



# City of Lawrence

CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT

DIANE STODDARD  
INTERIM CITY MANAGER

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

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

September 22, 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 Commission members Herbert and Vice Mayor Soden present. Commissioner Boley was absent.

**A. RECOGNITION/PROCLAMATION/PRESENTATION:**

1. Proclaimed the month of September, 2015 as Lawrence Arts Center Month.

**B. CONSENT AGENDA**

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

1. Approved City Commission meeting minutes from 05/19/15 and 05/26/15.
2. Received minutes from the Board of Zoning Appeals meeting of 08/06/15 and Public Transit Advisory Committee meeting of 07/14/15
3. Approved claims to 236 vendors in the amount of \$3,712,660.40.
4. Approved appointments to the **Housing Advisory Committee**: Dr. Emmanuel Birdling; Stuart Boley, City Commissioner; Rebecca Buford, Tenants to Homeowners; John Harvey, Habitat for Humanity; Dana Ortiz, Family Promise; Shannon Oury, Lawrence Douglas County Housing Authority; Nancy Thellman, County Commissioner; Rev. Matt Sturtevant, Justice Matters as recommended by the Mayor.
5. Bid and purchase items:
  - a) Set a bid opening date of October 6, 2015 for the 2015 Master Street Tree Project.
  - b) Set a bid opening date of October 13, 2015, for Bid No.B1548 for new/spare pump purchase for Pump Station 5B.
  - c) Approved Change Orders in the amount of \$17,000.20 for Project No. PW1437, Bob Billings Parkway Turn Lane Improvements at Corpus Christi Church (Benefit District).



- d) Authorized the Interim City Manager to sign Supplement No. 1 with BG Consultants for engineering services for the design of stormwater and geometric improvement plans at 23<sup>rd</sup> Street and Ousdahl Road in the amount of \$22,250, Project No. PW1134.
  - e) Authorized the sole-source purchase of one ABB Variable Frequency Drive from Logic, Inc. for \$61,505 for the Kaw Wastewater Treatment Plant Pump Station 5B Pump #1.
  - f) Authorized payment to Johnson County Sherriff's Office, in the amount of \$22,375.97, for reimbursement of law enforcement training and expenses.
  - g) Authorized a change order totaling \$78,650 to RD Johnson Excavation for installation of additional concrete trail on the Burcham River Trail Project.
6. Adopted on second and final reading, the following ordinances:
- a) Ordinance No. 9147, allowing the sale, possession, and consumption of alcohol on W. 29<sup>th</sup> Terrace, between Iowa Street frontage road and Four Wheel Drive, on Friday, October 2, from 12:00 p.m. to 10:00 p.m. during the Rock the Block, Kick Cancer event.
  - b) Ordinance No. 9150, allowing the sale, possession, and consumption of alcoholic liquor on public property on the 100 block of East 8<sup>th</sup> Street on Friday October 30, 2015 from 1:30 p.m. – 11:00 p.m., for the KU Homecoming Pep Rally event.
7. Accepted dedications of rights-of-way and easements for Final Plat, PF-15-00279, of Westwood Hills 8<sup>th</sup> Plat. Submitted by BG Consultants, Inc., for Wedman Construction, Inc., property owner of record.
8. Approved Use of Right of Way agreement for angled parking on Schwarz Road and the bus parking on West 9<sup>th</sup> Street, associated with Site Plan, SP-15-00052, for Sunset Hill Elementary School located at 901 Schwarz Rd. Submitted by Gould Evans, for the Unified School District #497, property owner of record.
9. Accepted easements for Minor Subdivision, MS-15-00342, for University Field Subdivision No. 5, located at 1745 W 19<sup>th</sup> Terrace. Submitted by Mountain Top LLC, property owner of record.
10. Approved as signs of community interest, a request from Friends of the Library to place temporary signs around the City to advertise the Friends of the Lawrence Public Library Book Sale, from September 28 through October 5, 2015.

