



# City of Lawrence

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**CITY COMMISSION**

**MAYOR**  
MICHAEL DEVER

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

January 7, 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: None**

**B. CONSENT AGENDA**

**It was moved by Schumm, seconded by Amyx, to approve the consent agenda as below. Motion carried unanimously.**

1. **REMOVED FOR A SEPARATE VOTE:** Approved claims to 140 vendors in the amount of \$1,995,717.42, and payroll from December 15, 2013 to December 28, 2013, in the amount of \$1,916,749.74.
2. Approved licenses as recommended by the City Clerk's Office.

**Drinking Establishment License**

**Expiration Date**

Henry's  
Henry's on Henry Street LLC  
11 East 8<sup>th</sup>

January 11, 2014

Louise's West  
Louise's West Ltd.  
1307 West 7<sup>th</sup>

December 28, 2013

Wildes Chateau 24  
Four Dogs Laughing LLC  
2412 Iowa

January 1, 2014

Bourgeois Pig  
RCJ Inc.  
6 East 9<sup>th</sup> St

December 29, 2013

Playerz Sports Bar  
Dis and Dat LLC  
1910 Haskell Ave Ste: 6

December 28, 2013

**CMB – On Premise**

East Side Tavern  
Charles DelCampo

December 31, 2013



900 Pennsylvania  
**Street Vendor**  
Jack's Franks  
Michael Jack Franks  
9<sup>th</sup> & Massachusetts (NE Corner)

December 31, 2013

3. Bid and purchase items:

- a) Awarded the construction contract for Bid No. B1363 to Westland Construction in the amount of \$450,565.00 and authorized the City Manager to execute the construction contract for project UT1308DS, North Iowa Street Waterline Replacement.
  - b) Awarded the bid for Bid No. B1371 for nine (9) Ford Police Utility Interceptors and Bid No. B1372 for three (3) interceptor sedans to Laird Noller for a total of \$315,955.
  - c) Set a bid date of February 4, 2014 for the Comprehensive Rehabilitation Program Projects at 1926 Vermont Street and 2112 Ohio Street.
4. Approved rezoning, 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. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record. Adopted on first 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)
  5. Approved the Preliminary Development Plan, PDP-13-00441, for Assisted Living by Americare, located at 3901 Peterson Rd with a variance request from right-of-way requirements in Section 20-810(e)(5)(i) of the Subdivision Regulations and a modification request from the off-street parking requirements in Section 20-902 of the Development Code. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record. (PC Item 2B; approved 9-0 on 12/16/13)
  6. Approved rezoning, 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 31<sup>st</sup> St & Louisiana Street. Submitted by the City of Lawrence, property owner of record. Adopted on first 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 31<sup>st</sup> St & Louisiana Street. (PC Item 4A; approved 8-0 on 12/18/13)
  7. Approved annexing, A-13-00437, approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31<sup>st</sup> St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record. Adopted on first reading, Ordinance No. 8953, to annex (A-13-00437) approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31<sup>st</sup> St and Louisiana St. (PC Item 5A; approved 8-0 on 12/18/13)

8. Approved rezoning, 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 31<sup>st</sup> St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record. Adopted on first 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 31<sup>st</sup> St and Louisiana St. (PC Item 5B; Approved 8-0 on 12/18/13)
9. Approved annexing, A-13-00443, approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record. Adopted on first 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)
10. Approved rezoning, 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. Submitted by the City of Lawrence, property owner of record. Adopted on first 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)
11. Approved Special Event Permits, SE-13-00515, requested for seasonal garden sales at 2300 Louisiana Street from March 20<sup>th</sup> through June 30<sup>th</sup>, 2014. (Four administrative permits have been approved for this property for March 20<sup>th</sup> through May 15<sup>th</sup>.) Submitted by Kaw Valley Greenhouses, Inc. for 2300 Louisiana Co, LLC, property owner of record.
12. Accepted dedications of easements associated with Final Plat, PF-13-00494, for Burrough's Creek Addition, a 1 lot subdivision of approximately 1.8 acres, located at 1146 Haskell Avenue. Submitted by Landplan Engineering, PA for BK Rental, LLC property owner of record.
13. Authorized the City Manager to enter into an agreement with Nathan and Sarah Clark, the property owners of record of 872 Oak Street, to extend the sanitary sewer per current City Code requirements.
14. Approved the following items regarding the construction of a right turn lane on Bob Billings Parkway, west of George Williams Way, Project Number PW1122:
  - a) Authorized the Mayor to sign a supplemental agreement with KDOT for the construction of a right turn lane on Bob Billings Parkway for an amount of \$50,000.
  - b) Authorized the Mayor to enter into an agreement with Langston Heights Development, LLC for the construction of the right turn lane and water main relocation. All costs to be paid for by Langston Heights Development, LLC.

- c) Authorized the City Manager to execute an engineering services agreement in an amount of \$3,790.00 for design of the watermain relocation with Land Plan Engineering.
  - d) Accepted easement from USD 497 for the construction of the improvements.
15. Authorized payment to Lawrence Lynx, LC (property owner of 2300 Iowa) in the amount of \$18,153 for property interests needed for the 23<sup>rd</sup> Street and Iowa project and authorized the mayor to execute required easements.
  16. Received a request from Bethel Estates of Lawrence for Industrial Revenue Bond Financing and a property tax abatement for a proposed affordable senior housing project in southeast Lawrence and refer to staff for a report.

Amyx removed consent agenda item no. 1 for a separate vote.

**Moved by Schumm, seconded by Amyx**, to approve payroll from December 15, 2013 to December 28, 2013, in the amount of \$1,916,749.74, and approve non-Rock Chalk Park related claims to 139 vendors in the amount of \$1,991,552.42. Motion carried unanimously.

**Moved by Schumm, seconded by Riordan**, to approve Rock Chalk related claims to 1 vendor in the amount of \$4,165. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

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

David Corliss, City Manager, presented the report.

Chuck Soules, Public Works Director, presented the Rock Chalk Infrastructure Report. He said the site grading was almost complete with the exception of some fine grading and top soil. The retention ponds were completed at the end of July. A plan for the trails and lighted tennis courts was being drafted by Paul Werner Architects and would be presented back to staff for review which in turn would be presented to the City Commission for approval. The water and sewer lines were 100% completed and there were quantity over-runs and under-runs that were identified in the report. The storm sewer was completed and had an additional 12 section of pipe and an end section that was installed. Staff had identified change orders, but there were changes to the scope of the project at the end of the report. The parking lot lights were not being installed pending Commission approval. The landscaping would not be completed until

spring. Rock Chalk Drive which was now almost complete except for the tie in to 902 Road was completed and George Williams Way paving was completed. He said the inspection report from BG Consultants was attached to the end of the infrastructure report.

He said the contractor poured George Williams Way up to the contraction joint and when the pour was ended there was a lot of material in those dowel rods. He said they cut the dowel rods off and to clean up the joints, they ended up drilling in those smaller dowel rods which was not acceptable to City standards. The contractor was notified not to proceed, but they did proceed and now that area would need to be removed and then repaired to City standards. He said it wasn't uncommon for the city to have issues on projects. The Commission typically didn't hear about those issues because staff took care of those issues. On the Kasold Project, that contractor constructed a 50' x 25' slab without reinforcement and that area was removed and replaced to City standards. The difference with the Rock Chalk Project was a little more publically visible. He said staff was recording those issues as recommended by the City Commission. He said the repair was 6' x 24', approximately 16 square yards, and the contractor had placed over 20,000 square yards of road pavement so this one joint would need to be replaced. He said there might be some other areas such as Rock Chalk Drive where staff identified some cracked panels and staff would determine if the contractor needed to replace, replace a section, or seal those cracked panels. It was not uncommon for the concrete to crack.

He said 50,000 square yards of parking lot were completed and staff identified a few crack panels as well as few areas where joints fell and the contractor was notified. It was important to note the relativeness of those things because there were approximately 200,000 linear feet of saw cut joints if staff identified a couple of hundreds of feet that needed to be repaired, he would be surprised. Additionally, if staff identified 20 cracked panels that needed replaced, it was 200 square yards as compared to the 50,000 square yards completed which was less than .4 percent. He said staff was out monitoring the project and noting any problem areas and were communicating with the contractor. The contractor had indicated that they

would make the repairs as needed and staff would not make any recommendations for payment of this contract until everything had been satisfied.

Schumm said when they were out working on the trail alignment, the contractor indicated that that southwest pond might end up being deeper or hold more water so that the dam would be raised.

Soules said the contractor wanted to make the pond deeper because the slopes were a little steep to maintain. He said per plan that was complete, but if the contractor wanted to enlarge the pond, that was fine and would hold more water. He said the contractor might want to make it a wet detention area as well which would be a nice amenity and then they would want to have the additional storage.

Schumm said the contractor was talking about a wet bowl as opposed to a dry bowl. He said it would be better for the trail to raise the face of the dam another 5 or 6 feet.

Soules said staff hadn't gotten to the details on that yet.

Dever said the BG Consultant report wasn't clear as to the resolution on the tie bars. He said in one instance it stated that the tie bars were not there and the contractor was asked to put the tie bars in with epoxy, but there were photographs showing no tie bars, and then he requested it and the conclusion of the report indicated no tie bars for the curb, gutter and pavement. He asked Soules to explain.

Soules said tie bars were installed in all the areas which were noted in their report. He said he thought the tie bars were put in and then took a picture.

Dever said BG Consultants didn't complete their report.

