



# City of Lawrence

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CITY COMMISSION

MAYOR  
ROBERT J. SCHUMM

COMMISSIONERS  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

December 11, 2012

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

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

**B. CONSENT AGENDA**

**It was moved by Dever, seconded by Amyx,** to approve the consent agenda as below, minus items 7, 11, and 14, which were removed for separate discussion. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Sales Tax Audit Committee meeting of 03/28/12  
Sustainability Advisory Board meeting of 09/12/12 and 10/10/12

2. Approved claims to 163 vendors in the amount of \$1,139,384.68.

3. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License for Brandon Woods Club, 1501 Inverness Drive.

4. Bid and purchase items:

a) Set bid date of January 8, 2013, for the removal of the existing water production wells and the subsequent site cleanup and well plugging, Project No. PW1309, as part of former Farmland property remediation work.

b) Awarded bids for Street Division equipment as follows:

i) Awarded bid for one 1 ton pick-up with snow plow and hydraulic system for the Public Works Department from Roberts Chevrolet and Buick for \$36,471.



- ii) Awarded bid for two 1 ton dumping flat-bed trucks with snow plows and hydraulic systems for the Public Works Department from Shawnee Mission Ford for \$91,012.
  - iii) Awarded bid for one track mounted mini-excavator for the Public Works Department from Road Builders Machinery for \$59,980.
  - c) Approved the purchase of crack sealant for the Public Works Department from PMSI for \$56,184.
  - d) Awarded Bid No. B1266, Project PW1127, 23<sup>rd</sup> and O'Connell Road street and storm sewer reconstruction for the Public Works Department, to King's Construction Co., Inc., for \$571,459.05.
  - e) Approved bid for Project No. PW1305, SWAN Building Fume Extractor System, Bid No. B1267, to Industrial Roofing for \$33,000.
  - f) Authorized the purchase of one Hunter tire machine and one Hunter tire balancer for the Public Works Department from the NJPA government contract for \$30,359.71.
  - g) Awarded Bid No. B1264, Project No. PW1232, HVAC Maintenance Contract for City Hall, Lawrence Arts Center, Community Health Building and Riverfront Offices to Trane for \$77,740.
  - h) Authorized the City Manager to execute Supplemental Agreement No. 1 to the original engineering services agreement with Wilson and Company in the amount of \$60,520 for design and bid phase engineering services for project UT1206DS O'Connell Road Waterline.
  - i) Authorized the City Manager to execute Supplemental Agreement No. 2 with Professional Engineering Consultants to the engineering services agreement for design phase engineering services in the total amount of \$88,093 for project UT1105DS, 2012-2013 Watermain Relocation Program (of which \$49,957 is for pre-design phase engineering services and \$38,136 is for design and bid phase engineering services). Whether construction proceeds with all of the 2013 projects will be determined by the City Commission during capital plan and rate discussions.
5. Adopted the following ordinances on first reading:
- a) Ordinance No. 8830, revising Chapter 5, Article 18 of the City Code to revise sign standards to exempt temporary, double-sided freestanding and A-Frame signs from the sign code under certain circumstances.
  - b) Ordinance No. 8826, adopting the Code of the City of Lawrence, Kansas 2013 edition as authorized by Ordinance 8825.

6. Approved annexation, A-12-00190, of approximately 20 acres, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record. Adopted on first reading, Ordinance No. 8827, to annex (A-12-00190) approximately 20 acres located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. (PC Item 2A; approved 8-0-1 on 11/12/12)
7. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved rezoning, Z-12-00191, approximately 90 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record. Adopted on first reading, Ordinance No. 8824, to rezone (Z-12-00191) approximately 90 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. (PC Item 2B; approved 8-0-1 on 11/12/12)
8. Received Long Range Planning 2013 Work Program.
9. Authorized the City Manager to bind coverage for Builders Risk Insurance for library construction in the amount of \$47,525.
10. Approved installation of two 15 minute parking meters on 7<sup>th</sup> Street adjacent to 645 New Hampshire Street.
11. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Received letter from North Lawrence Improvement Association requesting the placement of "Historic Business District" signs placed on the east side of North 2<sup>nd</sup> Street before Locust Street and on the west side of North 2<sup>nd</sup> Street, before Johnny's Tavern. Directed staff to work on appropriate signage placement.
12. Approved the City of Lawrence 2013 Legislative Priority Statement.
13. Authorized City Manager to execute agreement with CFS Engineers in the amount of \$43,600 for special testing and inspection services as part of the library reconstruction and parking garage project. (If the add alternate parking spaces do not proceed, a deduct change order in the amount of \$3,750 will be executed.)
14. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved appointments as recommended by the Mayor.