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

Diane Stoddard, Interim City Manager, presented the report regarding Lane closure set for 23<sup>rd</sup> Street between Louisiana and Alabama; August 2015 Monthly Building Permit Reports; Planning Commission Video & Playback, City Commission Vacancy Forum Filming; and, August Website Analytics Report.

Commissioner Herbert: I heard a lot of positive remarks about the Planning Commission

meetings being televised.

D. PUBLIC COMMENT: None

E. REGULAR AGENDA ITEMS:

1. **Conduct public hearing regarding the property at 912 Chalk Hill Court, and consider adopting Resolution No. 7139, declaring the house to be unsafe and dangerous and to order the owner to repair or remove the structure within the specified time.**

Brian Jimenez, Code Enforcement Manager, presented the staff report.

Mayor Amyx: The one thing that we have before us tonight is, after public hearing, is to consider adopting the resolution declaring the house to be unsafe and dangerous in order to commence with substantial repairs, on and on and on.

Brian Jimenez:  
Code Enforcement Manager Yes.

Mayor Amyx: The next time we would see it would be for final decision on November 10<sup>th</sup>.

Brian Jimenez:  
Code Enforcement Manager October 23<sup>rd</sup> is identified in the resolution, I gave a little bit of leeway for us, the way these things work is, we get a lot of information like the day of, so we'd like to come back on November 10<sup>th</sup> and say "Here's what we found out. There's been no movement. Here's what Cap Fed has said." Then let you guys determine how you wish to proceed. I will say not to go into great detail of the inspection but, it's a bi-level house, in a nice neighborhood and the owner just appeared to have simply walked away from it. We found mail on the table. It's completely furnished, as the pictures show. There are some significant water leaks in the roof, significant mold growth on the bottom level of the structure. It really needs to be rehabilitated by someone that has the financial resources and the motivation to do so. Based on state statute you either repair or you don't and we can't wait any longer.

Mayor Amyx: Generally, when we're taking a structure down and I can't remember the last time we did that, well we did one since I think I've been on the commission.

Brian Jimenez:  
Code Enforcement Manager We do ...

Mayor Amyx: We've done several, okay. The mold situation, what kind of process is there if there's going to be some kind of abatement of that?

Brian Jimenez:  
Code Enforcement Manager

There's no specific state guide lines on mold remediation but if you get All Service Pro or one of those companies, based on what I saw, my opinion is it needs to be stripped down to the studs, at least on the bottom level and completely removed appropriately and dried out, etcetera and go from there. It can get quite expensive. With the multiple leaks in the ceiling, as you saw in one picture the upstairs bedroom on the south side, basically half of the sheet rock from the ceiling has collapsed, my guess is because of leaks, so there're some issues there. The garage has significant leaks, looking outside nothing catches my eye directly that says "wow this roof is in really bad shape", like some that show sagging between rafters and such or three layers of shingles.

Mayor Amyx:

But the ceiling fell.

Brian Jimenez:  
Code Enforcement Manager

There are obviously some issues there. We would have never known that unless we got the search warrant.

Mayor Amyx:

If we remove this house, do we just remove the wooden part of the structure or would we remove the foundation and the whole thing?

Brian Jimenez:  
Code Enforcement Manager

We typically take the whole thing. This is a little unusual because there's a mortgage on the property and we're talking about a house that is not at the criteria that a lot of them, that come before you. A lot of the ones that you see are just in horrendous, terrible shape, and huge structural concerns. This one's bad and it's getting worse, but typically what we do is we take it completely down. If there is a basement below grade we fill it in, so yes everything would go.

Commissioner Herbert:

Brian it sounds like you've obviously attempted contact and there's been no reciprocation on her end. Legally speaking if we sent her notice, "You have x number of days to rehabilitate or we condemn" and she doesn't respond, from a legal stand point, is a non-response the same as a non-action?

Brian Jimenez:  
Code Enforcement Manager

We've done many of these before and it's always been that case, yes. That's my opinion. Toni might have some comment on that.

