



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

November 11, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 5:36 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Farmer and Riordan. Dever and Schumm absent.

A. EXECUTIVE SESSION (5:36 – 6:35 P.M.):

1. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney- client relationship. The justification is to keep attorney-client matters confidential at this time. The City Commission will resume its regular meeting in the Commission room at 6:35 p.m.**

Moved by Riordan, seconded Farmer, to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney-client relationship. The justification is to keep attorney-client matters confidential at this time. Motion carried unanimously.

The City Commission returned at 6:01 p.m., and recessed until 6:35

The City Commission reconvened at 6:35

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of November 17 – 21, 2014 as International Education Week.
2. Proclaim the month of November, 2014 as Alzheimer's Awareness Month.

C. CONSENT AGENDA

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

1. Approved City Commission meeting minutes from 10/21/14, 10/28/14, and 11/04/14.
2. Received minutes from various boards and commissions:

Mental Health Board meeting of 08/07/14



3. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 167 vendors in the amount of \$2,188,810.44.
4. Approved licenses as recommended by the City Clerk's Office.

Cereal Malt Beverage Renewals – Off Premise

Kwik Shop #702 1846 Massachusetts St.
Kwik Shop #718 3440 W. 6th St.
Kwik Shop #721 845 Mississippi St.
Kwik Shop #784 1420 Kasold St.
Kwik Shop #785 1611 E. 23rd St.
Kwik Shop #786 4841 W. 6th St.

Sidewalk Dining & Hospitality Renewals

Henry's on Henry Street 11 E. 8th St.
Jefferson's Restaurant 743 Massachusetts St.
Limestone Pizza Kitchen Bar 814 Massachusetts St.
Merchant's Pub & Plate 746 Massachusetts St.
Pachamama's 800 New Hampshire St.
Signs of Life 722 Massachusetts St.
The Burger Stand at the Casbah 803 Massachusetts St.

5. Bid and purchase items:
 - a) Set a bid date of November 25, 2014 for the remediation of the Resource Conservation and Recover Act Site at Lawrence VenturePark- Project No. PW1433.
 - b) Set a bid date of November 25, 2014 for the construction of interceptor trenches north of the Central Ponds area at Lawrence VenturePark- Project No. PW1323.
 - c) Authorized sole source purchase of 12 traffic signal controllers for expansion of the City Traffic Signal ITS network, to Gades Sales Co., Inc., in the amount of \$29,400.
 - d) Approved change orders for additional crosswalks and 9th Street pavement markings for the 2014 Crosswalk Marking Project and Iowa Street Pavement Marking Project, Project No. PW1416, in the amount of \$35,101.25.
 - e) Authorized the upgrade of video conferencing in Fire Medical Administration - Jayhawk Room and McSwain Room and approve the purchase of equipment for the upgrade to SKC Communications, for \$53,131.30, utilizing the State of Kansas contract.
 - f) Rescinded the City Commission approved action of October 28, 2014 for the lease of seven (7) Ford Explorers from Shawnee Mission Ford,

and authorized staff to proceed with a new bidding for the lease of seven (7) Ford Explorers.

- g) Waived staff estimates and award bids for the 2014 Community Development Weatherization Program as follows:
- i) Weather-Stripping of doors to Airtight, Inc., for \$1,052.86;
 - ii) Storm windows to JetAlum, for \$9,916.48; and
 - iii) Attic insulation to A+ Insulation, for \$4,000

6. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Adopted on first reading, Ordinance No. 9053, authorizing the issuance of Industrial Revenue Bonds for the HERE @ Kansas, LLC project (11th and Indiana).
7. Adopted Resolution No. 7098, adopting the Douglas County, Kansas Multi-Jurisdictional Multi-Hazard Mitigation Plan.

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

Moved by Riordan, seconded Farmer, to approve non-Rock Chalk Park related claims to 162 vendors in the amount of \$2,153,973.36. Aye: Amyx, Farmer, and Riordan. Nay: None. Motion carried unanimously.

Moved by Farmer, seconded by Riordan, to approve Rock Chalk Park related claims to 5 vendors in the amount of \$34,837.08. Aye: Farmer and Riordan. Nay: Amyx. Motion carried.

Amyx pulled consent agenda item no. 6 regarding issuance of IRB's for HERE @ Kansas for a separate vote

Moved by Riordan, seconded by Farmer, to adopt on first reading, Ordinance No. 9053, authorizing the issuance of Industrial Revenue Bonds for the HERE @ Kansas, LLC project (11th and Indiana). Aye: Farmer and Riordan. Nay: Amyx. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding Public Works staff participating in Equipment Expo and Training; and, 9th Street Corridor recommended design team meeting set.