Soules said there were no tie bars at the curve and then obviously installed and drilled those tie bars in as BG Consultants recommended.

Dever said the things he would like staff to follow up on because it wasn't clear in the report was: 1) The consultant concluded that at 1:00 pm, in his last statement that no tie bars for the curb, gutter and pavement. He said he wanted that clarified because it was incomplete. 2)

The consulted indicated that they requested using epoxy, but he couldn't tell if they did or not. He said he would like a memo back from BG Consultants on exactly what the resolution was. He said since it had become an issue, he would like to make sure it was clear and to document any failures in those areas based on the other observations about the rods being bent into the ground and not being bent back up, not being parallel to the ground and those types of things. He asked why no one was available on that day to do the inspection for the City. He said since the City sent out someone who was unfamiliar with the means and methods the City had been using, it didn't seem like the consultant was aware of what had been happening because he was reading the specifications and interpreting those in the field, but wasn't prepared. He asked why someone wasn't available to do that.

Soules said they had 3 full time inspectors. He said it was Thanksgiving weekend his staff had made plans and did not think the contractor would work the project every day. Staff was available on Friday, but then the Saturday came up and staff had plans.

Dever asked if BG Consultants never performed those services at Rock Chalk Park.

Soules said no. They have had BG Consultants and Bartlett on this project, but have had contractors assist staff in doing inspections on other projects.

Dever said not on this project, because the consultant seemed unfamiliar with this project and he quoted the consultant as saying that the City was using certain methods.

Soules said on this project it had been all City staff until this time. He said Geo Source and another testing firm had been assisting staff with testing. He said they were staffing this project, but that weekend they just didn't have anyone available and asked BG Consultants if they had someone qualified to assist.

Dever said he would like to underscore what Soules said about how much work had been done in that area and the lack of wholesale problems and issues, especially Soules identifying that he did not know how many cracks etc... He said he wanted to make sure this was placed on record because it was a curve likely to accumulate moisture and run-off would be

less in that area. He said he thought staff would want to make sure it was covered. He said he knew the contractor would warrant the work, but he wanted to make sure that staff understood what happened to cure the problem, if it did fail.

Amyx said if City inspectors were at this site inspecting this project and the inspectors were told by a contractor that that was not the way they did it and this was what the code stated. He said would they stop that project and tell them it was a waste of money to do that and something was loss between the city and the hired inspector.

Soules said typically yes, but not all the time. He said even on some of the City's projects the inspectors would have disagreements with contractor. The contractor's staff would continue on and sometimes it took him or the City Manager to step in and contact the owner of the company letting the owner know that the City wasn't paying for this and it needed to be removed. Most of the time staff did receive cooperation. He said staff has had a lot of cooperation on this project as well.

Amyx said he didn't know if there was a difference in the way the inspections were handled and if the City's inspectors worked with the contractor than the hired inspector.

Soules said not typically. He said they have used other inspection firms on other projects. He said sometimes disagreements weren't uncommon, but those disagreements were resolved. He said staff was not shying away from the problem and neither was the contractor, it happened and would get resolved before it was recommended to be paid for.

Schumm asked if the City Commission could receive a percentage of problems based on the entire project and cite some statistics, but just in terms of a follow-up report. He said somehow he felt that people reading and hearing what they hear thought the entire project was trashed. He said Soules indicated that it was a very small percentage and was not out of the norm to have some kind of situations occurring in large construction projects where there might be a failure of something or other. He said if the City Commission could receive that back in a report in terms of total concrete work.

Soules said in the end staff hoped to be able to tell the City Commission that there were no deficiencies. He said staff would have some difficulties right now in identifying some of that because of the snow. He said previously before the snow there was a lot of mud on the pavement and was hard to see everything. Staff was going to wait until spring and get that area cleaned up. He said he had told staff that with all of the heavy loads that the contractor was running, the parking lot and those roads would not see the loads that were being run over right now. If there was going to be a problem staff would see it pretty quick because the trucks in at that location surpasses any bus that would be put on those road or parking lot. He said staff would get a report to the City Commission sooner than later.

Riordan said regarding the section that didn't have the ties, it was standard to put ties between the edge of the gutter and the street itself.

Soules said yes. He said on Iowa the contractor poured it monolithically and didn't have that joint, but typically if the contractor poured the curb line separate from any pavement, a piece of rebar would be place in there and tied together so there was no differential settling.

Riordan said some people had worries about the contractor because of other problem they have had. He asked if it was 100 or 150 linear feet and asked if it was just that curb that wasn't put in rebar.

Soules said on that curb, but later in the report it showed that the rebar was in there.

Riordan said the rebar was inserted after words, but it was going to be poured without that rebar.

Soules said he didn't know if it was or not, but the consultant's inspector noted that it did not have rebar. He said but the inspector also had a picture that showed the rebar in it.

Riordan said they noted that it wasn't in there, but didn't know if it was actually going to be poured without it.

Soules said when there was any kind of pouring going on, the City had inspectors out there. He said it was not that they were going to pour it and the City wasn't going to see it because they would always have someone out there for those pours.

Riordan said that was a number of the concerns, but everything he had seen about this project was that it was being well done. He said people were stating that they worried about this because this had happened. He said it would be hard for him to imagine that if the contractor was going to pour that they couldn't see that their rebar wasn't installed.

Soules said rebar was typically drilled in anyway. Overall, staff felt the project was meeting the City's specifications and obviously there were some areas that needed correcting or redone, but the vast majority of the work was acceptable.

Riordan said staff was satisfied and thought the quality of work was adequate.

Soules said yes.

**D. REGULAR AGENDA ITEMS:**

1. **Consider adopting on first reading, Ordinance No. 8925, defining precious metal dealers, requiring pawnbrokers and precious metal dealers to routinely submit to the Chief of Police descriptions of received property to a website designated by the police department, and establishing a penalty for violation of any Section under Chapter 6, Article 5 (Pawnbrokers).**

Captain Cory, Police Department, introduced the item.

Maria Kaminska, Assistant City Attorney, presented the staff report.

Riordan said regarding the word "willful", he asked if that decreased the ability of the prosecutor to provide justice. He asked about the concept "willful."

Kaminska said in criminal law there were different states of mind and willful and intentional was a very specific state of mind that the person that was cited would have to have. She said that language was not in the state statute and since they were trying to stay aligned with the state statute staff concluded that it was not necessary to add, but it did create a much higher burden for the City to prove as far as criminalizing that conduct.

Mayor Dever called for public comment.

Diane Menzie said she didn't have a lot of issues with pawnshops and what they did but believed that law enforcement needs as much as encouragement and help as the public could give them. She said when they ran into problems in North Lawrence, the Police Department did everything they could to solve their issues and it came down to neighborhood enforcement and cooperation which would help the entire City of Lawrence. She said the Police Department had enough trouble proving things in courts of law because of language and other things and a lot of criminals were not found guilty simply because of one little word and the citizens need to make sure the Police Department had all the assets they could.

Greg Robinson said he had an opportunity to look at the proposed ordinance and what he did not see was any kind of information in reference to the data. He said for instance, if Mayor Dever went and pawned something from one of the local pawnshops, he asked if the Mayor's name would be in the database and was it being uploaded into this national database so you could be searched by name so if someone had an interest to see what Mayor Dever pawned locally that they could go under his name. He said a person couldn't even look up houses right now by name. He said he understood it was a highly regulatory business and this was one of the things that the law was going to allow to be done. He said what he had a dispute about was the constant erosion of data and privacy issues. If he wanted to go to a pawnshop which was a legal business, he should be able to pawn something without someone being in law enforcement and/or government, be able to look it up by his name. He asked the Commission to consider those types of things because he did look up LeadsOnline but there was very little information. He asked what happened when that data gets out from a 3<sup>rd</sup> party civilian vendor. He asked if there was any liability to the City. He said people were getting hacked all the time and asked if the Mayor pawned many items for whatever reason and that was hacked, it might be embarrassing to the Mayor. He said the Assistant City Attorney looked at issues and involving reasonableness or willful. He said willful did make it more difficult to convict someone, but wasn't that what they wanted. The Assistant City Attorney indicated that

they could go outside the boundary of the statute because that was what case law said they could do. He said just because they use reasonableness in the statutes didn't mean the City couldn't use willful, intentional, or knowingly. He said those were protections at this level. He said this was a privacy issue even though it was highly regulatory business, but they hadn't looked at what happened outside of that. He said if someone wanted to upload items up in the cloud, fine, but when putting names out there what happened when that data gets hacked. He said there were certain issues that need to be considered before adopting this ordinance.

John Geery said he worked at Jayhawk Pawn and Jewelry for 14 years and at that time they always submitted reports to the Police Department and never had issues with that. He said they were all for the support of the amendment to the ordinance with exception of a couple of words. He said they felt the language was a little vague and they were feeling that the reasonable clerical errors could be easily be modified into willful and intentional errors to distinguish the fact that they were going after people who were willfully breaking the law or trying to deceive rather than just employees that were trying to do their jobs and make mistakes with the keyboard which did happen. The other change was the pawnbroker licensee being the one culpable as opposed to the employees. He said on the penalty section they thought the licensee and the person holding the licensing to be tethered to the responsibility and that would eliminate any kind of inner strife between their employees and administration.

