



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

September 10, 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. Recognized the Eutin Student Delegation.
2. Proclaimed the week of September 15-21, 2013 as POW/MIA Recognition Week and Friday, September 20, 2013 as POW/MIA Recognition Day.

B. CONSENT AGENDA

Commissioner Farmer asked that item 15, Kansas Health Foundation Recognition Grants Program for a South Park Fitness Zone, be pulled from the consent agenda for separate discussion.

Moved by Amyx, seconded by Schumm, to approve the consent agenda as below, minus item 15. Motion carried unanimously.

1. Received minutes from the Lawrence Douglas County Housing Authority meetings of 05/20/13 and 06/24/13.
2. Approved claims to 246 vendors in the amount of \$2,341,034.61 and payroll from 8/25/13-9/7/13 in the amount of \$1,923,045.99.
3. Approved the Off-Premise Cereal Malt Beverage license for SpringHill Suites Lawrence, 1 Riverfront Plaza; the Drinking Establishment licenses for Jade Garden, 1410 Kasold Dr. #A13, Louises Bar Downtown, 1009 Massachusetts St; Longhorn Steakhouse of Lawrence, 3050 Iowa St.; and a Retail Liquor license for Cheers Liquors, 1414 W. 6th St.
4. Bid and purchase items:



- a) Rejected all bids received for the Carnegie Building Roof Project and set a new bid date of September 24, 2013.
 - b) Authorized the Fire/Medical Department to purchase six Motorola MDC Model MW810 mobile data units and accessories off the State of Kansas Contract, for \$33,134.
 - c) Authorized payment to RD Johnson Excavating Company in the amount of \$18,425 for Emergency Repairs to 16 inch Concrete Water Main at East 19th and Bullene.
5. Adopted on second and final reading, the following ordinances:
- a) Ordinance No. 8902, 2013 Standard Traffic Ordinance, Edition 2013.
 - b) Ordinance No. 8877, establishing a Bus Loading Zone, 7:00 a.m. – 9:00 a.m. and 1:00 p.m. – 4:00 p.m., school days, along the west side of Hilltop drive, from Harvard Road north 600 feet. (TSC Item#4; approved 9-0 on 8/5/13).
 - c) Ordinance No. 8898, establishing discretion for a Municipal Court Judge to order recoupment fees for convicted defendants who have been appointed counsel and/or served jail time for which the City incurred costs.
 - d) Ordinance No. 8897, establishing a traffic infraction fines and fees increase for speeding and defective equipment.
6. Approved Special Event, SE-13-00368, for a weekend market by Lawrence Flea Market located on Mount Oread Aerie 309 FOE Inc. property at 1803 W. 6th St on September 14, 2013. Submitted by Danielle Rittenhouse, Lawrence Flea Market, with permission from Mount Oread Aerie 309 FOE Inc., property owner of record.
7. Approved rezoning, Z-13-00251, approximately 4.712 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record. Adopted on first reading, Ordinance No. 8903, to rezone (Z-13-00251) approximately 4.712 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. (PC Item 1A; approved 8-0-1 on 8/26/13)
8. Approved rezoning, Z-13-00252, approximately 2.674 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record. Adopted on first reading, Ordinance No. 8904, to rezone (Z-13-00252) approximately 2.674 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. (PC Item 1B; approved 8-0-1 on 8/26/13)
9. Approved rezoning, Z-13-00253, approximately 3.195 acres from UR (Urban Reserve) District to RM12D (Multi-Dwelling Residential) District, located north of

- Bob Billings Pkwy and east of K-10. Adopted on first reading, Ordinance No. 8905, to rezone (Z-13-00253) approximately 3.195 acres from UR (Urban Reserve) District to RM12D (Multi-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record. (PC Item 1C; approved 8-0-1 on 8/26/13)
10. Approved rezoning, Z-13-00254, approximately 3.349 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Adopted on first reading, Ordinance No. 8906, to rezone (Z-13-00254) approximately 3.349 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record. (PC Item 1D; approved 8-0-1 on 8/26/13)
 11. Approved rezoning, Z-13-00255, approximately 4.182 acres from UR (Urban Reserve) District and PCD (Planned Commercial Development) District to OS (Open Space) District located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record. Adopted on first reading, Ordinance No. 8907, to rezone (Z-13-00255) approximately 4.182 acres from UR (Urban Reserve) District and PCD (Planned Commercial Development) District to OS (Open Space) District located north of Bob Billings Pkwy and east of K-10. (PC Item 1E; approved 8-0-1 on 8/26/13)
 12. Approved rezoning, Z-13-00256, approximately 16.619 acres from UR (Urban Reserve District), PCD (Planned Commercial Development) District, and RS10 (Single-Dwelling Residential) District to CN2 (Neighborhood Commercial Center) District located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc. and Unified School District #497, property owners of record. Adopted on first reading, Ordinance No. 8908, to rezone (Z-13-00256) approximately 16.619 acres from UR (Urban Reserve District), PCD (Planned Commercial Development) District, and RS10 (Single-Dwelling Residential) District to CN2 (Neighborhood Commercial Center) District located north of Bob Billings Pkwy and east of K-10. (PC Item 1F; approved 8-0-1 on 8/26/13)
 13. Approved annexation, A-13-00296, of approximately 25.23 acres located southeast of Mary's Lake between Haskell Avenue and O'Connell Road for the construction of the extension of E 31st Street to tie into N 1300 Road east of the E 1600 Road/O'Connell Road intersection. The property owner of record is the Kansas Secretary of Transportation. Adopted on first reading, Ordinance No. 8909, to annex (A-13-00296) approximately 25.23 acres located southeast of Mary's Lake between Haskell Avenue and O'Connell Road for the construction of the extension of E 31st Street to tie into N 1300 Road east of the E 1600 Road/O'Connell Road intersection. (PC Item 2; approved 9-0 on 8/26/13)
 14. Initiated annexation of approximately 8.5 acres located at 1352 N 1300 Road and referred the request to the Planning Commission for a recommendation. Requested by Menard Inc. for Bruce F. Snodgrass, property owner of record.
 15. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Directed staff to delay application for the Kansas Health Foundation

Recognition Grants Program for a South Park Fitness Zone, until the next grant cycle.

16. Authorized staff to advertise a Request for Proposals, RFP R1318, for Design Phase Engineering Services for Booster Pumping Improvements at the Kasold and Harper Water Towers.
17. Approved as signs of community interest, a request from the United Way of Douglas County to display banners throughout the City from September 16 – December 16, 2013. The purpose of the banners is to educate the general public about where United Way funded services are located in the community and to promote the annual United Way Campaign.
18. Approved as signs of community interest, a request from the Lawrence Memorial Hospital Endowment Association to tie pink ribbons around lamp posts on Massachusetts Street, between 6th and 11th Streets, and on Clinton Parkway, between Iowa and Kasold Streets from October 6 – October 28, 2013. The purpose of the pink ribbons is to educate the general public about breast cancer awareness month.

Regarding item number 15, Kansas Health Foundation Recognition Grants Program for a South Park Fitness Zone, Commissioner Farmer said he would allow Lindsey to talk first.

Carrie Lindsey said she noticed on Consent Agenda Item 15 that a grant was being written by the City for \$14,500 for equipment in South Park. She said while she believed that was a worthy activity, she would like to request that the City not put in that grant to the Kansas Health Foundation. The Kansas Health Foundation funded many of the non-profit organizations in the community which had been negatively impacted through other cuts. She said she was concerned there would be a limit to how much funding could come into this area and that to have the City, if there were other areas that money could be pulled from, keep a slot open perhaps for another organization that might apply for that money. Some of the organization that had been funded had been Family Promise, VanGo, the hospital, the library, the housing authority, Just Foods, El Centro Hispano, and a wide variety of organizations. She said they didn't necessarily have other pots of money to turn to and would request the City not submit this grant. She said as a grant writer, she understood that this grant was due on Monday and did not know the timeline for the

availability. She did not hear back from anyone on whether they could find this money or not, but perhaps if given direction, she would like to see a very good faith effort made to find other sources of funds, rather than have this grant be submitted. She said she understood because of timing purposes that the Commission might want to submit the grant because there was no other City Commission meeting between now and when the grant was due.

Riordan asked if there were groups that had actually applied for this grant.

Lindsey said this grant came out twice a year and there was a spring and fall cycle. She said she was submitting a grant and DCCDA was submitting a grant this round, but wasn't sure who else in the community was submitting a grant in the particular fall round of money. She said it was a limited pot of money and they only fund just so many projects in a geographical area. She said you could get up to \$25,000 and activities had to be health and wellness directed. She said she was present as a private citizen and not as part of the housing authority. She said there were lots of organizations that benefitted from this grant including the Arts Center. She said she didn't know for certain other organizations and didn't know how to find out.

Farmer said just to clear the record, Just Food was not applying for this grant and wasn't the reason he pulled this agenda item. He said Lindsey had some very valid points and he was aware of a couple of non-profits that were applying for money for things related to physical activity, exercise, walking groups, fitness classes, but unfortunately he spoke to several grant makers from the region today and they basically stated it was tough for them, when having one pot of money and two people from the same community, to apply for roughly the same things to get the same output. He said they were left with the decision of all those other people asking for money and based on the merits and outcomes regarding who would be funded. He said he would see this get funded and other non-profits like Lindsey stated that don't have a separate pot of money to go to. He said he

would like to see if they could find the \$14,500 to fund this because it was a worthwhile project. He said he spoke to Eileen Horn, Sustainability Coordinator, and she told him about the great things that were happening in Deerfield Park and it was basically an outdoor 24-7 recreation gym type facility where parents could watch their kids play on playground equipment and exercise at the same time. He said this was a very worthwhile endeavor and it needed to be funded, but he wouldn't feel good about funding it at the expense of other non-profits of the community that were already stretched with limited resources to try to make things happen out of nothing. He said further, it was a great thing that we had people in this community like Horn who recognized the value in trying to find alternative sources of funding for various things that needed to be done. He thanked Horn for her service.