Mark Thiel, Assistant Public Works Director, presented the Public Works Annual 2014/2015 Snow Presentation. He stated a couple of areas that the public could do to help city staff is: 1) Being prepared and no what's happening by monitor websites, national forecast, and local forecast; 2) Don't follow the City's trucks too closely; 3) Allowing plenty of time to get to work, taking kids to school and staying at home if possible; 4) Getting vehicles off of the streets so when staff plows, they don't have to navigate around vehicles; 5) If at all possible, wait until staff is done plowing because inevitably snow is put back on driveways and sidewalks; and, 6) Being patient.

Amyx stated we appreciate the work that you and all your crew provide for the citizens of Lawrence.

D. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing and consider approving the application for a sidewalk dining and hospitality license for PepperJax Grill, located at 919 Massachusetts Street, and consider approving Site Plan SP-14-00365, submitted by Paul Werner Architects, for G & P LC, property owners of record.**

Brandon McGuire, Assistant to the City Manager, presented the staff report.

Amyx stated this wasn't a situation of the adjacent property owner being against this sidewalk dining, but that nobody knew who the appropriate person was to sign off that there were no objections.

McGuire stated correct. They received all of the signatures that were required except for FedEx Kinkos and that seemed to be an issue of navigating the corporate structure of a financial corporation.

Mayor Amyx opened the public hearing.

After receiving no public comment, **it was moved by Riordan, seconded by Farmer**, to close the public hearing.

Moved by Farmer, seconded by Riordan, to approve the application for a sidewalk dining and hospitality license for PepperJax Grill, located at 919 Massachusetts Street, and

approve Site Plan SP-14-00365, submitted by Paul Werner Architects, for G & P LC, property owners of record. Motion carried unanimously.

2. **Consider adopting on second and final reading, Ordinance No. 8990, establishing NO PARKING along the east and south sides of Raintree Place, along the west side of Valley Lane, and along the inside of the two curves, except within the eyebrow on the southeast corner, and rescind NO PARKING 8AM-4PM MON-FRI along the west and north sides of Raintree Place.**

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

Amyx stated we're being requested to remove the parking on the outside lane all the way around.

Thiel stated that's correct.

Amyx stated the existing no parking from 8 a.m. until 4 p.m., Monday through Friday, that's going to go away so the parking is going to move from the outside to the inside except for on the southwest corner.

Thiel stated yes, all the areas on the map that are in yellow will become no parking.

Amyx stated that's going to take care of any problems with emergency vehicles.

Thiel stated we believe so.

Mayor Amyx called for public comment.

Gary Bennett stated I'm a property owner on Valley Lane. My concern is there are approximately 40 bedrooms that I counted for those units on Valley Lane and there are 22 parking spots that I count in the driveways and you'll be eliminating about 7 parking spots. It's already pretty congested. I understand that on the other side was a single family neighborhood and Valley Lane had been multi-family since 1958. I don't know where they're going to park. My unit has 3 bedrooms and has 2 parking stalls off of the street and there are multiple others there. I think what that's going to do is push a lot of those people on to Raintree and I don't think those people in the single-family neighborhood really want that.

Farmer stated Mark, what would be your response to losing spots and having less than before.

Thiel stated there is a parking issue now and that's one of the reasons why this originally came to you all from Traffic Safety. I'm not sure of the solution for parking. I know definitely we need to be able to accommodate our Fire/Medical units on all these streets. That's why staff is recommending that we make the perimeter "no parking." I don't know what the solution is. I believe the gentlemen is correct that those tenants in those residences on Valley Lane will park on Raintree Place, but I somewhat assume they do that now. All of the addresses on Raintree Place have off-street parking. It would seem to me that unless they have an event or a function at their property that they would be able to accommodate that parking along those multi-family apartment complexes from Valley Lane on Raintree Place and that's why we were recommending to those property owners that in the event they have a function that they could utilize our right-of-way permit for the day or days of their event.

Amyx stated the request was made by an individual or a neighborhood association. How was this brought about?

Thiel stated the request came from the Fire/Medical Department. They were contacted by a resident. They evaluated and reported it to the City and we in turn put it before the Traffic Safety Commission.

Riordan stated I think it's unfortunate that we have this situation. It reminds me of a recent vote that we had on decreasing parking on a large unit because obviously if you have 40 units and you have 20 parking spots, the problem is not that we don't have enough on-street parking, the problem is that we allowed this to occur previously without adequate parking.

Amyx stated Bennett made some good points, however when you look at the fact that you're talking about public safety, you're talking about the ability to get fire trucks in there and lives can be saved. It's unfortunate that we have to make that decision, but I don't think there's any other direction that we can go because we can't change the amount of parking that is there. I guess I don't see any other alternative than to abide by what seems to be the safe route

although people will have to move and there won't be as much parking. That's unfortunate, but we can't change that.

