



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

December 18, 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 Amyx, seconded by Dever, to approve the consent agenda as below, minus items 5b and 5d. Motion carried unanimously.

1. Approved claims to 283 vendors, in the amount of \$2,711,237.08; and, payroll from December 2, 2012 to December 15, 2012, in the amount of \$1,933,247.35.
2. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License

Loopys
901 New Hampshire LLC
901 New Hampshire

License Expiration Date

New License

Cereal Malt Beverage License

2012 Renewals

Biemer's BBQ
Border Bandito
Burgers By Bigg's
Checker's
Dillon Store #98
Dillon Store #68
Dillon Store #70
Dillon Store #19
Eagle Bend Golf Course
Eastside Tavern
Fast Lane
Free State Food Mart
Hy-Vee Gas
Hy-Vee Food Store
Hy-Vee No. 2
Hy-Vee Gas No. 1

Contingent Upon Departmental Approvals

2120 West 9th
1528 West 23rd
4801 Bauer Farm Drive A
2300 Louisiana
1740 Massachusetts
3000 West 6th
1015 West 23rd
4701 West 6th
1250 East 902 Road
900 Pennsylvania
1414 West 6th
3300 West 6th
4020 West 6th
3504 Clinton Pkwy
4000 West 6th
3905 Clinton Pkwy



Jayhawk Foodmart	701 West 9 th
KOA Campground	1473 Hwy 40
KWIK Shop #702	1846 Massachusetts
KWIK Shop #718	3440 West 6 th
KWIK Shop #721	845 Mississippi
KWIK Shop #784	1420 Kasold
KWIK Shop #785	1611 East 23 rd
KWIK Shop #786	4841 West 6 th
Mass Stop	1733 Massachusetts
Miller Mart	2301 Wakarusa Ste A
PepperJax Grill	919 Massachusetts
Pick N Pay	2447 West 6 th
Presto Convenience No. 39	1030 North 3 rd
Presto Convenience Store #31	1802 West 23 rd
Presto Convenience No. 38	2330 Iowa
Pyramid Pizza	1029 Massachusetts
Quicktrip No. 167	1020 East 23 rd
Sandwich Bowl	3514 Clinton Pkwy Ste E
Shop N Go	1000 West 23rd
Springhill Suites	1 Riverfront Plaza
St. John's Church	1229 Vermont
Super Target	3201 Iowa
Swansea	1801 West 2 nd
Walgreens No. 03055	3421 West 6 th
Walgreens No. 3056	400 West 23rd
Wal-Mart	3300 Iowa
Wheat State Pizza	711 West 23rd
Zarco 66 No. 4	1500 East 23 rd
Zarco 66 No. 6	1415 West 6 th

3. Bid and purchase items:

- a) Set Bid Date of January 29, 2013 for Bid Number B1302 Projects UT1201 – 2012 to 2015 Electrical Improvements Program and UT1202 - 2012 Mechanical Improvements Program Contract 1 and Authorize the Purchase of Traveling Sand Screen Rehab Parts from Siemens Industry Inc. in the Amount of \$56,653.
- b) Awarded City Bid No. B1272, Project No. PW1233, 2012 Crosswalk Marking Project, to K & G Striping, Inc. for \$39,305.
- c) Approved Change Order No. 3 for the 2012 Concrete Rehabilitation Project, PW 1205, to RD Johnson Excavating Co., Inc. for \$200,000.
- d) Authorized the City Commission to execute an Engineer Services Agreement with Airport Develop Group in an amount of \$16,000 for pavement maintenance at the Lawrence Municipal Airport for Project No. PW1304.
- e) Authorized the City Manager to enter into an agreement with Westar to construct the electrical lines necessary to power the existing environmental remediation ground water recovery system at the former Farmland property, for an estimated amount of \$165,000 for Project No. PW1313.
- f) Authorized the City Manager to execute an Engineering Services Agreement with HNTB in the amount of \$173,796 for Design, Bid and Construction Phase

Engineering Services for Project UT1205 South Lawrence Traffic Way Utility Relocations.

- g) Authorized the City Manager to Execute Supplemental Agreement No.1 to the existing Engineering Services Agreement with Black & Veatch for Project UT1102KA Kaw WTP Raw Water Intake modifying the scope of services to include the design of improvements to the existing intake and a dredging plan with no change in the previously contracted fee.
4. Adopted on first reading, Ordinance No. 8828, pertaining to separate restroom facilities for carryout fast food establishments.
5. Adopted the following ordinances on second and final reading:
 - a) Ordinance No. 8830, for revisions to 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) DEFERRED INDEFINITELY. Ordinance No. 8826, adopting the Code of the City of Lawrence, Kansas 2013 edition as authorized by Ordinance 8825.
 - c) Ordinance No. 8827, to annex (A-12-00190) approximately 20 acres located east of Kansas Highway 10 (K-10) and north of W 6th 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).
 - d) DEFERRED UNTIL CONSIDERATION OF THE SUP IN JANUARY. 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 6th 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).
6. Adopted Resolution No. 7001, declaring the boundaries of the City of Lawrence, Douglas County, Kansas.
7. Accepted dedication of right-of-way and vacate excess right-of-way, MS-12-00295, for a portion of the Kansas River Levee, generally located between Elm Street (extended and Lyon Street (extended) west of N. 1st Street. Submitted by Paul Werner Architects. The City of Lawrence, Douglas County Kaw Drainage District and Kaw River Estates, LLC are all owners of portions of the levee property.
8. Accepted dedications of rights-of-way and easements shown on Final Plat, PF-12-00251, for the former Farmland Property, an industrial subdivision containing 21 lots, 5 tracts and 5 greenway tracts encompassing approximately 533 acres. The property is located north of K-10/E 23rd Street between Greenway Circle and E 1575 Road.
9. Approved renewal of excess worker's compensation coverage with Safety National for the period of January 1, 2013 through December 31, 2013 for an estimated premium of \$50,000.