Amyx asked Lindsey if she was assured that an organization from the City of Lawrence would receive this grant.

Lindsey said since 2008, there had been in the funding cycle an organization or more funded through this pot of money every year since then. She said sometimes up to as many as 4 organizations. The funding varies and in her experience with the grant itself was that some of the funding requests were under \$10,000 dollars and some were for the full amount of \$25,000. She said it was hard to find money and grant writing was a thankless job trying to figure out what everyone wanted you to say to get them money. She said the social services committees had come to the City Commission and were asked to fund things that they might not have been asked to fund. She said in this particular time it might be worthwhile to allow the other organizations to have an opportunity at that money.

Dever asked if there was a limited amount of money per community, but a \$25,000 maximum per grant application and they could fund multiple organizations.

Lindsey said yes, but she did not know the answer to whether or not they would choose geographically. She said the agencies in Lawrence were very good at securing money. She said for example, if you go to their recognition conference, they were very good at collaborating with each other and setting an example through the state on how to get funding and bring it to the table.

Farmer said typically they don't fund organizations that were working towards the same goals and outcomes.

Dever asked if the Commission had any comments on how to proceed or where to find this money.

Amyx asked if the South Park Fitness Zone Project had been in the works for a long time.

Corliss said not forever, but they've had success with the new equipment at Deerfield School. He said it was clearly something they wanted to work on for a number of different values. He said he fully understood the concern about competition with others. He said he wanted to point out that the City was very aggressive in pursuing grants. If it was the Commission's desire not to compete this year, it was fine and could reapply next year, if appropriate. He said one question he wanted to ask was if they were saying the City should not ever apply for a Health Foundation Grant or just not this cycle. He said staff had been aggressive in maximizing those dollars in this community.

Dever said the Commission wanted to get those dollars here. He said if the City was better at writing grants than someone else, then they should get that money whether it's within the community or elsewhere. However, he didn't want to compete if possible with agencies that were going to use it for a similar purpose, but a completely different application or project.

Schumm said he had the same concern as Corliss in that was the City forever saying they wouldn't write a grant for the Kansas Health Foundation. As the speaker

stated, on occasion there had been four grants awarded. He asked if this was geographical allocation or was it one pot money where they align all the applications up and the top 15 were awarded and 5 went to Lawrence. He said if that was the case, perhaps they weren't challenging one another, but losing out on an opportunity that they might otherwise receive.

Farmer said it was one pot of money and they were on geographic distinctions for where that funding went. He said in future there needed to be a greater collaboration amongst who was writing those grants. He said it wasn't fair to say never apply for anything from the Kansas Health Foundation again, but it was getting at some of the same outcomes that other non-profits were specifically applying this grant cycle for. He said they could fund all 3 or 4 non-profits seeking to increase physical activity in Lawrence, but the likelihood was not very good and they would look at the organizations that would give a city the greatest amount of outcomes as a foundation.

Lindsey said it was worthwhile project and thought the City should fund it. If there was other funding available this year then don't apply for the grants, but she didn't think that meant that the City should never apply because it was a good pot of money and they did good things in this community and should be recognized.

Amyx said with all the direction the City Commission gave to the City Manager regarding expenditures, he asked if Corliss would be able to find \$14,500 within the budget somewhere.

Corliss said if it was the City Commission's direction to do so, staff could go back to see what could be knocked off the list.

Amyx asked what the City would not do.

Corliss said he didn't know at this point, but it would come from the same pot of money that was used to enhance other parks and maintain other Parks and Recreation facilities. He said the City received word that they would be receiving another grant for

another park which was the Kaboom Grant. He said the city had a tight maintenance budget and it would compete with other projects as opposed to having a separate funding source. He said he agreed it was an important project and wasn't that expensive.

Ernie Shaw, Director of Parks and Recreation, said the Kaboom Grant that staff received was for \$20,000, but the City had to match that for \$20,000. He said staff did not know they were receiving that grant and now had to find that money to match too. This grant was non-matching and could apply up to \$25,000. He said the \$14,500 was just for the purchase of that equipment and not for installation. Also, staff wanted to extend or connect some sidewalks to make a loop at that park as well as landscaping, pad and surfacing under that equipment and all would be at the City's expense. He said it wasn't just \$14,500, but more like a \$30,000 to \$35,000 project.

Amyx said they would need funds this year to match the Kaboom Grant and could look at an application next year for the fitness zone.

Corliss said that could be done or staff might be able to stretch this year's dollars. He said the City did not have money at this point to commit to the South Park work in the absence of the grant.

Amyx said he appreciated that but didn't want to reprioritize everything that they already made expenditures for. He said they should wait for another year.

Riordan said this was somewhat conflicting because it would benefit the citizens of Lawrence. They already obligated funds and weren't totally convinced they were competing with them on a one on one basis or going to deny them. He said he could see delaying writing a grant for a year, but not delaying year after year. He asked what was different from this year versus next year.

Farmer said he heard through the grapevine that there were other non-profits applying for funding specific to physical activity related outcomes. He sensed that was what this particular grant would be getting at as well. He said that was not to say that

others wouldn't apply next year or even during the fall grant cycle. There needed to be better coordination amongst the grants in this community to see what kind of collaborations could be forged because there was a lot of duplication among non-profits especially in applying for money to do this same thing that probably could be done effectively if done together. He said this year was a difficult year for a lot of non-profits.

Riordan said what if the City was in competition in the future, which the City would often be with other grants. He said he was very much in favor of supporting social services and small fund raising groups because they worked off of a shoestring. He said for the City not to apply made it difficult for him to say the City shouldn't apply because they set the budget for the year and this was not in it and should not fund it because they had to take from something else. If the city did fund this, he wanted to know what they wouldn't be doing. He said he could see not doing this for one year, but not limiting this in the future because he didn't see the City as a true competition for or against them, but their citizens and had a chance to benefit by this too. He said he would hate for the citizens of Lawrence to miss out with a grant that they would have gotten, but didn't get it because the City didn't apply.

Farmer said if the City didn't apply for the grant, the City had other potential through other sources of revenue. If the non-profits didn't get those funds, those were programs that would never happen. He said there were no alternate sources of revenue unless they come to City or County Commissions to request funding. He said that was a separate distinction in a cost benefit analysis in a sense and looking at would this happen otherwise without this grant. He said for the other organizations that were applying for funds for those programs, without that grant it wouldn't happen.

Riordan said he saw citizens every day in his office that would benefit by more activity, both parents and children. He said he would disagree to a certain extent because the Commission had set the amount of money they were giving this year, but they didn't

have money set aside for this project. If the Commission did fund it, something else wouldn't get funded. He said he didn't really agree with the concept that the City had plenty of money and the City could do whatever it wanted. He said the City should live within its budget and if they did fund it, then something else had to give and something else had to go and that's just what you should do as a fiscally responsible Commissioner. He said he would say the City wasn't going to fund it this year and it wouldn't happen was his thought. He said that was the reality and that was the way the Commission should approach this matter and that's where he had the conundrum of the citizen of Lawrence might not benefit by this. He said they had different thoughts on that, but he thought the Commission should be fiscally responsible and although this wasn't a huge amount of money, it was something that they hadn't set forth and the City didn't have that money right now. He said the City already had an extra 200,000 or so for the city shelter that was not in the budget and there were lots of things the City already had to fund. At some point the Commission needed to say no and he would rather the Commission not apply for the grant this year and not compete and come back next year and apply rather than take it from other somewhere else. He said he was very cognizant of the fact that the non-profits need help. He said his wife helped start a non-profit with the court system and ran that on a shoestring budget. He said he appreciated Farmer's concern for the citizens just like he had concerns too, but more from a City point of view rather than as a non-profit, as a Commissioner.

Schumm said he was willing to pass on the grant this year and wait for a year in order to see if the non-profits could pick up the grants. He said he wouldn't want to curtail this option in the future and they should all be at the table each and every time there was a grant. He said that was good option money for the city to take a look at.

Riordan said he would move that it be moved to the next grant cycle.

Moved by Riordan, seconded by Schumm, to authorize staff not to apply for the grant and postpone application for the grant until the next cycle.

Farmer said he would like to see the City fund this and wouldn't support that particular motion.

Corliss said given the Commission's interest, staff would continue looking to see if there was some savings in other projects or other items staff could pursue. He said as far as what staff spent out of the sales tax reserve to fund a number of Parks and Recreation project, they were exhausting this year's budget fast. There were a few surprises where the Carnegie roof bids came in too high and staff was using some of the money to help outfit Rock Chalk Park this year and next year. Again, because of the Commission's interest, staff would see what they could do this year or early next year.

Dever said he wasn't willing to move forward with saying "yes" or "no" and just needed to deal with the item on the table which was the application of the grant and then talk about moving forward either privately or as a group.

Moved by Riordan, seconded by Schumm, to direct staff to delay application for the Kansas Health Foundation Recognition Grants Program for a South Park Fitness Zone, until the next grant cycle. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Conduct note and bond sale. Review bids received and approve sale of bonds and notes to the lowest responsible bidder. Consider adopting Resolution No. 7043, authorizing the sale of \$43,950,000 in general obligation notes. Declare an emergency, and consider adopting on first and second readings, Ordinance No. 8911, and consider adopting Resolution No. 7044, authorizing the sale of \$4,525,000 in general obligation bonds.**

David Corliss, City Manager, introduced the item.

