



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
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

August 20, 2013

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 Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Recognition of the ratification of the 19th Amendment.

B. CONSENT AGENDA

Mike Amyx asked that consent agenda item number 2, claims to vendors, and item 4a, Ordinance 8895, be pulled from the consent agenda for separate discussion.

It was moved by Farmer, seconded by Riordan, to approve the consent agenda as below, minus consent agenda item numbers 2 and 4a. Motion carried unanimously.

1. Received minutes from various boards and commissions:
Cultural District Task Force meetings of 07/15/13 and 07/30/13
Lawrence Human Relations Commission meeting of 05/16/13
Public Health Board meeting of 06/17/13
Sister Cities Advisory Board meeting of 05/08/13
2. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.
Approved claims to 296 vendors in the amount of \$2,762,598.97.
3. Approved the Drinking Establishment Licenses for Johnny's Tavern North, 401 North 2nd Street; Slow Ride Roadhouse, 1350 North 3rd Street; R Bar & Patio, 610 Florida Street; Theater Lawrence, 4660 Bauer Farm Drive; and, the Alumni Association of the University of Kansas, 1266 Oread Avenue.
4. Adopted on second and final reading, the following ordinances:



- a) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Ordinance No. 8895, authorizing the sale of 2013 Series A Bonds and Series III General Obligation Temporary Notes on September 10, 2013.
 - b) Ordinance Number 8896, establishing reserved parking for persons with disabilities in front of 3924-3926 Overland Drive.
5. Authorized the Mayor to execute an Agreement and Bill of Sale for the transfer of title for a water metering station building to Baldwin City.
 6. Approved the suspension of enforcement of City Code Section 14-407, (prohibiting the discharge of firearms within the city) to allow a "shotgun" start at the Lawrence Police Foundation golf tournament on Monday, September 9, 2013, at 5:00 p.m. at the Orchards Golf Course at 3000 Bob Billings Parkway.
 7. Authorized staff to send out a Request for Proposals for wireless communication equipment co-location at the Stoneridge water tower site.
 8. Approved as signs of community interest, a request from Baby Jay's Legacy of Hope, to place gold ribbons on downtown light poles on Massachusetts Street during the month of September to raise awareness about childhood cancer.

Regarding consent agenda item number 2, Amyx said several months ago when the City Commission was discussing Rock Chalk Park and how claims would be paid, it was decided that claims for this project would be approved as part of the City Commission's weekly consent agenda, under claims, if appropriate. He said he had discussed with the City Manager about showing those payments made to the Rock Chalk project as a separate claim amount because his record showed that he was against that project.

Amyx said regarding item number 4a, Ordinance No. 8895, authorizing the sale of the general obligation bonds which encompassed the Rock Chalk project, for consistency purposes, he would vote against this ordinance.

Moved by Schumm, seconded by Farmer, to approve full claims of \$2,762,598.97 minus claims related to Rock Chalk Park in the amount of \$126,372.92. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve claims related to Rock Chalk Park in the amount of \$126,372.92. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

Moved by Schumm, seconded by Riordan, to adopt on second reading, Ordinance No. 8895, authorizing the sale of 2013 Series A Bonds and Series III General Obligation Temporary Notes on September 10, 2013. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered a request for time limit parking in front of 305 E. 7th Street. (TSC Item No. 3; denied 8-0 on 03/18/13).**

David Woosley, Traffic Engineer, presented the staff report.

Amyx asked if the Traffic Safety Commission only considered the site in front of 305 East 7th Street.

Woosley said correct.

Amyx said the parking on the east side of the alley was long term parking to Connecticut Street.

Woosley said correct.

Mayor Dever called for public comment.

KT Walsh said this request for limited parking was in her block. The neighbors celebrated this business at the end of her block because the business had a steady clientele, but they were a small neighborhood business in East Lawrence and not part of downtown. The parking garage would be completed soon, at the library, and that would relieve some of the pressure on the parking issue. The last time the City Commission considered limited parking was for Jensen's Liquor because of the football games and Round Corner Drugs where there

was construction next door and the owner of the drug store, Tom Wilcox, had elderly customers that needed to get into his business. She said this request at 305 East 7th Street didn't seem comparable in terms of pressure. She said this tax office, at the end of her street, was so popular that during tax time there were people blocking the alleys and stacked up two cars out. She said that business was not as courteous as they could be to their neighbors and assumed they would want to cut some slack to a downtown neighbor that wanted to park at that location.