Sam Spivey, Capital City Pawn and Jewelry, said regarding the ordinance that was being presented they did commend the police department for attempting to have this ordinance adopted by the City Commission. He said they had nine locations and had been in business for over 50 years. He said they wanted this industry to have integrity behind it and wanted the merchandise they were receiving to be checked against this database to make sure it wasn't stolen. The biggest thing was that some of the language was somewhat vague and as far as a penalty went, they as a company would honorably take on anything that the employees did unknowingly, because as a company they felt they had trained their employees and taught

their employees to look at the item and the person that was bringing it in. He said they wanted to take on that penalty as opposed to putting it on the employee and putting that extra stress on that employee. He said they had been doing LeadsOnline for over eight years and they had been a strong proponent of LeadsOnline since brought into the bond industry.

Philip Chiles, Wildman Vintage, said they took clothing from the public over the counter and when he first looked at the ordinance, he didn't think it wouldn't affect him, but he thought back a few weeks ago when he bought a silver ring for \$5 and sold it for about \$10 or \$15 and looking at this ordinance, he now qualified as a precious metal dealer because he bought silver. He said he didn't think the City wanted to know every time, the rest of the time he was in business, if he bought a pair of jeans or a tee shirt and had to report it to the City. He said one change he would like to see was if there was a minimum limit on this. He said for example, if someone bought a silver spoon and sold it on Ebay they wouldn't need to worry about being in violation of this ordinance because they had become a precious metal dealer all of a sudden. He said he was worried that it made it too easy to look down on pawnshops. It was easy to pick on them because it was kind of a stereo-type that they were where criminals take all their stolen goods, but nowadays if someone wanted to sell stolen property, they could sell it on-line, go through craigslist, or take an ad in the paper. He said there was little incentive for a pawnshop to deal with criminal elements there were established businesses and most of what they did was more along the lines of loans than fencing stolen property. He said he didn't want everyone to think this was some part of the criminal underworld that needed to be cracked down on. He said he was also concerned that going by this ordinance, it would be very easy to shut someone down if the police decided they didn't like them. The way the ordinance was worded was that any one single violation could result in the revocation of the non-renewal of someone's license. If there was one time when an employee made a mistake and the police decided to pursue it, it should be shown as willful or intentional rather than something that could happen just by the nature of the business. He said there might be mistakes in the cereal number or product name.

He said that bit of a change to make it willful or intentional was important. It was something that could be established. He said it was actually easy to establish willful or intentional conduct as opposed to reasonable mistakes.

Dever said the main question he had as it related to LeadsOnline was the question Robinson had regarding the privacy of the person who was the customer of the shop. He asked how much privacy was there on LeadsOnline.

Kaminska said Captain Cory might know more about LeadsOnline itself, but LeadsOnline was not accessible to the public and was for law enforcement purposes only and accessible only by police officers and those in law enforcement. She said she wanted to point out that someone couldn't request those records from the Police and it would not be an open record under the Kansas Open Records. She said they had looked at this issue very closely for two reasons. 1) Did not fall under the definition of a public records and were records only accessible to the Police Department and those records were not made, maintained, kept or possessed by the Police Department and were assessed on a regular basis by the Police Department. She said even if they said it was a public record, it would not be mandated to be disclosed voluntarily by the City under an exception of criminal records. She said the statute had an exemption for records that were made by the Police Department, for example, in the prevention, detection or investigation of crimes. The detection was the key word and the Police Department would be using LeadsOnline to see if there was stolen property and was for the detection of possible crimes and for that reason it would certainly be closed.

Captain Cory asked if the Mayor was talking about internet security.

Dever said first of all, did it collect the name of the person that pawned the item.

Cory said yes.

Dever asked if there was any unique identifier in the way of encrypting that information or was that information out there in a case of a hack or internet violation.

Cory said as everyone knew, things cannot be perfectly secured on the internet all of the time. He said he was not well versed in IT security, but he and Kaminska, the Police and City IT Departments looked at it and from research, it showed that LeadsOnline did due diligence to keep their records safe and secure as much as any records gathering organization. He said they did not sell information to third party vendors because this was law enforcement related and none of that information was sold to a third party vendor. Again, anything could be hacked into, but LeadsOnline took adequate security measures to keep that from happening.

Amyx said if a request was made through the City Manager's Office about an open records request regarding someone that pawned something, he asked if the City had to honor that request on who pawned what.

Cory said no, from the research that had been done, they did not believe the City had to honor that open records request.

Amyx asked if there would be no challenges.

Cory said not that they could find.

Dever said if a person pawned one or two rings, was there a minimum amount of activity that covered being governed by this rule or was it any activity.

Kaminska said she would defer to the definition of a pawnbroker and precious metal dealer under the Statute K.S.A. 706 which talked about those people who were engaging in it for business. She wasn't sure that if she bought a ring from someone, she wouldn't qualify as a precious metal dealer and was someone that had an established business, not necessarily a license, but someone that did that for a living. She said any case that went through Municipal Court was the tremendous discretion that a prosecutor had and the reasonableness that a prosecutor had used. She said she didn't foresee that someone that just bought a ring would be qualified under this ordinance and didn't foresee that person being prosecuted for not uploading something until he was online.

Amyx said if an owner of a business bought rings to resell at that business, he asked if that business would be classified as a precious metal dealer.

Kaminska said precious metal dealer was defined as any person who engaged in the business of purchasing precious metal for the purpose of reselling such metal in any form. She said if many transactions were occurring for business purposes and was reselling she thought could qualify.

Corliss said Kaminska was quoting from State law and was already in existence.

Dever said if the Wildman's operation was selling one ring it could be covered by the State Statute already.

Kaminska said this proposed language wasn't changing anything enormous. She said in checking with the City Clerk, this type of business was called at one point "junk dealers" since 1916 in Lawrence and required junk dealers to take the name and address of people dropping off property and for those records to always be open for police inspection. She said they weren't doing anything new and all they were asking was for the information to be uploaded and submitted to the police department automatically, instead of the Police Department using resources and go to the businesses.

Dever said willful and intentional was not in state law and asked about Kaminska problem with adding any additional language.

Kaminska said a concern from many of the businesses was that they were worried about making a clerical error in recording information and didn't want to be penalized for that action. She said staff was sensitive to that concern and added the reasonable clerical errors as not a violation. The willful and reasonableness language was not in the state statute and was not required. She said as a municipality, they could fashion things off of state law and make them more restrictive than state law, but not less restrictive. She said adding willful and intentional language going to the intent of someone, actually made it less restrictive and was narrowed down. She said it had to be willful and intentional instead of accidental. Adding reasonable

clerical errors did not go to the intent and was not making it less restrictive, but actually speaking to the intent would make it less restrictive.

Dever asked if the same went to the culpability of the person performing the illegal act versus the licensee.

Kaminska said that recommendation of having the business owner take the penalty for this would be appropriate if it was an administrative find, but here they were talking about a criminal penalty and the purpose of the criminal law was to go after the wrong doer. She said it wouldn't make sense to penalize and say that the owner or licensee who might not have been there was criminally liable would not pass mustard in court. She said it had to be the person who violated the law.

Dever asked if that was state law.

Kaminska said the state law stated that the violation of the section was a Class B misdemeanor and when going back and seeing all of the definition that the statute used, it talked about pawnbroker, precious metal dealer, but never talked about a licensee.

Dever said in lots of businesses if you have a separate license, both the company and the individual was liable, but those were not criminal actions and were less severe. He said it seemed reasonable to only hold the company accountable, but given this was criminal action it was hard to hold someone responsible if they were even there for criminal action. He said he was trying to make it understand what some of the citizens opinions were on this matter.

Riordan said there were two examples that concerned him. One was that there were several resale stores for clothing where belts could be part of that, silver could be part of that and would also be included.

Kaminska said if they met the definition of pawnbroker then it was possible. She said right now they were honing in on the actual pawnbroker and precious metal dealers.

Riordan said this was just for pawnbrokers.

Kaminska said yes.

Riordan said antique dealers who sell precious metals would not need to be licensed if they could buy precious metals from an un-reputable person.

Kaminska said just the title alone didn't make them a pawnbroker, but if they met the definition, then they would be considered.

Riordan said the definition that Kaminska gave he did not hear a pawnbroker.

Kaminska said she only read precious metal dealer.

Riordan said those two people fulfill the criteria. He said they weren't pawnbrokers, but antique dealers often sell small pieces of silver, silverware, silver plated, and would need to comply with this also.

Kaminska said she would go back to this being around since many decades and that whoever this applied to previous, applied to now, the only difference was that it was submitted on-line. As far as antique dealers, the statute defined pawnbrokers as any person who loaned money on deposit or pledge of personal property or other valuable things other than intangible personal property or who dealt in the purchase of personal property on the condition of selling the same back again at a stipulated price. If the antique shop wasn't buying and selling it back to someone or taking it on loan, then it wouldn't qualify.

Riordan said it was pawnbrokers and precious metal dealers and asked if it had to be both.

Kaminska said no.

Riordan said antique dealers and people who resell silver belts precious metal dealers. He asked if they had to be both a pawnbroker or precious metal dealer.

Kaminska said no.

Riordan said they could either be a pawnbroker or a precious metal dealer.

Kaminska said yes.

Riordan said if you were not a pawnbroker, but dealt in precious metals such as an antique dealer, this license would apply. He said this might have always applied to an antique dealer.

Kaminska said in some instances an antique dealer could be qualified as a precious metal dealer.

Dever said they were already covered by state statute.

Kaminska said yes.

Dever said if antique dealers were buying precious metal they were already responsible for that reporting currently.

Kaminska said yes.

Riordan asked if staff ever asked antique dealers to apply for a precious metal dealer.

Kaminska said the purpose of the ordinance was to make it a municipal offense, but the state statute had been around for almost a century and had always been applicable on a state level to precious metal dealers as well.

