a drainage easement, etc.

Mayor Amyx: You're right. There is an improvement on the North that is a very good improvement to the trails, so makes sense.

Commissioner Boley: Is that a storm water box in the green there, just extending that orange box?

David Cronin:  
City Engineer: It is, yeah. There's an enclosed storm sewer that runs here from the cul-de-sac down to-

Commissioner Boley: It just runs right through that box in that same easement?

David Cronin:  
City Engineer: Yeah, and then I believe it outlets somewhere to the South, but yeah, it runs through that existing easement.

Commissioner Boley: There's that storm sewer line that goes right through there.

Mayor Amyx: Other questions of staff? David, don't go away.

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

Mayor Amyx: The public hearing is open. Any member of the public that wish to make a comment on this item?

Joanna Bonee: I live at 1515 Hanscom Road, just further to the North on Hanscom. We were told that there's an additional easement planned in between ... My other neighbor who lives on the other side of us is here as well, but there was supposed to be an easement that runs through our houses as well, and we would like that also vacated. Is that the right term? I'm not for sure why these weren't paired together, but there's another one, like I said, just down the block, and we're here to say that we would like that one gone as well. There simply isn't room, honestly, between our two houses for the sidewalk to go.

Mayor Amyx: I'm going to guess on that one that it would have to have a separate application and action unto itself. You just want to meet with Mr. Cronin, he'll be happy to probably start with that process, tell you what we have to do. Other public comment?

Jackie Juhl: I live at 1511; I live right next to her. Like I say, I'd like to vacate it also. I've been here almost five years. There are times I've told kids to quit walking there and some say, "Yeah, okay," and the next thing, I've been flipped off. I've found beer cans, bras. I've found stolen purses. I've turned everything in, of course. Just for our safety, I have little children that live next to me. I'd like to have it vacated if possible.

Mayor Amyx: That man right there in the back.

Jackie Juhl: Jackie: Thank you.

Mayor Amyx: You're welcome. Thank you. Other public comment? Anyone else? All right. Entertain a motion to close the public hearing.

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

Mayor Amyx: The item before us is to consider approval of the vacation of the pedestrian easement located between 1543 Hanscom and 1547 Hanscom. Again, in this, just to make sure, David, is that we are eliminating that pedestrian easement, but are we retaining easement to take care of that storm sewer that's down through there?

David Cronin:  
City Engineer That's correct, Mayor.

Mayor Amyx: I just wanted to make sure that we're clear on that. I'd hate to have to buy it back. I could just see it happen. We're all comfortable with the recommendation, seems to be the deal, right?

Vice Mayor Soden: Mm-hmm (affirmative).

**Moved by Commissioner Herbert, seconded by Commissioner Boley, to approve the vacation of the pedestrian easement located between 1543 Hanscom Road and 1547 Hanscom Road. Motion carried unanimously.**

Mayor Amyx: Thank you all for coming this evening and you all need to meet with Dave about the application on the other one. Okay?

4. **Consider the following items related to the proposed transfer of 1.38 acres of Clinton Park property to USD 497 for the construction of limited site changes**

**associated with proposed Pinckney Elementary School improvements as shown on the District preliminary site plan as approved by the Lawrence Historic Resources Commission on December 18, 2014:**

- a) **Consider the proposed 'no build' easement that limits future improvements on the park property to only fire lane and limited parking spaces and maintains the majority of the historic park property as greenspaces for play areas and gardens.**
- b) **Consider the warranty deed, with right of first refusal clause, for the transfer of 1.38 acres of Clinton Park property to USD 497.**
- c) **Consider the proposed dedication of easement and vacation of right-of-way as depicted on the Minor Subdivision for Pinckney Addition, located at 810 W 6<sup>th</sup> Street. Submitted by Grob Engineering Services, LLC, for USD # 497 and the City of Lawrence, property owners of record.**

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

Mayor Amyx: Questions of Staff?

Commissioner Boley: At what point would a setback be established for a building like that?