Schumm said regarding the bond bid sheet, there were a number of bonds with different maturities. He asked if the 2.764% and average of all the maturities.

Mullins said yes.

Schumm asked if there were bonds that matured at year 2014 to year 2025.

Mullins said yes.

Amyx said the resolution that dealt with the 43 million dollars in notes, that was the only part that contained the Rock Chalk Park.

Mullins said yes, there was no Rock Chalk Park in the bonds.

Schumm said there was almost 44 million dollars in temporary notes and asked when those notes would go to bond.

Mullins said the temporary notes matured October 1, 2014 and at that time, if the projects were close of enough to be completed and we were confident of the total cost, then those projects would be bonded otherwise, those projects might be rolled over into another note issue.

Schumm asked if the notes were usually a year or less.

Mullins said typically yes. He said notes could be issued up to a 4 year period of time. He said when the City temporarily financed a project the project could be financed for 4 years.

Mayor Dever called for public comment. None was received.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2013-III, in the amount of \$43,950,000. The bids were:

BIDDER	Net Interest Rate (%)
Morgan Stanley & Co. LLC	0.202027%
J.P. Morgan Securitiers LLC	0.203534%

Jefferies LLC	0.222274%
Wells Fargo Bank, National Association	0.283836%

Moved by Schumm, seconded by Farmer, to award the bid for General Obligation Temporary Notes, Series 2013-III, to Morgan Stanley & Co., LLC, for the Net Interest Rate of 0.202027%. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

The City Commission reviewed the bids for General Obligation Bonds, Series 2013-A, in the amount of \$4,525,000. The bids were:

BIDDER	True Interest Rate (%)
Robert W. Baird & Co., Inc.	2.764703%
FTN Financial Capital Markets	2.764900%
Janney Montgomery Scott LLC	2.769978%
Piper Jaffray	2.833986%
UBS Financial Service Inc.	2.860606%
Hutchinson, Shockey, Erley & Co.	2.882890%

Moved by Schumm, seconded by Farmer, to award the bid for General Obligation Bonds, Series 2013-A, to Robert W. Baird & Co, Inc. for a True Interest Rate of 2.764703. Aye: Amyx, Dever, Farmer, Riordan, and Schumm. Motion carried unanimously.

Moved by Schumm, seconded by Farmer, to adopt Resolution No. 7043, authorizing and directing the issuance, sale and delivery of general obligation temporary notes, Series 2013-III, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax, if necessary for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Moved by Schumm, seconded by Riordan, to declare an emergency and adopt on first and second reading, Ordinance No. 8911, authorizing and providing for the issuance of general obligation improvement bonds, Series 2013-A, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Dever, Farmer, Riordan, and Schumm. Motion carried unanimously.

Moved by Schumm, seconded by Farmer, to adopt Resolution No. 7044, prescribing the form and details of and authorizing and directing the sale and delivery of general obligation improvement bonds, Series 2013-A, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8911 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Dever, Farmer, Riordan, and Schumm. Motion carried unanimously.

2. **Consider recommendation from the Traffic Safety Commission to approve traffic calming devices on Alabama Street at 7th Street. (TSC Item#2; approved 9-0 on 8/5/13). Funding is not currently available for construction of these traffic calming devices.**

David Woosley, Transportation/Traffic Engineer, presented the staff report.

Schumm said the minutes indicated that the TSC had a discussion about unintended consequences when using a 4-way stop sign when not meeting the warrants. He asked what the unintended consequences were.

Woosley said some of the things that could happen was that when reducing the speed at the intersection with the stop signs, if the people stopped, because there were indications that some people didn't stop in Old West Lawrence now, in many cases then

the speed actually increased at midblock locations and people tried to make up for that perceived lost time.

Schumm asked if that was normal.

Woosley said it wasn't unusual for that to happen and was why the manual stated that stop signs should not be installed for speed control because in many cases the stop signs increased the speed overall instead of reducing the speed. He said another unintended consequence was people rolling through stop signs and if it showed an all-way stop and people thought traffic would be stopping but traffic didn't then there could be a potential for an increase in crashes.

Mayor Dever called for public comment.

Jennifer Sievers, resident in the area, said she spoke in front the TSC last month about this issue. She said 175 of her neighbors were pushing for a 4-way stop at that intersection as the preferred method for traffic control for two reasons. The first reason was because it was not just a speed issue and Alabama Street had become a cut-through street to get from 6th Street to K.U. She said it wasn't a speed issue but an intersection awareness issue. The Lawrence Community Nursery School was located in that area as well as the church and it was a very busy intersection with children and dogs. She said the neighborhood felt very strongly that something such as a speed bump would not create awareness of what was happening at that intersection. She said anyone that was familiar with Old West Lawrence knew that the stop sign situation was already confusing. Some intersections had 2-way stops, some have 4-way and it's different at every intersection. She said first of all a 4-way stop would not be a precedent in Old West Lawrence and felt if another device was placed at 7th and Alabama, it was only going to create more of a confusing situation rather than address the issue which was more awareness at the intersection. It was true that people roll through the intersection but right now there was just a 2-way stop and at if there was a 4-way stop every side would be

encouraged to stop. She said living in the area she felt strongly that a 4-way stop was the best solution.

Schumm said he was becoming more and more concerned about approving traffic calming devices and not having the money to install those devices in because it was a false sense of security that wasn't going to serve anyone. He said if the device weren't going to be installed within a year, he would rather not approve the devices. He said in this case, in lieu of the fact that there was no money to install those devices a stop sign was a reasonable alternative and it didn't cost very much to install a stop sign and it would stop traffic. He said he had another thought about the fact that people roll through stop signs or didn't stop at all, but he had a solution that should be employed. He said since there was a need, but no solutions in terms of the funding then a stop sign made perfect sense to do something.

Riordan said this would be consistent with what's been done in North Lawrence. It was reasonable, but how effective it was, hopefully it didn't cause a false sense of security because that could be worse in traffic calming, but he thought it was a reasonable approach to try to solve a problem.

Amyx said this was one of the few locations that really work with a school at the corner and a crosswalk all the way around that intersection. He said whether or not it would control the traffic was another question because he knew there had been discussion in the past about never using stop signs to control speed. He said there wasn't a way to pay for a traffic control device and they couldn't fund the list they had now so the only other opportunity was to put in a stop sign. He supported the stop signs. He said if putting a stop sign at that location might create a sense that that traffic was going to stop, he didn't think a stop sign could be removed and replaced with traffic calming devices at a later date.

Dever said they had heard about the speeding mid-block. He said what the Commission had been asked to do was to raise awareness at the intersection. Stop signs would raise awareness at the intersection although the unintended consequences could be speeding up midblock. If the request was to try to raise interest at the intersection and let people be aware then the stop sign was the best way to go. He said what happened down the road if they couldn't take the stop sign out, he didn't know what could be done.

Amyx said once a stop sign was place, it was hard to remove it because there was that sense of security.

Moved by Amyx, seconded by Riordan, to deny traffic calming devices on Alabama Street at 7th Street, and direct staff to bring back an ordinance for 4 way stops at the intersection. Motion carried unanimously.

Schumm said he didn't get a chance to look at the area and he didn't know the condition of the pavement markings for crosswalks and things. He said he wanted to make sure the markings for the crosswalks were in good shape.

Corliss said staff would look at the area.

3. Consider authorizing the City Manager to sign the Memorandum of Understanding between the Kansas Department of Health and Environment and the City of Lawrence for Integrated Municipal Wastewater Planning.

David Corliss, City Manager, introduced the item.

David Wagner, Utilities Director, presented the staff report.

Mike Tate, KDHE, said in 2011 the Conference of Mayor's had worked with EPA stating that there were so many mandates coming down at one time and could not all be funded. He said integrated planning was an acknowledgment that certain things would be done on a certain timeline as funding became available. He said he looked at it as being a responsible way to look at improving infrastructure over time. This was driven and primarily been used nationally for cities that had been in enforcement situations with the

EPA. EPA had already enforced looking at issuing penalties and essentially mandating the timeframes for those cities. He said this was the first city that hadn't been brought about by enforcement action and should be acknowledged nationally as a city that was progressive in planning and laying out in saying the City knew they had those types of things coming up and could not do those things all at once and proposed a reasonable time line to do that. He said KDHE was willing to agree and commit to that with the city. He said it would be looked at widely across the state and the nation as a very progressive document that others would likely follow.

Dever said because this was a MOU and was ground breaking in that it hadn't been done without enforcement activity occurring. He asked what was the intent of this document.

Tate said the bottom line was that those of us today could agree that the plan the city had put in place was reasonable and would take until 2030 to get funded. He said he wouldn't be around with KDHE in 2030 and would assume some of the Commissioners wouldn't be on the Commission. He said it locked in for those future generations that would follow him and follow the future Commissions in that it was a commitment made and there should be no surprise in the future that something becomes a forced mandate when they knew it was already scheduled for a period of time in the future when it appeared the funding would be available.

Mayor Dever called for public comment. None was received.

Schumm said as he understood this only placed it on paper and scheduled the financial plan the City already approved in the budget for this year.