Amyx said someone that was in an antique store selling precious metals would be aware that this law existed.

Kaminska said she was not aware of it, but sent letters to the licensees under the City clerk system. If someone was engaged in a business occasionally and not licensed perhaps they should be, but were not aware of it.

Amyx said if someone went into a precious metal dealer or to a pawnshop, he asked about the process under this ordinance and what had to happen.

Cory said he would defer to the pawnshop owners and precious dealers, how they took the property, what information they gather and what requirements were needed in order to take that merchandise. He said after the fact, he asked if Amyx was asking what this would tell the Police Department with LeadsOnline and what they needed to do.

Amyx said yes.

Cory said LeadOnline was available to pawnbrokers and precious metal dealers if they had internet access and was free of charge. He said they would need to give a brief description of the item and information on the person that brought in the item. That information could then be uploaded through the internet to LeadsOnline on a weekly basis. He said some states required photographs, but was an option on LeadsOnline.

Amyx said under the open records act that someone could not obtain personal information upon request.

Kaminska said that was correct. She said she didn't believe that it was public record, but even it was there was an exception for it under the criminal investigation records.

Cory said currently Jayhawk Pawn already subscribes to LeadsOnline and there were no associated costs. Jayhawk Pawn indicated that all 9 of their stores subscribe to LeadsOnline, as well as a couple of other pawnshops in town already uploaded information to LeadsOnline. He said precious metal dealers would need to subscribe to LeadsOnline as well.

Dever asked if the City Commission desired to change the language based on the conversation that they had so far.

Amyx said the only concern he had was the antique stores that might not realize that a license was required. He said he wouldn't know how to change the language to exempt one and make everyone else go through it.

Dever said and the fact that they were already regulated.

Riordan said there were some parts of the ordinance that were a little troublesome, but the intent was good. He said everything was covered already and those problems that they had, although troublesome, didn't nix this ordinance. He said the term "willful" was a word that might need to be changed because willful was a very difficult level to prosecute.

Dever said they couldn't diminish the effectiveness of the state statute.

Riordan said everything the Commission discusses always had public input and brought up things that the Commission tried to solve. Again, the intent was good and the pawnbrokers

were already using LeadsOnline and didn't think it was an onerous regulation. He said it would be helpful for items to be returned to folks if they were stolen.

Farmer said what about some type of education to folks in the community that might not be registered with the City Clerk's office. He said he agreed with Amyx that there were folks that might not have any idea that they were even governed by law at the state level and hate for those folks to be caught up in something that they didn't know would be problematic. He said it didn't preclude the City Commission from passing this ordinance, but certain consideration from the police department needed to be given to folks that weren't aware that there was a process. He said if they had to have language that was similar, he would rather it read "willful and intentional", but if they had to be consistent with state language then the City's hands was tied.

Amyx said with the willful and intentional wording, some consideration needed to be given. He said between first and second reading, they could get information to those people that might fall under this category. He said even though they were already regulated, a lot of those people just didn't know.

Farmer asked if the City had any dealings with precious metal dealers with antique stores and those stores not being aware that they had to have records to hold on for the Police Department.

Cory said when they had meetings some of the precious metal dealers might not have known to what extent that they were required to report. The precious metal dealers kept ledgers and the Police Department had no instance where a precious metal dealer was uncooperative.

Farmer asked about auction companies that sold grandma's china set with the silverware. He said those auction companies would be classified as precious metal dealer and his sense was that auction companies didn't know that they had to keep records of those types of transaction. He asked if there had ever been any need for cooperation from the Police Department to work with anyone other than a pawnbroker to figure out, investigate or detect stolen goods or items that were precious metals, outside of the pawnbroker industry. He said

he was thinking about auction companies, antique stores and probably a hundred different other things.

Cory said he couldn't give specific instances or how many cases, but if businesses thought there was something fishy about whatever transaction was transpiring, those businesses did call the police, second hand stores and otherwise. He said in relation, the business owner probably wouldn't know a license was needed. He said a person would need to look at the definition to determine if he/she qualified as a precious metal dealer. He said the prosecutor had the ability to be more lenient and determining whether a business was considered as a precious metal dealer would need to be looked at case by case.

Riordan said promulgation was important, but didn't think auctioneers would fall under this because they didn't purchase items they just sell the items for someone else. He said there were a lot of people that would qualify as a precious metal dealer. He said to let those businesses know was the key.

Schumm said for the sake of the Police Department the more people reporting, the more efficient the service would be. He said since those businesses were already covered under state law and if staff got the word out and more people would be reporting which would be a bigger database in which more crimes could be solved. He said he saw this as a good outcome of this discussion.

Amyx asked if the City Commission could have two weeks between the 1<sup>st</sup> and 2<sup>nd</sup> reading of this ordinance so the Commission had time to look at the language change.

Schumm suggested waiting 3 weeks just in case there were people who were not aware of this ordinance to give them time to be associated with it.

Amyx suggested looking at other alternatives to help with the language change and to look at other existing businesses. He said he would like to review the term "willful and intentional."

Dever said they could not change the term "willful and intentional."

Amyx said he understood and just wanted to review the term.

**Moved by Schumm, seconded by Riordan,** to adopt on first reading, Ordinance No. 8925, defining precious metal dealers, requiring pawnbrokers and precious metal dealers to routinely submit to the Chief of Police descriptions of received property to a website designated by the police department, and established a penalty for violation of any Section under Chapter 6, Article 5 (Pawnbrokers). Motion carried unanimously.

2. **Consider approving the purchase of two (2) heavy-duty, 30-foot, low-floor diesel powered buses (\$350,000/bus) and one (1) heavy-duty 30-foot, low-floor hybrid powered bus (\$575,000/bus) off of the existing Brownsville, Texas Contract with Gillig Corporation for a total cost of \$1,275,000. Federal Grants will pay for \$1,058,205 and the local match of \$216,750 will be paid for by the City.**

Bob Nugent, Public Transit Administrator, presented the staff report.

Schumm said Nugent was recommending that the City purchase 3 buses, 2 of one type and 1 of another type and asked if that was limited by the total dollars. He asked why the City wouldn't buy 3 buses of the same kind.

Nugent said hybrid vehicles were expensive.

Schumm said he knew that those types of vehicles were expensive and that it was a budgetary item.

Nugent said yes. He said one of the things they needed to keep in mind was that when they were looking to relocating a transit center that all of this started feeding together. He said they had a .05 tax referendum dollars that they were holding aside for vehicles and facilities. He said they were going to be spending some money on type of transit center somewhere and were trying to keep those vehicles costs down to have something to use for a transit facility.

Schumm said if Transit Department had more money, he asked if Nugent would buy more hybrid buses.

Nugent said at this point from what staff had seen on return, he didn't know if they would go to 100% hybrid because it would take 20 years. He said every time they buy a vehicle it put them in the hole another \$225,000.

Schumm said he was confused and asked why the City was buying 1 hybrid if it was that much more expensive and that much more difficult to recover the costs.

Nugent said if they were replacing vehicles it would put them about \$500,000 in the hole, but it could be returned by 2016 just with the 4 vehicles they would have. If buying all hybrid vehicles the City would be starting at the same place if building a fueling facility which was about two million dollars.

Schumm said he understood that but didn't understand why Transit would buy 1 hybrid bus.

Nugent said from Transit's prospective, he asked if they were going to continue to try and do something environmentally. He said they could get a little bit more gain with buying another hybrid bus than they could in buying a traditional diesel.

Schumm said the answer was the environmental aspect.

Nugent said yes, more environmental than cost savings, but that was something they needed to keep in mind no matter what they were doing with alternative platforms was that environmental element.

Riordan said he read that with some of the hybrids on certain routes, they weren't as effective because of how they recharged with braking and wouldn't work on some routes too.

Nugent said with the KU diesel on route 11, it showed that operating different buses on different routes operated in different ways. The hybrid was operating on Route 11 at 4.6 miles per gallon. The KU diesels they were using on Route 11 before moving to those hybrids was operating about 3.91 miles per gallon. He said hybrid vehicles needed to operate on slower speed which was about 45 miles per hour because it ran the battery down and used more diesel.

Dever said it was greenhouse gas emissions, environmental impact and attempting to do what they planned all along which was to try to run a little bit leaner and cleaner, unfortunately the City could only afford 1 hybrid vehicle. He said the miles per gallon equivalent were not

tremendous, but they knew that and it was less than a gallon. He said after a real world running of the buses for two years, what the mpg equivalent would be.

Nugent on certain routes it performed well.

Mayor Dever called for public comment.

After receiving no public comment, Schumm said he was convinced.

Amyx said he appreciated the work everyone did to get the answers to the Commission's questions.

Schumm said the other part of this was that they learned more about CNG and what the obstacles were and what they needed to do. He said with that idea in mind it depended on how you get enough critical mass together from the vehicles the City had to make it all work out right.

David Corliss, City Manager, said he would love to have a 20 year graph and it would be solid on numbers projecting out for costs. He said they were continuing to explore CNG, sticking with diesel, but also some hybrid electric so they could learn about that and also they didn't really know what the future would be regarding energy crisis.

Dever said exactly and they didn't know how long those hybrids would last. He said the City had gotten 13 years out of those hybrids and those hybrids were estimated at 7 to 10 years.

Amyx said Schumm was making a deal with Black Hills.

