



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

January 14, 2014

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. Proclaimed the week of January 14-21, 2014 as Dr. Martin Luther King Jr. Week.

B. CONSENT AGENDA

It was moved by Schumm, seconded by Amyx, to approve the consent agenda, minus Consent Item Number 3, approving claims, Consent Item Number 6, adopting ordinances on second and final reading, and Consent Item Number 8, authorizing the City Manager to execute final agreement with Schmidtlein Excavating. Motion carried unanimously.

1. Approved City Commission meeting minutes from 12/3/13.
2. Received minutes from various boards and commissions:

Lawrence Memorial Hospital Board of Trustees meeting of 11/20/13
Bicycle Advisory Committee meetings of 11/19/13 and 12/03/13
Homeless Issues Advisory Committee meeting of 11/12/13
Community Development Advisory Committee meeting of 9/26/13
Lawrence Cultural Arts Commission meeting of 12/11/13
Sustainability Advisory Board meeting 12/11/13
Sister Cities Advisory Board meeting of 12/11/13

3. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 169 vendors in the amount of \$3,206,806.61 and payroll from December 29, 2013 to January 11, 2014, in the amount of \$1,905,018.89.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License

Jackpot Bar
Jackpot LLC
943 Massachusetts St.

Expiration Date

December 11, 2013



Oread Inn
Oread Inn LC
1200 Oread Ave
Taxicab License
Redy2Party
Tim Harrod
315 NE Industrial Ln.

January 5, 2014

Expiration Date
December 31, 2013

5. Bid and purchase items:

- a) Authorized the City Manager to approve purchase orders to Elite Construction Services Inc. in the amount of \$50,000 each with the option to increase each by \$50,000 for concrete work, repair and replacement due to water main leaks and replacement.
- b) Set a bid date of February 11, 2014 for Bid No. B1373, for project UT1309DS 23rd Street Waterline Replacement, Phase I.
- c) Awarded the Bid for Bid No. B1362 Project UT1302CS Pump Station 04 Redundant Force Main Project to the low bidder BRB Contractors, Inc. in the amount of \$1,435,000 and authorized the City Manager to execute the construction contract.
- d) Awarded the bid for 2014 bus shelter maintenance services for the Lawrence Transit System to Bob's Janitorial Service and Supply, Inc., in the amount of \$13,325.00.
- e) Approved payment for 2014 Annual Software Maintenance fees to Harris Software (formerly Innoprise Software) for \$89,180.
- f) Authorized the City Manager to approve the annual maintenance for the City's Enterprise License Agreement with ESRI for GIS software for \$50,195.89 for the period January 21, 2014 through January 20, 2015.
- g) Authorized the City Manager to execute an amendment to a Professional Services Agreement with Olsson Associates, for traffic engineering work associated with potential transit center locations, for \$25,795.

6. **REMOVED FOR SEPARATE DISCUSSION.** Adopted the following ordinances on second and final reading:

- a) Ordinance No. 8950, to rezone (Z-13-00440) approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. (PC Item 2A; approved 9-0 on 12/16/13)
- b) Ordinance No. 8952, to rezone (Z-13-00445) approximately 8.68 acres from County A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street. (PC Item 4A; approved 8-0 on 12/18/13)

- c) Ordinance No. 8953, to annex (A-13-00437) approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. (PC Item 5A; approved 8-0 on 12/18/13)
 - d) Ordinance No. 8954, to rezone (Z-13-00438) approximately 14.53 acres from County A (Agricultural) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. (PC Item 5B; Approved 8-0 on 12/18/13)
 - e) Ordinance No. 8955, to annex (A-13-00443) approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. (PC Item 6A; Approved 8-0 on 12/18/13)
 - f) Ordinance No. 8956, to rezone (Z-13-00449) approximately 21.17 acres from A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. (PC Item 6B; Approved 8-0 on 12/18/13)
7. Authorized the City Manager to enter an agreement with US Bank to act as the City's depository and purchasing card provider.
 8. **REMOVED FOR SEPARATE DISCUSSION.** Authorized City Manager to execute final agreement with Schmidlein Excavating for the airport sanitary sewer project. The total amount paid to Schmidlein was the original bid amount of \$411,033.70 and the change order of \$24,777.55 approved by the City Commission in May, 2013.
 9. Approved the request by Landplan Engineering, P.A. for variance from City Code 19-122, which required that a fire service connection shall be at least two inches less in diameter than the main from which such fire service connection is made, with respect to 2727 Iowa Street.

Amyx pulled consent agenda item no. 3 regarding claims related to Rock Chalk Park and payroll for a separate vote.

Moved by Schumm, seconded by Amyx, to approve claims to 168 vendors in the amount of \$3,201,126.61 and payroll from December 29, 2013 to January 11, 2014, in the amount of \$1,905,018.89. Motion carried unanimously.

Moved by Schumm, seconded by Farmer, to approve claims to 1 vendor in the amount of \$5,680.00 Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Schumm pulled from the consent agenda item no. 6 regarding rezonings and an ordinance. He said none of those rezonings were for commercial land at the 31st and Louisiana site and had nothing to do with Menards or the Snodgrass site.

Scott McCullough, Development Service Director, said no those rezonings and annexation were all east of that site.

Schumm said that Snodgrass home site would be dealt with later.

McCullough said as he recalled, they had already addressed some entitlements at that location in terms of annexing and zoning that property. It was going through the platting process today and would be site planned at a future date.

Schumm said there was discussion for the pad sites to be congregated into one building site that was originally designated for the Menards facility.

McCullough said no, the pad sites that fronted 31st Street, part of the Menards project were remaining as they were and there had been a shift in the size and shape as the Menards large parcel and its most immediately adjacent east parcel had come in and the building had shifted due to some gas line issues and those sorts of things. That lot north of the lots that front 31st Street had been revised a little bit and staff took that to the Planning Commission and was in the approval stage right now. Staff had not submitted the final plat to the Commission for dedications, but the Commission would see that project in that vein.

Schumm said he read there would be a request made to take the pad sites and aggregate them together to where there could be another large building site.

McCullough said staff had not seen any of that and had not had any discussions with Menards. The revision in the lot immediately east of Menards would allow for a larger building on that property than what was reflected in the concept plan when it was originally rezoned, but not nearly to the size of what would be a big box store. He said he would be happy to share that information in the City Manager's report next week.

Schumm said they would just stick with tonight's stuff.

McCullough said this wasn't linked to any of the Menards project and was all east of that project.