Scott McCullough: Scott: The setback in this district I believe is 15 feet from the Planning & Development Services Director property line. With the plat that we're doing, there would be no Commissioner Boley: property line, so it would really be this line that we would look to. There would be no setback established under this from that line?

Scott McCullough: From this line, given this context, I think we would look to a 15-foot setback. Planning & Development Services Director

Commissioner Boley: Would that be for a site plan?

Scott McCullough: For site planning a building, yes. Planning & Development Services Director

Commissioner Boley: Great. Thank you.

Mayor Amyx: Other questions? Public comment.

Melinda Toumi: This is a great example where many different people came together and stopped thinking about short-term gains and started not thinking about long-term loss. I do have a small

correction to Scott's comments. There were many residents who didn't want any kind of ... not just a no-build, but a no-pavement to happen. It wasn't until the City helped us understand, and the school board members helped us understand the need for that fire lane access did we understand the need to actually pave over some of this historic park property. Some of us do plan to be here 30 or 40 years from now, and I have no idea what public education is going to look like then, and so that was where some of our concerns came in to using this park property in this way. I'm speaking as the Vice President of Pinckney Neighborhood Association, but I appreciate all the comments we've had from the Lawrence Preservation Alliance, the City staff. The school board members came to several meetings that didn't even end well with residents. This was a many meeting, many month process to come to this agreement that's before you today. We do have a couple of requests for the City. After you approve this, the school district can go through and get started, after we move everybody around, and as a Pinckney parent, I'm really excited about the project to move forward. We do ask that the City take special consideration for safety in this location, in light of what has happened at another school site, especially because we need to preserve access to the Pinckney Tunnel while this is going on. You have an additional complication to consider, and so that many, many residents have asked, and the other board members asked me to come and thank everyone for all their hard work into getting to this point tonight where we are, and then ask the City to take special consideration once this construction project goes forward, because we have several disabled and elderly residents that use that Pinckney Tunnel. That's their access to downtown and to doctors' offices, and to use the other side of 6th Street for bus access. Those are the considerations that we ask you to think about.

Mayor Amyx:

Questions for Melinda?

Melinda Toumi:

Do you have any questions for me?

Mayor Amyx:

Questions? Thanks, Melinda. Other public comment?

Rick Doll:  
Superintendent of Schools

I appreciate the opportunity. I would only add that this is part of a bigger deal that I thought maybe Scott would mention, that we allow the City easement to build, what'd we call that, Scott?

Scott McCullough:  
Planning & Development  
Services Director

Storm drain.

Rick Doll:

Storm drainage on Schwegler to help with our runoff at Ousdahl and 23rd Street. I think that's an important point to make, appreciate the City's cooperation on that. The other comment I

would make is that I think that the community several years ago really stood up and said, "We want to maintain our neighborhood schools." There are some real challenges to doing that. There are some real challenges to doing that, and this is an example of one of those. I think everybody wants Pinckney to stay there, and we have accomplished that, but it took quite a bit of work to make that happen. In some of our projects that we've completed in some of these really tight locations, and Pinckney is our tightest. Without this piece of property that literally has been ours, we have used it since 1939, there's nothing there other than basically what that school sets on so that was a real challenge for us. I think the community wanted us to keep the neighborhood schools in place. This helps us do that.

Mayor Amyx:

Thank you, Dr. Doll. Dennis?