Jerrad Humerickhouse, owner of Hume Tax Service, said they also ran three businesses out of that office which was H&H Appraisal Service and Gardner Insurance. He said like stated before, there was never a problem in the previous 18 years until the library moved to Border's Book Store and had created a big problem for their businesses. He said he would like the City Commission to consider this request even though he was two and a half blocks off of Massachusetts. He said he would like the same opportunity as people in the downtown area that had limited time parking.

Judith Dutton, downtown business owner, said she had spoken against this request when it went before the Traffic Safety Commission, on March 8, 2013, which resulted in a unanimous decision to deny the request and she thought the matter was settled. She said this matter had come up again and her experience with the owner was that employees of the tax service seemed to believe that their business deserved special treatment. She understood that the tax service would want parking in front of their business that would essentially stop anyone who worked downtown from parking at that location and would give the tax service parking primarily for their clients. She said that business had at least two private parking spaces next to their building, but it seemed they wanted those spaces for themselves so they weren't inconvenienced. Parking was limited with the library temporarily located adjacent to their business, but there was a two hour lot at that location and there were frequently places to park. In fact, as she left work today at 5:00 pm, there were no cars parked on 7th Street, on that block. She said she wanted to give the City Commission a short history she had with this business. In

January of last year she left work on a cold, dark and rainy night and found a wet piece of paper on her car indicating that as of Monday morning that that space would be restricted to Hume Tax Services clients only. She said she went into their office and someone in their office said that they had placed that paper on her car. She told that person that she understood parking was tight for downtown for everyone, but that it was a City street and she had a right to park at that location. Two days later she parked on the street in front of their building and one of the employees came outside raised his hands in the air and yelled at her. She said she was pretty shaken up and went on to work and at that time, decided to call the police and report the incident and was told that her complaint could be recorded, but nothing could be done at that time. The next time she parked in front of the office, she returned to her car several hours later and had a \$55 parking ticket for parking 13.5 inches from curb when the ordinance stated 12 inches. The tax service had called a police officer to come and ticket her car. When the police officer tried to talk them out of ticketing her car, they insisted that she receive a ticket because she had broken the law. She said she was feeling harassed and anxious at that time and once again, she drove around the block and called the police. The officer who had ticketed her car came to her home and talked to her about the incident and asked her what she wanted. She said all she wanted was to be able to park peacefully wherever she needed to park on a City street. At that time, the police officer went back to discuss the matter with that business and told the business to leave her alone. The police officer called her and told her he thought the problem had been settled. Unfortunately, it had not been settled. A week later she again parked in front of their office and that morning one of the men came out, pretended to look in his mailbox way before mail time. She said she locked her car and walked away. When she returned to her car around 1:00 pm, the same man that came out in the morning came out again and began watching her trying to maneuver out of a tight parking space. After a little while, she rolled down her window and asked if there was anything he needed and was told that he was just watching her. She told the man that she preferred that he wasn't watching her and the man

said he was watching the dog across the street and went inside. She drove away, but stopped again a couple blocks away and was ready to file a disorderly conduct complaint against the tax business as recommended by the police officer that had been to her house before. She said she began feeling uncomfortable in not knowing what would happen next and was both angry and anxious about continuing to be harassed for simply parking on a city street. On February 15th, an officer came to her house picked her up in a patrol car and took her down to the business so she could identify the man who was continuing to harass her and the officer issued a ticket for disorderly conduct at that time. During that time the officer spoke to Mayor Schumm who told her 6 months earlier, he had been asked by Hume Tax Service not to park in front of their building. He said while he would agree to do that, it was a city street. This behavior was the reason why she was less surprised than she might otherwise be and that the tax service was present again appealing a unanimous decision of the Traffic Safety Commission even though the tax service did not show up for the meeting, the night it was on the agenda. She said this story wasn't the primary reason why she opposed the granting of the two hour parking. She said they all knew that parking was tight downtown and it was very difficult for the owners and those who shop downtown which were being addressed with the parking garage. She said she was a psychotherapist in private practice and would love for her clients and herself to have parking right outside her door. She said her clients had to pay a parking meter or park in a two hour lot which was just as close as the tax service to a two hour lot. She said for herself, she had to walk a couple of blocks at least to find a parking place. Again, she understood that they wanted limited time parking, but it sounded as though they were asking for special privileges at this point and the parking issue would be alleviated soon. She said if the limited time was granted, it would allow the tax service, essentially, private parking for their clients and still have their private parking. She asked the City Commission once again to deny the request. To grant it would inconvenience even more of the many other downtown business owners who were

having to look for places to park and didn't have private parking. As a community, they worked together and none of them deserved special treatment.

Amyx asked if the request was to mark tires for 2 hour parking.

Woosley said correct.

Amyx asked if that was done anywhere else on a temporary basis.