- a) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8950, to rezone (Z-13-00440) approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. (PC Item 2A; approved 9-0 on 12/16/13.) Motion carried unanimously.
- b) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8952, to rezone (Z-13-00445) approximately 8.68 acres from County A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street. (PC Item 4A; approved 8-0 on 12/18/13.) Motion carried unanimously.
- c) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8953, to annex (A-13-00437) approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. (PC Item 5A; approved 8-0 on 12/18/13.) Motion carried unanimously.
- d) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8954, to rezone (Z-13-00438) approximately 14.53 acres from County A (Agricultural) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. (PC Item 5B; Approved 8-0 on 12/18/13.) Motion carried unanimously.
- e) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8955, to annex (A-13-00443) approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. (PC Item 6A; Approved 8-0 on 12/18/13.) Motion carried unanimously.
- f) **Moved by Schumm, seconded by Amyx**, to adopt on second reading, Ordinance No. 8956, to rezone (Z-13-00449) approximately 21.17 acres from A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. (PC Item 6B; Approved 8-0 on 12/18/13.) Motion carried unanimously.

Commissioner Farmer removed for separate discussion item no. 8, the Airport Sanitary Sewer Project. He said he had been in conversation with Ted Boyle from North Lawrence Improvement Association that wanted to speak about this item.

Ted Boyle said the airport sanitary sewer project had been a topic of conversation for about 3 years with North Lawrence and Grant Township people. It had taken longer to put that septic tank in than it did to build the Hydro Electric Plant. He said he understood about the water problem that the excavating company ran into. He said the original bid was \$411,000 and the City was going to award the contractor another \$24,700.77 for expenditures to get the water out of the hole. He said they

watched this process where they pumped water in spring and summer into the Maple Grove Drainage District and that was like pumping the river because there was no bottom. He said they could have taken an example from the construction company of the Hydro Electric Plant and drove pilings down in that location to resolve this problem. He said not only the extra money which the residents didn't think the construction deserved, but the septic tank was sitting there 15 inches off of plumb and was a box sitting in groundwater. He said North Lawrence had a gas station on North 3rd Street and in 1993 they popped the gas tank right through the concrete. He said when the rainy season arrived, which the ground water was determined by the level of the river, the ground water came up too. He asked if the box would stay where it was. He said this box was designed for future use that when enough bodies were out at the airport to warrant hooking it up to a sanitary sewer system that would come down 1500 Road or North 7th Street and asked if the City was going to be able to hook up to that or was the box going to be laying on its side and then the taxpayers had to pay another \$500,000 to put another box in it. He asked if there was some way to monitor that box by the City to see if it was stationary and stayed in place. He said 15 inches out of plumb that meant that the City would need to adapt piping and fittings to that however it was tilted or out by the time they were ready to hook up the sanitary sewer system. He asked how much more money and would that put a burden on the taxpayers to pay for that. He said the airport needed this box for the development of the airport and businesses to come out that way. He asked if the box would be there for 5 years and then flipped over on its side and then another box would be needed.

David Corliss, City Manager, said it wasn't a septic hole, but a wet well and staff was out at that location every two weeks and it was in good shape. He said staff would not recommend this final agreement if that wasn't the case. As you know, with their work at that location they could have had some extensive litigation costs if they would have tried to litigate the issue of the changed conditions out at that site. To some extent staff was fortunate that the contractor did the work that they did and they were able to resolve it. He asked staff to discuss what would happen if the day did come when they would need the facility to serve for its long-term intended use which was a pump

station. Essentially, what they would need to do was have some of the piping and the brackets that held the piping changed to what would be standard. The engineers had extensively looked at this and determine that would not be any significant problem.

Philip Ciesielski, Assistant Director of the Utilities Department, said the structure itself was stable and had been monitoring the structure since it was sat in roughly October. He said to answer Boyles question about its stability and buoyancy, it was designed with a bottom slab that was the counterweight of that structure. It was designed to sit empty with groundwater completely up on it and not float. It was counterweighted to stay down in the ground under that condition which would be the worse condition. He said with regard to the tilt, the structure was roughly 30 feet deep and was out of plumb by approximately 15 inches at the top, leaning to the south. The influent piping for the sanitary sewer system, the collection system, was installed to that today after the hanger in the terminal and that connection was already modified to accommodate that lean and was a matter of adjusting the slope on the incoming pipe to hit a hole that was already precast in that structure. He said when they went to put pumps in there, they would go on a slide rail system which was typically braced evenly off of the wall of the structure, in this case, the pump manufacturer would have to know that as those went in and go up that structure with 5 or 6 of those braces, they're going to get incrementally longer as going up and that would really be the only modification to the future use of this structure for installation of pumps that needed to be made to accommodate that lean. They're storing that same volume they anticipated to store. The structure had been stable and was designed for that buoyancy calculation from the get go.

Dever said the influent hole was on the north and asked if there was an affluent side.

Ciesielski said not yet, those would be core drilled through at the time they actually put pumping into that unit and the force main or the pressurized discharge pipe to leave it. He said those would be placed, depending on the types of pumps and the sizes of piping that they used for the discharge piping and would be done at the time of that installation.

Dever said with the lean of the tank affect its holding capacity because it was tilted.

Ciesielski said it was tilted, but it actually ended up a little bit deeper. It was holding about 6,000 gallons which was about where it was designed to do.

Dever said Ciesielski indicated that it was weighted and asked how was the vessel attached to the counter slab and was it strapped or was it actually part of the base.

Ciesielski said the bottom slab was octagonal bottom slab within a stub wall and was a round structure that the remaining cylinders much like stacking out a manhole were and there was a mastic that went in between those and as those pressure down on that, just the weight of each individual one on top of that held together so that bottom mass was holding the whole thing down into the soil and into the groundwater.

Dever asked if it was attached to the vessel with adhesive.

Ciesielski said basically. It was mastic that they used on all their manholes and then there was a tongue and groove joint from the top of one to the bottom of the next ring.

Amyx said if the City Commission approved this agreement tonight, he asked if the company that installed this totally out of the picture and asked if there was any warranty that went along with that. He said for some reason if our best work couldn't happen because of the 15 inches out of kilter, he asked if they had any further responsibility.

Corliss said not with respect to the 15 inch out of plumb, but with respect to all of their other work that had been inspected and they would have the normal continuing warranties that the city would have as part of the project.

Ciesielski said it would have the City's typical construction warranty and it was up to staff to make sure, at the time they go forward with installation of pumps, that they accommodate that into the design or specification to the pump supplier. Basically, it would be a matter of what elevation would those brackets be and how long they needed to be in that instance as they go up they would be longer when going from the bottom to the top.

Corliss said that might be years if not decades into the future when they needed the additional capacity.

Amyx said the City Commission was being asked to spend an extra \$24,000 on this project to settle what was outstanding. He asked if there was going to be any additional costs that taxpayers would need to pay because of this box not being set right.

Corliss said not that staff could see. It was functioning now and functioning for several months and was performing very well.