10. Received recommendation from the Lawrence Cultural Arts Commission for an additional \$5,000 allocation for 2013 to support the 25th anniversary celebration of the Lawrence Outdoor Downtown Sculpture Exhibition; referred to staff for recommendation.
11. Approved the contract with ModSpace for two triple wide modular offices to be set on the east side of the old Border's Bookstore for use as administrative office/support for the temporary library location.
12. Authorized City Manager to execute agreement with Douglas County and the Fraternal Order of Police Lawrence Lodge No. 2 concerning the lead reclamation at the FOP Lodge. Authorize payment of \$23,175. This facility is used, in part, for Lawrence Police Department training.
13. Received request from The Shelter, Inc. for an extension on their lease with the City at the facility located at 342 Missouri Street, direct staff to prepare lease extension.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. ***Received report on Black Hills Energy AMI (Advance Metering Infrastructure) project.***

David Corliss, City Manager, presented a staff report.

Chuck Hoag, Operations Manager for Black Hills Energy, said the Advance Metering Infrastructure Project was a fixed network that allowed Black Hills Energy to receive their reads through antennas strategically placed throughout the City, versus driving by those locations to take a read which was the way it was currently done. Through their propagation study 29 locations were identified for those antennas of which they were able to partner with the City on 10 of those locations to place those antennas on already existing signal lights. The other 19 would be new poles. Of those 19 poles, 15 of those poles would be in the City's Right-of-Way, 2 in the County's Right-of-Way and the other 2 on their private property. In addition, 18 of those poles would be solar powered to eliminate the need for electricity. The poles were 30 feet high with an antenna at the top. The solar panel would be 12 feet off the ground, and a box enclosure that had a battery backup in the collector which was 6 feet off the ground.

Black Hill's had filed permits with the City and were in the process of getting the County permits filed and the site plan review for the two on their property as well. In addition, they would be mailing out letters to the affected neighbors and used at 250 foot radius for each pole to notify those neighbors in that area for public input.

Mayor Schumm said it was a step up in technology which eliminated Black Hills Energy staff from driving through the neighborhoods and collect data therefore eliminating carbon monoxide from the atmosphere. He said he hoped that the City's water utility, sometime in the future, was able to use some of that same technology to collect that data.

Hoag said they were willing to work with the City on any infrastructure needs and were happy to partner with the City on the 10 signal lights.

Commissioner Cromwell said since the locations of those poles were being strategically place throughout Lawrence, in order to capture data from every single household, he asked if that technology could be used by the city because it would already be positioned to capture every household.

David Corliss, City Manager, said staff had looked at their ability to do remote reading of water meters. He said it was different than the gas and electric utility in that the City's meters were usually 3 feet underground with a cast iron manhole cover. He said staff did some remote reading now so it was not impossible, but the main issue would be changing out thousands of meters. He said staff had performed cost benefit analysis and the benefits would be reduction in force and the travel and expense of having meter readers versus the cost. To date, the cost has exceeded that benefit even if doing it over time. He said staff would continue to look at that idea and hoped that technology costs would continue to be lowered. He said at some point staff would revisit this issue and talk with Black Hills and perhaps Westar, as well, to see if the City could make improvements.

Mayor Schumm called for public comment.

After receiving no public comment, **it was moved by Carter, seconded by Amyx**, to receive the report. Motion carried unanimously.

2. **Consider request from First Management, Inc., on behalf of Barb Wire Building, LLC, to transfer the current lease with Abe & Jakes Landing for the Barbed Wire Building located at 8 E. 6th Street to Barb Wire Building, LLC.**

David Corliss, City Manager, presented the staff report.

Commissioner Amyx asked if the agreement was identical to Mr. Elwell's agreement.

Corliss said correct.

Commissioner Carter said he had a good conversation with Mike Elwell and he looked forward to good things happening at this property regarding revenue production and drawing people into town with events. It was a large enough space, but there would be some challenges. He said they would be grappling as to how they would serve certain larger conventions with unique space. He said the space was unique and probably best suited for the proposed use.