Woosley said he thought that was correct, but there might be some zones, but he had to look at the City Code to confirm that.

Amyx asked if there was any consideration given to metered parking.

Woosley said no one brought up metered parking, but there was metered parking within a half block of that location. The Traffic Safety Commission usually didn't deal with meters themselves and time limits. Meter requests usually didn't go to the TSC.

Amyx asked if metered parking was handled by the City Commission.

Woosley said correct.

Amyx said when he was in that area at 3:00 pm today there was one car that had been at that location since 8:00 am. He said he wondered if metered parking should be considered at that location.

Schumm said since he was mentioned in the statements, he knew a little bit more than what was presented. He said as he recalled at that time, he was asked not to park in front of their place which he agreed to and parked further down the block. It was during tax season and tax season was anywhere from December 31st to April 15th which was pretty busy. He said Walsh indicated at times there was a lot of traffic at that location. He said this was for a 3 or 4 month duration. He said they were real close to opening up the parking garage within a couple of weeks. He said he would rather wait to see what effect the parking garage had on this situation. He said if putting some type of traffic control device at that location, the City had to bring city parking control personnel to that location to monitor 2 or 3 spaces for two hour parking, it would not be very cost effective. He said since they were out of tax season and

almost close to seeing what opportunities would exist in the new 325 space parking garage, that the City Commission wait, not do anything right now, and concur with the TSC.

Riordan said one of things mentioned was that there was available two hour parking within a half of block and asked if there were typically spots available at that location.

Woosley said that was in the Border's parking lot which was two hour parking. He said he didn't know how often it was available because it wasn't controlled under their division, but that was where the two hour parking was available within a half block of this business.

Riordan said it was likely during the day that there was some availability.

Woosley said he would think so.

Farmer said he drove by that location earlier today and couldn't help but notice there were five off-street parking spots behind. He said he was trying to problem solve and understood the need to mitigate traffic in front of the business and figure out an alternative solution. He said he might want to suggest to the business owners that they might want to ask Pastor Paul Winn, First Temple Church of God and Christ located at 7th and Connecticut, to utilize the church's spaces during busier times. He said it wouldn't become a parking lot, but they were talking about two parking spaces. He said he parked there during his campaign on a non-church night and there wasn't a sign telling him he couldn't park at that location. He said he couldn't imagine there being an issue as long as it didn't interfere with the churches programs. He said he agreed with Schumm in seeing what the library did and there was other solution rather than putting time limited enforcement or meters that would be more appropriate.

Amyx said rather than concurring with TSC, he suggested tabling this item until after the garage opened as suggested by Schumm and look at this request again in 60 days.

Schumm suggested waiting 90 days after the garage opened.

Farmer said that was a good suggestion, but he was in favor along the lines of better solutions than waiting for the parking garage. The parking garage would relieve some of the pressure, but it wouldn't really happen until the library left Borders. He said there were

alternative ideas that the business owners could consider. He said he was especially bothered by how rudely Dutton was treated. He said he would vote for tabling the item because it wouldn't do any good bringing this item back in 90 days because unless the library was completed, it wouldn't matter.

Dever said that was true, the lot at Borders were pretty full these days.

Isaac Gardner said unlike what Schumm said, it was not just a Hume's Tax Service from December 31st to April 15th. He was the owner of Gardner Insurance in the same office and he had clients that came in all day. It wasn't just a 3 month window.

Dever said it was busier all the time.

Gardner said yes. He said there was a full-time insurance agency at that location and he met with clients regularly.

Schumm said he was referring to that period of time, it was maxed out when there was the most amount of action and he didn't mean to suggest there was no business the rest of the year.

Moved by Schumm, seconded by Riordan, to deny the request for time limit parking in front of 305 East 7th Street. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

2. **Consider approving rezoning, Z-13-00191, of approximately 5.09 acres from IG (General Industrial) District to IL (Limited Industrial) District with conditions limiting certain IL uses, located at 2200 East Hills Drive. Submitted by GHB Investors, property owner of record. Adopt on first reading, Ordinance No. 8891, to rezone (Z-13-00191) approximately 5.09 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 2200 East Hills Drive. (PC Item 3; approved 5-1 on 7/22/13)**

Sheila Stogsdill, Planning Administrator, presented the staff report.

Schumm said the map showed two lots on either side that were designated as "A".

Stogsdill said those lots were both outside of the City limits and were zoned agricultural and both happened to be cemeteries.

Farmer said there were cemeteries in that area.

Stogsdill said yes.

Farmer asked if people were buried in both places.

Stogsdill said she didn't know.