Farmer asked if there would be a way to have an annual review of this if they could drill that hole to make sure the box wasn't lifting up. He said if the plan was to be out there twice a month forever, but was there any way staff could send a report to Boyle and place it on the City Manager's report so they could see in fact that it was stabilizing and especially after a wet spring.

Corliss said staff would make a note to do a report and the City Commission could decide how often they wanted staff to do a report in the future.

Boyle said that was fine.

Dever asked if there was bedrock at that location.

Ciesielski said no there was a hard clay layer at the point that it sat and went from sand to clay to gravel. The area of the slab, in addition to the weight being there to keep it from floating, and when they moved locations they had the geotechnical engineer back out, took a sample of that new bearing strata and made sure its bearing capacity on a per square foot basis was greater than what the original design was for. He said it was spread out over the area to keep it from compressing the layers underneath it any further.

Mayor Dever called for public comment.

After receiving no public comment, Dever asked if the amount originally requested as part of the change order the number that was in this agreement. He said there was a number of \$211,596.98 plus retention of \$11,210.71 and asked if that was the percent completion plus change order or was that all additional cost due to the issues they faced in trying to place the tank originally.

Corliss said the amount of money that the City owed the contractor was the amount that was bid plus the change order that the City Commission previously approved back in May.

Dever said in item 5, in the Settlement Mutual Release stated in consideration for this settlement the parties agree that the final amount due to Schmidtlein upon final completion of work under contract to change order 1 was \$211,596.98.

Corliss said that was the retainage.

Dever said the settlement was the \$24,777.55 over the original bid.

Corliss said correct.

Amyx asked if City staff did the final inspection or did they use the engineering company.

Ciesielski said he was personally responsible for the review of the construction and the final sign-off on the project was completed. He said they didn't have outside inspection on the project.

Amyx asked if it was Ciesielski belief that everything was fine.

Ciesielski said yes.

Moved by Farmer, seconded by Amyx, to authorize the City Manager to execute final agreement with Schmidtlein Excavating for the airport sanitary sewer project. The total amount paid to Schmidtlein was the original bid amount of \$411,033.70 and the change order of \$24,777.55 approved by the City Commission in May, 2013, with the caveat that the Commission would have an annual report presented back to the City Commission and to North Lawrence Improvement Association. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

Farmer said the top projects for 2013, item 4 was the recreation center at 101 George Williams Way and asked what that was.

Corliss said that was the City's recreation center.

Farmer said at Rock Chalk Park.

Corliss said yes.

Farmer said the addressed confused him. He asked if there was any way that McCullough could do a compare report on year-to-date 2013, month by month, going back 5 years to see how it trended with how the economy picked up.

McCullough said staff actually repaired a report that was due in a month or so that looked at building permit trends across the region and would see if that information would address some of Farmer's question.

Corliss said if looking at the top of the report, you would see the past 5 years of history from 2013 to 2009 and that would be the complete year. He said what McCullough's department did in addition to this they also look at where they were in regards to other communities. The total valuation including public projects, recreation center and others that didn't pay building permit fees and publically generated and owned had a pretty impressive year to date, total valuation of \$171,000,000.

Farmer said in 2013, it stated month 10 and asked what that meant.

Corliss said that meant that in December there were 10 permits and the year to date was 165.

REGULAR AGENDA ITEMS:

1. **Considered authorizing staff to finalize and submit an initial application to the Kansas Arts Industries Commission Creative Economy Support program to fund a City Director of Arts & Culture position, a city-wide cultural plan and associated marketing materials.**

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

Riordan said of the \$235,000 what amounts would on a yearly basis be continued if it was accepted and they continued to have a cultural arts council planning director.

Stoddard if you continued to have the director position then it would be that \$75,000 figure. She said the Cultural Arts Commission currently had a budget a little bit less than \$25,000 a year for its programs. She said she thought that would be rolled in addition to the \$75,000 and there might be some additional budgetary requests as it related to different things

that the Director of Arts and Culture might present to the City Commission during their regular budget process and maybe things that dealt with festivals or other activities that that position might recommend to the City Commission through the City Manager.

Riordan said he thought there might also be some support for personnel and some increase marketing based on that. He asked if there would be some other increased costs.

Stoddard said that could very well be, although there were opportunities to leverage existing sources of funds for those types of activities for example, she knew that the Convention and Visitors Bureau spoke with the Cultural District Task Force regarding some of their marketing efforts and they had dollars for marketing. They were certainly working to position Lawrence as a desirable cultural destination for outside visitors so could some of that budget be leveraged in coordination with this position for example and thought there was some opportunities for that as well.

Riordan said if the City didn't receive the funds from the state, he asked what obligation they had at that time.

Stoddard said if they didn't get the funds from the State they could wait to discuss whether they would want to initiate the position until they had their discussions in their budget process for 2015. She said that would enable to find out whether the grant was funded and if you learn that it was not, you could consider what the timing would be and whether to consider establishment of the position for 2015 in light of other priorities the Commission would have.

Riordan asked when they would anticipate hiring the cultural arts director.

Stoddard said if they received a grant, again with the timeframe of when the grant would need to expended, they would recommend that that be a soon after, in the early part of July of 2014 as soon as they could, in order to fully leverage that position and the remainder of that grant during that period and would see that the key aspect would be getting that cultural plan and that effort off the ground during that year and that could also lead to the creation of the

marketing materials which would follow that so that they could have the entire project completed per the grant requirements by mid-2015

Schumm said on the cultural plan, the grant paid \$25,000 and the city paid \$10,000.

Stoddard said on the City's cash match she didn't assign beyond the director position and placed an additional \$10,000 toward the reminder of items outside the director position.

Schumm said it wasn't necessarily for the cultural plan, but for anything that would be required.

Stoddard said correct.

K.T. Walsh said she was a member of the Cultural District Task Force, but she was representing the East Lawrence Neighborhood Association Board and they were very much in favor of this grant being written and hopefully getting started on having a cultural administrator for the City of Lawrence. She said the Cultural Arts Commission had been working 7 years hoping this position would occur and finally they were moving toward fruition and hoped the City Commission supported this position.

Patrick Kelly, former Chair of the Cultural Arts Commission, said he wanted to thank the Commission for considering their resolution and thanked Schumm and all the members of the task force for meeting when they passed a resolution to put a taskforce together to get members of the community to weigh in on what they thought would be a good plan and direction for a Cultural District for Lawrence. In Lawrence they were very privileged to have some great parts organizations, great neighborhoods, and great developers, a lot of people working toward something, but what they really needed was a coach. They had a lot of star players on their team that were doing great things, but he was thinking what they could elevate to with this grant and with that cultural plan and Director of Cultural and Arts. He said this resolution had its support from the Cultural Arts Commission.