Toni Wheeler:  
City Attorney

Yes, as long as we've given notice to the last address and we've made reasonable attempts to contact them, if they do not respond we can proceed.

Commissioner Herbert:

Okay.

Mayor Amyx:

If we are to take the action tonight of adopting the resolution there will be a final contact attempt made to the owner of the property?

Brian Jimenez:  
Code Enforcement Manager

We'll mail that resolution as required by state statute so we'll mail it to the address that we believe she lives at and I'll try to make several phone calls between now and that day, leave voice mails and see if anything happens, we'll mail that resolution to Capitol Federal and I'll email Mike Cass tomorrow and give him an update of what we've decided tonight and then we'll just continue that process, if history repeats itself, we'll have no contact with her.

Mayor Amyx:

Leslie do you have anything? Do you have anything else?

Vice Mayor Soden:

No.

Commissioner Herbert:

No more questions.

**Motion made by Herbert, seconded by Commissioner Soden,** to open public hearing. Motion carried unanimously:

John Williams:

Commissioners, I appreciate your time and your considerations on this. I live at 920 Chalk Hill Court. I have lived there 30 years or more. This house has been sitting vacant for 14 years, there're 19 homes on Chalk Hill Court within 300 yards, that's not counting the people that live adjacent on Lawrence Avenue. The neighbors have taken it upon themselves to take care of this property for the last 14 years. There are no liens, as far as I know, because I don't think the city has ever turned a tap to work on the facility, other than to come out and shut the water off on a weekend when one of the neighbors noticed a leak, which caused the water damage inside. We've mowed, at our own expense, we've rented a wood chipper and we've cleaned up the front of the house. If you've ever looked at the Google Maps Street view, that view was several years prior to when we cleaned it up, you could not see the home. Now the roof looks pretty firm, but I have it from a man that stood on the roof with a chainsaw and trimmed the trees back, that it's really soft. The pictures really don't do justice. I predict, not having ever been in the house, that the water damage on the south end comes from the rodents and the animals that crawl through that hole through the chimney and the water damage is a liquid but it's probably not water. Fourteen years of animals living in that attic could soften that roof and have it fall. I also question the fact that it should be rehabilitated, because I'm looking at tree trunks growing between the patio and the foundation and stuffs moving. It just makes me nervous that we'll get somebody in there that will just slam it together, flip it, make a quick profit and we're stuck with an eyesore or a problem in the future. Basically that's all I have to say and again, I appreciate your all's consideration, I'd like to see us move forward on it pretty rapidly.

Mayor Amyx: Questions of Mr. Williams? Thanks, other public comments?

Tyler Kingsbury: Hi, I'd too like to thank you for allowing us to talk about this. I live directly across the street and have to look at it every day. I'll verify everything he said, we've been taking care of it for fourteen years, I've talked to Karen in between that time. I was mowing it when she lived there. She'd come out, she just wasn't even taking care of it when she lived there, she wouldn't even say nothing but thank you when I was out mowing it. As far as the roof, I was the one on the roof, it's bad and it's got to go. When I was up there I was scared to be up there because you were sinking in and I've been a roofer, my brother's a roofer and it needs to come down. The facility, I don't know, it's an upsetting deal because our neighborhood, we have a great neighborhood, great bunch of people, we all get along, we all help each other and this house it's kind of consumed us, it's all we talk about to just get rid of it because it's an eyesore. It's something that needs to be taken care of and I'd appreciate if the city would come in and take care of it. My questions to the city is, if they take care of the easement rights, if they do fill the holes, is the water easements all taken care of? Who takes care of it after that? If the mortgage company owns it, are they going to take care of the property, the land until it's sold or does the city take control and take care of that? That's my only thing. I appreciate it and thank you for the time to talk about it.

Mayor Amyx: Whoever the owner of record is, at that point, whether it's going to be Miss Braley or Capitol Federal whoever it is; is going to have responsibility of caring for the property correct?