Amyx stated we're being asked to look at this from a standpoint of public safety and being able to access equipment through the area. I don't see another way and I do believe Mr. Bennett is right, I believe this parking problem is going to go to the east side of this development and that's not going to be good for anyone. There's probably no way to leave one side and take care of the public safety concern because the equipment can't go through there, right?

Thiel stated that's correct. This is a tough call. The roads just aren't wide enough to accommodate parking on both sides and maintain a minimum width that Fire/Medical needs to navigate.

Riordan stated as I remember from your previous presentation, isn't this one of those that we designated as trying to have no parking during the winter when there are storms?

Thiel stated we stop short of making it a designation and it was more of a request.

Amyx stated were there other alternatives that the Traffic Safety Commission looked at.

David Woosley, Traffic Engineer, stated there is not really any alternative because Fire/Medical was at that meeting and made a presentation and said that they would have difficulty getting through there. They really needed these areas "no parking" to make sure their vehicles could get in and out of the area.

Moved by Riordan, seconded by Farmer, to adopt on second and final reading, Ordinance No. 8990, establishing NO PARKING along the east and south sides of Raintree Place, along the west side of Valley Lane, and along the inside of the two curves, except within the eyebrow on the southeast corner, and rescind NO PARKING 8AM-4PM MON-FRI along the west and north sides of Raintree Place. Motion carried unanimously.

3. **Conduct a public hearing and consider the recommendation from the Historic Resources Commission to designate 1100 Massachusetts Street, the Douglas County Courthouse, as a Landmark on the Lawrence Register of Historic Places, L-14-00130. Consider adopting on first reading, Ordinance No. 9052, to**

designate 1100 Massachusetts Street, the Douglas County Courthouse, as a Landmark on the Lawrence Register of Historic Places.

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Mayor Amyx opened the public hearing.

Dennis Brown, President of the Lawrence Preservation Alliance, stated the Preservation Alliance is strongly in support of this nomination for the Douglas County Courthouse as a landmark on the Lawrence Register of Historic Places. We think that this would make just about anybody short list of a property that belongs on the Lawrence Register. We'd like to thank the Douglas County Commission for bringing this nomination forward.

Moved by Farmer, seconded by Riordan, to close the public hearing. Motion carried unanimously.

Moved by Riordan, seconded by Farmer, to designate 1100 Massachusetts Street as a Landmark on the Lawrence Register of Historic Places and adopt on first reading, Ordinance No. 9052. Motion carried unanimously.

4. **Continue discussions on proposed fiber leasing policy, Wicked Fiber economic development request, and RG Fiber request.**

Diane Stoddard, Assistant City Manager, presented the staff report.

Riordan stated does staff feel that the request for a 75% reduction on per fiber mile and was that a reasonable statement based on his assumptions?

Stoddard stated Brandon McGuire, Assistant to the City Manager, did quite a bit of work with regard to looking at what all the variety of markets rate was for fiber. It is somewhat of an issue that is really all over the place. We did look at some of our rates for leasing fiber and that may be of interest. I can share that with you all and then Brandon had written a previous memo on the subject of lease rates that was included in your October materials and he may wish to comment on that too. We looked at a couple of the City's current leases for private fiber and what that equates to per mile, per year, the first two being examples of that. The one being \$250 per mile, per year which is the amount that we had included in our policy.

The second was another example of a lease that the City has and that one has a per fiber mile, per year cost that was quite a bit different. Again, these are rates and then our construction rate that shows our actual construction cost for one strand of fiber per mile is about \$275. So again, that's just a one-time cost to construct. One thing to consider is that these are lease rates that are within the City for shorter distances. There may be some differences related to other cost if it is a different type of a lease like for a longer stretch. Again, I think this really depends a lot on what we're trying to achieve with the policy. The \$250 per mile, per year, certainly more than covers what would be our construction cost because you can see we get that back basically in the first year. So some of this depends on how much we might want to help support this effort. There is also a difference with our type of lease that we're proposing that the City have that does not require any kind of support by the City in re-establishing a connection if the service is lost. There are a lot of leases that require a certain response by the owner of the fiber, if the fiber were to be cut, so that the company can regain service. In the case of our proposed lease we don't make a promise for any given period of time, but basically say that the City would use its best efforts to work with the bidder to get that repaired as soon as possible. Obviously, the more service requirement that you have there and the quicker response that you have in your lease, that demands a higher lease cost because there would be more requirements on the City to act.