Tony Kresnick said he and his partners in the Warehouse Arts District, within the Cultural District were 100% in favor of this resolution passing. He said it would not only protect

the existing investment that the City had made, but also it would expand their base and attract new investment as well.

Susan Tate, former member of the Cultural District Task Force, said she wanted to thank Stoddard who so gracefully and graciously led that work and to Schumm who was the Chair of a group that represented a wide range of interest in Economic Development and support for artists and neighborhoods in Lawrence. At the Lawrence Arts Center they employed approximately 150 visual and performing artists a year and on behalf of their staff and Board of Directors she would like to voice their support for the establishment of a Director of Arts and Cultural. There was tremendous forward momentum and support of the City Director of Arts and Cultural position and she hoped the City Commission voted to instate the position beginning July 2014. As Stoddard noted they would be in the running for a Department of Commerce Grant that expected to see greater investment on the part of the City before making this grant to Lawrence, but was only one of the reasons they thought this was such a great move. Lawrence was beginning to be on the radar of National Arts and Cultural funders. The Arts Center received a \$150,000 grant from the National Endowment for the Arts. It was a terrific City-wide project centered on 9th Street, downtown in East Lawrence in the Cultural District. She said while the Arts Center had taken a lead, they saw a future in which a City Director of Art and Cultural takes the leadership role that unites cultural and artistic organizations and individual artist from around the City in such projects in a way that the Arts Center itself could not do. The Arts Center would work closely with this Director, but leadership at the City level was necessary to achieve the greatest collaboration as well as the greatest efficiencies. The Director of Arts and Cultural as envisioned by the taskforce would lead the development of a City-wide cultural plan and gain the buy in of interested parties from across this City. Funders from the Kansas Department of Commerce, Creative Arts Industries Commission to the National Funder Art Place cited Lawrence's lack of City coordination of cultural efforts as a primary reason the City often comes in a close second. They wanted to go to those funders not only the Department of

Commerce but also the NEA and Art Place in February firm in the city investment and the Director that would coordinate those efforts. Rocco Landesman, on their National Advisory Board and the Chairman of Art Place and Chairman Emeritus of the National Endowment for the Arts cited the recent designation of this City's Cultural District, the completed Cultural District proposal and the current momentum toward creating this position now with a goal of a City wide cultural plan as the indicators Art Place and subsequent NEA panels would look for when awarding grants. If the City Commission was going to consider voting to create this position for 2015, she urged the Commission to do it this evening so the City could begin to leverage its investment now. The City currently piecemeals facets of a Director of Arts and Cultural job paying a stipend to a Final Friday's Coordinator and using City Assistant City Manager time on Arts and Cultural projects. Final Friday's alone was an example of a monthly event with huge potential yet to be realized. Their taskforce report cited the economic advantages seen by Columbia, Missouri and Ames, Iowa in creating such an office as well as the economic benefits of Indianapolis, Baltimore and other cities. The Ewing Marion Kauffman Foundation had just published, "How Cities Nourish Cultural Entrepreneurs," a testimony to the value of a City level coordination of arts and cultural investment to economic development and quality of life. The report stated that while the 19th century and early to mid-20th century city investments tended to be in monolithic performing arts centers, the focus had shifted. Economic development strategy and practice was increasingly turning to occupational approaches, asserting the significance of human capital and entrepreneurship in supplementing those traditional models. She said for a City government to work efficiently the Kauffman Foundation wrote:

"For a city government to work efficiently with creative entrepreneurs, it must reconfigure its staffing structure and reach out to new partners through city level leadership. Making city programs more artist-friendly can be achieved with a cross-departmental and cross-sector working groups led by city administration where cultural affairs, economic and workforce development, parks and recreation, transportation, and housing staffers share perspectives and shape an effective, transparent strategy. This leader can help solve roadblocks that forbid artist live/work space or noise ordinances that make it difficult for musicians to make a living. It can modify business and workforce development programs to

incorporate unique circumstances of artists and other creative entrepreneurs. It can pave the way for artistic talent to be engaged in transportation and other major public works programs, embedding artists at the beginning of city planning and taking advantage of artist as a central part of workforce. Beyond city hall, mayors, city councilors, and city employees will need to better understand and work with arts nonprofits, particularly those that are artist-nurturing and focused. The twenty-first century will belong to the distinctive city.”

She said Art Place recognized this as does the NEA as do we and entrepreneurial artist and designers were the key to that future. She said they believed that this investment and the Director of Arts and Cultural position was the next step for Lawrence to take to leverage the investment they already made in an ad hoc way in arts and cultural organizations.

Jane Pennington, six-year veteran of the Cultural Arts Commission, said she was speaking as a private citizen. She was present to express her whole hearted support for the application that was being prepared for submission to the Kansas Department of Commerce Creative Arts Industry Commission. It was a tremendous opportunity to kick-start a concerted effort to mind the enormous talent, creativity and passion of the artist in this community for the purpose of adding another economic development tool to the City’s toolbox. In communities around the country the Arts had been recognized as a means for generating tourism, creating jobs and enhancing the quality of life which was a key factor for corporation considering where they wanted to bring those primary jobs that every Chamber of Commerce was looking for. This was a golden opportunity to take advantage of a state program designed to spur economic development through the creative arts and she applauded Callahan Creek and the Lawrence Arts Center for taking leadership roles and looked forward to hearing the outcome of this submission.

Schumm asked if, in addition to this grant that they were discussing, with the possibility of maintaining or starting out with a full-time director, there other grants they were looking at immediately.

Tate said correct.

Schumm asked Tate to talk about the other grants.

Tate said the central point was that Lawrence had a tremendous amount to gain in terms of economic development and artist support by creating that position. However, the timing of it was such that the National Endowment for the Arts and Art Place were looking for indicators of greater City buy-in. The question was always how does this request fit in with your community's larger portfolio of strategies and what is built into the structure of City government that would ensure the on-going work they were supporting. The quick answer to Schumm's question was that in addition to the Department of Commerce request due February 7th, they had sent a letter of inquiry to Art Place for a grant that would fund public art along the 9th Street Corridor. She said what happened if they received that money was that all the normal city processes of review kick-in but they had the money to spend. The 60 and 75 thousand dollars for this position was a terrific investment when thinking about not only the money from Art Place and the National Endowment for the Arts, but also being able to leverage what they were doing. The Art Place next step would be due also in February and NEA the first of March.

Schumm asked how much was that worth.

Tate said \$500,000. She said Lawrence came in a very close second last year.

Schumm asked the reason why Lawrence did not make the final.

Tate said at that time, the City's cultural district designation was about two weeks old and the site reviewers who came were impressed but didn't see a City level coordination. The Art Town Grant was for \$150,000. It was about creative place making, what supported artist, what made people want to linger in a place, live, go out to eat, start a business and keep their business in Lawrence.