Corliss said correct. He said staff hoped the dollar amount would be less, but the scope of work was exactly parallel with what the City Commission approved. As mentioned, if staff wanted to make alterations, staff could talk with KDHE or could terminate the agreement with appropriate notice as well. He said the City had

opportunities that if the City's priorities changed and didn't want to do any of those projects, then there were ways to alter that, but it did show that the City was following through on the City's capital planning and not having to do it all at once which some communities had been required to do it all at once and was a tremendous burden.

Moved by Riordan, seconded by Farmer, to authorize the City Manager to sign the Memorandum of Understanding between the Kansas Department of Health and Environment and the City of Lawrence for Integrated Municipal Wastewater Planning. Motion carried unanimously.

4. **Consider authorizing the City Manager to execute a purchase agreement for 5.69 acres at the Northwest Corner of 31st and Louisiana Streets in the amount of \$170,670 and to execute an agreement for accepting donation of land to the City of Lawrence, both with Savannah Holdings, L.C.**

David Corliss, City Manager, introduced the item.

Amyx asked if this was part of the MOU that the City Commission just authorized. He said regarding the building that this pump station would be located at he asked if there would be a design process for this pump station.

Corliss said there would and he already indicated to the utility department that given its proximity to the neighborhood, the view from the new K-10, and the view from adjacent roads, the city would expect an appropriate looking facility. He said the City actually had some nice looking pump stations. He said staff would let the City Commission see the design before bidding. He said staff would be in discussion with the neighborhood as well because they didn't want something that stuck out as a Utility Department facility, but wanted it functional.

Amyx said he wanted to make sure staff didn't forget that entire process. He said he looked at it as a gateway into the south of this community.

Mayor Dever called for public comment.

After receiving no public comment Dever asked about the ancillary donation of the land. He said the City was receiving a donation of land in association with this acquisition of 18 acres. He said the 18 acre parcel was a gift to the City.

Corliss said correct.

Dever said portions of this 18 acre parcel of land were located in the floodway.

Corliss said correct.

Dever asked if there was any possible way to build on any of this land given this proximity to the floodway. He said from a legal standpoint he asked if there was any way this land could be utilized for anything else but set aside.

Corliss said regulations prohibit building structure in the floodway. He said in that portion of the tract you wouldn't be able to, but might be able to some additional fill in some of the floodplain property to be able to build on it. He said the City's plan was to keep the drainage system intact and make it look appropriate and also, at some point with the City had resources to do it or successfully receive a grant to extend the bike path for example along that way. He said they probably won't do anything for a while during the SLT construction.

Dever said there were portions that might be buildable, but in this instance, they were choosing to donate all 18 acres to the City and the City could use that property to help connect the bike paths.

Riordan said he was wondering if some of that land had water and gas that would keep you from building on it.

Bill Fleming, representing the property owner, said most of the area being donated was in the floodway. There was a portion that was close to Missouri Street on the northwest side of the property that was actually out of the floodplain and was developable. He said they intentionally pushed that back toward the east leaving an open area that they could possibly build parking facilities for people using the bike path. He said there was

actually some developable property that was being donated that was intended to be used for that type of purpose.

Moved by Farmer, seconded by Amyx, to authorize the City Manager to execute a purchase agreement for 5.69 acres at the Northwest Corner of 31st and Louisiana Streets in the amount of \$170,670 and to execute an agreement for accepting donation of land to the City of Lawrence, both with Savannah Holdings, L.C. Motion carried unanimously.

5. Consider approving the Water Conservation Plan update.

David Corliss, City Manager, introduced the item.

Mike Lawless, Assistant Director of Utilities, said the area where most of the changes were made were in the drought and contingency area. Basically, there were three stages: 1) watch; 2) warning; and, 3) emergency. In the previous plan the progression from watch to emergency didn't flow well and there were certain things in the watch area and then changed gears when going to a warning and then an emergency. He said when going to the watch stage staff should prep everyone on what would happen when getting to the mandatory warning stage. He said staff re-crafted the items in the watch stage so they mirrored what would be required in the warning stage. In the watch stage staff would contact the golf courses and ask the golf courses to curtail watering and in the warning stage staff, start with residential and start limiting the days that irrigation could happen. He said instead of jumping around like that with the stages, staff tried to make a plan for the watch stage educating the public, residential, and golf courses asking for conservation so that when they did get to the warning stage and it became a more critical or mandatory thing the education kicked in and then talk about what would be enforced. He said in the emergency stage there would be very little water. He said staff tried to make the stages flow better from stage to stage.

Amyx said last year when the city as in the water watch, he asked if the city ever hit the warning stage.

Lawless said no. He said basically the city had two water sources, Kansas River and Clinton Lake. He said the city had the ability to have two different water stages and the city was currently in those two different water stages. The city was in a watch stage in both Clinton and the Kansa River, but in late August, they lifted the watch on the Kansas River, but were still in a watch for Clinton Lake. He said the City participated in the Kansas River Water Assurance District and bought storage for drought emergencies in Milford, Tuttle and Perry reservoirs and those reservoirs were at or above the multi-purpose pool. He said Clinton Lake was about 3.5 feet low and the City had the ability of those two different stages in which staff coordinated that with the Water Office to understand what the city was trying to do in terms of where the water was coming from.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Amyx**, to approve the Water Conservation Plan. Motion carried unanimously.

6. Receive public comment and review draft Ordinance No. 8840, expanding the rental licensing program to all rental units in the city with certain exceptions noted.

Scott McCullough, Planning and Development Services Director, presented the staff report.

Mayor Dever called for public comment.

Bill Shulties, owner/occupied and rental property owner, said he was in disagreement with this ordinance. He said he heard there were approximately 60 complaints a year, but doubted that those were all rental properties. He said the ordinance was over reaching, broad, and an intrusion into private lives. He said it treated everyone as being guilty until proven innocent. He said it would also be expensive and knew the city had their cost down to 385 and was dropped quite a bit from before. He said

if you were a company that owned a rental property, the company would spend every bit as much as the City because every year they had to fill out the annual registration form and hire staff for the scheduled inspections. If a person was an individual that owned rental property it was even more expensive because the individual would have to take off work to go on those inspections. He said it was money that would be lost that a landlord could be spending on their property as opposed to helping the government in inspections. He said some of the goals were written nicely, but he didn't think this ordinance would meet those goals. One goal was to provide more affordable housing, but it was making it more expensive and not affordable. It talked about a goal providing good mental and social well-being for the citizens of Lawrence and didn't see how that had any effect. Another goal stated was that it would eliminate blight, but it did nothing for blight from owner occupied or abandoned properties. He said if you had ever been to a County tax sale, all the buildings in that County tax sale had some form of blight. He had never seen a rental property go through a County tax sale because those rental properties were taken care of because it was like a business and they wanted to make a good healthy profit and have some that was an asset later on that could be sold. He said if the ordinance did pass, he thought the City Commission should consider a few things. First, there was no reason to register every year, if nothing had changed such as ownership or the use of the property hadn't changed and there was no reason to re-register which was an unnecessary expense. He said Leavenworth, Kansas had a one-time registration and did not inspect unless there was a need. Kansas City, Missouri had a registration at no cost and would inspect if they needed to, but didn't have a required inspection every so many years. Again, those were easy registrations and were not expensive or hard to operate. The other issue as the ordinance being so broad because some of the things on the list were nice to do's, but not actually codes. He said charcoal grills could be stored on a balcony, he didn't recommend it, but those grills could be stored on the balcony and was

not against code which showed that on the pamphlet from the Fire Department and the City Code itself. It was against code to use a grill on a balcony, but if you're a tenant and that was the only place to store an outdoor piece of furniture, he asked where the tenant would put it. He said he would look at focusing on safety, such as gas hookups, electrical panels, smoke detectors and egress. He said if you're taking care of those four things, everyone's safety would be in good shape. The only other aspect was the Kansas Landlord and Tenant Act covered a lot of the issues between the landlord and the tenant. If a person was a student, there was free legal service at K.U. and they had no problem seeking out advice when needing advice. He said the Kansas Landlord and Tenant Act also stated that a person must have peaceful enjoyment. He said saying a person must have a mandatory inspection was not peaceful enjoyment. The City had plenty of ordinances already that cover nuisance, litter, and couches on porches.

Jack Klinknett, a resident of Lawrence since 1961, said there were several things that alarmed him about this particular ordinance and only became familiar with the ordinance a few days ago. Even in a couple of readings several things came to mind. In the first place he wanted to remind the City Commission and citizens that this ordinance would apply to any residential household where there were two or more people who were residing in a household that were not related by marriage, blood or adoption. If they weren't then this turned their situation into a residential rental event. It created a class of residential rentals which never existed in this city before and currently did not now. He said he wanted to give some examples of the kinds of living situations where some of those people had an alternative lifestyle that would suddenly be subsumed under this ordinance and would immediately become the subjects of inspection and licensing. He said for instance, Vivian and Eva were in their mid-50's, were life partners and had been living together for over 20 years in Eva's inherited house. They were not related by marriage, blood or adoption and could not hope to be under Kansas Law. This ordinance

created a residential rental for them whether they like it or not, regardless of whether they ever intended any such thing. He said the same thing with Andrew and Howard with only the genders changed to protect the analogy of the example and the point. He said then there was Ted and Alice that had been living together for 7 years on Alice's solely owned property, the parents of one child and by personal choice they had not gone through a wedding ceremony or held themselves out as man and wife because they had chosen better reasons for living together than simply a formal marriage arrangement. Finally there was Daniel and Danelle Doe, who care for at present 2 children as foster care and at other times in their home there had been zero such children or 3 or even 4. He said in these circumstances and countless other available to the fertile imagination, those were non-traditional households suddenly becoming subject to registration and inspection. He said how about William who had sufficiently advanced macular degeneration and required the assistance of someone else and otherwise led a perfectly and productive daily life. Fortunately, he had Lucas, a life-long friend that needed shelter and hot and cold running water and warm air in the winter and who brought just this help to William which was a win/win situation for both of them, but not so fast, this ordinance again created a residential rental. William becomes a landlord and Lucas becomes a tenant. William could not afford \$4,000 a month to move to assisted living facilities and could not afford the \$28,000 it would take to bring his older dwelling into compliance with code provisions that existed now or at least those invoked by this ordinance, but certainly did not exist at the time his home was built, giving genuine effective concern for health, safety and welfare as it pertained to the physical condition of dwellings required that you considered and included all the properties occupied by people that were related by blood or marriage or adoption. Most single family residences were likely to be situated outside the scope of the application of this proposed ordinance. If you purposed to hit the barn, you would be advised to actually aim at the barn. If concerned about population or parking density back

to Valerie and Eva, they didn't have a car and next door was a family with 3 children and 4 cars. He said in all those instances the ordinance would create a newly defined category of citizens who were immediately subject to the provisions and thousands of pages of technical code provisions.