Amyx stated this has probably been the hardest to understand of all the issues that I've ever dealt with. This is something brand new to me and I assume it's brand new to a lot of Commissioners because we don't deal with fiber and internet business on a regular basis. I want to make sure that we don't mess this up. I now that we have explained to both companies 5 weeks ago that we would not be in a position to make a decision tonight and we obviously had no idea that we're going to be missing a couple of members. One of the most important things that we do is to make sure we have this fiber policy correct and that we figure out everything to date with Mr. Montgomery's company and the waivers that are being

considered on the franchise fees and is something that is a separate deal from the 2012 agreement. I wonder how we're going to handle these franchise fees in the future if we're not going to make that requirement. I think that's something that both applicants need to know as well as any other applicant. Another thing we need to know is that if a company comes forward and asks for something similar to what Mr. Montgomery asked for regarding some kind of economic development financing consideration, how that's to be handled in the future so that there's nothing missed. I think it's so important to get all this information out there right now. We held a couple of public of hearings and one of the things that I realize is that we got to do it right the first time and make sure everybody understands the deal. Now, Mr. Montgomery, Mr. Bosch you may not get decision tonight because I think it's something that has to be done. Here again, I suggest that we do this in some kind of study session where we hammer out some type of fiber policy so that everybody that is in this business understands what the deal is. Commissioner Dever is one of the people that I really respect his opinion on this matter. I think that he understands the fiber policy obviously better than most of us on the Commission and I will take his lead, unfortunately he couldn't be with us this evening. We need to know whether or not that the loan guarantee or the economic development consideration is something that we consider separate so that everybody understands. I do think it is important to have the fiber policy set exactly the way we want it and I don't think it's a smart move to hammer this out on a Tuesday night at City Hall. I think we should sit down on an afternoon and those interested come to a policy agreement and again, we lay out what we're going to be looking at if somebody wants to make an application for economic development funds and how that's to be considered. We owe Mr. Montgomery and Mr. Bosch an answer to their requests and those need to be taken care of in a very timely fashion. I would like to hear from Mr. Bosch and Mr. Montgomery if that is something that they can live with for a few weeks, until the entire Commission is back together and we set a study session.

Josh Montgomery, Wicked Broadband, stated we would be amenable to some further discussion provided that our item is separated from Mr. Bosch's.

Amyx stated that will be fine and we'll consider them separately.

Montgomery stated I do have some items to update you on and if this is an appropriate time, or I can do that later

Amyx stated, is that part of your request?

Montgomery stated yes and some of it applies to some of the policy issues that we're discussing, but if we're going to send those to a study session, we can take that up there.

Amyx stated I would rather if we could, if it relates to the fiber policy, have it as part of this study session. I think it would be appropriate for the Commission to have that information early so that we could look at adding any of that to the policy as well as Mr. Bosch sending things to us. I do appreciate the update from Brandon and Diane where the \$250 a mile came from because that kind of jumped off especially at the request of Mr. Bosch wanting to lower it to \$62.50. I don't have any idea where that figure came from. Are you fine with us going through the study session?

Josh Montgomery, Wicked Fiber, stated we can definitely do that, but I do want to get to a decision sometime soon.

Amyx stated I promise you, we will. Mr. Bosch, same question to you. I promise you we will get to this quickly. I want to make sure that both of you understand is that I believed it is absolutely important that we get this fiber policy down so that there is understanding from everybody and there's nothing left to guess.

Mike Bosch, RG Fiber, stated I do appreciate a quick answer of some nature and I understand the Commission knows that full and well. We're okay as long as we would have voice in this study session that's going to be taking place. We just ask for a tight collaboration so we can hopefully speed through the issues a little bit quicker than back and forth.

Amyx stated we don't want to make a mistake, but understand to be fair to everyone that's part of this process and understand the responsibility that we have to citizens in making sure this is done correctly. I want to make sure we've done it to the best of our ability to make sure we have this policy in place and make sure there's little mistake as possible.

Amyx stated Joshua, is that fair?

Montgomery stated yes, but my request is that we not be on the same agenda item any more.

Amyx stated fair enough. We will consider them separately.

Riordan stated that makes a lot of sense to me because we don't have full representation tonight. This is something that I've found over the last year in a half that when you have a democratic method and it often gets slowed, it often goes in different directions, but if you keep persisting you get to where you want to go and you have a good project. That's what I'm most interested in having a good end project. I would agree with the study session when were all there and we have information given to us by the two representatives from these businesses plus staff.

Amyx stated as I've said in the past and my voting record through the public incentive committee is stated as it is. I believe that it's necessary to have all members present so that everyone has the greatest amount of representation in considering their items. Again, I think it is incumbent upon us to make sure we have the correct policy in place so that any applicant has the exact understanding where the City's responsibility lies and what we're considering to be the important part of all of this. Anyway, hang with us we will get there, I promise you.

David Corliss, City Manager, stated do you want to try and set a tentative date and then check with Mr. Montgomery and Mr. Bosch on tentative dates. Obviously, we need to check with Commissioner's Dever and Schumm. I've been told that Tuesday's before City Commission meetings work for a number of Commissioners. I know we've got some

challenges next week and probably the 25th with Commission's agendas, as well as full Commission's participation December 2nd.

Mayor Amyx, Farmer and Riordan stated that's fine.