Douglas County Senior Services Advisory Board:  
Appointed Judy Wright.

Lawrence Cultural Arts Commission:

Appointed Lois Greene (841.3640) to a term that expires 01/31/15.

Sustainability Advisory Board:

Reappointed Ian Spomer and Dale Nimz (856.1299) to additional terms that expire 12/31/15. Appointed Adam Ritchie (218.6224), Daniel Poull (331.4501), and Michael Morley (218.5061) to terms that will expire 12/31/15.

Regarding consent agenda item 7, rezoning, Z-12-00191, Scott McCullough, Planning and Development Services Director, said the 90 acres in question was recently annexed and contained a request to rezone from A to GPI, to accommodate development of a sports recreation entertainment center. The Planning Commission unanimously recommended approval of this district. It came with a concept plan demonstrating the proposed uses of the facility. It's been an evolution in design where they had a lot that would be a community center, recreation complex with associated parking and a number of facilities that KU Athletics would use, associated parking, and future uses depicted along the southern and southwestern area of the facility.

Commissioner Amyx asked if the traffic study was completed as part of the Planning Commission consideration.

McCullough said yes. At last evening's Planning Commission meeting, they considered the preliminary plat, special use permit, and institutional development plan. The traffic study was considered as part of that discussion. The study was considered and accepted by staff.

Commissioner Amyx asked about the buffer on the south end of this property because residential was approved on the north end of the Mercato tract.

McCullough said there was pending approval for residential along that area. The current zoning was RS7.

Commissioner Amyx said that when the site was to the west, across K-10 Highway, there was a lot of discussion about the buffer zone on the north end of that site that was

needed protection for the residences. He asked if the same consideration would be given at the time of the site plan because the language indicated suitable buffering from nearby residential, as part of the zoning request. He asked if that would be taken care of at the time of the SUP process.

McCullough said staff would walk the Commission through the code standards that were being employed with the site plan portion, the special use permit, when that time came about. He said there were code standards. The specifics were somewhat different, moving the recreation from the west to the east and staff could go through that process when the site plan was presented to the City Commission, but there were some standards that would require buffer yards to this residential area.

Mayor Schumm called for public comment.

Rick Hird, Attorney representing Jack Graham, said the sports village project had been sold to the City Commission and public as a sports and recreation facility. There's been absolutely no mention of general entertainment as a permitted use, until November 12<sup>th</sup>, when annexation and GPI zoning was requested for the project on the east side of K-10. He said they asked the Planning Commission, unsuccessfully, to use conditional zoning because GPI allowed a wide variety of uses, including one called general entertainment which included outdoor entertainment such as concerts and tractor pulls. If they conditionally zoned this land to exclude this wide range of entertainment uses and restrict it to sports and recreation, the City would still enjoy all the benefits of this project that had been represented to the City Commission. Finally, there were a lot of unanswered questions, even today. These questions directly impacted the use of the facility with GPI zoning. Last night, a representative from the KU Endowment Association was at the Planning Commission meeting and explained that there would be a ground lease from KU Endowment to Bliss Sports LC, and Bliss Sports would in turn

contract with KU Sports or other 3<sup>rd</sup> parties for the use of the facility. Bliss Sports will ostensibly have control of this facility, pursuant to a ground lease, but no one had seen that agreement or the terms of that ground lease. These agreements were important in the context of this zoning because they directly impact the use. The Commission shouldn't allow this project to go forward without answering those questions. The representative of the developer at the Planning Commission meeting was the architect, Paul Werner, which was not the guy to answer those questions. So far those people that could answer those questions had not appeared to answer those questions. It was reasonable to ask them to do so. The traffic study that was presented last night to the Planning Commission did not mention other uses of the facility, other than the Sports and Recreation Facility. Part of the project of the site plan was a 4000 seat amphitheater which had nothing to do with sports. There was nothing in the traffic study that discussed the impact of a 4000 seat amphitheater emptying and those cars entering onto George Williams Way. In conclusion, they were requesting that the City Commission stay on course and require the facility to be used for sports and athletic events and not as a venue for concerts and tractor pulls. Either impose conditional zoning excluding non-sports uses or send it back to the Planning Commission for further review.