Riordan said there was a fair amount of discussion about safety coming into the business park. The Planning Commission decided that a fast food and gasoline station would generate about the same amount of trips. He said he understood that staff and the Planning Commission thought that even though there was increased traffic because of the signalization that that wouldn't be a big safety issue.

Stogsdill there was discussion about why not restricting gas fuel if suggesting drive-in food. The reasoning was that gas and fuel was allowed today in the IG district and staff did an analysis looking at the expanded uses, not looking at trying to further restrict uses that the applicant wasn't suggesting that he gave up. The issue on the safety, the traffic signal was not at this intersection. The traffic signal was at O'Connell Road and it was staff's hope that when Farmland street connectivity to East Hills was available that the folks that had difficulty getting in and out of East Hills because of the traffic safety issues at that intersection would be able to utilize O'Connell and drive through Farmland to get to East Hills avoiding that intersection. Their discussion was should they add additional uses that might tend to pull that traffic off the highway as opposed to uses that might serve the park users during the day or on their way home. The Planning Commission seemed satisfied that at any point where there was a project proposed there would be a site plan which would then go through a review process with KDOT and have the opportunity to really look at a specific traffic analysis at that point.

Amyx said with the 5.09 acres, in looking at the topography there would need to be an awful lot of fill or serious detention. He asked how many acres of that property was really developable ground and how much more than the 50,000 square feet of gross area were they talking about.

Stogsdill said the likelihood would be that there would be a two story building where you could have access from two different sides, but would need a series of parking lots. She said they didn't anticipate it being necessarily a large building, but could have a multi-tenant building and a separate building pad site building.

Randy Larkin, Assistant City Attorney, said this was a rezoning matter and was sitting in a quasi-judicial capacity and before hearing public comment, he suggested disclosing ex-parte contacts so that everyone had the same information to base their decision and people would have the opportunity to respond to anything that came outside of that area.

Farmer said he had no ex-parte communications.

Amyx said he talked to Steve Glass and Glass asked him if he had any questions, but he didn't.

Dever said he didn't have any ex-parte conversations other than discussion at the agenda meeting with staff.

Schumm said he had no ex-parte communication.

Riordan said he didn't have anything to report.

Mayor Dever called for public comment.

Steve Glass, one of the owners of GHB Investors, said with the information that was given to the City Commission and Stogsdill presentation, it was a good view of what they were requesting. He said they had owned this property for 25 years and bought it with the intent of selling or developing the property. He said 25 years later it was still their intent, but given their advancing ages, they were looking more at selling than developing. He said they came to the conclusion that they would never be able to sell it to someone to use for example, a 50,000 square foot industrial type building because of the terrain and that there were more restrictive restrictions on lots in East Hills adjacent to the highway then on other lots in East Hills. He said for example, outside storage was more limited on this lot than it would be on others. He said they didn't see any significant industrial enterprise wanting to locate there. He said before

submitting this rezoning to the City, he met with the Economic Development Corporation of Lawrence which was the old Douglas County Development Inc. entity, an off-shoot of the Chamber of Commerce, and they approved what they were proposing to do. Secondly, the intersection issues, he understood having owned the property on the other side of the highway and dealt with getting concrete trucks, dump trucks, and various other vehicles on and off the highway in a safe fashion. He said he understood the concern, but there were 3 mitigating factors that had developed in recent years or would be developing in the case of one of the factors. He said KDOT, after numerous meetings with the businesses in East Hills and their business on the south side, put in the flashing yellow lights that flash when a vehicle approached either on East Hills Drive or came out from the Ready Mix Concrete Plant, that gave the on-coming traffic, east and west bound an indication that there was potential traffic conflict at that location. He said he thought that worked reasonably well, but he wasn't out there all the time since he retired. He said he hadn't read in the paper about the volume of accidents that were occurring ten or twelve years ago. The second issue was the installation of traffic sign at 23rd and O'Connell has helped the situation for eastbound traffic because it stopped that traffic and created a break in the traffic which gave people, whether coming from the south or north, the opportunity to merge into the eastbound lane or in the case of the traffic on the south, to also get into the westbound lane without having to dodge cars or trucks while making that lane change. He said that impact would only increase when the connection was made to Farmland because the signal at that location would be controlled by the traffic demand from the side streets. He said there would be quite a few interruptions as Farmland developed and as the people in East Hills Business Park used that intersection. Finally, the most major issue was that when the South Lawrence Trafficway was completed and they were taking bids on the SLT next month, he guessed half the traffic would no longer be coming down 23rd Street. There would be a significant reduction in traffic both east and west bound just because people would

be choosing to use the SLT and that interchange would be to the east of that location. He said those three factors all mitigate the traffic concerns.