Mayor Schumm asked if there was language in the lease that kept that operation from turning into a nuisance because it was his understanding that there were problems with that in the past. He said he also understood that this space would be used for meetings, conventions, and wedding receptions and that was great, but for the public's consumption, he asked if there could be a statement as to that.

Toni Wheeler, City Attorney, said there was language and as landlord the City had the right to regulate it in addition to the regulations of the State in our City's liquor license. If alcohol was served and consumed on the premises and it became a problem and the City was concerned about the public safety, the Commission had the ability to restrict the hours of operation of the facility and control the matter that way.

Mayor Schumm called for public comment.

After receiving no public comment, **it was moved by Carter, seconded by Amyx**, to direct staff to execute necessary documents to approve the transfer. Motion carried unanimously.

3. **DEFERRED - Consider adopting the following ordinances on first reading as related to the 2012 International Codes:**

- a) **Ordinance No. 8793, adopt the International Building Code, 2012 edition.**
- b) **Ordinance No. 8794, adopt the International Residential Code, 2012 edition.**
- c) **Ordinance No. 8795, adopt the National Electrical Code, 2011 edition.**
- d) **Ordinance No. 8796, adopt the International Plumbing Code, 2012 edition.**
- e) **Ordinance No. 8797, adopt the International Mechanical Code, 2012 edition.**
- f) **Ordinance No. 8798, adopt the International Fuel Gas Code, 2012 edition.**
- g) **Ordinance No.8799, adopt the International Energy Conservation Code, 2012 edition**
- h) **Ordinance No. 8800, adopt the International Existing Building Code, 2012 edition.**
- i) **Ordinance No. 8801, adopt the International Property Maintenance Code, 2012 edition.**
- j) **Ordinance No. 8802, adopt the International Fire Code, 2012 edition.**

Moved by Carter, seconded by Cromwell, to defer consideration of the 2012 International Codes. Motion carried unanimously.

4. **Received staff memo regarding community technology infrastructure and consider issuing a Request for Proposal for consulting services in regards to technology infrastructure.**

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

Jim Wisdom, Director of Information Technology, said the fiber that was in the ground was now part of the City's ITS (Intelligent Transportation System) Project. In 2007 staff came up with a regional plan which was a requirement to apply for a grant. He said there were 3

segments to this proposal and he discussed the number of strands of fiber in each of those segments.

Commissioner Dever asked about the plan on the Verizon conduit.

Wisdom said the main plan was to pick up the Clinton Plant, Fire Station No. 4, ITC Building, and the potential Recreation Center. He said staff had discussions with K.U. about their offices at Bob Billings and Wakarusa, the Research Facility at 1315 Wakarusa and the Recreation Center with the possibilities of partnering on that project.

Commissioner Dever asked if the City budgeted any funds to fill the conduit with at least dark fiber for now.

Wisdom said it was an 1 ¼ conduit with one chance to fill it and if keeping to the same quality of fiber, it could hold 288 strands, that was 68 thousand feet of conduit which with all the extra fiber, would be close to 300 thousand to fill it with fiber. KU had talked to the City about various amounts, depending on how the partnering went. There was no set amount yet.

Mayor Schumm asked if the central city conduit run down Massachusetts Street.

Wisdom said there were 48 strands of fiber that ran from City Hall to Law Enforcement Center as well as the Douglas County Office which were a joint project done a few years ago. The fiber went outside the parking garage by the Rhode Island entrance, up Rhode Island to the Police Department Building into their 911 communication area. He said from that point, it exited out of the back of the Police Department Building to the South Park Building, then to the Community Building to 1006 New Hampshire, the Municipal Court Building, and finally to 947 New Hampshire. He said it provided connectivity for Transit, Parking Control and Animal Control.

Mayor Schumm said when going northwest, did it go up to the water treatment plant.

Wisdom said the fiber went from City Hall and was a separate part of the City network. He said it was isolated for Utilities purposes. He suggested soliciting, in the future, internet providers at the Farmland and East Hills property to put in demarks to help attract businesses and those businesses would not have far to go to acquire high speed connectivity.

Mayor Schumm asked how much would be spent on finding the appropriate person to coach the City on this technology infrastructure.

Wisdom said he did not have that information, but knew of a town of 30,000 that spent \$50,000 for a consultant. He said maybe somewhere in the range of \$60,000 to \$70,000.

Mayor Schumm asked where the money would come from to pay for this consultant.

Corliss said the good news was that it would be early in the 2013 Budget and we could use a contingency line item. He said he was reluctant to give out the consultant fees on the front end. He said he was looking at this project as a potential investment. Wisdom emphasized connectivity issues for City services and ancillary affiliated partners. One of the key issues, outlined in Stoddard's memo, was using the asset for private venues as well. The City might need to spend a little bit of money to make some money from the City's end, but more hopefully, help not only residences, but businesses in the community with this opportunity. Staff was not singling out either existing providers or future providers. The City had an asset and wanted to be wise in how they were going to use it and encourage it, and not just wait for responses. He said they also wanted some criteria for evaluating responses.