McCullough said the record would take some exception with framing the request as being sports only. Even when they were contemplating this use when the City had partnered with KU in contemplating this use, the original site plan showed an indoor arena for example, that evolved predominately to sports when moving to the east side, even though they concentrated on the first phase uses on primarily sports, they also had shown an indoor arena and amphitheater. There's been discussion related to whatever types of uses, once they get a community asset like this that are predictable and typical of being requested of such a facility. He said when speaking to Parks and Recreation, for example, there was any number of fairs,

festivals, farmers' market activities. What they had essentially, was several buildings that could be used for sports and non-sports related events and also a lot of open space, parking space, overflow parking space that would be primarily grass for much of the year that could be put to use through Parks & Rec type of programming and through community events. One of the challenges with conditional zoning was the same use requested to be stricken, the entertainment and spectator sports use was necessary to accommodate the KU Athletic Stadium. It was a challenge to get into that definition because it was there by definition and separate out that use. They had this discussion at the Planning Commission in terms of where the appropriate part of the process that involved annexation, zoning, platting, and special use permitting. He asked said at what point in this process, should this issue be considered in terms of the uses. It was determined that the special use permit was the place to do that. That discussion happened last night at the Planning Commission and they were forwarding a recommendation on a 6-3 vote to the City Commission, a condition that helped define and articulate what were sports related uses and what was non-sports related uses and then a process to not foreclose the non-sports related uses, but provide an avenue that individual requests could come before the City Commission and be looked at on their own merits and then deny or approve based on those merits, which was through the special event permit process. That was staff's recommended response to Mr. Hird and his client's issue of non-sports related uses. Getting down into the detail of what this was going to be for the community - it was going to allow them to do a number of different things at that location. It was primarily going to be a sports facility, but it had opportunity for non-sports related activities.

Mayor Schumm said he could think of a whole host of things that would be very neat to have at that location, for instance, a boy scout/camp out back in the drainage area, but under this definition that would not be allowed because it was not a sporting event. There was hiking

and all types of events that could take place in parking lots with supporting social service agencies. He said he was not ready to preclude or shut the door on those types of activities, but he would want to be very careful how it was done and the structure with how they moved forward. There were safeguards to what the adjacent property owners were suggesting and that was what the Planning Commission was sending back right now.

Commissioner Carter said the amphitheater showed up during one version and regardless of how the City Commission approved it right now, an amphitheater wasn't automatically included if they approved this zoning as GPI and look later at some sort of restrictions.

McCullough said the GPI zoning accommodated that use, but the use itself was being presented in the special use permit request, the institutional development plan. He said that specific use would be seen in that process presumably in January.

Commissioner Carter asked if they needed a Special Use Permit just to build it or build it and come to the City for permits for events.

McCullough said because this area was greater than 10 acres, the code required that an institutional development be adopted by the City Commission and the value of that, on those large institutional type uses, was that it presented an expectation for surrounding land owners and developers to know how this particular property would be developed in phases, typically. The site plan associated with the special use permit, presented at last night's Planning Commission meeting depicted, by note, KU tennis facility, arena and amphitheater and associated parking as future uses.

He said staff presented and the Planning Commission adopted a condition that those future uses were being recommended for approval in concept only so that the site plan, if adopted in that way, presented the expectation to future neighbors of the facility, but to

achieve building permit status, each one of those uses needed to come through the special use permit process to determine whether any mitigating conditions would be necessary to be employed in order to receive their building permit and that use.

Commissioner Carter said mitigating circumstance when talking about buffering, just looking at that and knowing the zoning that was around the site, he asked if McCullough would anticipate that was realistic from a sound level standpoint that that could actually be mitigated to the point of approving an outdoor amphitheater.

McCullough said when looking generally at what the adjacent uses were there was the City Park to the north, K-10 highway to the west, some distance to the RS7 zoning that wasn't currently developed to the south and then the bulk of this facility to the east. He said they believed the amphitheater in this location could be appropriate. It might be necessary to mitigate it in some form or fashion, but they hadn't done the level of analysis at that location, but what they've done instead was to put it to a future process for more detail to the site plan itself, the elevation, how it was buffered by land form, whether lights were necessary, those types of issues.

Commissioner Carter asked if they could go back and do conditional zoning if they didn't put the condition on it right now.

McCullough said it could be added later by initiating a new rezoning process.