Dever said his personal opinion was that the Planning Commission meeting minutes were a little confusing for those that hadn't attended that meeting. There was discussion about what "would" and "would not" be allowed relative to fast food restaurants and seemed to be the major discussion. He said the Planning Commission did a pretty good job coming to a reasonable conclusion on what "should" and "shouldn't" be allowed at that location.

Riordan said he agreed. He said the Planning Commission did a good job of discussing this issue. He said it was a little confusing because the Commissioners went back and forth, but the final thoughts were that some of the things that were going to be at that location now, such as a gas station, would be similar to a fast food with the same number of people coming in and wouldn't cause any problems with safety for the public or increase safety problems. He said they needed to try and encourage development. He said the area hadn't developed for over 25 years. He said his lot was about 20 degrees and dropped about 80 feet in much less space than what they were discussing and it was very difficult to develop and very expensive. He said to encourage some development would be a good idea.

Amyx said the Planning Commission did a pretty thorough job of looking at the number of uses that would be allowed and not be allowed. He said he appreciated the work that the applicant did in trying to come to a reasonable recommendation. Also, city staff did a thorough job of making a positive recommendation. Sometimes a change in zoning was needed to help a piece of property develop. He said taking into consideration the number of issues that Glass brought up about how hard it was to develop in East Hills especially out at K-10 Highway. He said he was probably involved in placing limitations at that site. He said he wondered how much of the business park would help in supporting the development versus highway traffic. He said the proposed uses by the Planning Commission were reasonable and the City Commission should approve the rezoning.

Farmer said he felt the same way. He said he had friends that worked at East Hills Business Park and it was a task for his friends with a 30 minute lunch to drive into town. He said to have something out at East Hills, even though fast food wouldn't be ideal as opposed to a place where you could get something healthier, but that was not the Commission's call to make in regulating decisions that people made. He said a former City Commission had the same discussion about 9th and New Hampshire regarding how long to let that property sit vacant. He said this was a good thing for the City Commission to do.

Moved by Schumm, seconded by Amyx, to approve the rezoning (Z-13-00191) of approximately 5.09 acres from IG District to IL District with conditions limiting certain IL uses, located at 2200 East Hills Drive, and to adopt on first reading, Ordinance No. 8891. Motion carried unanimously.

3. **Consider authorizing the Mayor to sign a cooperation agreement with Kansas Department of Transportation (KDOT) and Douglas County for the K-10/ Bob Billings Parkway interchange with City participation at \$1 million (Douglas County participation at \$528,000, KDOT's total project estimate is \$17.2 million) and consider authorizing the Mayor to execute a deed to convey portion of City owned property to KDOT for the project.**

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

David Corliss, City Manager, said as a reminder staff had engaged BG Consultants to do the design work for the traffic signal at Bob Billings Parkway and George Williams Way. He said when the design was completed this project would be ready to bid. He said they would probably bid it separately, but they would be paying for that traffic signal and the previously authorized debt obligation. Another issue was the City owned property at that location and it was his recommendation that they wait until the final opening of that interchange. He said in his opinion the value of that property would be at its highest and the City might want to consider selling that property. He said the City didn't have a public city use for that property other than it being a pathway. He said a contractor might want to talk to the City about it being a lay down area for the construction. Again, there wasn't a use in mind for the property, but they might

come up with a city use. He said it didn't fit the need, for example, for a police facility because the property wasn't large enough.

Schumm asked if that information was outlined in the packet of materials

Corliss said yes and pointed out an area on the map.

Schumm asked about how many acres the City owned in that area.

Corliss said approximately 6 or 7 acres. He said a developer would probably need to dedicate some of that property to develop that property.

Mayor Dever called for public comment.

Julie Hack, Lawrence, said she had some observations and questions. She said between Iowa Street and the barricades at the end of Bob Billings Parkway there were 60 exits and entrances in that 4 mile area. She said lots of those exists which included churches, residences, businesses and university owned property had other access to roads other than Bob Billings Parkway, but there were a few that were landlocked properties. She said it included where she lived in Quail Pointe and Eldorado Drive, Medina, and Alvamar Drive were all in the same situation. She could not see that increased traffic on that road would get any better and only get worse. She said acknowledging that there was going to be a stop light at George Williams Way, she hoped the City Commission had a plan for other traffic controlling methods that would slow down the additional traffic. She asked if the plans were in place and if so, would those plans be implemented by the time the trafficway was opened.