Commissioner Amyx asked how the city would attract a consulting firm to look at this RFP and would there be a local area or national search conducted.

Corliss said those types of searches could happen. He said staff clearly wanted someone familiar with these types of issues, market place, costs, and perhaps the different vendors and their needs. He said other communities were able to receive those services. He

said not only would staff need to be convinced to make a recommendation, but also the City Commission.

Commissioner Dever said he received a phone call and email from K.U.'s Information Technology Department who had a much larger staff and a real desire to see the City move forward with enhancing the opportunity for high speed internet in Lawrence. There was clearly a need for more capacity and more competition because all the research he had done showed that Lawrence suffered in the area from a speed and a cost standpoint. He said for the University, it could lead to research and development and obviously incubators. There were people constantly looking for more ways to exchange data and to move it from point A to point B. He said he would forward a copy of that email to Corliss. K.U. welcomed the opportunity to help the City and perhaps together, could seek out a vendor. K.U. stood to benefit as a public, but separate entity from the City and obviously, ways to encourage development of more competition in Lawrence. He said the City needed to figure out how to leverage right-of-way and the fiber in the ground.

Mayor Schumm called for public comment.

K.T. Walsh seconded Commissioner Dever's comments about including K.U.'s Information Technology Center and also including Haskell Indian Nation's University. She said at the School Board meeting regarding bond issues, they spent most of the evening talking about technology upgrades in the future. Only 41% of the students in Lawrence schools have access to a computer at home and they were very aware of the equity issues and the digital divide happening in this community. She asked if this could be part of the consultants thinking process, but it seemed there was a connection and perhaps needed to cooperate with the School District.

Mayor Schumm said it was a great idea and the City had the asset. He said it was economic development and it didn't hurt to look to see where the City could go with it.

Commissioner Cromwell said this was incredibly important first step in taking a look at bringing Lawrence, Kansas into the 21st century. A lot of communities had not taken advantage of this technology and Lawrence could put itself forward as a tremendously innovative community by doing this. He said it was great for the community and economic development.

Commissioner Carter agreed and looked forward to what the consultant had to say. He said from discussions, this issue could go a number of directions. It was an entrepreneurial effort and a little outside of the box of what the City might typically do. He applauded staff and everyone for this good effort.

Moved by Cromwell, seconded by Carter, to direct staff to issue a Request for Proposal for consulting services regarding technology infrastructure. Motion carried unanimously.

5. **Receive staff report on the construction schedule/phasing and traffic control plan for the Iowa and 15th Street (Bob Billings Parkway) reconstruction project.**

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

Mayor Schumm said regarding the 19th Street detour that would cut across campus, he asked if it would be possible to change the timing of the lights, especially at Crestline.

Soules said those timings could be adjusted.

Mayor Schumm said when going through west campus by the Lied Center, there were a series of stop signs and asked if they would be basically changing the major corridor of traffic, snaking across from east to the northwest. He asked if it would be possible to re-sign that in terms of yield signs or stop signs so there was continuous flow of traffic.

Soules said they didn't get down to all the details, but KU has been great to work with. He said he was sure they would be able to work out the traffic control issues through west campus.

Mayor Schumm said from February 2013 through November 2013, in all the different phasing, would they only have one lane open in each direction on Iowa Street.

Soules said yes, but after school is back in session, Iowa Street to the south of the intersection would be four lanes because it was built. He said going north, when approaching the intersection, traffic needed to get into one lane.

Mayor Schumm said regarding a topic that was brought up earlier by Commissioner Dever, he thought they were of the understanding that the intersection would be open by the first of August.

Soules said basically they were trying to get as much time for the contractor as possible. There were 89 calendar days between May 20th and August 16th taking out holidays and Sunday's which brought it down to 75 days. He said there was a lot of work that needed to be completed in that time period. That scheduled had been coordinated with KU to make sure it was open on the day that school started.

Mayor Schumm said his experience from living around Lawrence was that around a week or 10 days the first day of class, the volume picked up dramatically. He said he did not know if the City Commission wanted to consider some action to incentivize the construction being completed earlier.

Soules said there was a lot of work to complete in that amount of time. The contractor had until that drop dead date until being charged liquidated damages.

Commissioner Dever said he recalled that conversation and the move in week was when there were massive amount of traffic. The first day of school wasn't nearly as impactful as the

first day of August. There was a large apartment complex on that road and others down the street as well as new people to this town which was a recipe for congestion and problems if the City did not try to incentivize that point. He said he was sure the right team could use those days and get it knocked out. He said they couldn't put people out that were new to Lawrence because they would be completely lost at that point.

Commissioner Amyx said they had used a date of July 31st as the date of completion. He said he did not think they could get it completed prior to that date.

He said if they started receiving liquidated damages, he asked how that money would be used and did the Commission have a say on how that money was used.

Soules said it would lower the cost of the project.

Mayor Schumm called for public comment.