Toni Wheeler:  
City Attorney That's correct?

Mayor Amyx: Just so that you know. Other comments?

Susie Nightingale: Good evening. I'm the block captain for Chalk Hill Court, not just 919, is my address. We're very concerned because next to this house is a young family with a little four year old boy and another one on the way and we're concerned about it because it is an attractive nuisance, it is a safety hazard and it's been going on for a long time. My understanding is it's been abandoned since November of 1999. We have made repeated requests to have something addressed and we just want it gone because we do have a nice neighborhood. We really want to have a better neighborhood because we want it to be safe for our children. Thank you very much.

Mayor Amyx: Other public comment? Any other comment on this item? Okay I'm entertaining motion to close the public hearing.

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

Mayor Amyx: Back to the Commission. Well you know the hardest thing about this job is to ever take somebody's house down, I mean it really is, that's about as bad as you can do, but in this particular case I think that we have somebody that's abandoned the property, who has decided not to care for it anymore and I think that the city has done everything that it has within its legal limits to get them to do that. Since that has not happened, I think it is our responsibility to make the decision and to adopt the resolution. It is apparent to me that the neighbors have been concerned about their property values, their right to be able to have a decent neighborhood and then to take it upon themselves to care for another piece of property to be able to ensure that their properties don't become blighted because of it. My recommendation is that we adopt the resolution and that we declare this to be an unsafe and dangerous structure.

Vice Mayor Soden: Yes I agree with that.

Commissioner Herbert: The most important thing to me in doing this job as Commissioner has been making sure that I'm being very consistent with my decisions and you bring up a really good point about this is the second time, since I've been on in April, that we've had a major code violation come before us and the first one I wasn't a big fan of. I see this one as different, the two situations, what makes them different is that, the first situation was an individual who lived in the property, who was choosing an alternative lifestyle within the property that we were taking issue with and this one we're talking about a property that nobody's been in for fifteen years potentially. I did have a chance to go visit the property, I live pretty close to it and I walked over there and I think the access point for the animals, I think you're exactly right, is the hole in the chimney where all that poison ivy is growing. I think the animals are getting in there, the roof might be structurally safe but if you can enter a home you're going to cause damage within it, whether it is people or animals or water. John to your point, having been on a roof myself with a chainsaw, every roof you're ever on is too soft, but no, in this case Mayor I think you're exactly right, that this situation is different so I do agree we ought to declare the house unsafe and dangerous.

Mayor Amyx: Tyler the only thing I have to say, is don't get on that roof. Anything else?

**Moved by Commissioner Herbert, seconded by Vice Mayor Soden,** to adopt Resolution No. 7139, declaring the house at 912 Chalk Hill Court to be unsafe and dangerous and order the owner to repair or remove the structures within the specified time. Motion carried

unanimously.

**F. FUTURE AGENDA ITEMS:**

Diane Stoddard, Interim City Manager, outlined potential future agenda items regarding the lane closure for 23<sup>rd</sup> Street between Louisiana and Alabama; the August 2015 Monthly Building Permit Reports; the Planning Commission Video & Playback; the City Commission vacancy forum filming; and, the August Website Analytics Report.

**G: COMMISSION ITEMS:**

Mayor Amyx: Diane, I saw gas in Wichita was below \$2.00

Diane Stoddard: I saw something from Johnson County that was that as well so  
Interim City Manager we're on it. Bryan Kidney is preparing a special report for you.

Mayor Amyx: I've been listening to what Commissioner Herbert said about  
supply and demand.

Commissioner Herbert: Don't try and blame me for this.

Mayor Amyx: You brought it up last week. Okay we'll leave that alone. Any  
other Commission items?

**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.

**Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to adjourn at 6:20 p.m. Motion carried unanimously.**

**MINUTES APPROVED BY THE CITY COMMISSION ON DECEMBER 8, 2015.**

  
\_\_\_\_\_  
Brandon McGuire, Acting City Clerk