Justin Milburn, De Soto, Kansas, said he owned several duplexes in Lawrence and didn't have a large management company that managed his duplexes and he managed everything and the day to day aspects of the business. He said as a sole owner, he took pride in all his duplexes and made sure the grass was mowed and everything was cleaned up and kept his duplexes in tiptop shape. He said he wanted to go on record that he did not agree with the implementation of this ordinance. It was a burden on landlords that did the correct thing and if a landlord wasn't doing his job, then the City already had policies in place to take care of those landlords. He said he read through the ordinance and didn't want to point fingers, but this ordinance was favored toward larger apartment complexes. It was a burden on landlords with smaller properties. He said he wanted to request that a section of the ordinance be modified. The section was 6-1310(b) that stated, "The Code Official shall inspect 10%, rounded up to the next whole number, or not more than fifteen (15) of the Dwelling Units located on a Residential Rental Property." He said as an owner of a duplex there were two rental units per duplex so following that code, that meant two times 10% or .2 rounded up to the nearest integer was 1. So every one of his duplexes was going to be 50% of those rental units inspected and didn't matter if he had 1, 2, 10, or 20 duplexes, 50% of his units would be inspected. If comparing that to apartment complex with 40 units with 10% would only need to inspect 4 units. If he had 20 duplexes he would need 20 inspections and was a lot more due diligence on his part, licensing fees would be the same, but the inspection costs would be more plus his time. He said he would need to take off work to have those things inspected. He said what he would like to have modified, he would like the ordinance to indicate that the sample would be taken across all entities

that a person owns if they had fewer than 10 rental units on a property. For example, if you have 5 rental units, the ordinance should state “over the 5 units which were 10 rental units, 10% of that amount.” The entire ordinance would be targeted toward larger complexes.

Laura Routh, Lawrence Association of Neighborhoods, said LAN supported the proposed rental registration and inspection ordinance for the following reasons: Parents send their college age children to school at KU to live in Lawrence with the presumption that those students would survive their time in this community. The city had an obligation to ensure the safety of rental housing stocks throughout Lawrence and we knew there were problems and hazards. This ordinance offered a logical, fair and cost neutral plan for addressing those hazards. The current system of complaint driven enforcement for rental properties did not work. It was not financially sustainable for the City and did not have enough staff to manage the system as it currently existed. It also place tenants in an untenable position. Many were justifiably concerned about retaliation on the part of their landlord if they complained. They could be evicted, lose their deposit, or see their rent raised without justification. Thus the complaint driven system created a disincentive for tenants to report problems. The Kansas Tenant Landlord Act was not an accessible legal remedy or reasonable alternative to the proposed inspection program. Unless a renter had knowledge of the law and the resources to hire an attorney and pursue their complaint in civil court, there was little recourse to be had. The proposed ordinance protected tenants, created accountability for all parties and levels the playing field for landlords big and small. This ordinance would reduce demolition by neglect and address blight and would help protect property values for single-family home owners neighboring rental properties. She said on behalf of the Lawrence Association of Neighborhoods she asked the City Commission to move forward with the adoption and implementation of this ordinance. It was badly needed and long overdue.

Brandy Sutton said she had been participating with this process since it started and was a little miffed and dismayed seeing that this had been already budgeted in for next year. She felt they were putting the cart before the horse and that it was already been assumed that the city was going to have 5 new inspectors and this ordinance was going to pass, but she was present to put her two cents in. She said they kept talking about demolition by neglect and repeatedly this had been brought up and repeatedly brought to the attention of the City Commission. The demolition by neglect scenarios had been owner/occupied or vacant properties and had not been rental properties. She said they kept talking about this being a cost/neutral ordinance. She said it might be cost/neutral to the city however, it was far from cost/neutral from the landlord. She said they would see a disparate impact on the smaller duplex owners and the people who owned single-family residential houses. Those people would need to take off work and did not have full-time management staff to deal with the approximately 3 notices that were going to be required to give to tenants to get the inspection done in addition getting a tenant to actually sign a consent form that the City's wanting to go in and inspect the rental and then go back out with the inspector to do the inspection of the property. In addition to which the landlord was going to see an increase in the cost of inspection fees. This was going to increase disparately the cost of non-complex owned properties. They would see rental increases and there was no doubt in her mind that this would drive up the costs of doing business and it was going to be directly passed on. However, that pass-on was going to be much more disparate in single-family neighborhoods, duplexes, town homes and would see more and more people going to complex style properties. She said they talked about the tenants being afraid that they would be retaliated against, but that was against the law. It was against the Landlord Tenant Act, HUD Regulations and there were a million different ways a tenant could seek redress if they felt they've been discriminated against. As Shulties pointed out the Kansas Student Legal Services had an excellent program of

bringing to attention landlord issues. She said they needed to talk about education and talked about people not having knowledge of the law. She said for \$385,000 they could put a lot of knowledge out there. There were a lot of ways this issue could be approached where they were educating the populous to the codes and laws that were already in existence. This whole scheme did not implement one new code as far as what was required of a rental property. It was all the same and they were putting this grand scheme together of a huge bureaucracy to enforce what was already on the books. There should be a more cost effective and efficient way to do it than by registering every rental, every year, inspecting every 3 years, and almost every unit that was not in a complex. She said the city had to do a better job and that was where they went back to education in making sure that tenants were aware of their rights and the option to go to the city for inspections and the City's staff was wonderfully responsive to complaints either from the landlord or tenant to look at a property. She said they would be much better to fit to take the \$385,000 that was cost neutral to the City and do something different. She said 60 complaints in one year didn't seem to be justifying this huge bureaucratic system that they would be putting in place.

Clark Lindstrom said he was a concerned citizen out of Sedgwick County, but was a certified property manager with the National Association Institute of Real Estate Management for over 28 years and Regional Property Manager for the Peterson Companies. He said they were a real estate company that was based out of Shawnee Mission Kansas, but owned about 8,000 rentals in the four state area and were proud to own and manage Park 25 Apartments and Townhomes in Lawrence since the mid 80's and also had been involved in local, state, and national level with other apartment associations on this particular subject. He said they could all agree that this nation urgently needed to encourage the creation of additional, affordable, and safe decent to the sanitary housing for a better housed America. He said could they meet this public demand

by voting no tonight to the proposed expanded licensing and rental dwelling inspection ordinance before including multi-family residential dwellings. He said voting in favor of this ordinance proposed would institute a disincentive to the provision, production and financing of rental housing for Lawrence residences on all income levels. He said he submitted to the City Commission that there were alternative, viable, existing solutions to the purported unacceptable rental housing additions within the City limits that would not restrict rental property ownership opportunities or interfere with the property rights of all Americans under the U.S. Constitution. He said he worked with Kurt Schroeder, City of Lawrence Assistant Development Services Director, in a previous circumstance and they were able to solve many of those issues. He said he was present to speak in opposition to the proposed mandatory licensing and inspection ordinance. He said he had 5 general talking points which were:

1. Strongly encouraged the collective governing body of Lawrence to use existing codes and laws to protect citizens rather than create new regulations.
2. Be well advised that there was a strong trend within the United States to repeal or significantly amend similarly regulatory actions worded similar to the ordinance presented for the vote tonight.
3. When rental licensing and inspection ordinances were used as a revenue generator for the municipality under the 5th and 14th Amendments, if Lawrence passed this licensing and inspection fee ordinance to be added to existing real estate taxes, the end result was the potential disproportionate taxation of rental owners and rental occupancy.
4. Many multi-family rental dwellings within Lawrence were already mandated to be inspected for code, safety and health concerns by lenders, insurance companies or agents for property owners on at least an annual basis or more often.
5. The City Commission needed to be mindful of the rights of the tenants and if this issue was so concerning where was the prevalent and serious outcry or the show of

support. Some inspections ordinances had been adjudicated against municipalities because they violate the renters U.S. Constitutional 4th Amendment right “to be secure under a person’s houses, papers, and effects against unreasonable search and seizure. He said in conclusion, he was present not to be an antagonist against the efforts of the city staff, Lawrence City Commission, or the people present. He said there would be a far more people present, but there appeared to be a snafu when he reached out to a number of other landlord management companies that had signed up to be notified of this meeting and many of the people didn’t receive the emails or notification. He said after being involved in professional real estate management for over 38 years, teaching property management courses for the Kansas Real Estate Commission and Homebuilders of the National Apartment Association, it was his experience that with significant majority of rental owners wanting to work with each an everyone to create a program or solutions to rental housing concerns that reasonably protected the safety and rights of everyone involved. If the City Commission was asked to vote on this ordinance as written and submitted, he strongly requested that the City Commission vote “no” to a passage that would be in favor of a better public policy through reasonable and responsible government.