Nelson Kruger said he and his wife had been Lawrence residences for 45 years and traveled Bob Billings Parkway and Iowa Street nearly every day. It was a busy street carrying 17,500 vehicles every 24 hours, as a main access to and from the KU campus, neighborhoods, a church, the Dole Institute, the Lied Center, 2 shopping centers and banks. Approximately 10 days ago they heard there was a plan to close Bob Billings Parkway from Iowa to Crestline for about 84 days. One state official said the State had the responsibility to assure a good faith effort to receive public input for such project. They began looking for information. The information retrieved did not indicate what contractor the City's Public Work's staff reported that they relied on for the project estimate and the timeline and requirement for closing Bob Billings Parkway. Staff indicated they talked to a contractor, KU, and Westar, but who as the contractor that advised staff that the job could not be done under traffic. That assumption has resulted in engineering calling for this primary street to be closed for nearly 3 months.

The past few days, he had contacted contractors who conveyed that they could do this work under traffic, just like most of the other projects in Lawrence. Building under traffic would require closing Bob Billings Parkway for only 7 to 10 days. Temporary traffic lights were recommended to accommodate the approximately 2,000 people who resided in the area and take primary access from Bob Billings Parkway. Public documents would illustrate this project had been in the works for a long time. However, there was little public record discussing the input from the taxpayers, the property owners, and the customers. After visiting with a lot of people present, who would also express their concerns, his request was that the City ask KDOT to pull this project from the list of projects, to be advertised for bid tomorrow, for the purpose of phasing this project to keep Bob Billings and 15th Street open, one lane in each direction during the construction of the intersection. Contractors who had done projects of this size and larger had advised that the road design did not need to be redone, only the phasing of the construction needed to be reconsidered. Perhaps to ensure this schedule, he suggested adding in incentives for an early completion.

Heather Hasler, Nolan Real Estate and Orchard Corners Apartments, said the project did not affect their property as much as Meadowbrook which was east of their property, but she had 200 residents that the project would affect their daily lives. She said she moved to Lawrence 10 years ago and felt progressively, each year, more and more students stay in town for the summer because they had jobs. She said a lot of her residents currently work on the south side of town and this would affect their daily lives. She said from a business standpoint, it would affect their business in such a way that a lot of their prospective residents would be unable to find them, and in some cases people coming from out of state and out of the country. She said if their business was not 100% occupied by August 31st, it wouldn't be until the following August. She said as one of the Commissioners mentioned, August 1st was generally a

move in date for all the community properties in Lawrence. It would make it difficult for her new residents to be able to move in on their move-in dates.

Caroline Crawford, Vice President of Sunset Hills Neighborhood Association, said the layout in getting around in this area would be an absolute nightmare. She said rerouting thorough west campus dumped the traffic at the intersection of Crestline and Bob Billings Parkway. She said at a minimum, she suggested putting up signage so people would not think that Crestline was a cut-through. She said her reasoning for this thinking had to do with Crestline itself and many might not be aware that there was a hill on Crestline that blocked the view of two intersecting roads that people had no choice but to use. In the neighborhood that was their only entrance and egress to their properties which were further to the west. When coming over the hill a person would be unaware of who was coming and going onto Crestline. People who lived in the neighborhood know to slow down so that if they crest and see someone that they could stop or slow down significantly. If there are people cutting through the neighborhood, they would not realize they are looking at a very dangerous situation. Also, on the drawings regarding the cut-through areas, those were streets that came off of Iowa Street and join Crestline which were lanes that did not have sidewalks. Crestline was a hazard to people that weren't internal to the neighborhood and they needed some sort of artificial marking at the bottom indicating "no through street" or something to dissuade people from using that area. Another cut thorough was 8th and 9th Streets and longtime residents would know that those streets had an "S" curve which was extraordinary dangerous and was right after a hill section with speed humps. She said more vehicles had ended up in one of the trees. If having all of those people that did not know that this was happening, there would be a significant danger right within the neighborhood and would affect a lot of people. She said if there was some way of dissuading traffic from thinking it was a good way to cut-through the

neighborhood, they needed to dissuade them from doing that. The major hazard was the summer school at KU was very active and Meadowbrook Apartments and all of the other apartments adjacent to Bob Billings were quite frequently filled with students that were going to summer school. The students exit those apartment houses in droves, walk along Bob Billings Parkway and cross the street at Iowa and Bob Billings. There was no light and the City was asking for a real problem because those were student starting college early. She said they needed to protect all of those businesses and apartment owners because they needed those apartments filled which made a viable neighborhood and brought in the tax dollars that were needed to run this town.

Dean Drennan, owner of Mr. Goodcents, said he found out about this project yesterday at a meeting at Meadowbrook Apartments. Last year, during the Bob Billings construction taking it down to one lane each way, their sales were negatively affected by almost 19%. Sales would not come back on day one when road were reopened. People change their travel patterns and find other places to go. It was concerning not being able to turn off of Iowa on to Bob Billings and also to have Bob Billings shut down for that 3 month period. At their Kasold location, 60% of their business came from KU and their employees, visiting teams, and summer camps. If closing that street down for the summer, the City was putting their business in a bind. He asked the City Commission to reconsider the rephasing of this project. To completely shut them off from any traffic, east of Kasold would hurt their business. He said it was his understanding that there would be construction at 15th Street and Wakarusa which would make it like an island not having traffic east or west.