Corliss stated Wicked Broadband, Joshua on December 2nd, Tuesday afternoon at 4:00 p.m.

Montgomery stated okay.

Corliss stated Mr. Bosch is Tuesday, December 9th at 4:00 p.m. Will that work for you?

Bosch stated okay.

Corliss stated we'll plan that tentatively and we'll let you know when we confirm it with Commissioners Dever and Schumm.

Amyx stated thank you very much for the emails and information that you all provided each and every one of us. It's very helpful, but again at the same time, I really believe that it is important to have a full body, but also to get the policy right. We want to make sure that everyone gets the full decision and process they expect.

Mayor Amyx called for public comment.

Ray Thompson stated I wanted to add something to the record. Although, I agree with many of the points that City staff is recommending there are two that I'm disappointed about. One is the reduction of the scope. I think the City should be looking at ways of increasing the scope of these projects so everybody here, every resident, every home, and every business gets fiber. Although I understand being cautious at this point, if this turns out to be a success which I think it will be, I'll be looking for the Commission to continue this process and expand these programs to incentivize fiber roll out and two, the recommendation to drop the common carriage. Common carriage is why I think many other people are supporting this. It takes the burden off of the City to pick a winner and allows me as a consumer to pick a winner. I see it kind of like a putting a request out and asking all the major car companies to build roads in the cities. You say, this sounds great they're going to build us free roads, but you find out at the end

that you can only drive that person's car, like you have roads but only Chevy's can go on them or you have roads that only Ford's can drive on. It's not a good policy. It's not future proof and again, builds another monopoly where the consumer is not able to choose based on service quality, not to be able to choose on network architecture, not be able to choose on price and it's really important, don't scrap that. In fact, I would expand that for anybody using the City's fiber, for any reason, at any rate, that if they're going to attach to it and provide residential business services that the common carriage extends through the entire network. Otherwise, they need to build their own with their own money. Those are my two points and I really hope that if you have a study session and you have someone from the public that's not trying to build out on the public dime that could speak to make sure our interest are watched out for during the meeting.

Brian Best stated for the past 15 years I've owned and operated a computer support business here in Lawrence. I do not represent Mr. Montgomery or Mr. Bosch, I represent the interest of my clients who expect to have excellent internet service. Those clients expect me to cut through the jargon associated with technology decisions and help them make a good decision so I applaud your decision to study this further and make sure you get it right in the first place. Like the previous gentleman said, I don't want to waste your time talking about the wonders of gigabit internet. I think everybody here is familiar with the potential that gigabit internet brings to the community, but I would submit to that the full potential for the City only exists if you get it done right. Our neighbors in Kansas City, I don't think they got it done right. The community of Chattanooga is pretty close. I think Lawrence has a chance to get it right and maybe be one of the only cities in the Country that will get it right. I'll elaborate on that, it has to do with common carriage which I feel like it's getting lumped in with the concept of net neutrality when they are completely separate issues. Net neutrality obviously is a hot button issue and a federal discussion at this point, but it's completely separate from the discussion that we should be having. The two distinct models, the traditional model employed by Wow and by AT&T and one that RG Fiber would like to attempt is very simply they're going to profit as much as they

can for the least service possible and as business people that's perfectly okay so long as the competition is present to keep the market beholden to the customer. That's the problem with internet at this point, there's really no competition.

Amyx stated let's don't bad mouth anybody.

Best stated my apologies, but the traditional model employed by just about every other ISP in existing, there's basically almost no competition. Basically, the underlying technology is the only really differentiator between the different organizations. If my organization or my clients need cable they have one provider, no choice. If they need DSL they have one provider, no choice. Under this model it looks like we'll have one fiber provider, no choice. The common carriage model that Wicked is proposing sets the stage for a much better way that promotes the choice for the residents and businesses in Lawrence. It's innovative in that it gives even small bootstrapped organizations the chance to compete and engage in providing service to the customer. In other words, it promotes growth for multiple businesses where your traditional schemes may restrict growth and internet service desperately needs competition so the question becomes what plan delivers the competition and which plan sets up for another monopoly. Basically, Wicked Fiber Plan is a one of a kind opportunity to improve the City of Lawrence and I urge you to acquire it.

William Ruben stated I've been a Lawrence resident for over 20 years and I can tell you that being a City resident for 10 years and rural outside the area which doesn't have internet is restrictive. What that means is there's no cable outside the City limits. Now, I've been able to receive internet service from Lawrence Freenet for several years and it's because of their business model that has supported the community that provides me the access. The limitations of satellite are very prohibitive, very restrictive with the amount of data that you can have and it's restrictive of how it's funneled to you. In order for usage and growth for everyone, we need to consider the fact that Lawrence Freenet, Wicked Broadband and other local companies which have been here supporting the community, are local. It's important that we continue to support

local companies that have been a part of our community for many years. I hope you'll take that into consideration.