Candice Davis, Oread Residents Association, said she would like to remind everyone that this was something that had been worked on for 5 years. She said what had been presented was masterfully thought out and was a wonderful program. The program already existed, but not in this particular form in single-family neighborhoods and it had been very successful. She said she happened to be a landlord and owned several properties and she was extremely supportive of this ordinance. In her neighborhood she had seen disgusting houses that were providing very unsafe places for students to live or even adults to live in. Firstly, she thought the program was necessary because the city needed some accountability in terms of public safety. Those were businesses and she ran

a business and believed they were obligated to protect the public. She said she didn't believe that substandard unsafe housing equaled low income housing. It was unfair for people who couldn't afford to live in nicer properties to expect they had to live in something substandard just because it happened to be a little less expensive. Also, she believed the charges for this program were extremely reasonable, landlords who owned those big multiple units made a lot of money. There was money to be made and she made money depending on the amount of profit that you were looking at. She found this as something that was extremely important and hoped they could move forward.

Stanley Halbert said the way this ordinance was written, people that had to obtain licenses would be in a situation where two non-related people lived together and it didn't matter if there was rent involved or not. The ordinance stated "two other persons who were not members of the immediate family, whether or not for consideration", which meant that if two friends lived together, one owned a house and the other was allowed to live there, they now had to register to have their house inspected. If you rent a room in your house you were essentially letting someone use the whole dwelling unit and you were now subject to inspection. The ordinance seemed very broad and covered a lot of situations and frankly most of those situations the City won't know about and people won't realize that a license was needed, just to live together anymore. The other issue was as much as they didn't like this ordinance if the ordinance passed they believed there should be an opportunity to receive variance. He said there was a variance in the building code, but did not apply to this code. He said there were houses that could meet all the safety standards, but there might be issues of room size that it won't fit into this code and suddenly a house or apartment would be condemned that had been used for 30, 40 or 50 years as a rental and now the City decided it was not safe.

Tom Harper, resident in the Centennial Neighborhood, said he was supportive of the draft ordinance the way it was written because it leveled the playing field. In 2001

when the Commissioners started this program for single-family zoned areas, he didn't think the City Commission stated "but we should omit multi-plexes or apartment complexes because it was going to be inconvenient for them and might cost those landlords some money." He said this was about safety and it would inconvenience people and cost money, but if you're in a business, you have to spend money to make money. There were many people that were very responsible that would be inconvenienced with this, but there were many people not present tonight whose heads were in the sand and needed those inspections. Their neighbors needed this inspection process and the tenants. He said he hoped they could continue on with this process and hopefully receive a 5-0 vote.

Dan Dannenberg said on behalf of Sunset Hill Neighborhood Association, they supported this ordinance in principle and would be having an executive committee meeting tomorrow night and might have other more specific comments. Speaking for himself as an individual, regarding Section 6-1305c2, the resident agent should be required to live within a reasonable distance of the City that being 8 miles from the intersection of 9th and Massachusetts Street. He said regarding Section 6-1312, all properties subject to inspection at any time. The incentive of 6 years was simply too long. One year in a rental property, in his experience, was geologic time and the next year it was completely different. He said they needed to have all properties subject to inspection unannounced at any time. The right of entry, Section 6-1313, should be unannounced and no call should be given to the landlord or a heads up letting the landlord know when they would be arriving to inspect. Include violations of state, county, and federal laws in Section 6-1314c. On section 6-1318 regarding probation, a reasonable period should be 30 days. On section 6-1320, unlawful act should be tenants providing alcohol to underage persons. He said this program needed to be opened to the public and would urge the Lawrence Association of Neighborhoods to establish a 3 person committee to review or oversee this

program so it protected the integrity, safety and security of neighborhoods. He said regarding part-time code enforcement officers, the city had many first responders who were retired and could be employed as part-time code enforcement officers and circulate throughout the City to see what was going on with properties. He said regarding complaints to the Police Department about the noise or disorderly conduct, those complaints should be immediately be transmitted to the property owner, property manager, or the property agent. If he had to get up at 1:30 a.m., and call the police because of the noise and the booze coming from down the street then the property owner needed to be advised and so did the property agent at the same time. It was clear by the time that had been allowed the landlords that they knew who was running the show ultimately and they wouldn't be present addressing this situation if those businesses had been run responsibly in the past.

Matt Hoy, Attorney representing the Lawrence Apartments Association, said a lot of comments were heard that explained the rental industry was really diverse. There was a variety of housing stock that fell within this category of rental property, yet this proposed ordinance was overlaying a regulatory paradigm on a very diverse housing stock. He said as mentioned before, there really wasn't anything new and all the codes already existed. City staff already had all of the enforcement ability under existing city code. He said what the city was doing was enacting something, increasing expense, without changing the rules that anyone needed to operate by. He said he wanted to clarify that when talking about the members of the association that he represented, those properties, for the most part, inspected regularly. Those properties were inspected by very specialized, highly trained inspectors because their lenders and insurance providers required it. He said he could assure everyone that the inspections those apartments went through would go beyond the inspections that the City would undertake and yet there seems that there was no recognition given to that fact in any of the discussions. There was a lot of talk about

what happened with cars, trash, noise and so forth, but again, those issues were already provided for in existing city code. He said if inspections were going to occur, he asked if the city should give credit to the apartment industries that were already having those inspections taken place. It seemed that would be an efficiency that the city might want to consider. Finally, he didn't know if there had been any consideration given as to what happened when the city performed an inspection. He said the inspection certified the property as safe and then something happened. He asked what consideration the city had given to that scenario. The City was certifying the property and asked if the city would stand behind their inspections. He doubted the city would. In that regard, he asked what value was given with those inspections.

Mary Weeks said she was a resident landlady for 30 years. She said this was a unique situation where a person wouldn't want their own home invaded or their neighbors who were tenants to be inconvenienced or frightened. If the city had to inspect all the time, prepare for inspections that might happen at any moment, it would extend to any house in the entire city. She said tenants didn't like this inspection process and it was stressful for the tenants until they get to know the inspector which might take a year. She said the ordinance created an attitude of "fix it now" and some things couldn't be painted in the winter time or finding a repairman was difficult. She said this was a confusing morass and recommended trying to get more landlords involved at all levels. She said the code could always change and house could be out of compliance and wanted to know what could be done as a landlord. She said if not having variance then a person's investment was just wasted. She said the city would see more homes that wouldn't be taken care of because a person would be afraid to invest or couldn't find a repairman.

Ted Boyle, North Lawrence Improvement Association, said they felt the need for this rental registration program, but he talked to a few landlords and they believed that the tenants should be held responsible on certain minor items such as windows getting broke,

screens knocked out, and things getting flushed down the toilet plugging up the sewer which was different from tree roots in the yard which would be the landlords responsibility. He suggested an inspection be made before the occupants moved in and performed an inventory. The lease should have wording that stated the responsibility of the tenants and what would be taken care of. He said regarding the deposit, there were a lot of times where the deposit didn't cover an entire problem. Again, something should be written in the lease where tenants should be held responsible for some of the destruction, not just every day wear and tear of living in an apartment or house, but deliberate destruction.

Will Starks said he was a tenant in a townhome and became familiar with this type of ordinance through a discussion in Manhattan where a similar ordinance was passed in 2009 and was soon rejected and repealed in 2011. He said it was important to look at what happened in Manhattan because they had a very similar social economic structure as Lawrence did. Some of the key points that came up and the reasoning why the repeal happened was actually that the people it was intended to help actually were the one's leading the repeal. Something that was forgotten was that because inspectors would be entering homes unannounced, the inspectors would be finding things that people were not looking for before and a lot of those tenants might not be aware that they might be violating an ordinance or a law and find themselves victims with what should supposedly be helping them. In many cases, students that didn't have much money were being the targets of not keeping their house clean enough. He said with unannounced visits students might not have time to clean up their house or get it prepared for an inspection and might find themselves in a situation where they did something the night before that placed them in a situation of getting a ticket and having to go to court for something that was in your house. He said some of the inspections might become fishing expeditions for revenue and inspectors would be entering homes, trying to find things to collect the revenue to support this program and that happened in Manhattan and was repealed. He

said he didn't think there was equality under the law with this type of program. He said because he was a renter didn't put him in a different group from people that owned property or homes. He said apparently he must be protect for his safety and his home had to be inspected while a homeowner didn't had to be under scrutiny. Again, there wasn't equality and there was a constitutional basis for this program. He said everyone had personal responsibility and were adults and the program that was already in place allowed for people to address grievances and other things and it sounded like people did that. He said people's rights needed to be respected as citizens and education could be practiced more often on what their options were. He said it would be a better course, more cost effective and more appropriate. The next time this subject was brought up and it became an issue of repealing this ordinance, they wouldn't have a lively group like in Manhattan where people were coming out of the woodwork, students in particular, trying to push for repeal.

Dever said he appreciated all of the input and there seemed to be some heated and highly interesting discussions going on. He said the input was very helpful.