Mayor Schumm said regarding the 15th and Wakarusa project, that was scheduled to take place this year, but because the businesses in that area did not want it to take place this year, they asked the City Commission to delay the project until next summer over the summer

months when it was less busy. He said they were trying to accommodate the businesses at that intersection.

Corliss said correct, but Bob Billings Parkway would be opened at all times. The construction limits were to the south and north on Wakarusa.

Kari Worden, Scone Lady's Coffee Shop, said she spent most of her morning talking to her customers trying to get their input regarding Bob Billings being closed and their opinions on Iowa being down to 2 lanes. She said her customers were concerned about pedestrian traffic, people riding bicycles through the neighborhoods, the vast amount of traffic, and using exits on and off the streets because they had seen a lot of wrecks last year with the Bob Billing Construction project. If the phasing could be redone to where 15th Street could be reopened that would be great. She said her customers wanted it to remain convenient for them and wanted to go out and spend their money. This was going to be a real hardship for her customers. She said her customers were also concerned that they had not heard anything about this project.

Burt Wickersham, General Manager of Meadowbrook Apartments, was concerned about the pedestrian traffic. Their office overlooked Bob Billings Parkway which gave them the opportunity to watch the traffic flow. Pedestrian traffic both east and west was several hundreds a day at a minimum. Most of those people were crossing Iowa Street and it was a danger. He said while it would be done during the summer, the pedestrian traffic did not decrease as much as one would think because the busses don't travel as much and more people walk. He said with that intersection being just through traffic on Iowa Street, it would be very busy with a constant stream of cars and would end up with people darting across the road. If it was rephrased so there was a light change at that intersection, it would not just accommodate the cars, it would also accommodate the people.

Todd Southerland, President at University National Bank at 14th and Kasold, said everyone was for progress and improving the City. He said putting a sign up at 15th Street did not tell someone that the road was going to be closed and no through traffic. He said they lived through the Kasold project, but at least that was open one lane each way. He said they were just asking for reasonable accommodations and whatever the City Commission could do to help their livelihoods and safety they appreciated that.

Ben Trinton, Midwest Property Management, said they managed property up and down 15th Street. He said for safety purposes, if there was a fire or some other emergency he asked how emergency vehicles would get through.

Jane Eldredge said she had been working with the Bob Billing Parkway Neighborhood. She said the project had been noted in the newspaper, but the notices that went to any of the property owners didn't indicate that there was any closing of Bob Billings being discussed. There were no notices to anyone that was more than 600 feet west of Iowa. There were 20 businesses located at Kasold and Bob Billings which were the businesses that went through the Kasold and Bob Billings rebuild and would like to have their businesses stabilized. These businesses knew the project was important, but the east/west access to their livelihoods and tenants were critical. The owners of the apartments and the condos along Bob Billings rented to people who were looking for places to live starting the first of August and their heavy times were May through August, the pre KU class times. It was when those new people coming to town needed to determine where they're going to bank, buy coffee, and where they would pick up their prescriptions. She said it was important to note that Kruger had done the research in keeping the road open. There would be a delay because the phasing would need to be rescheduled, but there were a number of contractors who could and would do this project in a

shorter period of time, with the lanes open and meeting all the other requirements. She said those contractors deserved a look. The residents and businesses deserved equitable treatment with other people that had their roads kept open during construction. She showed a map of the new detour which leads to a problem for the folks on Crestline. She said Harvard, Yale, and Orchard Lane were not intended as detours, but as people become more familiar with town, she could not imagine those roads would not be used as detours coming down Crestline. Crestline would probably need to be on the schedule to rebuild if dumping those 17,500 vehicles on that road. She said they were asking it to be opened and allow the east/west access.

Brian Furer, resident of the West Meadow Condominium Complex and a HOA Board Member, said he understood this project was deemed necessary and no matter how it proceeded, it would be a major disruption. He thanked the City Commission for listening to their concerns about safety and traffic and access to and from the neighborhood for the residences.

Mayor Schumm said he and Commissioner Amyx dealt with similar types of activities when putting in waterlines downtown over 3 summers. They had the same types of questions regarding closing the entire block to get the project completed quicker or leave it open to keep traffic flowing. He said they worked with the construction crews to try and facilitate as many teams at a time so that the work could be completed as soon as possible. He said for the most part, the project went well and there was very little disruption. The people did find a way to get to their front doors. Entire blocks were closed off, but it did work. He said when discussing safety, he agreed with maintaining pedestrian access to get to KU and back; the ability to get in and out of the neighborhoods; and, that traffic shouldn't be able to travel through Crestline and that surrounding neighborhood. He said during the Kasold project, he lived on the west side of that project where they had to place signage at St. Andrews and Tam O'Shanter to keep that