Amyx stated any additional information that we need to consider, please both of you get it to staff as soon as you can so that we can have it at our disposal at the study session.

D. PUBLIC COMMENT:

Brian Kingsley stated I would like to follow up on the recent sales tax that had failed. I want to start out by saying I'm proud of the Lawrence Police Department. The Lawrence Police Department did a great job of documenting the need, not only for themselves, but what ended up, in my opinion, to be for the community. The reason I make that observation is because a lot the folks that I visit with that were opposed to the sales tax was just that, they were opposed to the funding mechanism, not the project. They were critical of the need that the Lawrence Police Department documented so I think the need was pretty apparent and they did a good job. As an engineer in the community, I'd like to observe that if we do have a community need that we're going to address at some period of time be that two years, five years, pick a date in the near future, I would think, that would be a goal to address that need. We're in an inflationary period with our construction cost index meaning that the cost of this project is getting more and more expensive each year. There ought to be some urgency and somehow we need to figure out how to get that train rolling downhill headed toward the station with another funding mechanism for this project.

Michelle Derousseau, President of the Police Foundation, stated I wanted to start out by saying thank you. I've always had a great deal of respect for your service to the community. Over the past few months I've had an even greater respect for what you must go through on a regular basis, some of the things you have to deal with. I'm here this evening as the President of the Lawrence Police Foundation whose sole purpose is to strengthen the services of the Lawrence Police Department. We're very proud of the men and women of our department and appreciate the opportunity to represent them. As City leaders there should be no higher

priority than the safety of your community as well as the safety of your City employees. The men and women of the Lawrence Police Department have a very difficult job of protecting our community 24/7, 365 days a year. Their job is made even more difficult by the poor working conditions they operate in, facilities that are not only in disrepair, are inefficient and inadequate, but are also unsafe not only for them, but for witnesses, victims and suspects as well. The current facility lack proper security leaving LKPD personnel and the community vulnerable. A new police facility is not a want, but a need, a need that has reached a critical point. The facility needs assessment was presented to the Commission in May of 2012 and now 2 ½ years later, we're not any closer to providing our department the facility it needs to serve our community. Nobody has denied the need so now is the time. A decision must be made and a plan put in place by you, our City leaders to address this community need, the safety of your citizens and your employees that protect and serve them.

Hugh Carter stated I'm speaking for myself and I appreciate all your efforts to bringing the police facility to fruition. It was a platform and I'm on your campaign Commissioner Riordan and Commissioner Farmer. It was a platform item on my campaign two years prior to that as well and I know Mayor Amyx, you were out front with the TV Commercials and doing everything you could to make this happen. I appreciate everybody's efforts. The way you went about it was the right way to go. The need has been identified and we've known that for quite some time. I know that you're ready to act on that and have been for some time, but ultimately, the best way to pay for this, as you know, was from the sales tax where everybody shared on the burden. Actually, everybody shared in it approximately 70% of the cost versus putting it on the backs of homeowners and business owners. So that was the right thing to do, obviously though that requires a public vote to make it a sales tax. The public voted and chose not to go with the sales tax. It doesn't change the need for a facility. It's still a core service, perhaps the most important core service. It was yet another election that had pathetic turnout. I know we talk about being an engaged community, but I've lived in 10 states and

many communities and we talk about being progressive and engaged but 15% show up to vote in our City elections. I can't remember the number now for this last election. It was a huge shift in ideology that was on the table here at the national level too and we still couldn't get the voter turnout. The message is that folks trust you to make good decisions for them, more than we like to think, trust you to make all those decision for them. This is a core service. I know you know the need is there. I think it was a great effort to serve it up to the community to pay for it in the most efficient and fair way which was through the sales tax, that didn't happen and it doesn't mean the police facility need goes away nor does it mean that the citizen said they don't need a police facility, they just voted not to pay for it via sales tax. I don't know if it means to pull the project back and ask the community to plan your police facility for you again, people have trusted you. I think you've hired the best in the country in Wilson Estes Police Architects as far as experts. Some community input is healthy but the truth is the vast majority and votes show it, your community trusts you to do the right thing especially on things when it comes to their own personal safety. Any way we can help you, please let us know. I certainly would do anything I can and the Chamber, I think, would be a happy to revisit and take a look at any other ways that you want to come forward and try to make this a reality.