**Moved by Schumm, seconded by Farmer**, to approved the purchase of two (2) heavy-duty, 30-foot, low-floor diesel powered buses (\$350,000/bus) and one (1) heavy-duty 30-foot, low-floor hybrid powered bus (\$575,000/bus) off of the existing Brownsville, Texas Contract with Gillig Corporation for a total cost of \$1,275,000. Motion carried unanimously.

3. **Receive the recommendations from the joint HRC/PC discussions regarding the issues outlined in the 11/29/12 Downtown Redevelopment Issues & Opportunities Memo.**

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

Mayor Dever called for public comment.

Dennis Brown, Lawrence Preservation Alliance, said they thought this was a good first step in re-evaluating their planning guidelines for the edges of downtown. They appreciated the efforts of the Planning Commission and the Historic Resources Commission and were in general agreement with their findings. He said he was in attendance for their final discussion and what he heard was a general consensus that the argument that they needed more people living downtown, to keep its retail options viable and that those dwelling unit options needed to occur on Vermont and New Hampshire Street, was a valid one, but what did not follow and again he heard consensus, was that every building proposed in those areas needed to be 7 to 9 stories tall and a half block long. They wanted to enhance their historic downtown, not surround it. They wanted to invite their core neighborhood residence downtown, not cut them off. They wanted downtown visitors to explore our neighborhoods, not have no clue that they even existed. They should adjust to 90 foot height downward and whatever height was chosen, their planning tools needed to point those bigger developments to parcels that would be more appropriate. They also need infill of the 2 or 3 story variety and needed some past through areas, possibly landscaped or even an existing surface parking lot. To properly transition this increased expected downtown density into the City's core residential neighborhoods, design guidelines needed to be written in such a way in what he would call the reverse domino effect was avoided. This was a situation in which a lot was developed next to an existing tall building so given the current guideline language it received approval regarding the transitional height. The next lot was similarly developed and on and on until their fortress cutting off downtown from core neighborhoods was complete. Once the new First Management building on the northeast corner of 9<sup>th</sup> and New Hampshire was completed, they would already be close to achieving that unwanted situation with the Hobbs Taylor Lofts just a block the north. He said there was not much space in between those tall buildings and asked what would go there, another tall building. If so, they would start creating a wall. Their planning worked better with a holistic approach, not a piecemeal one. LPA's hope was that they received this report and direct staff

to begin working on changes to the current 90 foot height in the CD district code and the transitional height language in the downtown design guidelines.

Linda Bush, Lawrence Association of Neighborhoods, said the Commissioner's packet included correspondence from LAN to the HRC and Planning Commission dated from June of last year. She said LAN strongly supported the City's Downtown Design Guidelines and the recommendations of the joint committees. They encouraged controls on the height of structures in accordance with the current guidelines and favored the options specifically clarifying the code and recommend a limit of 38.5 feet on the height of any structure, abutting, facing, or backing up to residential housing which was the height of the Lawrence Arts Center. They encouraged novel and creative approaches to retaining and even expanding options for parking in the downtown district. Development must not result in a net loss of parking nor should it drain taxpayer dollars to retain or replace parking. Any proposed changes to the current downtown design guidelines should be preceded by objective research into the possible long-term effects of redevelopment on the vitality and sustainability of downtown and address the potential impacts to the historic districts involved. As the City Commission determined how to proceed beyond the joint committee's memo, they supported strategic planning, including a true downtown corridor study that considered not only redevelopment, but also a vision for a vibrant family friendly affordable and accessible downtown. The Lawrence Association of Neighborhoods supported the City taking the lead and proactively identifying desired outcomes and design features for downtown and then seeking competitive healthy and sustainable development proposals which respect and adhere to the agreed upon design guidelines applicable historic review and all codes, policies, and procedures in effect at that time.

Stan Hernly, Hernly and Associates, said one clarification for projects that came before the Historic Resources Commission. He said until July it would have been true that every project in the downtown area would have come before the HRC and as of July 1, 2013 with the elimination of the environs review at the state level, now just being in the downtown area not all

projects come to the HRC. It either had to be a project that listed as a historic building or a contributing building in the historic downtown district or within 250 feet of a local listed property. Currently there weren't very many locally listed properties and were thinking soon there would be quite a few more. He said he wanted the Commission to be aware that there were projects that could come along any time now that wouldn't come to HRC automatically.

Schumm said in recommendation no. 1, regarding the reduction height of 90 feet to some other number, he asked McCullough where that was headed and would it be on a piecemeal basis, based on where the building was, what it was next too and was it going to be defined at 38.5 feet.

Scott McCullough, Development Services Director, said what the Commission struggled with was the varying context of the projects. Some projects like 901 New Hampshire which was about 84 to 86 feet tall, adjacent to US Bank was very fitting for the context that was within and didn't get appealed to the City Commission. He said that went through HRC and was approved by the HRC administratively. Across the street they sought similar heights through the process, but was ratcheted down and ended up being 64 feet, a 20 foot difference. He said what the Commission saw was a discrepancy in that even through there was language in the development code there was a caveat in the development code that stated 90 feet was the maximum, but look to the design guidelines and the design guidelines had some language they thought could be bolstered and clarified. He said they talked about an either/or or both, if they truly believed that 90 feet was too tall in downtown, they should probably lower the height. If they thought there would be a few instances where they could reach 90 feet tall, but it was left unclear in the design guidelines on how they would do that in the context of the surroundings and how they would transition down, especially to the residential neighborhood, then the work that needed to be done in the design guidelines to clarify and give more guidance in fulfilling that goal or mandate. He said staff understood that it was really 2 different codes right now, one was the development code which stated 90 feet, but look to the design guidelines and the

design guidelines stated to look at the surrounding context, but it was vague in the guidelines and wanted more clarity.

Schumm said he had been involved in downtown for 44 years and had been a big supporter of downtown. All along they had always said that the salvation of downtown was to build density. He said they started out with a 9 hour clock where things opened at 9:00 am and closed at 5:00 pm or 6:00 pm and went up to a 12 or 13 hour clock where there was an entertainment district that kept downtown going until 2:00 am. He said the 24 hour clock you get to by putting residences in place where there were people on the street 24 hours a day. He said they were just finally getting there which was the most difficult part. He respected the fact that 90 feet was tall and too tall in some areas. He worked very hard to reduce the size of the hotel at 9<sup>th</sup> and New Hampshire because he thought it was out of scale for what they wanted to see. He said he would hate to set a number as recommended earlier for everything downtown because there were certain areas that could hold higher buildings and would help build the density. Over the long period of time that they had been working on this there had always been an unwritten rule to not go passed Rhode Island Street with downtown development, you couldn't go south or north because of the river and the park and really could go west because there were more parks. He said with that in mind there was a finite amount of land available for development to build this density. He said he would caution everyone that they should be careful about the limitations. He said they could make good and sensible judgments about this but saying that 38.5 feet was the most they were going to put anywhere could be short sighted and give them not enough of what they needed in order to make it work right. He said there were certain areas that could handle more height than others.

McCullough said the language like "shall relate to prevailing heights of nearby buildings" staff talked about did that mean within a story of those heights or was it a half story. He said they employed at the hotel was a step down so that it was within a story of the next row of

residential areas. He said that could be one way to address some of that issue in the guidelines itself.

Schumm said he would rather see the final guidelines end up with that kind of overview and solution rather than a total limit.

Riordan asked if Schumm had a concept that it would be more reasonable to have height on Massachusetts than the side streets or a recommendation.

Schumm said that depended upon the block because the 600 block was probably the tallest and now they were going to see a transformation of the Journal World Building into something and it might need to be 4 to 5 stories high which was a guess. It might need to be that kind of height in order to work economically. He said when that one was removed from backing up to a neighborhood because it had some buffer. He said there was an example of something that might require more height. He said it was hard to visualize all this in terms of one place or another. There were other places in the 800 and 900 blocks that were 3 story buildings and pretty much maxes out the view scape. He said he believed it would come out to site specific and a reasonable and prudent administration of the design guidelines in order to come up with a winning solution.

Amyx said there was a lot of information and appreciated the work that everyone had done. He said there wasn't an action that the City Commission needed to take, but suggested adding this item to a future study session for general discussion and receive the plan. He said in looking at the Downtown Design Guidelines and the 90 feet limit, he suggested looking at different heights throughout downtown. He said the taller buildings needed to be on the Massachusetts Street side and taper off to not block the neighborhoods. He said parking downtown was another concern, but property owners and business were discussing the need for adequate parking for all the businesses. He said he would have a hard time dealing with accepting cash payment for parking that had already been paid for. He said they needed to

have a general discussion about all of this instead of trying to pick and choose on Tuesday night at 9:00 pm.

David Corliss, City Manager, said the City Commission could receive the recommendations and direct staff to plan either action items or additional study sessions.

Farmer said density could be defined in so many different ways and they needed to have a conversation about how to continue to make the downtown area vibrant and lively. He said there were a lot of different interpretations as to what people thought that that meant. He said regarding Horizon 2020, he asked if it had a downtown piece to it.

McCullough said yes.

Farmer asked if Horizon 2020 had been updated since 1997.

McCullough said no, all of their codes and guidelines were aligned with the basic policies to preserve that as one of the City's main economic engines for the community. It didn't necessarily get into the detail of the guidelines for height and transition and those types of things.

Farmer said so just figuring out what types of things they wanted and would be something that committee could look at too. He said there was a lot of potential for the Commission to lay the ground work for some neat stuff to happen and needed to do due diligence. He said having a study session was a great idea. He said was there anything on the city's website for what comparable communities with downtown similar to Lawrence had done to increase their density and vibrancy and if not, could they get that information.