Commissioner Carter asked what that would entail.

McCullough said it was a rezoning process. The governing body could initiate a rezoning, it would go to through the Planning Commission for a recommendation on conditional zoning, and then come to the governing body for adoption.

Commission Amyx suggested proceeding with the first reading of the zoning, hold it until such time as the SUP came back and if there was a question at that point, then the City Commission could do the conditional zoning, if appropriate, at the time of second reading.

Mayor Schumm asked about the 14 day protest provision.

McCullough said as a special use permit process there was a 14 day timeframe, after Planning Commission's recommendation whereby owners surrounding it of a certain distance could file a protest petition and trigger a 4/5 vote requirement of the governing body.

Mayor Schumm said they had to wait for that 14 day protest petition time period and then schedule it on the next Tuesday night after that period.

McCullough said correct.

David Corliss, City Manager, said they weren't planning on having the SUP until the first meeting in January which was more than enough time.

Commissioner Carter said when the SUP came back the City Commission would know definitively whether an amphitheater was planned as part of the zoning.

McCullough said those uses for an amphitheater were shown on the Special Use Permit Site Plan as future uses and were included in the request that the Planning Commission looked at and that the City Commission would see.

Corliss said while it was shown in concept there was not a land use entitlement, they would still need to come back, go through the SUP process in order to get the amphitheater use approved. Essentially it was shown in concept which was valuable for future viewers of that site, particularly adjacent property owners that that was a possible use, but still had to come back, file a request, go to the Planning Commission, have a hearing conducted and a recommendation from the Planning Commission before the City Commission. The City

Commission could then work its will on that request. He said if it was denied by the City Commission then it would not happen.

McCullough said correct, that was how they framed the conditions of the special use permit.

Commissioner Carter said there would be no need to rezone it to condition it out.

McCullough said the City Commission's real control over this entire property was the Special Use Permit. It was the requirement to go through the SUP process and look at all the uses.

Mayor Schumm said it was suggested that each event needed to be approved by the City Commission.

McCullough said each event that was non-sports or not athletics event related. He said staff attempted to define and guide staff in decisions about whether it was sport or non-sport. Staff listed out several different types of uses to help guide that decision.

Mayor Schumm said they had lots of leeway with the tractor pull issue.

McCullough said the tractor pull was a little bit dramatic. He said Mr. Hird used that example in a presentation that he had made. He said it was fair to put that in the list of uses that helped define what was sport and non-sport. Some might argue that a tractor pull was a sport.

**Moved by Cromwell, seconded by Carter,** to adopt on first reading, Ordinance No. 8824, to rezone (Z-12-00191) approximately 90 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Motion carried unanimously.

Regarding consent agenda item 11, receiving a letter from North Lawrence Improvement Association requesting the placement of "Historic Business District" signs, City Manager David Corliss said staff received a letter from the NLIA for some trail blazer type signage to direct drivers and pedestrians to the historic business district area. Staff thought that this request could work and wanted the City Commission's authority to proceed. He said regarding the placement of the signage, staff wanted to follow the Manual of Uniform Traffic Control Devices. He said the NLIA came up with how the signage should look as well. He said staff wanted to be wise in setting a precedent and hoped it worked for NLIA. He said there might be request for similar type signage elsewhere in the community and staff needed to think through those types of issues.

Ted Boyle, President of North Lawrence Improvement Association, said about two weeks ago shop owners along Locust met with him, Jon Davis, and the Mayor. The discussion centered on the historic business district in North Lawrence and noted that a number of buildings had been restored and was truly a historic business district.

He said the business owners placed advertising signs by the parking lot on North 2<sup>nd</sup> Street. He said they were requesting to place historic business signage in that area.

Angela Conrad, owner of My Father's Daughter, an antique store in North Lawrence, thanked the City Commission for considering this request.

Diane Gercke, owner of Eagles Rest, a furniture store in North Lawrence, said they specialized in natural latex mattresses which brought a lot of traffic into Lawrence from the Kansas City area and other areas in Kansas. She said this historic business district had 3 restaurants, fabulous antiques stores, her furniture store, and several other businesses which were all locally owned and operated. She thanked the City Commission for their support.

Schumm said it was indicated at that meeting that when trying to give directions from Topeka or Kansas City that it was difficult for potential customers to find North Lawrence Business District.

KT Walsh said this was a great idea, but asked about the proposed wording.