Dennis Brown:  
President Lawrence  
Preservation Alliance

This proposed action needed a preservation focus from the forest and through the trees, both approaches. Looking at it from a forest point of view, the Pinckney neighborhood and the Old West Lawrence neighborhood, to be preserved and thrive, really need the Pinckney school to be a viable neighborhood school. From the trees' approach, a little smaller approach, Clinton Park, as many, many people did not know, but now know, is one of our three original historic city parks. It was platted at the same time as South Park and Central Park, which is now Watkins Park. As Dr. Doll referred to, the City did a 100-year lease years ago to allow Pinckney to use that for a play area. That was why a couple months ago, the Preservation Alliance stepped forward and asked the City Commission to take a step back and let the City staff work to put in some added protections to this land swap regarding Clinton Park. We didn't want a future City Commission, and this is in perpetuity, so maybe years and years from now, to be standing helplessly by and watching this plot of original park land be asphalted over or built on, and there would be nothing that the City could do about it. The no-build easement and the right of first refusal, which would come back to the City Commission, which I think is really important, let's say 50, 60, 70 years from now, your future selves has this action come back, it will force them to make sure they understand, in their due diligence on that agenda item, the history of the Clinton Park, and also understand why you took the action that you're about to take tonight. We're really happy with those two agreements. Those kids at Pinckney school will be able to keep on playing as much as they want on that Clinton Park land, just like they have for years. We think that's great. The Preservation Alliance would like to thank Superintendent Doll and all of the members of the school board, really appreciate their efforts, Dean Grob, our partners with the Pinckney Neighborhood Association, and City staff, Randy and Toni, Sheila, Scott, and Lynn. There were probably others who all did a lot of work. This

is one of those things that are really important, but a lot of folks probably did not quite understand the importance of it, but the work got done and we're real happy about it. Thank you.

Mayor Amyx: Thanks, Dennis. Other public comment? Thank you all. I think there's one other thank you that we need to make. That would be Commissioner Herbert. Didn't you stand up on this one and get involved early on.

Commissioner Herbert: I'm going to try to stay out of stuff as best I can.

Mayor Amyx: I don't believe that. I appreciate your willingness to do that. Speaking on behalf of everybody, I stopped and I thought about this, it's 1.38 acres, but Lawrence, Kansas does things, they do it right. They want to make sure that it lasts. Sometimes we have to take a little bit of extra time, but the partners that we have in our school district and our County government and things that we do agreements together I think work out in the end and we do it well. Melinda, I appreciate the work from Pinckney and helping us lead through this. Dennis, always thank you and the Preservation Association, and everything that happens. I think we're obviously better because of LPA and the work that you all do, so thank you all very much. Mr. Grob, thank you for hard work. Our staff, I couldn't be prouder of, so thank you all. The safety question that was brought up, I think that, obviously extremely important, and our willingness to help in any way that we can to make sure that everything is done right. I know we'll work together with Superintendent and our school board in making sure that those things happen. Fair enough? You bet. Any other questions? Cool. The items before us then are to ... We can do these all together, right?

Diane Stoddard: Yes.  
Interim City Manager

**Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to approve 'no build' easement; authorize the Mayor to sign the Warranty Deed; and, accept dedication of a storm water drainage easement and vacate 10' of right-of-way for Alabama Street associated with a Minor Subdivision, MS-15-00123, for Pinckney Addition. Motion carried unanimously.**

5. **Consider the following items related to the 2015 Bike MS Event:**

a) **Conduct a public hearing.**

b) **Consider approving a street event permit for the closure of Massachusetts Street, from South Park Street to North Park Street, and North Park Street (Massachusetts to Vermont) on Saturday, September 19, 2015, at 6:00 a.m. to Sunday, September 20, 2015, at 10:00 a.m.; and no parking on North Park Street from Massachusetts Street to Vermont Street on Thursday, September 17, 2015, at 6:00 a.m. to**

**Sunday, September 20, 2015, at 10:00 a.m.; and closure of the Community Center parking lot #7 on Friday, September 18, 2015, at 5:00 p.m. to Sunday, September 20, 2015, at 12:00 p.m.; and no parking on W. South Park Street Friday, September 18, 2015, at 5:00 p.m. to Sunday, September 20, 2015, at 10:00 a.m.**

- c) **Consider adopting Ordinance No. 9133, allowing the sale, possession and consumption of alcohol on Saturday, September 19, 2015, at 5:00 a.m. to Saturday, September 19, 2015, at 11:59 p.m. in South Park, and on Massachusetts Street between North Park and South Park Street associated with the 2015 Bike MS Event; provided the sale, possession and consumption are pursuant to City of Lawrence and State of Kansas law.**

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

Mayor Amyx: Any questions to Mark?