Schumm asked how much involvement Salina Kansas had through their City Hall in their Arts Programs.

Tate said Salina had a very strong Arts and Humanities Council and this City's Arts Commission brought the Director of the Salina Arts and Humanities Council to Lawrence to

speak to a group in 2013. They had a large budget and staff, but didn't know the amount of their budget. It is a different proposition than they are making.

Amyx asked if the City Commission had discussions about a month ago when they considered the plan and potential investment and County participation for application.

Dever said yes. He said he brought it up at the meeting and talked about it somewhat. He said he had some subsequent conversations with the County and they made it sound like if they were going to contribute funds, that whoever filled this position would be required to spend time on issues outside of the City of Lawrence for example Eudora, Baldwin City and even rural Douglas County. He said it seemed like it wasn't exactly the same as the Sustainability Coordinator, but it was something he had asked about.

Amyx asked if what they were looking at making a decision for the 2015 Budget along with taking reserve funds from the existing 2014 Budget. He asked if Corliss knew what they would be competing against for the remainder of the funds.

Corliss said there was a \$190,000,000 City Budget and had any number of different requirements and competing items. The City's personal services line item for 2014 went up almost 4%. He said the Commission was very familiar what was done very modestly on wages, big movement on pension, little bit on health care. He said the City's revenue weren't growing 4%. He said the City's commodities and other items they had been able to manage fairly well. One of the real questions was what would happen with revenue. Sales tax would be about on budget for 2013 and staff guessed well and the Commission's guess was as good as his for 2014. He said for building for the 2015 Budget, hopefully assessed valuation has troughed out and we would see some growth in assessed valuation. Scott McCullough, Planning and Development Services Directors, report on building permits was certainly encouraging as far as investment in the community. He said they won't necessarily see all that value to build the 2015 Budget. He said he wasn't really answering Amyx's question because he was trying to push it off a little bit and would continue to have a challenge to add permanent resources to a future

budget without seeking additional revenue from somewhere or readjusting priorities. He said there was clearly work here that they would benefit from and was supportive of the position. He said he wasn't exactly sure about the timing on this, but if they were going to proceed with job description and hiring, they were really making a commitment to hire someone beyond 2014 and into the future. He said they wanted to attract that caliber of candidates and obviously higher. It would be a challenge, but they were always up to it at budget time.

Amyx said when the project came forward, he thought it would be good for this request to go through the normal budget process and still believed that was the case. There was such competition for dollars and it was really hard to make mid-year recommendations into a future budget and they needed to be careful. He said it might be \$30,000 out of this budget and \$30,000 out of the next budget, but adding all those up, they would be looking at increases and priority changes that they could not meet and had already made some kind of recommendations on those in the past. He asked if it was February 7th that the initial application had to be turned in.

Stoddard said yes. Last year they were requested to go to the next stage and they did in fact submit a full proposal and heard the comments from the group. This year's cycle was very similar in that February 7th was the deadline for the initial application and they were requested to submit a full proposal and were elaborating more, but also addressing any questions that their Commission had when going through the first round and then they would inform the city and make a decision sometime in June.

Schumm said he sat through the entire taskforce meetings and was amazed at the cities that were doing extraordinary well, cities that had put together this type of program that marketed their arts. He said from his perspective, they had the nuts and bolts sitting around, but weren't connected. Even from Tate's demonstrating that in addition to the \$75,000 grant there was a potential \$500,000 grant that they almost received last year, but didn't have enough structure in place to impress the people that everything was going to get done the way they

wanted to see this money spent. With the cultural district in place, if they moved forward with a Cultural Director, that was pretty darn good from a year ago when the city almost received the grant and it was a high level competition, but didn't remember how many applications were submitted but the City made it down to the final cuts. There were other grants as well. He said he appreciated Amyx's comment that this real money and they were making a budget decision and would probably continue through with this person and go ahead and apply for the KCIC grant. He said he believed that someday in the future they would do this anyway. He said with the amount of people and different organizations that were pressing to get this done, the time they spent getting to this position. He said at some point in the near future, they were most likely going to do this and they had an opportunity to pick up some grant money to help start the funding. They had the opportunity to even gather more grants that were out there by virtue of even moving forward. He said they were spending a little money and a little prematurely, in terms of their regular budget cycles, but it was worth it to do it and just the economics looked good. It was hard to cite examples of individual events, but look at Final Friday's and the huge positive economic development that had been in terms of people getting out and spending money, the notoriety the city received for the community, and that was just one event. He said there could be many more if getting a director in place to make things start to happen. He said from sitting there listening to everything for 6 months where they studied the Cultural Task Force in other cities and programs, it really looked like a very achievable event and a very positive event. He said they were going to get a very good return on investment.

Riordan said he was very impressed with the City of Lawrence and the nuts and bolts that they had. They had the people they just had to connect them and get them going and this was a great way to do that. It gave them something to improve the quality of life for the City of Lawrence and the ability to get other grants and improve life styles. He said he was very much in favor of this plan.

Farmer said for the purposes of grants, the only action they took on the December 10th meeting was to receive the report. He said it would be great to put in a grant application and this kind of stuff mattered to grant makers. To be able to move forward with this concurrent with those grants being put in would send a strong message to those grant makers that as a community we were endorsing this and this was the kind of stuff we wanted here in Lawrence. He said it was just more than funding a position, it was saying to grant makers all across the country and one thing that Tate was good about was getting national recognition to what was happening in Lawrence Kansas with the arts. He said this would send a message that they really want to send that this was important to the community. He said he saw a cash investment of \$60,000 over the next two years as being a real minimal as it related to the return on investment for what it could bring to this community as far as economic development and it meant a lot that there was different pieces of the puzzle that were present speaking on behalf of this plan and saying that this would be really good for the community. It would behoove us to support this and it would free Diane up to not continue to do this stuff. I fully support this.

Dever said this was a great idea that was made from seeing a need and a gap in what the City had to offer and how others saw us from the outside. He said Tate was very passionate about this plan and effectively communicated the issues to everyone. He said it was exciting to see the corporate entity like Callahan Creek that was nationally renowned and stepping up and contributing so extensively to this program. He said he felt like for a corporate entity to step up and a nearby neighbor to step up and help the City promote this community those types of opportunities didn't come along very often. He said for him that was the underlying confirmation that this was a good idea. He said he hoped the City was more successful in getting grants and the only caveat he had was that whoever they hire had as much energy and passion as Tate had in trying to get the position and actually executing that position because that was really where the rubber met the road. The person needed to understand that any new position they added that hadn't happened a whole lot the last few years, they're going to need to make sure it

was well represented and that they represented the City well and that the funding was available and anything they could do to promote and to carry out additional revenue generating opportunities to help pay for that position was what he was interested in and was generally in favor of the idea.