Gercke said it would be the North Lawrence Historic Business District.

Walsh said if they were going to call it the North Lawrence Historic Business District, it would be wonderful for the owners of those buildings to do the research and nominate their buildings for the historic register.

**Moved by Amyx, seconded by Carter,** to receive the letter from North Lawrence Improvement Association requesting the placement of "Historic Business District" signs placed on the east side of North 2<sup>nd</sup> Street before Locust Street and on the west side of North 2<sup>nd</sup> Street, before Johnny's Tavern; and, direct staff to work on appropriate signage placement. Motion carried unanimously.

Regarding consent agenda item 14, Commissioner Carter pointed out that the Douglas County Senior Services Advisory Board appointment was for Judy Wright.

**Moved by Carter, seconded by Carter,** to approve the appointments as recommended by the Mayor. Motion carried unanimously.

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

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

- 1. Conduct public hearing to consider the vacation of a right-of-way at 1209 E. 23<sup>rd</sup> Street, Automotive Analysts, Inc., as requested by property owners William L. and Sharon L Ray, Trustees.**

Chuck Soules, Public Works Director, presented the staff report.

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

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

**Moved by Amyx, seconded by Cromwell,** to approve the vacation of a right-of-way at 1209 East 23<sup>rd</sup> Street. Motion carried unanimously.

2. **Consider the establishment of a Benefit District for the construction of an additional level to the Library Parking Garage Project and consider adopting Resolution No. 6995, setting out the findings of the Governing Body and ordering the construction.**

David Corliss, City Manager, presented the staff report. He said if the City Commission adopted the resolution, the resolution would be published in the Journal World which started a 20 day protest period. He said if a majority of those property owners did not want those assessments, he recommended not proceeding with the benefit district.

Mayor Schumm said state law would be followed in terms of greater than 50% of the square footage in the district if it protested out, and more than 51% of resident landowners. He said for a point of clarification the amount that the spreadsheet indicated was the total amount that could be paid upfront or over 10 years with some interest added on and was paid through their property tax bill.

Corliss said correct.

Mayor Schumm said a 25 foot wide building would pay approximately \$877 or \$885 total.

Corliss said that amount would be spread over the 10 year period. He said the special assessment taxes would not show up on property tax bills until November 2014. He said those taxes would not show up on the November 2013 tax bills because there was not enough time.

Mayor Schumm called for public comment.

Commissioner Amyx said he was an owner of property downtown and had not been supportive of the additional floor for the parking garage. He said he will most likely participate

signing the protest petition and if the Commission thought he should not participate in the adoption of the resolution, he would be more than happy to step aside.

Mayor Schumm said he did not think there was any conflict of interest. He said he owned property downtown as well.

**Moved by Carter, seconded by Cromwell,** to adopt Resolution No. 6995, setting out the findings of the governing body and ordering the construction of an additional level on the Library Parking Garage Project. Motion carried 4-1 with Amyx in opposition.

3. **Conduct public hearing regarding the proposed plan for the establishment of an Organized Recycling Collection Service and consider approving the plan.**

Kathy Richardson, Waste Reduction and Recycling Operations Supervisor, presented the staff report.

Toni Wheeler, City Attorney, said it was her recommendation to not close the public hearing, but rather leave open the public hearing until such time as the ordinance came back to the City Commission for consideration. It might be prudent for the City to amend the current plan when staff had more specific information regarding what the service would look like. They would have satisfied the notice requirements under the statute and was a more cautious approach leaving the City the opportunity to amend the plan.

**Moved by Dever, seconded by Cromwell,** to open the public hearing. Motion carried 4-0. Amyx not present and did not vote.

**Moved by Carter, seconded by Cromwell,** to continue the public hearing. Motion carried 4-0. Amyx not present and did not vote.

4. **Receive staff report regarding Transportation Enhancement Funding – Potential Projects for 2013.**

Emily Kotay, Management Intern, presented the staff report.

Commissioner Carter asked if any project that was submitted would definitely go forward or go to the State for a decision.

Kotay said the State would choose. This agenda item was only to seek City Commission guidance in going forward with the application.

Commissioner Carter said from a dollar standpoint, he asked if there was better likelihood of certain projects. One project was 1.6 million and others that were much smaller.