Schumm said this was the 9th public meeting regarding this rental program and he had attended every meeting. He said he watched this program mature and become more favorable towards the rental industry. The program started out over a million dollars to implement and worked its way down to \$385,000 which wasn't a lot of money when spreading out over the total rental income of the rental industry in Lawrence Kansas and was a very insignificant amount. He said they've watched themselves build into, through public comment, bonuses and sample sizes. If you own a number of units, not all the units needed inspections and a good behavior bonus if scoring well and would be exempted for a while. He said they tried to take those comments and make it as palpable as possible and they would be going after the people who weren't doing a good job, weren't proving safety for the students, and/or causing blight in the neighborhoods which was the target of

the inspection process. He said the ordinance had been honed down quite a bit, but there were comments that made sense. The last meeting they had in August a gentleman brought up about duplex issue in terms of sampling. He said he believed that was a valid point and they should sample duplexes based on the total number of units they owned in the community. He said he saw staff's reply stating that those units were on different sites and different situations and therefore, those units were not really the same thing. He said he felt they could sample size duplexes or multiple pieces of property not on the same site. Secondly, Klinknett brought up the fact of same sex partners or partners that weren't married which created a dilemma and he would like to see staff work on that issue to avoid that situation. He said there were a substantial amount of people in that class that would normally be a single-family dwelling, but yet because of the relationship that was not allowed by law to be married then that was creating a different situation. He said he would like to take under consideration allowance for variances there was a part of the ordinance that stated for appeals, to go to the Board of Zoning Appeals in which there was a peer group that decided issues and that was appropriate. The variance situation was for areas that had been used through time falling out of compliance of code because of size or shape of the home. He said he did not agree that illegal areas that were constructed without a proper permit, some basements or some attics that were added on and did not conform, they should not be allowed to continue if those were out of conformance by a substantial amount. He said Boyle raised a point that tenants should be held responsible but stated that in their offering there was a potential tenant based violations and it did attach to the tenant some of the things Boyle mentioned. He said they weren't trying to hold the landlord or landowner hostage to the fact that if they had a tenant that made a bad decision, but were trying to get to the part that was responsible for it. He said the ordinance was a good ordinance and would help the city in providing a safe environment and a lawful environment for the tenants.

Riordan asked if this regulation created a situation where it placed people with alternative life styles at risk for this inspection.

McCullough said he appreciated the question and was one of the items that he was going to try to interject because staff's language might not have been very clear or misinterpreted. He said they believed the language presented itself in the ordinance that if an owner of a structure lived in the structure then it wouldn't be part of the licensing program or inspection program and the definition of family, the occupancy limits were what were applied to the situation, not the rental licensing program. He said they could talk about the occupancy limitation as a separate issue. If a person lived in the structure and had a roommate that was unrelated, that person would not need to participate in this program. He said that was how staff interpreted the ordinance. He said there had been a little bit of misinterpretation. He said it didn't create a new class of renters and was the exact same classifications under the City's RS program today. If a person was owner/occupied and rented a room in the home, up to the occupancy limits in that district, then that person didn't need to participate in the licensing program. If a person owned a home and didn't live in that home, but immediate family did, then they didn't participate either. It was when someone not in your family rented the structure that it then applied and participated in the program.

Riordan asked how long it would take to fill out the registration form.

McCullough said the application itself was a few minutes and asked for information about the structure and its location.

Riordan asked how long the inspection took for an individual structure.

McCullough said a general basic structure would take a half hour a unit for that initial inspection.

Riordan said there was discussion about unannounced inspections and asked McCullough to elaborate.

McCullough said first of all they would need consent from the tenant and the owner if vacant. All of their inspections would be scheduled through the owner in terms of their typical inspection cycle. If staff received a complaint then they scheduled that inspection with the complainant and typically that could be a tenant and would still need to receive written consent in that situation to enter the premises to complete inspections.

Riordan asked if it would negate the tenant's ability to complain and bring something up that wasn't found previously.

McCullough said it wouldn't.

Amyx said he appreciated the comments and it had been quite a process. He said his biggest concern related to the liability question and did the City assume any liability in those cases because the City would be licensing a structure as being safe and ready for someone to live in. He said they discussed life safety issues and what that inspection might look like. He said when looking at the list of violations both minor and major, there were things that he questioned whether or not they would be a life safety issue. If they were looking at a program that he considered would be life safety issues it would be like making sure a furnace was properly working and the ventilation worked well, the hot water tank valve worked properly, the GFCI worked, electrical panel covered, smoke detector and whether or not a fire extinguisher was required. Also, placing a notice inside that in the event those things weren't working, the individual tenant had the right to call City Hall. He said he had a question about the Tenant Landlord Act and whether or not a tenant or a landlord had a right to go to the Attorney General's Office and did they need to be represented by counsel to file necessary paper work. He appreciated the comments about Manhattan and the repeal that happened after two years. He asked what the City's responsibility was. He said was it to get the property registered and what the limits were in the inspection process which was the only difference between what the city had right now and what they were about to do.

Dever said yes.

Amyx said staff would register and inspect the property and asked what the limitations were of the inspections and those costs. He asked if they were talking about the life safety issues that he identified, so that there was consistency and both the landlord and tenant understood exactly what inspectors would look at.

Farmer asked if the City had constitutional risk associated with the 4th amendment and had there been precedents in other communities where particular ordinances like this had been deemed unconstitutional under the 4th amendment.

Randy Larkin, Senior Assistant City Attorney, said this particular language, the right of entry under 6-1313, came from the existing code. There was a lawsuit involving the original imposition of this code to the single-family residential. The challenge was that this was a violation of the 4th Amendment and the court held that everyone had the right to be secure with their possessions in their homes absent of a warrant. The government could intrude, but there were exceptions to the warrant requirement, one being consent. If the city had consent, it would be valid. If they didn't receive consent, they would not enter without a warrant and based upon those two things, the court upheld that exact language already.

Farmer said let's say the city received consent and they go into someone's home and find that they had an unregistered gun sitting on the table that they forgot to put away. He asked if that tenant, at that point, would be held liable for that breach of offense.

Larkin said potentially. He said if it was in plain sight and was illegal. He said whether or not the city's inspectors would notice the gun and whether it was registered or not registered, but there still was the potential, but that wasn't the purpose of the program.

Farmer asked how Eric Hurt, KU Student Senate felt about this ordinance.

Eric Hurt, KU Student Senate, said he supported the ordinance, but the only red flags raised was the same sex scenario and about the person who owned duplexes and

had to have 50% of his properties inspected. He did support rental registration because it would help safety issues for students to hold people accountable. He said some of the students would be a little reluctant to call the City on their property owner, because he heard of property owners not giving back a student security deposits for lesser reasons.

Farmer asked how much corresponding was done with student groups at K.U. to ask that question. He said he appreciated Hurt's comments a lot.

McCullough said throughout the five years staff had reached out to the university at varying degrees of participation.

Farmer asked how long it would take to inspect all of those units.

McCullough said staff anticipated about a 3 or 4 year timeframe to get all the units inspected and all of the sampling. He said it would take the 1st year to license rentals and begin the inspection processes and within 4 years they hoped to have this expansion group inspected.

Farmer asked if there were any plans to try and look at in relationship to inspecting the dwelling when no one was present and it was empty.

McCullough said staff hadn't explored that and was primarily because of the logistics that were involved. He said it would be a challenge to do it in that fashion. Their proposal was to spread it out over the year and do sets each month so that it made it resource light versus resource heavy.

Famer asked what type of education would be done with this program and how much resources would be allocated toward that program.

McCullough said staff thought it was an important part of the outreach of education and thought staff would supply the landlords with a packet of information that could be shared with their tenants and also do seminars and training for landlords on how they could participate in an efficient easier way for this program.

Dever said he received a lot of input from people who had never talked to him about any other issues. He said this issue was not knee jerk, vanguard, or out front, but was trying to catch up to a concept that had been discussed for many years. He appreciated the input because every time they discuss this process another issue comes up that he hadn't thought about. He said that was how good rules were created. He said he inspected things for a living and looked at property and he was one of those guys that inspect apartment complexes all cross the country and on occasion, to the inspection himself. He said he agreed with Hoy in that the inspections were pretty in depth and in some cases redundant, but regardless the city had a level of inspection they needed to conduct as a city and he was looking forward to trying to improve the safety of some of the housing stock in this community. He said regarding the list of minor and major violations, he would like the City Commission to take the time to hone that list and take the comments that were received today and come up with a reasonable level of inspection that could be achieved in a period of time that would allow the city to do something different. Many people pointed out they were already doing things that were already on the books and were just reinventing the wheel and charging people money for it. He said this inspection needed to be about life safety which everyone was talking about. He said what other communities did that had been in effect for many years were more geared toward life safety issues. He said he would like to get the inspection list broken down to things the city had some control over. Some other issues that came out with his discussions with people were violations that were tenant related, but never talked about potential costs of those violations to the tenants and who would collect that money, never talked about the timing and trying to make it coincide with the new rental phase starting in August so that everyone could sign the documents and everyone was aware of their responsibilities as a tenant and landlords. The timing was important, the scope of their inspection was important and they needed to work on that in a group setting or submit comments to staff,

and the number of units to inspect was also important. He said someone said if safety was so important, that person asked why the city didn't inspect all rentals and he pointed out that they started with inspecting all rentals and everyone pushed back that it was too much. He said he did not know if the city could inspect all rentals and didn't think they could. He said that was a question posed and they needed to think about if safety was important, why were the city limiting inspections. He said he believed 10% was reasonable and needed to consider units where a person owned 10 duplexes and there were a total of 20 units and was inspecting 50% that was targeting resources and was unfair because it was giving large complexes an unfair advantage that the city didn't anticipate. He wanted to hone down the minor and major violations and the tenant based violations, how the money would be collected and what the fees would be associated with a tenant violation and how did a landlord protect himself from violation that were caused by a tenant. He said they also needed to discuss whether or not they could perform inspections during move in of a tenant. Finally, everyone was saying that it was unfair, too expensive and too much time, but if a person was in the business of renting property, they needed to put in certain time for housekeeping in their business. If renting property and generating income the modest amount associated with this program should be negligible in their bottom line and was negligible from a time standpoint, as long as the city did their job right and implemented the program properly. If it was an undue burden, then the city needed to fix its system, but in this case he didn't see it as such and wanted everyone to know if they're creating a business based on renting property to people then they should be expected to be treated as a business and there were certain rights and obligations as a business and one of those was government oversight unfortunately.