McCullough said staff could report back to the City Commission regarding that information. He said he thought several downtowns had guidelines like Lawrence did to preserve and enhance the character of it.

Farmer said even if they did things that screwed their downtown up certainly they could learn what not to do.

Schumm said the study session was a good idea and certainly like to include some of the committee members that the HRC and Planning Commission worked on this. He said he saw it as a plan that had to be pretty much built on consensus from all those people otherwise they were not going to get to where they wanted to go.

Dever said they were going to request to plan a future study session to break out some of the recommendations from the 3 major points and the City Commission could give their insights on it.

**Moved by Amyx, seconded by Farmer,** to receive the recommendations from the joint HRC/PC discussions regarding the issues outlined in the 11/29/12 Downtown Redevelopment Issues & Opportunities Memo and directed staff to schedule a study session. Motion carried unanimously.

The Commission took a break at 8:56 and returned at 9:01 pm.

**Consider the following water / wastewater utility items:**

- a) **Consider authorizing staff to advertise a Request for Proposals, RFP R1401, for Preliminary Engineering Services for Project UT1403 Evaluation of Rehabilitation and Replacement Options for the Stratford Elevated Tank.**
- b) **Consider authorizing the City Manager to Execute an Engineering Services Agreement in the amount of \$78,265.00 with HDR Engineering Inc. for Engineering Services for Project UT1307 Oread Water Storage Tanks and Booster Pump Station Replacement.**
- c) **Consider authorizing the City Manager to Execute an Engineering Services Agreement in the amount of \$54,185.00 with HDR Engineering Inc. for Engineering Services for Project UT1310 Booster Pumping Improvements.**
- d) **Consider awarding the Bid for Bid No. B1367 Project UT0701DS Kaw Water Treatment Plant Transmission Main Phase I to the low bidder Garney Companies, Inc. in the amount of \$5,669,409.00 and authorizing the City Manager to execute the construction contract. Also, authorizing the City Manager to execute Supplemental Agreement No. 2 to the existing Engineering Services Agreement with Burns & McDonnell in the amount of \$265,740.00 for construction phase engineering services in conjunction with project UT0701DS Kaw Water Treatment Plant Transmission Main Phase I.**
- e) **Consider authorizing staff to negotiate a City – State Agreement with the Kansas Department of Transportation for the Construction of Department of Utilities**

**Projects UT1205CS Contract 1 Sanitary Sewer Relocation and UT1205 Contract 2 Sanitary Sewer Relocation and Waterline Extension as required by the construction of the South Lawrence Trafficway.**

- f) **Authorize the Mayor to enter into an agreement with Baker University for easements related to Project UT1304 Wakarusa Wastewater Treatment Plant and Conveyance Corridor Facilities in the amount of \$101,000 and including the construction of improvements as outlined in the agreement.**

David Corliss, City Manager, presented the staff report.

Amyx said regarding the sanitary sewer relocation and the water line extension, he asked if they were going to consider negotiating with the contractor of record.

Corliss said that was one of the options. This SLT was green lighted last July while there was still a lot of design work underway, but when the 10<sup>th</sup> Circuit Court of Appeals decision came down in 2012 of July, then KDOT knew that they had no further legal impediments and the necessary green lights to proceed. He said staff knew generally that this work needed to be done and they had been working to get the design work underway. He said it needed to be coordinated with the contractor in the field. He said there could be multiple contractors and it all needed to be done with the same contractor.

Amyx asked about the booster pumping station improvements up at the Oread Tanks. He asked if it was conceivable that they wouldn't need that booster pumping system by movement and better use of the tanks.

Philip Ciesielski, Assistant Director of the Department of Utilities, said regarding eliminating the booster pumping at the Oread Tanks, the Oread Tanks were a unique facility for staff and the water distribution system was in two pressure zones, the Westhills pressure zone which was the higher ground to the west on campus and to the west of campus through Iowa toward the Clinton Water Treatment Plant on Wakarusa and there was a central service zone which was down the hill to the east from the Oread Tanks, down through downtown and east, towards East Hills Business Park and the Venture Park property. He said that set of tanks actually operated toward both zones because it sat on the hill, it acted as an elevated tank to

central service, but it was not tall enough to feed out into the West Hills system, outside of the booster pumping. He said they did look at some options to potentially relocate that entire facility to another location and make it a tall elevated tank in West Hills, but a larger elevated tank that could then flow back to central service and they didn't have a site or a corridor for transmission main that would allow them to do that and keep the flexibility. He said they had looked at a number of options before coming down to some of those discussions with KU and the two sites on either side of Oread.

Amyx said he didn't realize that they were pumping it back to the west.

Schumm asked Ciesielski to discuss the line under the river.

Ciesielski said there was a 36' diameter pipe that would leave the east side of the Kaw Water Treatment Plant and cross Indiana Street and the Union Pacific Railroad tracks and then proceed north through Burcham Park and on to the Alan's Farm property, north of the creek. He said basically the entire project would be installed by horizontal directional drilling or trenchless technology where there would be a pit on each end, bore a hole through the ground in a series of larger and larger drill heads until they get to the size to accommodate the pipe and on that final pass they would latch on to the pipe which had already been fused together and was a PVC pipe that could be fused by heat together so that it was a jointless pipe in the end. After that last lean through they'll grab onto that pipe and pull it back into the hole. He said they would do that process for the entire alignment except for the portion north of the creek up to where they would go east and west across the river and that portion could be opened trenched if the contractor chooses. He said with the crossing of the river the contractor would setup on the east side of the river, the empty lot north of the Sonic that the City acquired as a temporary easement. He said they would setup their boring rig at that point and drill west in a series of holes until they get to the 40 inch diameter to put that 36 inch pipe through, under the railroad tracks, under the levee, under the river, and pop up at that location where that 90 degree bend was on the Alan tract. At that point they would have the pipe strung out in the open field to the

west of that tree line, but would grab onto that pipe and pull 2700 feet of pipe back under the river in one continuous pull. At the point that they were under the river as part of the Corps of Engineer requirements they would actually be in a sandstone layer, roughly 70 feet below the water surface of the river at normal level. He said some of that was designed to get into there and some of it was based on the curvature of the pipe. He said they were going to start on the east with a machine and a hole and pop up on the west side with a pit and grab the pipe and pull it back under and hopefully no one would see it again.

Schumm asked what happened if the pipe leaked under the river.

Ciesielski said that was one of the reasons they chose the pipe material that they chose. That fusible plastic pipe all of the joints would be quality controlled and approved before that pipe was pulled in as one continuous piece as that was welded together. The molecular makeup of that PVC pipe because one piece of pipe because it melted and cured back together and cools and the molecular structure becomes one continuous piece of pipe and the wall thickness was robust to hold up against the pulling through the sandstone layer. He said it was non-corrosive and jointless pipe.

Schumm asked if that was 36 inch pipe.

Ciesielski said it 36 inch inside diameter.

Schumm asked if that same size would continue through North Lawrence and go back under the river the other way.

Ciesielski said 36 all the way through North Lawrence and a couple of tie ends proposed once they were south of the river again, 11<sup>th</sup> Street and on down. At the one point they had it down to 30 as it tied into Clinton, O'Connell and 23<sup>rd</sup> Street, but final size would be determined as they moved forward and see what water demands were at Venture Park and down southeast. At this point they were putting in a 36 inch connection as they did the work at Venture Park.

Farmer asked how much of the 5.6 million was transmission of water to southeast Lawrence versus the redundant water supply to North Lawrence.

Ciesielski said today it was tying into North 3<sup>rd</sup> Street and this phase would be this phase for a number of years until the population grew or otherwise.

Corliss said this just gets them to North 2<sup>nd</sup> Street.

Farmer said so the City was spending 5.67 million dollars to make sure that our friends in North Lawrence had a second redundant water supply.

Dever said and to assist in future planning and growth of the community.

Corliss as with any project of this size there was a lot of history. One of the issues was that they needed additional water capacity in the southeast part of the town. He said they weren't going to build another water treatment plant in that direction, so they were going to take it from the Kaw Water Treatment Plant. He said this was one of the more economical ways to do it as opposed to going down all of the streets that it would take to get to 23<sup>rd</sup> and O'Connell.

Ciesielski said the 2003 Master Plan had two projects. One project was a second supply to North Lawrence and the second was a transmission main from this same plant running down 6<sup>th</sup> Street, Tennessee, 19<sup>th</sup> and trying to find a corridor in that area. Staff did a study with Burns and McDonald a professional engineering consultants and as they looked at available routes through the built up portion of downtown and East Lawrence and looked at the two projects together, when building a standalone second water supply to North Lawrence and build the transmission main through the environment between the Kaw Water Treatment Plant and 23<sup>rd</sup> and O'Connell as the ultimate location, it was actually more economical to go this route through some open area even with the river crossings that would have been to build the two separate projects.

Farmer said he read that wrong and phase 3 was the Southeast Lawrence.

Ciesielski said there was a phase 2. He said when it was first proposed it was proposed in 3 phases, population, growth and water demands drove those. He said that might be one big

projects or it could be set up in chunks. He said they had places that if they went with the intermediate phase they could tie back in and make use of that while they fund the third phase if necessary.

Farmer asked what kind of projected capacity would this give North Lawrence for the next 20 to 50 years.

Ciesielski they were currently served by a 16 inch pipe across the bridge. He said this was designed to provide not only in the event they didn't have the pipe on the bridge, that pipe could provide what was projected for southeast Lawrence as well as North Lawrence demands.

Corliss said one of the other keys was that it was important for fire protection too. He said that was a concern on only having one single source of water.