Vice Mayor Soden: I do think it's funny that the alcohol ordinance starts at 5:00 am Saturday morning. It's pretty early to start drinking.

Mark Thiel:  
Assistant Public  
Works Director

When I write, oftentimes when I get with Diane Trybom and we work out the details for the ordinance, I'm torn between putting the exact hours of the event or the hours that are going to be listed in your agenda packet for the event, so that it's not confusing. The alcohol will only be served during the actual hours that the event is going on, but they have to take the process, and I'm sorry to go on about this, but the process the state Alcohol Beverage Commission requires any applicant that's going to get a temporary liquor license from the City to obtain this ordinance if the alcohol's going to be in the right of way first, and so they need that coverage of time frame to be able to do what they need to do to get their other two permits required.

Vice Mayor Soden: I can't come down there at 5:00 in the morning?

Commissioner Herbert: It's 5:00 somewhere.

Mark Thiel:  
Assistant Public  
Works Director

If ABC gives them the same timeline, then technically, you could.

Mayor Amyx: Any other questions of Mark? Thanks Mark.

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

Mayor Amyx: We will accept public comment. Is there any public comment?  
We are discussing the temporary sale of alcoholic liquor for

this event. Entertain a motion to close public hearing.

**Moved by Vice Mayor Soden, seconded by Commissioner Boley**, to open the public hearing. Motion carried unanimously.

**Moved by Commissioner Boley, seconded by Commissioner Herbert**, to find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety, and grant distance limitation waiver; approve a street event permit for the closure of Massachusetts Street, from South Park Street to North Park Street, and North Park Street (Massachusetts to Vermont) on Saturday, September 19, 2015, at 6:00 a.m. to Sunday, September 20, 2015, at 10:00 a.m.; and no parking on North Park Street from Massachusetts Street to Vermont Street on Thursday, September 17, 2015, at 6:00 a.m. to Sunday, September 20, 2015, at 10:00 a.m.; and closure of the Community Center parking lot #7 on Friday, September 18, 2015, at 5:00 p.m. to Sunday, September 20, 2015, at 12:00 p.m.; and no parking on W. South Park Street Friday, September 18, 2015, at 5:00 p.m. to Sunday, September 20, 2015, at 10:00 a.m.; and adopt on first reading, Ordinance No. 9133, allowing the sale, possession and consumption of alcohol on Saturday, September 19, 2015, at 5:00 a.m. to Saturday, September 19, 2015, at 11:59 p.m. in South Park, and on Massachusetts Street between North Park and South Park Street during the 2015 Bike MS Event. Motion carried unanimously.

6. **Consider the following items related to the Lawrence Arts Center 40<sup>th</sup> Anniversary Event:**

- a) **Conduct a public hearing;**
- b) **Consider approving a street event permit for the closure of the 900 block of New Hampshire Street on Friday, September 25, 2015; and**
- c) **Consider adopting on first reading, Ordinance No. 9134, allowing the sale, possession, and consumption of alcohol on the public right-of-way on the 900 block of New Hampshire Street during the event.**

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

Mayor Amyx: Very good. The public hearing and I did notice the difference between this item and the MS event earlier bike event. Do we not have to make a determination on the adversity to the public welfare and safety on the alcoholic liquor?

Mark Thiel: Mayor, if you look down to the actual action items, conduct a public hearing.  
Assistant Public Works Director

Mayor Amyx: Well there it is...sorry. I can't believe I did that. Okay, any other questions of Mark.

**Moved by Vice Mayor Soden, seconded by Commissioner Boley**, to open the public hearing find regarding the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waive. Motion carried unanimously.

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

**Moved by Commissioner Boley, seconded by Commissioner Herbert,** to find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waiver; approve a street event permit for the closure of the 900 block of New Hampshire Street on Friday, September 25, 2015; and, adopt on first reading, Ordinance No. 9134, allowing the sale, possession, and consumption of alcohol on the public right-of-way on the 900 block of New Hampshire Street during the event. Motion carried unanimously.