Matthew Herbert stated I lived here for a little over 20 years and with all due respect, former Commissioner Carter, I need to disagree with what he just said. I feel like there's actually a genuine distrust right now in the community with what's happening from the individuals who I've spoken to. I feel like a great deal of this election and a great deal of the vote to reject the Police Facility had absolutely nothing to do with the Police Facility itself but whether a growing descent in the community with how their money is being used, how their money is being treated as a renewable resources, how it's being spent with little consideration to where it comes from. Perhaps the timing of my speech is a little too late, but I think former Commissioner Carter's comments tie in very dearly with an item on the agenda, just a few

moments ago, the economic development proposal for Wicked Fiber. I think this is a great opportunity to see a clear distinction between the ideas of expanding infrastructure in the community which is absolutely your job. It is 100% your job to expand infrastructure to grow things like police facilities, to grow things like public safety, but very quickly we find those ideas coming into bed with other ideas like economic handouts to companies like Wicked Fiber. We find \$300,000 loans being asked for and I don't know where you stand on this, it was obviously not taken to a vote this evening because of the absences of two Commissioners, but I encourage you, when you make votes of such a nature, to not only consider that that specific proposal itself, but the actual effect that has on later votes. I think it would be plainly ignorant to say that the Police vote had nothing to do with prior expenditures, such as Rock Chalk Park, expenditures that the community felt very taken on, to the point where they began to distrust the decisions you make, kind of like what former Commissioner Carter just said where people were willing to just absolutely trust you. I think that's a wonderful idea and I think that would be neat if we could get back to that point, but the reality is there's been a lot of distrust that has occurred because of some of the ways that money has been spent so I do ask that you be very considerate when it comes to using money for economic development request and things that go beyond what we expect our tax money to be used for. I agree the police station absolutely should have happened, but I think a little bit of not happening falls upon your shoulders in the way that money has been spent in the past.

Ted Boyle stated I have to agree with the previous speaker. The feedback that I get from the residents in my neighborhood is exactly what that young man stated. They're just mad. Everything I heard in opposition was yes we need a police department, but Rock Chalk Park that was a big deal right there. It didn't have public input, it had a no bid contract and of course, we heard a lot of background noise about prices of property, location and all that stuff, but it was mainly the residences were disgruntled with the spending and really the sales tax increase was the best way to go. People talked about that affecting the poor, but that was

very minimal when you think of how much money that was. We talked about this when this first started and I came up here and I stated that probably sales tax would be the best route to go instead of personal property tax because 75% of the people in North Lawrence are owner/occupied homes and they voiced a concern about no property tax. Then we go with the sales tax and it really wasn't the sales tax that was the problem, it was the spending on the library, Rock Chalk Park and then the Police Station. Let's say the Police Facility was built first and then Rock Chalk Park and then the .2 percent was for the Library, do you think that would pass, it probably would. You've got to take that into consideration and I know that coming down the pike it might be a property tax increase, but personally I'm not condoning property tax increase, but personally I'm prepared to pay that increase to make sure that this facility happens. You might even think about selling some City property and buying that property out there just so we have it ready for the new police facility two or three years down the line, whatever it's going to take. It's going to have to happen, the way the City's growing.

Amyx stated I want to thank everyone who worked hard in trying to get the facility passed. I think there were so many hours that a great number of people put into trying to make sure our police officers have the best facilities to take care of the needs of the officers and our staff. I do want to say one thing that over the last week, since the votes were counted and I do want to thank the voters, those who voted in favor of and those that voted against. It sent a huge message to each member of this Commission and there's not one of us who hasn't taken and beaten ourselves up, over the last week, in trying to figure out what we could have done different and what we'll do in the future. Yesterday at the agenda meeting, Vice Mayor and I along with the City Manager started talking about where some of our expenditures are for the future and what we're going to be looking at as far as our capital improvement plan goes. I think it is incumbent upon this Commission to look at some of the priorities that we have set and see if there are places that we don't have to be spending money in the next year. Things that we might be able to free up funds to off-set the cost of

what a new facility would look like, what a new facility was going to cost and maybe we'll free up enough money in some of the places that we thought were the priorities that needed to happen this next year. It is truly the highest priority that this community has right now that we need to save money elsewhere and cut that cost down. I truly believe we can do that. I know the recommendations that Dave along with his staff making sure we continue to meet the needs and meet our infrastructure requirements as was brought up this evening. Matt, I want to thank you for bringing that up as well as all the speakers this evening and the importance of this project. There is a difference between "want" and "need" and we all recognize the need that exist and one of the things that's going to be important is we got to do it better. When we ask the public, you got to make sure that we've done our job on this site. You all did your job and you did it very well. We have land and we own a lot of land that we can build facilities on. We don't have to go out and buy new, we have things that we can do. I think we all agree with that. We're trying to decide which direction we go at this point. Granite, it's been a week and I can give you all kinds of wonderful ideas, but I think at this point we need to make sure that cooler heads can prevail and that we do the job that we were elected to do to make sure that our expenditures, our recommendations, our policies that we have in place to meet the needs of the community and make sure the things that we've suggested that we spend on over the next year, that we're able to free up some of that money and let's lower the cost down. If people feel like it's a cost issue, we can take care of that problem.