Corliss said staff did not have plans in place for all of the traffic issues, but were in the process of looking at it. He said staff would be responding to some of the traffic issues as those issues occurred. There were some maintenance of that area planned for 2014 along Bob Billings Parkway and as they did that maintenance, they would be looking at some of those items. He said it was a long stretch of road and each area would need some level of thought and some areas won't need any changes. He said Hack was already familiar with the work the City was doing as far as maintenance was concerned. He said staff had comments from some

of the other property owners along that stretch, but staff didn't have any specific plans nor have they funded anything for specific plans. A growing community would have more traffic and that would be seen on Bob Billings Parkway with the completion of that interchange in a couple of years.

Dever asked Corliss what was the answer to Hack's question.

Corliss said staff was aware of the issue, but had no plans or funding outside of some of the maintenance work. He said staff had identified a traffic signal at George Williams Way and would be looking at other options. He said it was an arterial street that was designed to move people from one part of the City to another part of the City.

Soules said as staff was doing some of those maintenance projects such as on Bob Billings Parkway between Kasold and Iowa, turn lanes were constructed to get people out of the moving traffic and make a safe left turn. He said as staff continued to work that way, they were aware that with more traffic, left turn lanes were needed for a safe turn. There was a public meeting a year ago where there were a number of questions, the same questions Hack had brought up. He said Woosley was currently looking at that entire corridor from George Williams Way to Iowa at what might or might not be needed. He said they were hoping to get that report by the end of this year and at that point, have discussions with the City Commission and community as well.

Amyx asked if there were ever median speed studies performed on arterial roadways. He said he appreciated the City Manager's comment about the roadway being designed to carry large amounts of traffic.

Soules said yes, that was part of what Woosley was looking at regarding median speeds. He said on that section from Wakarusa to George Williams Way was wide open. He said Woosley would be addressing projected traffic volumes. He said when the intersection opened they were expecting 5,000 more vehicles and traffic would increase from that point.

Amyx said that was the discussion they had several weeks ago when they looked at the stop light at George Williams Way and Bob Billings Parkway. He said with the area being wide open and increased traffic there should be ways to address those concerns.

Soules said staff would like to have their recommendations to the City Commission before that roadway was opened up and then the City would need to figure out how to fund any improvements needed.

Riordan said Hack had some bona fide concerns. He said as far as the average speed, he traveled that roadway two days a week and when he was going 45 mph people were passing him at 10 mph to 15 mph on a consistent basis. He said there would be certain times of the year where there were high traffic volumes and would need to consider some type of temporary traffic calming. He said for football and basketball there would be a tremendous amount of traffic and safety issues and should be in concert with the people who lived in that area, especially those who were landlocked.

Schumm asked what year the roadway was going to be constructed.

Soules said it would be bid next spring in 2014 and the roadway would be opened prior to or in conjunction with the South Lawrence Trafficway being completed in 2015 or 2016.

Dever said if they picked a street to extend to the SLT fortunately there weren't as many curb cuts and entries on this road as on some of the other streets. He said he was counting, like Hack, how many homes had access along 15th Street and Bob Billings Parkway and when going further west to Wakarusa there weren't as many on that street. He said they picked a good street to extend.

Farmer said he was thinking of a way to slow traffic down and he was saying this completely tongue and cheek, but he was thinking drones with radar guns.

Dever said they were fortunate and needed to embrace the need for property control and the flow of traffic. He said he heard two Commissioners mentioning radar and police officers and that was one way to encourage people to slow down, but if those roads were engineered

properly and put in proper traffic control devices, this should be an effective route to move people from east to west and visa-versa.

Schumm said one thing it would do was take a lot of pressure off of the north/south activity in front of Langston Hughes School and that was a major route out right now. He said that was a plus for the addition.

Corliss said it would reduce traffic on 6th Street too.

Schumm said he appreciated Hack's comments because he lived on St. Andrews and was out there turning with Hack and everyone else.

Farmer said they needed to find a way to make it safer to turn on and off that street because if turning left onto Bob Billings Parkway from Alvamar Drive, it was nerve racking.

Moved by Amyx, seconded by Schumm, authorizing the Mayor to sign a cooperation agreement with KDOT and Douglas County and authorizing the Mayor to execute a deed conveying a portion of City owned property to KDOT for the project. Motion carried unanimously.

4. **City Auditor presentation of Performance Audit on City-County Cooperation.**

Michael Eglinski, City Auditor, presented the staff report.