Amyx said he respected everyone's opinion and appreciated all the work that had been done, but again it was the City Commission's responsibility to go through the normal budget process.

Schumm said he appreciated that. The most difficult part was that they were taking this out of the normal sequence, but there was opportunity at the same time.

Moved by Schumm, seconded by Riordan, to authorize staff to finalize and submit an initial application to the Kansas Arts Industries Commission Creative Economy Support program to fund a City Director of Arts & Culture position, a city-wide cultural plan and associated marketing materials. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

Corliss said it was his interpretation of the Commission's action that they wanted staff to go ahead and proceed the first half of this year to hire this staff person.

Dever said yes, as shown on the schedule attached to the agenda.

2. **Considered items related to construction at 9th and New Hampshire.**

a) **Considered approval of use of right-of-way and closure of New Hampshire, from 9th Street south to the Arts Center crosswalk through March 31, 2014.**

b) **Considered approval of signs of community interest providing direction to the Arts Center.**

Chuck Soules presented the staff report.

Amyx asked how many days a week had that street been closed.

Soules said once a week to take deliveries. He said First Management had been good about notifying everyone and the crane would be portable so if there was a large event, they could potentially move the crane.

Riordan asked if there was any reasonable alternative.

Soules said there was no reasonable alternative. He said he understood the tightness of the work space and it was very hard without taking up some space to get something like that up.

Riordan asked so the answer is no.

Soules said that would be his opinion.

Mayor Dever called for public comment.

K.T. Walsh said in terms of the street closing, the Commission might have heard from the East Lawrence Neighborhood Association that the people on Rhode Island just east of the Marriott Hotel are having a real struggle with all the traffic going down their road. She said the police had put a sting operation there and had 3 police officers every day for about a week and we're thinking it might need to be directed further to Connecticut rather than all down a residential block, perhaps Rhode Island needed to be blocked off. That was a bit of diversion from the New Hampshire issue but was from a neighborhood prospective. The Percolator Art space which was behind the Marriott Hotel was completely blocked off. She said their patrons come from Rhode Island Street and walk up stairs. The management company had laid down a walkway so that people that were using walkers or wheel chairs could get there from the alley down behind the Arts Center. She said they thought it would be lovely to have a sign too directing people to the Percolator.

Schumm asked if Walsh wanted a sign on 9th Street.

Walsh said yes.

Susan Tate, CEO of the Lawrence Arts Center, said she was delighted with the Director of Arts and Culture position. She said they pledged to continue to bring as much national attention to Lawrence as possible and as much money to Lawrence as possible and to support artists as many ways as possible. It was difficult to see the Lawrence Arts Center now from 9th Street and while she knew people who were determined to come to the Arts Center or were enrolled in a class would find their way to 940 New Hampshire, anyone who happened to come by or not know there was an Arts Center at that location, could not tell from the north end of

their block and First Management had graciously agreed to provide signs that would go on the chain link fence that block the north end of the block for the duration of the closure which was much longer than the Arts Center anticipated, while they were not displeased with what was happening, it did present a hardship for the Arts Center in terms of making their presents known to people that were downtown in Lawrence. She said they would like to take First Management up on their offer to put a temporary sign up for the duration of the complete street closure which was more than the Arts Center bargained for.

Amyx asked if Rapp's request was to shut the street down until March 31st and how high did they plan on being by March 31st.

Brandon Rapp, First Management, said they hoped to be out of the ground by that point.

Amyx asked if at that point, First Management wouldn't need the crane anymore.

Rapp said they would still need the crane for some temporary road closures. He said what they were hoping was once they were out of the ground they could use the parallel parking that was in front of the hotel. He said by that point they were hoping they could open up all lanes of traffic and if they needed to then a temporary road closure here and there if they had to go up higher. He said to address the sign questions, they would be glad to put up the sign for the Arts Center. He said they added some additional detour signs at Rhode Island to keep the traffic proceeding on down Connecticut.

Amyx asked about the signage for the Percolator.

Rapp said yes, they would be glad to do that too.

Dever asked if First Management added a sign at the intersection of 9th and Rhode Island which basically said "detour" instead of just "road closed."

Rapp said correct. There was signage that said "road closed" on both sides, but now they added detour signs with arrows directing traffic to go onto Connecticut.

Dever asked about one at Connecticut.

Rapp said they hadn't done that.

Dever said a lot of times when you get traffic off the path, they didn't know where to go and it might be good to route the traffic back down both ways. If they were going to focus on keeping Rhode Island clear of pass-through traffic then they should put a detour sign. He said people from out of town may not know where to turn.

Rapp said that made sense.

Dever said and also clean up that detour since it would be close to two months.

Rapp said they could do that.

Moved by Schumm, seconded by Riordan to approve use of right-of-way and closure of New Hampshire, from 9th Street south to the Arts Center crosswalk through March 31, 2014; and, to approve signs of community interest providing direction to the Arts Center and all other signage requested this evening. Motion carried unanimously.

3. **Considered on first reading, Ordinance 8951, pertaining to the salary of City Commissioners and the Mayor of the City of Lawrence.**

David Corliss, City Manager, presented the staff report.

Schumm said he had one comment which was 1-201(c): "The salaries of the Commissioners and Mayor shall be reviewed in January 2016, and in January every two years thereafter."

He said the way this would work out was that whoever was seated in the next election cycle would have just gotten a raise in 2015 and in fact the others who were still seated would not have gotten a raise yet they would then be talking about a raise that they wouldn't get until they were re-elected. He said he suggested it to say: "Reviewed in 2018 and every two years thereafter." He said that way it was at least two years after a raise.

Amyx said that was fine.

Dever asked if the City Commission could approve the ordinance on first reading with the revision of the review by the Commission and Mayor in January 2018.

Schumm said that would be a little over two years, but then you could set it up for each January.

Mayor Dever called for public comment.

After receiving no public comment, it was moved by **Amyx, seconded by Farmer**, to adopt on first reading, Ordinance 8951, as amended, pertaining to the salary of City Commissioners and the Mayor of the City of Lawrence as amended. Motion carried unanimously.

4. **Considered authorizing payment to the Clerk of the Douglas County District Court in the amount of \$114,500 for property acquisition for 1106 Rhode Island Street.**

David Corliss, City Manager, introduced the item.

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

Amyx asked if there had been any work done on that property since the eminent domain process began.

McCullough said not that he was aware of. He said he would remind the Commission that this started off with exterior and structural issues. The Barland family had taken steps to address some of staff's concerns and cleaned up the exterior of the property, had a couple of actions to help get the personnel property issues, junk, trash and debris off of the property. He said where staff had failed to reach a solution was on the structures themselves and those structures sat there in disrepair getting worse as time went by. He said they had some talks about Stan Hernly's office about potential development at that location, but nothing of substance.