Ciesielski said that would be a follow up project at the completion of this current project with an assessment and possible rehabilitation of that line on the bridge.

Kris Adair, Wicked Broadband, said regarding the RFP for the evaluation of rehabilitation and replacement option for the Stratford Elevated Tank, they had extensive equipment located on top of Stratford Water Tower and wanted to see if something could be included in the RFP about working with existing vendors to make sure there was a smooth transition regardless if it was a rehabilitation or replacement.

Ted Boyle, President North Lawrence Improvement Association, said they had been hearing about this second waterline since 2003 in the master plan and they were asking when this would happen. He said they had a 16 inch waterline servicing North Lawrence and the northeast corner of North Lawrence, the water pressure was low, but it got better over the years when the waterlines were replaced and drug the blue PVC pipe through the ground. He said North Lawrence was looking forward to this second line because water pressure would be better and also the fire protection would be a great value. He said that anything that happened on the south side of the bridge around 6<sup>th</sup> and Vermont Street, they didn't have any water. He said this

was the best 5 million dollars spent besides the 5 or 6 million dollars on the pump at 5<sup>th</sup> and Maple.

Schumm and Riordan supported all of the Commission's actions. He said if the City had structures on top of the towers they should take that into consideration.

Dever said and request any contractors would need to work with the owners of that equipment in mitigating and minimizing any impact to their equipment.

**Moved by Riordan, seconded by Schumm,** to authorized staff to advertise a Request for proposals, RFP R1401, for Preliminary Engineering Services for Project UT1403 Evaluation of Rehabilitation and Replacement Options for the Stratford Elevated Tank; and add to the RFP that consultants work with private businesses that had equipment on top of those water towers. Motion carried unanimously.

**Moved by Riordan, seconded by Schumm,** to authorize the City Manager to Execute an Engineering Services Agreement in the amount of \$78,265.00 with HDR Engineering Inc. for Engineering Services for Project UT1307 Oread Water Storage Tanks and Booster Pump Station Replacement. Motion carried unanimously.

**Moved by Riordan, seconded by Schumm,** to authorize the City Manager to Execute an Engineering Services Agreement in the amount of \$54,185.00 with HDR Engineering Inc. for Engineering Services for Project UT1310 Booster Pumping Improvements. Motion carried unanimously.

**Moved by Riordan, seconded by Schumm,** to award Bid No. B1367 Project UT0701DS Kaw Water Treatment Plant Transmission Main Phase I to the low bidder Garney Companies, Inc. in the amount of \$5,669,409.00 and authorizing the City Manager to execute the construction contract. Also, authorizing the City Manager to execute Supplemental Agreement No. 2 to the existing Engineering Services Agreement with Burns & McDonnell in the amount of \$265,740.00 for construction phase engineering services in conjunction with project

UT0701DS Kaw Water Treatment Plant Transmission Main Phase I. Motion carried unanimously.

**Moved by Riordan, seconded by Schumm,** to authorize staff to negotiate a City – State Agreement with the Kansas Department of Transportation for the Construction of Department of Utilities Projects UT1205CS Contract 1 Sanitary Sewer Relocation and UT1205 Contract 2 Sanitary Sewer Relocation and Waterline Extension as required by the construction of the South Lawrence Trafficway. Motion carried unanimously.

**Moved by Riordan, seconded by Schumm,** to authorize the Mayor to enter into an agreement with Baker University for easements related to Project UT1304 Wakarusa Wastewater Treatment Plant and Conveyance Corridor Facilities in the amount of \$101,000 and including the construction of improvements as outlined in the agreement

5. **Consider adopting on first reading, Ordinance No. 8951, pertaining to the salary of City Commissioners and the Mayor of the City of Lawrence.**

Amyx said they had asked staff to run calculations based on consumer price index and also look at the general wage adjustment under the Memorandum of Understanding Agreements to come up with a reasonable adjustment for the City Commission and Mayor's salary. He said the CPI calculations based on the 1999 amounts received was 9,000 for City Commissioners and an extra \$10,000 for the Mayor's position calculated into a \$12,500 and \$13,900. He said they made similar comparisons under the MOU amounts and the most generous combination of the general wage amount was \$11,800 and \$13,100 for the mayor's position. He said they all received comments about the recommendation several weeks ago and to take into consideration that this was a tough job and put in a number of hours. It was compensation for public service work. He said he recommended that the City Commission salary to be \$13,000 and the Mayor \$14,500 a year. He said to receive this amount, a person had to be elected or re-elected into the position and that the City Commission review the salaries every two years. He said the amounts were based on 1999 versus today's dollars.

Dever said the employee salary history data showed 58.5% increase in pay over that same period of time which would reflect \$14,200 and \$15,800 and asked if Amyx ignored that on purpose.

Amyx said yes because in looking at this job by itself, based on the CPI, the 1999 amount of \$9,000 and \$10,000 those were real dollar amounts for 2013 and 2014.

Schumm said first of all they weren't talking about 2013, but 2015 and the conversation started a long time ago on what was fair to get more people to run for office and have the ability to take off work. He said look at the makeup of this Commission itself. There were 4 independently funded people with their own businesses and Farmer worked for a not-for-profit that had a flexibility in terms of getting away to do things. This Commission itself was a reflection of the fact that it was individual people that worked for themselves and had the opportunity to move out and do things and wanted to keep that as a point of reference because that was where this conversation all started. He said it hadn't been very well reported in context which needed to be kept in mind coupled with talking about 2015 and not 2013. He said he didn't disagree that the original salary they thought about was too high, but perhaps this amount should be a little bit higher than what Amyx was suggesting.

Farmer said just in doing some simple calculations the \$13,000 would equate to \$8.33 an hour and the \$14,500 would equate to \$9.29 an hour based on 30 hours a week. He said he agreed with Schumm 100% and the thing that was the most frustrating was to hear so many people say only independently wealthy business owners could do this job. He said to be frustrated with the makeup of it, but if they wanted that to change then they had to make a significant adjustment. He said he didn't run for City Commission based upon looking at the salary and trying to figure out if he could make it work and probably none of the Commissioners did. There would be people who either would or would not run based upon what the number was and they couldn't be public servants for the City, if they couldn't make the numbers work. He said he thought the \$13,000 and \$14,500 was way low and the \$20,000 and \$25,000 that

they talked about last time that would make someone able to run and get elected and do that job and still not get screwed from working an hourly job for their family to be in poverty. He said you're talking about \$26,000 dollars for someone who made minimum wage and had to work 20 to 30 hours a week on this job and that would barely put them above the poverty line. In his opinion, they were even still too low with where they needed to be. It wasn't the reason that they were all trying to get paid more, but if they ever wanted to see the makeup of this Commission change, they had to take some drastic measures in order for that to happen and to encourage other people to run. He said they heard that the makeup of the Commission would not change, but the community really wanted it to.

Mayor Dever called for public comment

Ted Boyle, North Lawrence Improvement Association, said let's talk about public service. He said he had been president of his neighborhood association for 20 years and it paid him the satisfaction when he walked out his front door and drove around his neighborhood noticing good things that were happen. He said that was what it paid him. He said if taking that in cash value that was worth a million bucks to him. He said the City Commission knew what they were getting into when signing up for this Commission. He said he agreed the Commission should be compensated, but he remembered a couple of years ago Congress in the economic remission, voted for a raise. He said the public comment was that with all the poor people and people out of jobs and yet, their governing bodies gave themselves a raise. He said he wasn't saying that the Commission wasn't worth \$20,000 or \$25,000 a year, but suggested doing it in stages. He said he would suggest \$15,000 for the Commissioners and \$18,000 for the Mayor to start with and think about it in a couple of years and look at it again.

K.T Walsh said she understood that the Commission had received a lot of blow back about this issue and would argue that this was a long way from the people in Washington DC asking for a raise. She said this was a smaller City in Kansas and was happy with Farmer's comments and why she supported a raise and a healthy raise which took courage. It was to

make the position available to more people so that they had all of Lawrence represented on the City and County Commissions. She said Farmer had a good grasp on what the poverty level was and what a person needed to make to get food stamps. Again, it would take courage, but if doing it in stages and review the amount every two years, the Commission would have to face all that blow back again from the citizens. She said she thought the job was worth it and the Commissioners and Mayor worked hard and spent a lot of their own money. She said people didn't know what the Commissioner's or Mayor did and had a hard time supporting the fact that they needed to get paid for what they did. It was a job and was public service, but they were held accountable and were government. She said she really hoped the Commission would adhere to the hire numbers talked about two weeks ago and not back down.

Melinda Henderson said she appreciated seeking the CPI data that staff added to the agenda this afternoon. She said she was primarily looking at federal poverty data. She said what was interesting was when she was calculating the percentage increases she came up with about 40% between 1999 and 2013 as well and 40% seemed like a good place to start. Based on this current conversation and other comments it was definitely important to try and increase the salary to get a broader representation not just of candidates, but of actual Commissioners. If they could show that a salary increase was justified to encourage that kind of diversity, hopefully it would help silence some of the critics. She said she appreciated all the work the City Commission did and thought she had a fairly good idea the amount of work that was involved over the years. She said what was most discouraging, was that Sue Hack was the last female commissioner and the Commission was made up of 5 white guys that either owned their own company or were salaried. She said it had to change if wanting to see the diversity change and she appreciated the fact that the Commission was trying to do this. She said she would suggest talking to other candidates that had run in the past or have a study session, get feedback from the people who might want to consider running and how the salary would affect their running for Commission.