Kotay said from past depot projects that were submitted and received funding, there had been some substantial projects such as in 1996, the Rock Island Depot in Liberal, Kansas, received \$866,000, but in 2012 dollars would be approximately 1 million dollars plus; the UPRR Depot in Leavenworth, Kansas, received over 1.1 million dollars in 2011. She said it was not highly unlikely that it wouldn't be funded because of the amount.

Corliss said it was also likely that if KDOT was interested, they might come back to negotiate on the share. The City of Lawrence had the first Transportation Enhancement project which was under a different federal law. He said when the Union Pacific Depot restoration project was done in the mid 90's, the City negotiated with KDOT within any number of different times as far as the dollar amount. He said he thought the City would be competitive with a number of projects throughout the state. He said 15 million dollars throughout the entire state sounded like a lot of money, but that amount of money could go quickly.

Mayor Schumm asked where Burroughs Trail went from the south terminus.

Kotay said she believed it went from 23<sup>rd</sup> Street to 29<sup>th</sup> Street.

Mayor Schumm asked where the trail went after 29<sup>th</sup> Street.

Corliss said the trail stopped at that point, but what staff planned on doing was working on getting a good path system at 29<sup>th</sup>. Haskell was being relocated as part of the South Lawrence Trafficway Project. He said they would be working with the trail project to get it

connected to the SLT path and also, a multi-use path with 31<sup>st</sup> Street between Haskell and O'Connell. He said they were trying to have a good network of bike paths and lanes.

Mayor Schumm called for public comment.

Carey Maynard-Moody, Depot Redux, said the City was poised well for this grant. It was her understanding from staff that the City was closer to the ownership of the station. She heard from the press and others informally that the City had reservations about bringing this station into the inventory and would like to offer help if considering that Depot Redux was a fit organization to help ascertain a compelling secondary use of the building. She also understood that sometimes that was what happened after funding was secured. She hoped the City Commission would ask City staff to pursue this application and expedite ownership transfer because it would certainly sweeten this application. The reason she thought the City was poised was that not only was the City further along in the acquisition, but there had been improvements to the station and hoped that KDOT would take that into consideration.

Commissioner Cromwell congratulated Maynard-Moody for receiving the President's Service and Safety Award.

Tom Harper, Board member with Depot Redux, said he wanted to thank the City Commission for choosing Depot Redux, in terms of a recommendation to apply for this grant. That was a victory in his mind.

He said the other part of this puzzle was the secondary use. He said they went down the transit hub road which fizzled. He said he had discussed the Prairie Park Nature Center, a trailhead tying into the Burrough Creek path by the river. That building could be used in that fashion and won't be a money maker, but it was a neat community use that the City could be proud of. He asked the City Commission for guidance and help in creating another secondary use.

KT Walsh said she supported the continuation of the Burroughs Creek Trail as part of a dream about rails to trails. She also supported the Breezedale entrance, an entrance into the City of Lawrence and when heading south, Haskell Indian Nations University. It was an important visual point in this City. Lastly, she supported the Depot. East Lawrence had voted repeatedly to support the Depot. She said with Mike Myers' ideas about the trail linking East Lawrence to Pinckney, the City Commission's discussions about returning to the river, the North Lawrence development along the river, she could foresee the Friends of the Kaw, KU and Haskell and all sorts of entities in town using the depot as a watershed study area and education center for the kids.

Justine Burton said she had been in Lawrence all her life and the Depot had been a part of her life. She would like to see something done with the Depot. She said she attended a party at that location and when she stepped into the Depot, it was like stepping back into time that brought back memories.

Mayor Schumm asked about the Santa Fe Station and was the award by KDOT contingent on the City owning the building.

Diane Stoddard, Assistant City Manager, said KDOT would require the City to have that ownership. In the application staff would need to set forth the intention of proceeding with the acquisition and answer any questions KDOT had.

Mayor Schumm asked if the City had to own the depot before submitting the grant proposal.

Stoddard said no. It would just be before receiving and beginning to spend the money. She said staff would highlight in the application the extent to which the City had made progress since the prior application. Since 2009 the City had received some potential contract documents from BNSF and had some additional discussion with them. There hadn't been a lot of progress

recently, but that could be something that if the City was awarded the grant, could proceed again.

Mayor Schumm said the City would have the opportunity to know first whether the City received the grant and then could move forward with the ownership of the building.

Stoddard said staff could submit the application the way the Mayor suggested.

Commissioner Carter asked if the application could be submitted saying it was contingent versus saying the City intended to own it.