from happening in their neighborhood. He said one of the reasons they were doing this project was for safety reasons. There was a bad situation where southbound vehicles on Iowa Street were making east bound turns into KU properties and there was no center turn lane. He said he was on one of the earlier Commissions where they received an earlier approval, but fell apart. Also, that intersection would become much more valuable in terms of its ability to handle more traffic. While there was some momentary disruption and grief, the long-term was that in many years to come, it would be a much more efficient intersection that would help facilitate more traffic through that area and more traffic up Kasold to the west. As the City built west, a lot more traffic would be seen moving up and down Bob Billings Parkway. He said those were the things the City Commission needed to keep in mind when making a decision. He said was it better getting the project completed quicker and go through a little bit more pain and suffering, or was it better to stretch the project out for another year which would make the project go through another winter season and possibly delay the project until the middle of next summer. He said he wasn't sure that two lanes each way and two lanes on 15th Street come August 1st would end up a giant mess unto itself.

Commissioner Carter said this was a tough decision, but it came down to, if it could stay open east/west then it needed to. He said based on that location, he didn't know if more night shifts could take place at the Iowa intersection, but based on staff's presentation it couldn't be done. He said he wanted to know who said that night shifts couldn't be done. He said he wanted to be 100% comfortable that it could not be done any other way.

Mayor Schumm asked Soules to address Commissioner Carter's comments.

Soules said staff visited with RD Johnson Excavating who were successful contractors and had done tremendous work for the City in the past. He said staff respected and valued their opinions. Bartlett and West had done a lot of highway work along with KDOT. He said to

maintain this highway staff did not think it was feasible under traffic. He said anything could be done, but it would be significant to pull the project. He said if determining to move ahead with the project and bid it in June, it won't be completed by December, but shut down and left with a mess for several months. The project would be picked back up in April 2014 and the project would be completed that year. He said in 2014, they would be working on a project at 23rd and Iowa and did not think they wanted those two projects to overlap.

Commissioner Dever asked if Soules could address the pedestrian flow across Iowa.

Soules said it would be difficult. The detour would be up 19th Street or at that point, Crestline over Irving Hill Bridge. At some point, the road would be removed anyway and they did not want pedestrians crossing the road at that location whether there was a signal or not. He said right now there was no sidewalk on the south side by the Lied Center and would be used for construction staging. The foot traffic would have to walk up Constant, Crestline and across the bridge.

Commissioner Dever asked if staff thought about running a small shuttle from the intersection of Bob Billings and Crestline to the other side of Irving Hill Road walkway to help facilitate the movement. He said if they ran a route, people would use the bus stop. He said he was sure they would need to reroute transit. If they went the route of shutting down the road entirely for that 70 day period then they could move people safely and carefully from one side of the street to the other. If it ran on a fairly routine basis, a lot more frequently than the bus would, he asked if that scenario had been discussed.

Soules said no. He asked if it would be ran 24-7.

Commissioner Dever said no, but obviously peak times.

Soules said that could be discussed with transit.

Commissioner Dever said it was a reasonable facilitation of what would be an unsafe route of traffic. It would help keep people at that corner and people walking instead of getting into their cars and driving, adding to the traffic congestion to begin with. He said people could not fathom the size of the excavations and the work that would be performed at that location.

Mayor Schumm said this was not a repaving, but removal of a whole entire road bed.

Commissioner Dever said it has gotten to a point of doing something massive in order to get this road bed back to where it belonged.

Soules said at this point, the City had 4.5 million dollars of State and Federal funding.

Commissioner Dever asked if that amount would be in jeopardy if they postponed this project.

Soules said not necessarily.

Mayor Schumm said all State monies were in jeopardy until using those monies, now more so than ever. He asked when they discussed this project in great detail.

Soules said in 2010 when Iowa Street failed, they had numerous conversations about the reconstruction at the City Commission level. It was at the end of March in 2010 when staff talked to the City Commission about Iowa Street and KDOT regarding funding. There was a public meeting with the neighbors and notified everybody between Iowa and the University on the east side on Iowa and Crestline on the west side. There were a lot of neighbors from the Iowa Street area and the University Neighborhood. Staff brought back to the Commission options and funding scenarios discussing total reconstruction and how long it would take for a mill and overlay project. He said staff also brought back a couple of contracts with Bartlett and West. There were meetings with the City Commission authorizing the preliminary design reports and met with Utilities, KU, and the Church. Staff came back to the City Commission in November 2011 and discussed the phasing. At that time, the City Commission felt that was the

best way to proceed. There was also a public meeting June 2012. At that meeting the public information flyer indicated that 15th and Bob Billings Parkway would be closed during the summer months. He said there was an update on the project in August until this meeting.

Commissioner Amyx said the Mayor and other downtown business owners had been through a similar type situation. He said it was important to find a pedestrian crossing to get across Iowa Street during the construction of the intersection. He said some type of temporary pathway system was needed to get to Irving Hill Road and across the overpass. He said the shuttle was a good idea and was done during the time of the Kasold improvements which worked out well under circumstances. He said the project needed to be done now because the roadway would not make it. He said he was involved in discussions about adding the 5th lane along Iowa Street and he was not in favor in the past. Since that time, the passing on the right had become a concern because they did have wrecks. He said they needed to talk about incentives and if there were going to be liquidated damages involving this project. He suggested using the liquidated damage scenario.