She said she went to the Health and Human Services website and found the poverty data from 1999 through 2003, for an individual and for a family of 3. The reason she chose a family of 3 was because that was what the City's living wage ordinance was based on. The living wage was 130% of the poverty level. She said for an individual it was up to \$11,490 and with a family of 3, she took the individual and added two people which were \$19,530. She said because Farmer understood the poverty level really well she asked what level should she should look at and Farmer suggested 185% because that was a trigger for some benefits. She said she collapsed everything and came up with the different poverty levels and the difference between a family of 3 and the individual and what the middle that would be. She said she had the 2013 data with a 40% increase and had what it was for a family of 3, an individual, in between a family of 3 an individual and if going with the \$12,600 which was a straight 40% increase from the \$9,000. She also showed the 100%, 130%, 150%, 185% and 200% poverty level and those numbers might help the Commission as far as gaging what an hourly and annual wage would be and look at in comparison to what the poverty level was. It was very important for the Commission to see that at 130% of the poverty level, that was the number that was tied to tax abatements and those companies had to guarantee to pay that hourly rate for a family of 3. She said she would also suggest figuring out some type of index to tie this to so it didn't need to be revisited.

Diane Menzie said she was a union steward and a union president when she worked in her career with the post office and knew what a thankless job it was no matter how many hours spent. She said they were paid \$200 a year and had all their traveling expenses per diem covered and all they ever got back as an officer in their local union was their union wages. She said they didn't do it for the money or the glory, but did it because they thought they were the right person for the job and thought they could make a difference, listen to people and though they could put their own spin on it as to how they wanted things to be done. She said she did grievances at the national and regional levels and sometimes she was effective and sometimes

she was not. She said anyone that had ran for City Commission she thought they had a nice assortment of candidates. She said the cap for running for Commissioner was a great idea. She said the Commission spent an incredible amount of time with energy and emotions. She said whatever the Commission felt was appropriate, she agreed it would get more people in to run, but they didn't run for the money, but because that was who they were.

Dever said he would like to address the number of hours that they were using to calculate their hourly wage. He said they couldn't debate that number and would say some people spend less and some people spend more. He said an average number was reasonable to use. Everyone had underscored that they didn't run for the money, but the Commission would like to make it so at least whatever the amount was identified as equal to or greater than what it was worth in 1999, as well as bringing the ability for someone that had an hourly job to take time off that job to do this job. He said he wasn't sure how to achieve that, but he did know that this was a public servant position and some of it was pro bono and did it for the love of the company, the love of the City, and for the love the agency a person worked for. He said he wasn't sure how to address this issue moving forward, but the bottom of what they were discussing needed to be a 40% increase based on the CPI, and otherwise he was open.

Riordan said he didn't think any Commissioner did it for the money, but he didn't want the people to not do it because of the money. He said they wanted diversity and this was one way to do that. The \$20,000 and \$25,000 was too much and didn't know if \$13,000 was enough, but he could live with that. He said he was thinking of a higher number, but it wouldn't affect this Commission because it would take care after words and that was an important part. He said it needed to be an adequate amount so people weren't dissuaded from running because it was so expensive and to look at a cap at a later time would be fine, but it wasn't in the ball park tonight. He said he would be opened to some compromise.

Schumm said when looking at the employee salary history and that number came in at 58.5% and if you extrapolate that out to 2015, then you could come to \$15,000 and give the

Mayor another \$3,000 which was reasonable and move forward. It was basically the status quo for 1999 based on the all salary index for City Hall. He said it was fair and would probably provide enough for someone that wanted to run for Commission if they had a money concern. He said that was a little bit more than the CPI that Amyx was talking about.

Riordan said he could live with that in the fact that it was the same as the City employees. It took into account that it won't take effect for 2 years which was a good thing.

Farmer said to be clear, what the Commission was suggesting was something at 20 hours a week, not 30 was 130% of federal poverty level which would qualify a person for food stamps and every other federal program that existed. He said at 20 hours a week at \$15,000 a year, if the point was to get more people to run, that won't do it.

Dever said Farmer's math assumed that all hours require for this job take away from their 40 hour a week job which he disagreed because a lot of the time requirements was after hours and those hours were not during the 9-5 hours. He said most people work and there were some hours during the 40 hour week, but it was a requirement, especially if becoming the Mayor. He said he was calculating in considering what work would be pro bono and being afforded the option to serve as a public servant. He said 10 of those hours were probably during the day and 10 hours were at night, during the week. He said he changed his numbers and view point around. It was a 20 hour job and he wasn't saying that the Commission shouldn't be paid, but it wasn't taking away from their ability to earn during the day.

Farmer said if you have an 8-5 job.

Dever said yes or switch it around where there was 10 hours during the day, Tuesday night's City Commission meetings and could do other stuff during free time during the day when a person was sleeping or waking up from their shift.

Farmer said he wasn't sure that this accomplished what the Commission set out to accomplish. He said it didn't matter to him or the Commission, but it might matter to someone else. He said if that was what they could live with then he suggested doing that because it was

better than what it was now. He agreed that giving back to your community was important, but some people didn't have the luxury of stepping out when someone calls you.

Dever said he didn't know how they would go to this point without taking transitional steps to get there and weighing the impact of what they had done. He said they had waited almost 15 years to make this decision and didn't know if it could be done all at once. He said from a palatable and acceptable business concept, he didn't know how comfortable he was with that. He said he didn't have a problem if the Commission wanted to vote \$20,000 and \$25,000, but what he did have a problem with was making sure they justified the numbers and the impact of community service being part voluntary and part paid and not all paid. He said this wasn't a fulltime job, but their volunteer service and they also needed to be compensated for time away.

Farmer said he wasn't trying to belabor the point, but just to say on the basis of 10 or 20 hours a week that was pretty unfair comparison when talking about justifying numbers. He said there were out-of-pocket costs to being a Commission that was their voluntary giving to this position, but someone else wouldn't have that luxury.

Amyx said one of the important comments was being able to tie this to something and whether you tie it to the CPI, employee salary or some combination, there were possibilities. He said he had a question about this change in salary being 2 years out. He said he wasn't going to vote for a raise himself on money that he could receive and should come in to affect when someone wins a seat on the Commission or if running for re-election. He said he would abstain from the vote.

Schumm said it might be a little odd having 2 different salaries, but on the other hand they would be newly elected in order to come under the new pay guidelines.

Dever said the only other option was to restructure the whole concept, move forward and put something like this to a public vote in the future. He said what they were doing was rethinking the position and rethinking the pay. Up to this point, it had been this way for 50 years and was that a way to make it effective and a community willing to change. He said this was a

pretty serious policy change that the Commission would want to make sure they follow and alter with the proper measures. The City of Olathe raised it to 1,000 a month for Commissioners and 2,000 a month for the Mayor who was elected and hadn't changed it since 1999. He said former Commissioner Cromwell's point was that they were not paid enough to even cover their basic expenses.

Schumm said this was consuming too much of their time and there was too much energy they were using on this issue rather than some other issues. He said if you tie it to the salary index of the City, look at 2015 instead of 2013 and you could get to \$15,000 very easily for the Commissioner and the job of Mayor was worth \$3,000 a year more. It was literally on some weeks twice the amount of time.

Amyx said another rule would be that someone needed to be elected or re-elected.

Schumm said he would add that also that a Commissioner needed to be re-elected in order to receive the higher salary rate. Therefore, you would have some people start in 2015 and some in 2017.

Amyx said there would be a review every two years.

Corliss said the Commission directed staff to draft an ordinance that had the Commission salary at \$15,000, Mayor's salary at \$18,000, did not impact currently sitting City Commissioners and it would be reviewed every 2 years.

**Moved by Schumm, seconded by Riordan,** to direct staff to redraft, Ordinance No. 8951, pertaining to the salary of City Commissioners and the Mayor of the City of Lawrence and place on later agenda. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Melinda Henderson said she wanted to address putting a cap on spending limits for City Commission elections. She said she emailed David Corliss, City Manager, and Toni Wheeler, City Attorney, about whether that was possible because that was set by state statute and didn't know that everyone suggesting that cap was aware of that statute.

Corliss said his preference was if the Commission wanted staff to research the cap issue that to direct staff to research it. He said he was not as familiar with local government campaign finance laws.

Dever said he was directing staff to research if there was any legal way for that cap to be achieved.

Corliss said he would pass that information on to the City Attorney.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Farmer said they just adopted the road map to the Lawrence/Douglas County Health Plan. He said he had been in conversations with the Chair of the Social Service Advisory Board to use the community health plans for framework for how they structure funding requests for 2014. He said that would be a good first step to view how the city allocated its dollars based upon what this community had set their health goals on. He said he would propose having the Chair of that committee work with Cynthia Wagner, Assistant City Manager, to come up with some guidelines and structures for how they would propose allocating funding based upon the community health plan and what the Commission adopted a few weeks ago.

Dever said he thought that Farmer was asking to fund based on the goal set forth by the policy, but Farmer was saying that group would make that recommendation or they would still allow the City's existing group that took the tax dollars and allocated those dollars.

Riordan said Farmer wanted them to be guided by that document.

Farmer said correct.

Schumm asked if next week they were going to have the discussion on the Cultural District.

Corliss said that was coming next week and rental registration was not coming next week. He said they would be posting the ordinance this Thursday, January 9<sup>th</sup>, for two weeks and having the discussion on January 28<sup>th</sup>.

**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 Riordan,** to adjourn at 10:21 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON AUGUST 12, 2014.**

  
Diane M. Trybom (City Clerk)