Stoddard said that was done with the last application. She said she hasn't visited with BNSF, but in the last application there was a letter from BNSF which indicated they had ownership discussions with the City.

Commission Dever asked if the City received a total sum of money from Amtrak and what they spent on the platform and lighting improvements that could be submitted along with the application. He said Stoddard indicated documentation of moving forward with ownership and how the City incrementally moved forward. He said it would be a powerful to talk about the amount of money that had been spent on that property since the last application.

Stoddard said that was a great point and staff would definitely do that. Staff had a letter last time from Amtrak and would request another letter from them again. She said it was around 1.8 million.

Commissioner Dever asked about the likelihood of success of receiving this gift from the railroad.

Stoddard said this last summer BNSF had provided the city some contract documents, the donation for the building, and the land lease. There were some concerns about environmental liability in the documents. Based on direction, staff had not had further discussions with BNSF about those items. If the City Commission directed staff to work with

BNSF and were given the opportunity to work through those issues, she believed BNSF still had the willingness to continue to pick up those discussions, based on their last discussions. BNSF had obviously gone through quite a bit of work to prepare the documents that were shared with the City as well.

Commissioner Dever asked if those documents had been prepared and if staff was comfortable with the lease agreements, which were the sticking point for additional or ancillary use of the depot. He said that problem would not go away and asked if the City would maintain that lease obligation.

Stoddard said one of their issues was their office needed to be retained in the building unless the City was able to find another office space. She said BNSF obviously wanted to see that building operate as a train station and there would need to be discussions if there were other uses that might come into play. The large issues were environmental liability that the City would need to assume as related to the land lease. There were some known issues with the building that need to be addressed such as lead paint.

Commissioner Dever asked if staff had identified a source of funding in the event the City was successful in this grant application and where the matched money would be coming from, since this was fairly substantial.

Corliss said staff would look at a number of different sources such as debt, fund balance and a number of different funds. It was probably approachable, given with the large dollar investment staff would try to find a way in proceeding. It was important to note that the City already helped in the funding for the design work on this site. There were no guarantees or no promises, but staff knew KDOT was interested in this project because they helped participate with the funding of the design work. He said if KDOT participated in designing something, they usually liked to follow through.

Commissioner Dever asked if the City needed to tell KDOT in the application how the City was going to pay for the City's portion.

Corliss said no. He said the City would upfront the cost and KDOT would pay the City on draw downs and then the City's 20 percent match or whatever it ended up being.

Mayor Schumm asked Corliss to speak to the secondary use.

Corliss said those were good questions, but he did not know if staff had a definite answer. If KDOT moved toward acceptance of a grant, staff could work really hard on that issue again, he said not only look at possible public uses, but also not for profit uses as well. He said he was a strong believer in having a daily presence in a building was important. He said they would like to have a good continual daily use that would be responsible to the City.

Stoddard said as Mr. Harper had noted there were a number of ideas that were generated when the historic structure report was put forth several years ago. If there was a desire at some point to go back to that list we could see if there were other viable ideas.

Mayor Schumm said it would be helpful to see what the thinking was at that time. It appeared the City was heading that way so they might as well be thinking about that.

Commissioner Carter asked that on the grant application, if Carey Maynard-Moody's award could be added with the application.

**Moved by Cromwell, seconded by Amyx,** to move forward with the 3 applications recommended by staff: Santa Fe Station, Breezedale Monuments, and Burroughs Creek. Motion carried unanimously.

5. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.**

**Moved by Cromwell, seconded by Dever,** to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time. Motion carried unanimously at 8:01 p.m.

Commissioner Amyx stated he would not attend the executive session and left the meeting.

The City Commission returned to regular session at 8:23 p.m. No action was taken following the executive session.

**E. PUBLIC COMMENT:** None

**F. FUTURE AGENDA ITEMS:**

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

**G. COMMISSION ITEMS:** None

**H. CALENDAR:**

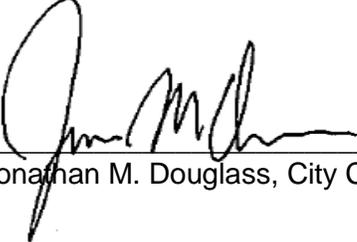
David Corliss, City Manager, reviewed calendar items

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

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

**Moved by Dever, seconded by Cromwell,** to adjourn at 8:26 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 3, 2013.**

  
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Jonathan M. Douglass, City Clerk