Riordan said this was about safety and the fact that the city had codes, and this gave the city the ability to enforcement those codes for a safety procedure. He said it was a situation where he had seen demolition by neglect in the City of Lawrence. He said this

was about safety and the cost was there. If a person had a hundred units and were inspected every three years it was going to cost \$1.70 per unit, per year; 6 years was 85 cents; and a single unit was \$16.50 and about \$8.25 every six years for doing a good job and the person was rewarded. Either way he thought it wasn't an economic issue and they needed to emphasize that this was a safety issue and there were things that could be honed to make it better, but he still was in favor of Rental Registration and wouldn't mind making it more fair, especially to make sure the city didn't cause problems for groups that had townhomes. It seemed they were in good standing with people that had alternative life styles. He said it would be reasonable to delay this rental registration because to go into it further at this point would be a mistake. It was great when people commented because that was democracy in action and it took lots of time, but it was very inefficient, but very good. To get this right the City Commission should delay approving rental registration, but was worthwhile making improvements to issues that weren't for seen.

Dever said the City Commission wasn't going to pass the rental registration procedure, but place it on a future agenda. He said the City Commission needed a little more time to answer the reasonable questions that were brought up.

Schumm said he was in agreement that the ordinance could be honed down a little bit better, but the ordinance had shaped up from where they started. One thing that troubled him was that there were a number of Commissioners that only want to focus on life safety issues. The environmental part of this was very important in terms of demolition by neglect. He said if the life safety issue was okay, but the house was falling down, he asked if they would be considered good, but the neighborhood had to look at that eye sore and it eventually fell down and dilapidated, but at some point the life safety issues would come into play. He asked if that was just allowed to let happen and would they turn a blind eye. He said he would agree to keep in some of the blight requirements just to make sure that they were attractive structure. He said it was a business and people needed to put in

money for their businesses. He said just letting an apartment or home turn into a piece of trash was not right. He said he was going to keep pushing for the environmental portions of the ordinance.

Amyx suggested that the Commission receive a list of what was needed under current inspection program and use that as a base for the beginning of this program. He said this proposed ordinances was directed more toward life safety. He asked if the Mayor wanted written comments from the Commission given to him or city staff.

Dever said they could take the ordinance as written and modify the ordinance or make a list of questions from citizens and people who owned rental property. He said he didn't want to redo this ordinance two years from now.

Amyx asked when the Mayor would like those comments submitted by.

Dever said possibly in a couple of weeks. He said the ordinance could be redrafted and reviewed with staff and interested parties.

Schumm asked if they should markup the document called the Residential Rental Licensing Administrative Compliance Procedures and the ordinance as well.

Dever said yes.

Farmer said his concern was not with the program, but to make sure the City was covering themselves against threats that might or might not be. He said if the City certified an apartment or home as safety, would the city be liable.

Larkin said building codes did a number of inspections. He said the state wanted code enforcement to do those inspections and therefore under the Kansas Tort Claims Act, staff had special immunities and no more liability from this rental inspection than looking at plumbing in a new building or anything else.

Farmer asked what if the city didn't get tenant consent for inspections.

Larkin said if the city didn't receive the tenants consent the procedure would be to go to district court and obtain an administrative warrant under this regulation which was

allowed and did not need to show probable cause, but have reasonable regulations. Once the warrant was issued, staff could do the inspection. If no warrant was issued, then they couldn't do the inspection.

Dever said they had to fix that too.

Farmer said this process was so much better by virtue of receiving input. He said it was good to have an issue to bring everyone to the table to where they were having those types of conversations. He said one thing he appreciated was there was a significant amount of disagreement, but everyone wanted the same things which was safe and affordable housing, but might have different ideas about getting to that point. He said this was an incredibly civil conversation and wanted to thank everyone in that this didn't get out of hand.

Schumm said regarding tenant obligations, he asked if there was any thought in how to proceed. He said if a tenant had broken a section of the lease, he asked about the penalties.

Larkin said for example, if a tenant was barbequing on the deck there wasn't anything the landlord could do but ask the tenant not to do it, there were penalties that could be assessed against the tenant and would not come back to the landlord. I

Schumm asked if that mechanism was already in place.

Larkin said yes.

Dever said when discussion the scope, he wasn't necessarily saying they would eliminate looking for items, but not using anything that could be indicated as a tenant issue meaning if someone broke a window or screen, not letting that be held against the landlord for a) the frequency of inspections in the future and b) the cost or fine associated with that action. He said everyone understood that those things could happen without the landlord's knowledge in between the move in inspection and when the rental inspection might occur. There were certain things that were non-negotiable and others that they

could agree that wouldn't raise to the same level of issue, if they could agree to a short list. The tenant based issues were making it hard for him to get to.

Larkin said there might be some situations, for example, a broken window. He said that window should be fixed sometimes for life safety issues, ultimately the landlord was responsible for their property and then it would be between the landlord and tenant. If it was clearly a tenant issue then that was not something the City would cite the land owner for.

Dever said it was in the list.

Schumm said this was the ninth meeting and they worked on this issue with two City Commissions. He said he would like to get at the finish line as quickly as possible. He said there was a public meeting in August and this meeting. He said he would like to see the city work aggressively towards thumbs up or thumbs down.

Dever suggested an October 31st deadline.

Schumm said it seemed that if everyone was going to mail in comments, then the City Commission should receive a report back and make it public prior to that deadline. He asked if the deadline was to consider the ordinance or the new information.

Dever said the ordinance.

Corliss said the City Commission could set the deadlines, but what would be helpful was to send comments to him, the city would post all those comments and staff would harmonize those comments and place it on a future agenda. The City Commission needed to establish deadlines for those comments and when they wanted staff to put that back on an agenda.

Schumm suggested getting City Commission comments by the end of September.

Dever said three weeks was fine.

Corliss said the deadline could be October 1st. Staff would post those comments and give staff a week to harmonize those comments and would be on the Commission's

agenda, October 15th. Staff would be putting the agenda together on October 9th & 10th so comments would be due back to staff by October 1st which would be posted, then staff would be working that following week so that on October 9th & 10th, staff would be posting revisions to the ordinance for City Commission consideration at the meeting on October 15th.

Dever said staff could clean it up and put the item on the agenda on November 5th.

Farmer suggested that the members of the public to continue to send information. He said it needed to be a transparent process for sure.

Moved by Schumm, seconded by Amyx, to direct staff to receive City Commissioners' comments by October 1 and place this item on the October 15 City Commission agenda. Motion carried unanimously.

E. PUBLIC COMMENT:

Dan Dannenberg said regarding rental registration, one thing that needed to be emphasized was not only the safety of the tenants but it was the integrity, security, and livability of neighborhoods that was at issue. He said he was the ad hoc, or ex officio code enforcement officer for his neighborhood because the City Commission and its predecessors had sufficiently weakened and kept code enforcement so small and disempowered that they couldn't do their jobs. It was up to a person like him to do that work and sometimes there were results and sometime not. He said they had the issue of out-of-sight and out-of-mind landlord's like those in New York, Minnesota and California. A couple of years ago he encountered a tenant that stated that his landlord was in Egypt doing something. He asked the tenant who the tenant called if a problem arose. The tenant stated that he didn't know, but had a telephone number to someone in Johnson County.

Stanley Halbert said regarding rental inspections McCullough indicated that the inspectors didn't plan on inspecting a homeowner that had someone living with them. He

said it was McCullough's intent, but didn't believe that would always necessarily be the intent of the inspector. He said that was the issue with the language on who was subject to being licensed. The other question was about how long it took to fill out the application form which was two minutes, but added unless they changed the form the guy with the duplex had to fill out a form for every single duplex.

Mary Weeks said the vetting process had really gotten the teeth taken out.

Marci Francisco said she wanted to thank the City Commission for these discussions regarding rental registration and inspections. She said when people were talking about the responsibilities of tenants and landlords in term of keeping up property, one of the things they did and was required by the Kansas Tenant Landlord Act was to perform an inspection within 3 days of someone moving into the property and having a list of conditions signed by both the tenant and landlord. That was a good way to note if any screens were broken etc.... She said that helped when doing move out, but would be useful in this inspection process because it could be clear record of the conditions of that property and every tenant and landlord have a list of those conditions that were signed by both.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None

H: CALENDAR:

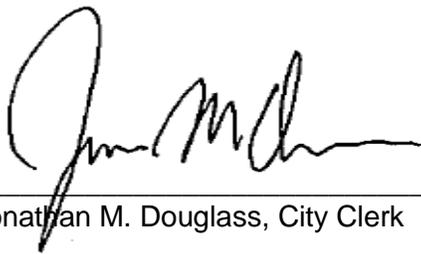
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Amyx, to adjourn at 9:51 p.m. Motion carried unanimously.

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



Jonathan M. Douglass, City Clerk