Corliss said he provided a response to Eglinski's review. He said the report was helpful and he had a good check list as they went into those agreements to ensure they were capturing some of the basics that were important. He said the city had received good marks as far as our City/County cooperation which was primarily cooperation with the County. He said other cooperation agreements were with the school district, University of Kansas, rural water districts and other entities as well. He said Eglinski's report was a good report for its items, but he hoped it didn't end the discussion of increased cooperation. The City Commissioners had heard him during budget times that the City's opportunities for efficiencies were something they were always on the lookout for. He said he continued to think that the efficiencies with increased cooperation, primarily with the County, were where they were going to see further ways to

stretch the City's tax resources. He said his reading of the literature was that consolidation of discussion usually only occurred at crisis points in communities where there was a cathartic event where something really bad has happened in the community; whether it was poor government, poor economy and those types of things and everyone gets excited about consolidation when things were moving along relatively well they didn't focus very much on that. He said it was unfortunate and there were probably some life lessons to learn as well. He said he hoped they could continue to have active discussions about how they could look for efficiencies, avoiding duplicate taxation for similar services. He said they had talked about that and had individual discussion, but hadn't had very much in the way of corporate discussion and very little community discussion. He said he hoped at the appropriate forums and appropriate time, they could continue those discussions. Again, this was really Eglinski's charge in that report and kind of agree with his items because the City wanted to have better agreements and strong check list. He said the City did a lot of things very well such as the handshake agreements, but some of those things needed to be formalized and others didn't. He said he didn't take a disagreement with the report, but wanted to move forward in this area in the future. He said nothing was going to happen tonight, this month, or nothing this year, but this community had very high expectations for its municipal governments and wanted to keep that high. He said the City was going to be challenged with resources and they wanted to look for efficiencies. He said the City Commission had also heard him talk about the duplicate taxations as well and public administration usually boiled down to two words "who pays" and was probably "the question" for this issue.

Amyx said he appreciated the report in how agreements needed to be handled in the future, but rather than wait until budget time next year to talk about better ways to cooperate with the County government, he thought they should have those discussions now. He said there were things that both the County and City staff felt there could be stronger cooperation and individually taking control of various parts of government, one over the other so to eliminate

duplication. Again, he thought those discussion should happen now instead of in the middle of budget time next year.

Dever said it was always better to have those conversations when they weren't under stress, especially financial discussions.

Schumm suggested inviting the County Administrator to have those discussions.

Riordan said this issue was particularly important because when going through something like this with a check list, inter-cooperation sometimes could be personality driven which could be a good thing or a bad thing, but right now personalities got along very well. If there was a time where there was discordance this type of cooperative agreement in looking at things in a very pragmatic and specific way would minimize any of those difficulties that might occur in the future and it was always good to increase cooperation. He said the report was very good in that respect.

Farmer said one of the things he had been the most excited about in hearing this report was to have the opportunity to say that there wasn't a lot of public conversation that happened between the three governing bodies that existed in this community, which were the School District, County and City Commissions. He said there was an opportunity to try and figure out a way to do that better. He said he didn't know what the rules were in having joint meetings in a sense with different governing bodies, but he thought it was necessary. He said the School District and the County and City Commission's work was very intertwined with one other, but yet separate. He said he thought they didn't need to be looking back a year from now saying they should have had different conversations or any at all. He said he didn't know what the answer was, but would throw out for City Commission consideration at a later point, in the fall, to figure out how they might be able to do that and what they might be able to accomplish because there was a lot of important work that was done between those governing bodies. He said it could be done more effectively and more streamlined if they had those conversations, in public with everyone rather than just via a phone call when something happened. He said he knew the City

Manager and City Administrator talked all the time, but it was important to have everyone included in the conversation as well.

Amyx said in the past, they had annual or semi-annual meetings with the other governing bodies. He said they could have those meetings again and could talk about various projects that were important to the different governing bodies, even when governing bodies were having difficulties and needed help. He said in looking at State Government, they were fortunate to have a project where they could finish the interchange at the west end of Bob Billings Parkway and appreciated all the help the City would get, but the help would happen more with local government in combining efforts and getting things done. He said the cooperation between the various levels locally would be the best way. If there was a way to go back and start those meetings on a regular basis, that would be good.

Farmer said it couldn't be an ego driven thing in the sense that he didn't think meetings were productive to talk about all the things that they had accomplished that had been great. He said this was an issue of economic development with what was going on with the School District. He said Schumm had been part of those meetings with the Joint Economic Development Council and that was a collaborative effort among two governing bodies, but the school district was a third part with their new center. He said a conversation of how they could best work together to facilitate a community conversation centered around working together toward a common goal of economic development, what things policy wise could the City, County and School District do to mobilize each other and resources and the knowledge of each staff from those three governing bodies, and the political will to push forward certain agendas about what they all wanted to accomplish together in the community. He said no one in the election this year, was not talking about economic development. He asked how could they take that political will and do something with it.