Commissioner Dever said he was guilty of using the Constant Avenue/Crestline cut-through on a routine basis. He tried to avoid that intersection at Bob Billings and Iowa on a regular basis and routinely used that route which was one of the reasons it was suggested at their meeting the other day. He said from a timing standpoint, it was the exact same amount of time it took to go to the light and to head west on Bob Billing Parkway. If people were educated, it would impact businesses less if it were a developed and well signaled route. He said there were just major improvements to that roadway and we might not have routed traffic in that direction a year and a half ago, but the improvements made to that road hopefully could be expected with Bob Billings Parkway and from a vehicle standpoint, a reasonable accommodation for this short period of time. He said if he believed in his heart that this project

would impact businesses, he would not recommend closing this road. He believed that 70 days of no use of this road versus four or five months of partially and poorly functioning one lane directions would frustrate people. He said people would probably take those cut-offs anyway because it was people's human nature to find a way around a poorly signalized and poorly developed roadway. He said by signaling and creating these bypasses around the construction, he believed it would help the problem go away faster and provide a better product according to staff. Lastly, he said any accommodation that could be made such as economic incentives for the contractor, pedestrian walkways or routes so people could cross Iowa safely, impacts to businesses; any way they could get out of the way faster would lead to a thriving economy rather than creating a snail's route on Bob Billings for a 4 or 6 month period with more phasing.

Cromwell said he concurred. He thanked KU for allowing the alternative cut-through. If looking at the original alternate route that was a long way around. The current alternate route going through west campus was a route that he used because that intersection did not work right now and did not function well. He said they were trying to fix the flow of the intersection as well as the road falling completely apart. He said he thought the project should be moved along as quickly as possible and encouraged the contractor incentivizes and dealing with pedestrians.

Commissioner Carter said between RD Johnson, Bartlett and West, the City and KDOT, he was comfortable the question had been answered and there was no need to delay to ask for further opinions on whether they needed to close that street or not. He said he didn't hear about the possibilities of running later shifts or 24 hour shifts and would like to see the damages be higher if possible. He said they needed an incentive, but would also like to see the damages high.

Soules said having the Federal funds involved, staff pushed for the maximum liquidated damages for that project. He said staff could incentivize, but didn't think they would see 24 hour shifts. The contractors could work Saturday's and Sunday's. He said KDOT was allowing staff to add the incentive idea into an addendum as well as adding the detour into an addendum as well.

Mayor Schumm said he liked Commissioner Dever's idea about a shuttle for peak pedestrian traffic hours from Crestline and Bob Billings to move to the top of Engle and 15th Street; pedestrian signage; working with KU on traffic flow on 19th Street to Crestline, adjusting signals and stop signs; identifying local streets where signage was needed to keep traffic away from those streets; and, in favor of incentivizing the completion by July 31st. He said he did not want to take money out of the street maintenance fund, but in this case it was important to get that intersection opened. He said it was better, safer, and in the long-run economically better for the businesses to get it done and get it opened. He would vote in favor as described.

Commissioner Carter asked if the Commission should discuss the incentives as part of their motion.

Corliss said he suggested directing staff to work with KDOT because KDOT was the bidder to follow through on the list of items. He said he wanted to look at that May 20th start date to see if there was some mobilization and still have it opened for graduation.

Commissioner Amyx asked about liquidated damages.

Corliss said the liquidated damages were at the maximum that KDOT allowed for their type of contract, that penalty would come back to the City and KDOT to split. He said he would suggest not only detour signs, but work for business signage so that people knew where to get to certain businesses. He said trail blazing and directional signage would help and could be done along Iowa and the KU detour.

Mayor Amyx said if 19th Street was signed well that would pull a lot of traffic through.

Eldredge said presently on Crestline going south there was a sign that says "no trucks."

One important issue during all these move in's and move out's would be trucks that might want to follow that sign.

Mayor Schumm suggested changing that signage to "no through trucks." He said staff would note that concern.

Moved by Amyx, seconded by Dever, to receive the report. Motion carried unanimously.

E. PUBLIC COMMENT:

Jane Eldredge said she wanted to make a public comment about the previous discussion because she did not think they made themselves clear in the conversations with contractors that it could be done within your timeframe or faster. She said they were not asking for any delay in terms of construction, but asking for consideration of keeping the streets opened and letting it be handled by people with lots of experience keeping streets open.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

None.

H: CALENDAR:

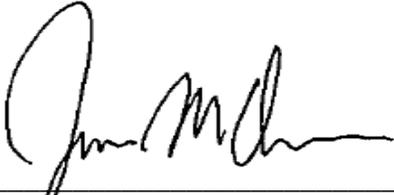
David Corliss, City Manager, reviewed calendar items

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 8:35 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 8, 2013.



Jonathan M. Douglass, City Clerk