**F. FUTURE AGENDA ITEMS:**

Diane Stoddard, Interim City Manager, outlined potential future agenda items.

**G: COMMISSION ITEMS:**

Mayor Amyx:

I do want to bring up, everybody involved with the watermain break at 23<sup>rd</sup> and Massachusetts Street. I know it's a hindrance to a number of people in the community. Our staff is working as quickly as they can in making sure that all items are corrected and everybody is safe in all this. I want everybody to just hang in there. Everything will be put back together quickly and we're very fortunate that we have a number of new roadways opened up and I hope that people can find locations and get around that pretty easily right now. Like I said, it will be done, but I do want to thank our staff and the folks that are working there. I know it's a tough job under the circumstances that we're in.

Commissioner Herbert:

I want to make a quick comment. I had the opportunity to attend the Fiddling and Picking Championship at South Park the other day. It's the 35<sup>th</sup> annual and I would just make an endorsement as a Commission going forward in the future we should do anything we can to make sure that stays in Lawrence. It's a great event. K.T. is still here so I'll give you a public shout out that my daughter really appreciated the booth that you set up. She still has the hat that you helped her make. So thank you for doing that. It's wonderful. Americana Music Academy had a tent set up. I think they called it a petty zoo and they let little kids come and play with instruments and normally you think about a 4 year old around a bunch of guitars and you start to panic. There's no care in the world. They let these kids play with them and really get to experience it. I would really hope, it's been here 35 years, I sure hope it's still here long after I'm gone. Anything we can do to make sure that happens, we ought to do.

**H: CALENDAR:**

Diane Stoddard, Interim City Manager, reviewed calendar items.

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

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

Tim Herndon: I neglected to, after decades of the public portion being at the end of the agenda, I neglected to acknowledge that it had been recently removed to the beginning and I wanted to address you in the context of the conversation about the access easement in Hanscom-Tappan and the sidewalk. If it violates your principle to discuss it, I don't want to bring it up and it's not to address the action or the project.

Mayor Amyx: Tim one of the things that we do is under public comment, we don't allow comment on items that are on the agenda for the evening. Those happen during the time of the agenda. I just wanted you to note as they are on the agenda.

Tim Herndon: Very well and I'm not speaking to that item specifically. This is probably best directed toward the planning office and to the legal services office, but I just wanted to bring this to your attention, as a commission because it's going to come back to you. As a matter of fact I heard specifically when I was talking to the applicant on the subject matter that there was kind of an accompanying application for a right-of-way vacation or an easement vacation in that neighborhood forthcoming. I have in Lawrence and in the metro area jurisdictions and probably from say Atchison, down to Emporia, in my career designed something like 60 or 70 large scale master plan subdivisions and access easements and pedestrian access and through-ways for non-motorized vehicles is certainly a familiar element. The City of Lawrence in certain instances does have a requirement for such items, but I would urge the City at a calmer time, when there is time to focus on such things to contemplate, examining the requirement for access easements and sidewalks from the context of the property owners whose questions over and over and over, inevitably come back to, this is open 24 hours, 7 days a week to anyone who cares to walk between my house and my next door neighbor's house. If my child leaves a baseball bat or a ball or a skateboard or something on that sidewalk and somebody comes jogging through at 11:00 pm, whose liability is it? If we choose to build fences to enclose our pets and we have an easement in between our neighborhood fence, how do we get out there and mow the strip on either side of the sidewalk. There are many such questions that accompany something that seems so simple and so I just want to bring that to your attention and possibly that could be a minor, a relatively small scale action item in

the future and I would think that the notion of sidewalks and access as it relates to developers doing projects and other institutions who do large scale projects that require that people are being able to perambulate about the property, would be much more open and the matter would be much more clear if we had a policy that addressed those things and it doesn't exist today. Thanks so much.

**Moved by Vice Mayor Soden, seconded by Commissioner Herbert,** to adjourn at 8:02 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON DECEMBER 1, 2015.**

  
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Brandon McGuire, Acting City Clerk