Riordan said he agreed with Farmer who made very good statements, but also the University of Kansas would be an important aspect of this as an independent body with

governmental ties and just as important as all three of the other governing bodies. He said there was increase in communication with the University over the years and when considering the other three governing bodies consider the University as a fourth body.

Schumm said one of the ways the City showed cooperation, but was not on the list, was when they were trying to locate the shelter. He said that was more informal than anything because they ended up buying the land and making it available for purchase. He said it was tremendous cooperation to get that difficult site located and it was up and running.

Mayor Dever called for public comment.

KT Walsh said she would like to remind everyone if they were talking about the County, there were three Universities; Baker, Haskell Indian Nations, and Kansas University and was appropriate for everyone to be included.

Moved by Schumm, seconded by Farmer to receive the report regarding the Performance Audit on City-County Cooperation.

E. PUBLIC COMMENT:

KT Walsh said she would like to talk about the railroad spur at 6th & Kentucky. She said she went down to the Lawrence Journal World and the front office told her that they no longer used the railroad to bring in paper like they once did. It was all brought in by semi-trucks. She said she noticed how much it slowed down traffic. She said out of town people didn't know that they could stop where the spur was located, and if you've ever been caught up short behind a school or public bus and there were three places where buses had to stop by law, it was a bit of a jam and it looked like it was in pretty bad shape. She said she stopped David Cronin, City Engineer, who told her that it was a KDOT issue and KDOT could exempt it, meaning KDOT would put up signs saying that it was no longer a crossing and no longer had to stop. She said she was bringing it up just as a suggestion. It was briefly discussed at the Lawrence Association of Neighborhood and the police officers indicated there was some mechanism. She thought it would be a good discussion for a future agenda or hand off to staff.

Corliss said staff believed they were having appropriate discussions with the appropriate parties about the removal of those railroad tracks. It didn't move as quickly as some trains, but they were having discussions. He said Walsh had a good point and it had been several years since the World Company had received deliveries, via train. He said staff were having communications with The World Company and BNSF Railroad and hoped to be able to provide some information. The exemption would be something staff could pursue if it didn't look like they would get the train tracks removed. He said there was some confusion about whether the tracks were active or not. He said some people know it was okay to pull over those tracks and there were people who also know that the law stated that you couldn't stop on those tracks when stopped at a traffic signal. He said if those tracks were not going to be used he wanted to seek removal.

Dever said he agreed.

Riordan said he agreed. He said he went down that road a lot and when people stop unexpectedly, and he had seen times where there could have been an accident. He said he agreed with removing those tracks.

Dever asked Corliss to update the Commission on the progress.

Corliss said yes.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Dever said based on the recommendation of the Public Incentive Review Committee, they made a positive recommendation for the Sunlite Abatement, but a good point was brought up that he wanted to address. The Commission had selected a five million dollar cut-off for the evaluation of those types of incentives in the recent past. One thing he would like the Commission to discuss was perhaps reassessing that number based on the fact that this case there was a unanimous approval of a company that was probably half of that five million dollar

cut-off and he thought it would be important to recognize that they deviated from that amount and perhaps the City Commission wanted to re-evaluate the cut-off for consideration of public incentives of this nature. He said they could discuss that matter in a meeting, have staff prepare a new set of standards, or revisit the minutes where they created that five million dollar distinction and determine what surrounded that amount. He said what they did today, might confuse that issue a little bit.

Amyx said another issue brought up was with that five million dollar threshold on the investment side was also to have discussion about special consideration given to the small businesses coming out of the BTBC because it was their first business that graduated from the facility and to see if a different standard should be used in considering those businesses for special incentives.

Dever said right. He said part of this issue was that they hadn't had many tax abatement requests recently not to mention the nature of the small business startup had changed, as well as the necessary infrastructure improvements. He said investments were lower now than originally anticipated or maybe they might want to focus on large scale manufacturing, but in reality maybe the future of the City's business development opportunities would be technology, business and smaller local incentives. He said first with the BTBC graduates and maybe even consideration of any small business that was looking at either growth or re-establishing roots in Lawrence or moving here in general. He said it was something the City Commission needed to decide. He said the City Commission set the standard historically and they needed to change it if they were going to continue to assess it.

Schumm suggested having a staff come back to the City Commission with all the information and make an adjustment.

Dever said he formally wanted to request that staff take a look at the minutes surrounding that decision.

Corliss said when the City Commission received that report back one of the items that would be asked was if the City Commission wanted to refer it the Joint Economic Development Council. One of their charges was to look at the Economic Development Policy. The City Commission would decide whether or not it was at an appropriate level or not.

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 Schumm, seconded by Amyx, to adjourn at 8:17 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 3, 2013.



Jonathan M. Douglass, City Clerk