Farmer stated there's not much I can add to that, but I do want to apologize to the Police Department, Chief to you and your staff, for taking it on the chin because of us. Last week was feedback that I've gotten from all but two people and I've heard from hundreds that this really had nothing to do with the Police Department and that's really unfortunate because I feel a huge sense of responsibility for being one of the five reasons why the community sent such a strong message and it's unfortunate. I just want to say to you that I'm sorry so please relay that to your officers for not having our stuff together up here and the reason why I never

wanted it to go to a sales tax vote was because my fear was that people would not vote for this on the merits of whether or not we needed it, it would be about everything else and that was exactly what happened. I don't know about you guys but I've done a tremendous amount of self-reflection in the past week and I've went through stages where I've been upset and mad at myself, upset and mad at our community, upset and mad about our priorities, upset and mad about different precincts for various reasons, but ultimately, we have to shoulder the responsibility. Matt, I appreciate you saying what the hard thing was to say. I think it was about that and a lot of other things too. I've got some ideas and things that I'm going to be sharing with the Commission over the course of the coming weeks about how we project our capital need to deal with people. How are we going to take care of people in our community, the homeless, the hungry, and the mentally ill, the disabled, how we're going to tackle programs, rental registration and recycling being a program, what are the future programs that we have that we feel are important and then what are the projects that our community is deeming as important and then looking at those and prioritizing them based upon what is the most important and for me. I said it when I was running for this office, that it is the police facility. I wanted to express my apologies to the Police Department, to you gentlemen, I apologize for not exercising good leadership, to Matt and all the rest that folks that feel like you, that we weren't being good stewards with your resources and message received we're going to get it right. I appreciate you guys letting me share that tonight, but truly we've got to find a way to get this done and we will get it done. It just may take a little bit longer and be a different way than what we thought it was going to be, but certainly this is the number one priority. I said the second Tuesday that I was up here that we've got to beat everything else off with a stick and put all of our effort, time, energy and resources into the police department and making sure that we can gain the public's trust back again for this office irrespective of whose sitting up here. I know that you and I weren't even up here for part of the votes with Rock Chalk Park and I wasn't even in town when the library happened, but we've got to get

the public's trust back for these 5 seats and I'm going to do whatever I can and work hard to do just that.

Riordan stated I agree that there was a very strong message that was sent. I also agree that to put this before the City vote was a very important thing to do, even though we failed and we failed, the police did not fail. I've heard from my wife and people that have talked to police that there very down casted that we didn't support them and I would agree with Jeremy in the fact that the City Commission, the leaders and leadership can be very lonely at times because you try to do something good and try to do something as best you can and if you fail, you have to come back and evaluate why. I heard a lot of people this week say why we failed on this. I think if we would have passed an increase in property taxes that would have been the worst thing that we could have done because I think it would have affected the City voters and the City trust for years and years to come. We wouldn't have received the message that we had and it's unfortunate that we had to receive that, but I think at the same time, the number one priority I had, even over rental registration was the police and still the number one registration that I have because of the excellence of the police, the job that they do and anything that I can do as a City Commissioner, including looking at what mistakes we've made as a City Commission, listening to the public, and learning from that. I don't think perfection has ever been part of human beings except maybe Mary and Jesus, other than that the rest of us can fail, but I think the key is that if you fail, and I found this with what I do for a living every day, if you try the best you can do and you keep working at it, we can come back and try to create a situation where we can provide the police with the proper services and facilities that they need. I would agree with Jeremy and Mike, our Mayor, that this is still an important issue and when they said what is your fallback position, we didn't have one, but now we need to get one and we need to get one after listening to the public, looking at it with the knowledge that we have because we have so much more knowledge about this than everybody else does, at the same time, we need more. The citizens of Lawrence has

spoken and we want to make sure that we interpret what they say so keep those emails coming because the more you help us, the better we can meet the needs of the City and I think our biggest need is still a police station. If we can start to get that done as quickly as we can do it within the time span that we have and within a budget that we can afford, the better off we would be because the Police, the City and this area deserves to have this facility.

Amyx stated we're all committed to make sure we are able to regain the public's trust, but also the trust of all of our departments.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Mayor Amyx stated that we will visit again about our Capital Improvement Plan.

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items. He stated to consider cancelling the meeting on December 23rd and have a bill paying meeting on the 30th.

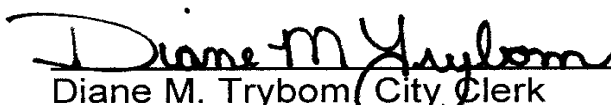
Moved by Amyx, seconded by Farmer, to cancel the City Commission meeting on December 23rd and have a bill paying meeting on December 30th at 9:00 a.m. Motion carried unanimously.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Riordan, seconded by Amyx, to adjourn at 8:35 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 18, 2014.


Diane M. Trybom (City Clerk)