Schumm asked if that property had been declared blight or a nuisance or had there been any declaration made on that property that would lead to condemnation and a demolition.

McCullough said the property was declared unsafe and dangerous by the resolution passed by the City Commission based on staff's assessment of the property. In fact, they had to obtain an administrative search warrant to enter the property to make an assessment and staff completed that assessment. He said when staff had that assessment in hand and determined from staff's prospective that it was unsafe and dangerous, they brought the

resolution before the City Commission and the Commission adopted it. He said in terms of demolition which was typically an option, it competed against the value of the historic resources. He said what staff did forecasting this issue in 2010 or 2011, staff went to the HRC and they did not take formal action, but understood that was an option that the owner could have pursued to begin to comply with City Code. He said an owner whether it was demolition by neglect or not, a demolition permit would be submitted to the City and would be taken to the HRC, given that it was in a historic district. The HRC would then determine a few things: whether or not the structures were sound and valuable enough to repair, renovate and bring back to its good condition or whether or not it was in such disrepair that it would be demolished, but then a redevelopment plan must also be submitted and approved by HRC which was reviewed under their standards of the National Parks Service. He said forecasting that that avenue existed in this demolition issue staff took it to the HRC where they looked at the issues and found that they would not be able to approve the demolition and redevelopment of the property. He said if that would have happened formerly, it would have been appealed to the City Commission. He said that information, at that time, was brought to the City Commission and the City Commission agreed that the bones of the structures were in good enough condition to pursue the renovation and repair of the property and the structures and not demolish it and that was often the value that the City Commission had to weigh in historic districts.

Mayor Dever called for public comment.

K.T. Walsh, East Lawrence Neighborhood Association, said she wanted the City Commission to know that the three and a half year timeline was accurate, but it had been 28 years since the City had been working with the Barlands to fix the broken windows, keep the roof from falling in on the different structures. She said East Lawrence had been working with the Barlands for a long time.

Brian Barland said the only thing he could address was that the Commission had done the big presentation to take care of other issues, but what was on the agenda was the payment

issue of the appraiser's value. He said the family felt it was a little premature on that issue because there had been no discussion of any moving costs involved with all the personal property that was still stored in those structures. He said the City Commission had dealt with the real property, but had not dealt with the personal property. He said they brought that issue up at the Appraiser's hearing, Toni Wheeler, City Attorney, who was at that meeting did the City's presentation. The family brought that issue up at that point.

Schumm asked if Barland was suggesting that the City pay to have the Barlands move their personal items out of those structures.

Barland said yes. The City Commission initiated taking the property and they had other property stored that they had been using that for. He said by statute, they were allowed some moving costs and the family would be pursuing those costs.

Toni Wheeler, City Attorney, said under appellate decisions landowners were not authorized or permitted to recover the costs to move personal property in this situation. She said Barland made that request to the panel and staff provided some information, but staff didn't believe those costs were recoverable in this eminent domain proceeding according to Kansas Appellate Courts.

Dever ask if there was a point in time when such compensation would be provided in this type of event.

Wheeler said the owners had an opportunity to appeal the value that was awarded to them and they did that by filing a separate civil action challenging that determination and could make what arguments they thought were appropriate and the court would analyze those arguments and there was not time now for that discussion. The appraisers met and viewed the property and listen to information provided by the Barlands and the City and determined the fair market value according to the instructions of the judge and there was no additional time for that discussion at this point.

Riordan asked once the City took over this property what happened to the materials and would the Barland's need to request permission to get on City property to remove those materials.

Wheeler said under the statute the Barlands had 14 days after the titled had vested in the City to remove the property. Staff would certainly make it available to the Barlands to do that, but it would be at the Barlands expense. If they didn't remove the materials, the City would determine it abandoned and would dispose of the materials.

Amyx asked how the value was determined.

Corliss said the appraiser's award stated what the value was before the taking and the value after the taking and didn't say they looked at this comparable, but just gave a number.

Amyx said the City attorney had said there was direction from the court and didn't know if there was specific direction on how it was to be appraised.

Wheeler said when the appraisers were appointed the court did give them general instructions and there was information available about determining the fair market value. She said in this case the City did present an appraisal that the City had performed on the property. The City had contracted with Keller and Associates to do an appraisal of the property and in that, he had comparable sales and spent quite a bit of time going through other properties that were similar. She said Mr. Barland also had the opportunity to address the panel and provide information or supply information. She said she didn't recall specifically if Barland mentioned specific addresses, but had the opportunity to weigh in on comparable land sales.

Schumm asked if they moved forward and agreed to the amount and took possession of the property, staff would put an RFP out to all individuals who were interested in restoring this property or to all individuals who were interested in using this property for whatever use they deemed was in the best interest of the property. In other words, tear it down and build an apartment or office building.

Corliss said if the City proceeded with the acquisition it was staff's recommendation that they would then draft an RFP that would probably be somewhere in between what Schumm's comment were. He said it would be an RFP for acquisition of the property, their proposal, and then their wherewithal to be able to accomplish the rehabilitation of that property.

Schumm asked if the City was bound to take the highest dollar amount or the best project.

Corliss said it was an RFP so it was the best project. He said that would be staff's suggestion. He said staff didn't see a public use for the property as far as continuing to be used for that. In this case it was blighted property and was able to transfer it back to someone. He said staff clearly thought that the values that got the city to this point that they wanted the property rehabilitated, didn't want it torn down, and wanted keeping it with the neighborhood and the historic preservation values would be important criteria that staff would use in the RFP, evaluating the RFP and recommending it to the City Commission. The City Commission would decide which of the proposals, if any proposals, they wanted.

Schumm said that was the way he would like to see the City go in that it would be rehabilitated and the historic structure saved, but he didn't know if they had to take the highest dollar number.

Corliss said he was not aware of any legal requirements that the City take the highest dollar. He said his speculation was that it would be a mix of dollar amounts and requirements to rehabilitate the property.

Riordan said it was his understanding from the Historic Resources that they deemed this property a contributing property and should not be torn down at this time. He said anyone purchasing that property would be aware of the fact that it was recommended not to be torn down.

Corliss said correct.

Amyx said it seemed that this process had gone on for quite a while. He said he wanted the Barland family to know that this was one of the worst things to get involved with in being a City Commissioner. He said it was terrible to be in a process where you were actually taking property from one and making it available to someone else, but you knew down deep it needed to be done because you believe in the preservation of the property and the preservation of neighborhood. As this issue was followed by the Commission, it was important that the fairest value was placed on the property and the Barlands were given every opportunity to take care of the property and bring the property up to code. He said it still didn't make their decision easier, but one that the Commission needed to take.

Moved by Amyx, seconded by Riordan, to authorize payment to the Clerk of the Douglas County District Court in the amount of \$114,500 for property acquisition for 1106 Rhode Island Street; and authorized staff to prepare a Request for Proposal for the property. Motion carried unanimously.

5. **Considered approval of Resolution 7053 for the issuance of General Obligation Bonds for the main trafficway improvements to 9th Street from Avalon Rd to Missouri Street in the amount of \$50,000, and authorize City Staff to proceed with design and plan production, Project Number PW1302.**

Zachary Baker, Project Engineer, presented the staff report.

Riordan said he took that road a fair amount of time and was a little concerned that there was an ability to merge the lanes and sometimes people didn't understand how to do that. He said he worried about people getting stuck in that right hand, right turn lane, and people wanting to get to the left causing accidents to the side. He asked if Baker anticipated that scenario.

Baker said that might happen, but staff was looking to the furthest east and this project would require placing "right turn, must turn right" signs just past Missouri intersection. He said currently they showed a 50' right turn lane and one arrow, but staff could add more arrows further east to show that they would need to turn right and beyond that, he didn't know what else staff could do.

Riordan said adequate signage and increased distance, similar to the distance they had now would be appropriate. He said it would get much better when people get the hang of it.

Farmer asked about the four lane road from Missouri to just west of Emery Road. As far as traffic counts, it seemed that it went down to one lane and asked what that would do to traffic because some days it was pretty busy.

Baker said staff took traffic counts in that area and ran the models seeing what the level of service at the intersection would run with a three lane road section. Originally, the scope of the project was to widen the roadway and staff took a look at those counts and it turned out that the level of service would not decrease any with this new layout. Currently, it ran at a level of service A and with three lane section in the a.m., it would still continue to run at service level A and in the p.m. peak hour it would go to a service level B which was still acceptable by the range.

Farmer asked about after KU football games.

Baker said that would be closer to the p.m. peak. He said staff hadn't taken specific counts. He said he thought the p.m. peak through the general work week would be comparable to what would be after a football game.

Schumm said there were bike lanes up to Avalon Road and asked if those lanes went to the top.

Baker said no. The reason why they stopped the project at that location was because there was currently a center left turn lane just east of Avalon Road and there was already a three lane section which was so tight and without widening the roadway, the bike lanes couldn't be continued. He said for the center left lane the roadway was stripped and tapered down to the two lane section.

Schumm said right west of Avalon was where those lanes tapered off.

Baker said yes. He said it tapered to make room for a center left turn lane to be on Avalon.

Amyx said at the corner of 9th and Emery going west in the center of the two lanes headed west, a number of cars pull out and try to pass on the right which was a dangerous situation. He said he was surprised there hadn't been more accidents.

Baker said some of the accident reports he had seen were where people were stuck behind someone turning left and they tried to jet out around that person. He said they were looking at replacing the sidewalk on the south side of the road and their current inventory showed it on the north side of the road and the sidewalk was in pretty good condition. He said there was an area in fairly poor condition and currently there wasn't a ramp, but a set of 6 stairs and they were moving forward with ADA compliance while redoing the roadway. He said they would build a small retaining wall allowing for a ramp to be built on 9th Street.

Amyx said regarding the apartments with the giant wall at Emery, he noticed that when it was really cold there was an ice mountain coming down that wall. He asked if something broke in that area.

Corliss said he saw that as well and asked that the Utility Department look at it and didn't recall the response, but he would check on it.

Amyx said he thought the plan looked good.

Mayor Dever called for public comment.

Dever asked if the sidewalk was on the north side of the road.

Baker said the sidewalk on the north side of the road was in good condition and no gaps and on the south side there were areas where the sidewalk was broken up. He said the area of the stairs, staff wanted to eliminate.

Moved by Schumm, seconded by Amyx, to approve Resolution 7053 for the issuance of General Obligation Bonds for the main trafficway improvements to 9th Street from Avalon Rd to Missouri Street in the amount of \$50,000, and authorized City Staff to proceed with design and plan production, Project Number PW1302. Motion carried unanimously.

6. **Considered authorizing the City Manager to execute the purchase agreement for 2201 Kresge Road in the amount of \$995,000 for the future location of Solid Waste operations.**

Tammy Bennett, Public Works Director, presented the staff report.

Amyx said he had received a couple emails about the current location at 1146 Haskell and the property that was adjacent at one time was probably be available. He asked if staff evaluated that corner to expand at that location.

Bennett said that site had been considered in the past. One of the challenges with the property at 11th and Haskell was that part of it was in the active floodway and part was in the floodplain. According to the City's flood insurance, the City did not build new City facilities on floodplain property. The property to the south which was the 12th and Haskell Center was also partially in the floodplain and there was still issues with the compatibility use in the neighborhood.

Schumm said he thought the proposed site was a great location. He said there was going to be more and more of a need for vehicles and running it through the neighborhood at 11th and Haskell was difficult. The proposed site was a commercial district and zoned IG and was perfect.

Amyx said with the expansion and the possibilities that existed at the proposed site would save a lot of discussion on how all of that would work together.

David Corliss, City Manager, said right now they had recycling staff leaving North Lawrence traveling all the way to the County Public Works site for appointment only work for household hazardous waste. He said having all of the City's solid waste functions at that location would allow for staff to move beyond the appointment only household hazardous waste and staff it more frequently. He said there was a lot of value in having everyone in one appropriate location.

Dever said Bennett had mentioned that there was personal property at that site and asked if they would leave the personal property.

Bennett said in the office building, when it was built, they equipped it with brand new furniture and it was never occupied and that furniture was designed to fit that space and we asked that it be part of the personal property that was negotiated to leave at that office. Some of the other things included in the sale was the wash bay and a hand wash system and hadn't been used in a while, but that would be left.

Dever said once the City acquired and moved people, he asked if the City was planning on hanging on to the current site on North 3rd Street.

Corliss said staff didn't see a continuing solid waste purpose for that facility once they relocate all the functions to this location. He said he didn't know of any other City repurposing of the Swan (Solid Waste Annex North) Building on Industrial Lane off of North 3rd Street. He said they had that information in the memo and what the County valued that property at. He said at some point they might seek to sell it they were done with it for City purposes.

Dever said that would help off-set some of those costs.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Farmer,** to authorize the City Manager to execute the purchase agreement for 2201 Kresge Road in the amount of \$995,000 for the future location of Solid Waste operations. Motion carried unanimously.

E. PUBLIC COMMENT: None

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Amyx, seconded by Schumm, to adjourn at 8:50 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 18, 2013.


Diane M. Trybom City Clerk