



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM
MICHAEL DEVER

June 24, 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 Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA

Amyx pulled item 2, approval of claims to 221 vendors, from the consent agenda for separate discussion.

Schumm pulled item 6e, adopt on second and final reading Ordinance No. 8998, for Special Use Permit (SUP-14-00049) to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St., from the consent agenda for separate discussion.

It was moved by Schumm, seconded by Riordan, to approve the consent agenda as below minus items 2 and 6e. Motion carried unanimously.

1. Received minutes from Historic Resources Commission meeting of 12/19/13, 01/16/14, 02/20/14, and 03/20/14, and, Horizon 2020 Steering Committee meeting of 05/12/14.
2. THIS ITEM WAS PULLED FORM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved claims to 221 vendors in the amount of \$5,439,830.60.
3. Approved Drinking Establishment licenses for Montana Mikes Steakhouse, 1015 Iowa St., KU Memorial Unions, 1301 Jayhawk Blvd and Wayne & Larry's Sports Bar, 933 Iowa St. as recommended by the City Clerk's Office.
4. Approved appointments to the Public Transit Advisory Committee: Jenny Erice as the KU student representative and Heather Thies to a position that expires 12/31/14, as recommended by the Mayor.



5. Bid and purchase items:
 - a) Awarded the bid for Project PW1413, Airport Improvements (consisting of safety improvements and upgrades to the lighting and signage systems), to Capital Electric in the amount of \$219,745.
 - b) Authorized the Mayor to sign Authority to Award Contract and commitment of \$45,777.65 in city funds for Project Number PW1302, 9th Street from Avalon to Arkansas.
 - c) Authorized the City Manager to sign a contract with MTS Contracting for \$312,700 to complete the Carnegie Building roof and parapet wall restoration and repair project.
 - d) Authorized expenditure of \$125,000 for the City share of roof repair and engineering design work at the Bioscience and Technology Business Center (BTBC) west facility at 4950 Research Park Drive. (The City and Douglas County jointly own the building and would share equally in the expenses.)
 - e) Approved the expenditure of library bond funds for the library return move to 707 Vermont in the amount of \$18,445 (library to pay Professional Moving and Storage for the return moving services).
 - f) Awarded Bid No. B1437 for miscellaneous kitchen equipment for the new recreation facility at Rock Chalk Park, to Muckenthaler, Inc., for a total of \$30,920.
 - g) Approved the change order and authorize payment to Bliss Sports for electrical outlets, pickleball striping, and a waterline to the tennis facility being constructed at Rock Chalk Park, for \$6,150.
6. Adopted on second and final reading, the following ordinances:
 - a) Ordinance No. 8995, to rezone (Z-14-00097), approximately 1.7 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 701 E 19th St. (PC Item 7; approved 9-0 on 5/21/14)
 - b) Ordinance No. 8996, to rezone (Z-14-00108) approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) District, located at 2900 & 2920 Haskell Ave. (PC Item 9A; approved 8-0-1 on 5/21/14)
 - c) Ordinance No. 8997, for Special Use Permit (SUP-14-00110), for an Institutional Development Plan for the Lawrence College and Career Center, located at 2900 & 2920 Haskell Ave. (PC Item 9C; approved 8-0-1 on 5/21/14)
 - d) Ordinance No. 8702, to rezone (Z-06-08-07), approximately 15 acres for Bauer Farm Planned Residential Development from PRD-2 (Planned

Residential Development) District to PD-Bauer Farm (Planned Development) District with maximum density limited to 25 dwelling units per acre, located on the north side of W 6th Street between Champion Lane and Folks Road. *Rezoning approved by City Commission on 8/28/07. This ordinance is the completion of that rezoning request.*

- e) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Ordinance No. 8998, for Special Use Permit (SUP-14-00049) to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St. (PC Item 8; approved 7-2 on 5/21/14)
 - f) Ordinance No. 9003, allowing the possession and consumption of alcohol on the 700 block of Vermont Street adjacent to the Lawrence Public Library on Thursday June 26, 2014, from 5:00 p.m. – 10:00 p.m., for Sneak Peek Party.
 - g) Ordinance No. 9006, allowing the sell, possession and consumption of alcohol on 7th Street, between Kentucky Street and Tennessee Street, on Friday, July 4, 2014, from 12:00 p.m. – 11:59 p.m. for the Lawrence Originals July 4th event.
 - h) Ordinance No. 9007, allowing the sale, possession and consumption alcohol on the 700 block of Vermont Street adjacent to the Lawrence Public Library on Thursday August 7, 2014, from 1:30 p.m. – 11:30 p.m., for the Downtown Film Festival.
7. Approved a Site Plan, SP-14-00156, for sidewalk hospitality area for Ingredient/Five Bar & Tables located at 945-947 Massachusetts Street. Submitted by Clark Huesemann for 1908 Realty LLC, property owner of record.
 8. Authorized the City Manager to sign a railroad license agreement for the Maple Street Pump Station Project at 6th Street and Maple Street.
 9. **REMOVED BY APPLICANT** ~~Approved a street event permit for The Sir McLemore Summer Slam Event, Saturday July 26, 2014 involving a closure of the northbound and southbound lanes of Massachusetts Street between South Park Street and 9th Street in downtown from 8:00 a.m. – 9:00 a.m.~~
 10. Approved as “signs of community interest”, a request from the Douglas County Fair Board to place five (5) signs promoting the Douglas County Fair, from July 24 to August 3, 2014.
 11. Received a request from Paul Warner Architects, on behalf of Lawrence Bank, for the exclusive temporary use of two (2) parking spaces on the south side of East 8th Street, immediately east of Massachusetts Street and referred request to staff for report.

Regarding item number 2, approval of claims to 221 vendors, Rock Chalk Park related claims were voted on separately.

Moved by Riordan, seconded Farmer, to approve non-Rock Chalk Park related claims to 219 vendors in the amount of \$4,408,246.00. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve Rock Chalk Park related claims to 2 vendors in the amount of \$1,031,584.60. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

Regarding item number 6e, Ordinance No. 8998, for Special Use Permit (SUP-14-00049) to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St., Schumm asked it be pulled because he was absent and had not been part of the discussion.

Moved by Dever, seconded by Farmer, to approve on second and final reading Ordinance No. 8998, for Special Use Permit (SUP-14-00049) to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St. (PC Item 8; approved 7-2 on 5/21/14). Aye: Amyx, Dever, Farmer and Riordan. Abstain: Schumm. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered a request to allow increased occupancy during cold weather periods at the Lawrence Community Shelter. SUP-1-3-10, the Special Use Permit for LCS, currently caps the shelter's occupancy to 125 people. The request was to allow up to 140 guests when nighttime temperatures were 32 degrees or lower. The Lawrence Community Shelter is located at 3655 East 25th Street.**

Sheila Stogsdill, Planner, presented the staff report.

Amyx said, as we talked about yesterday in an agenda meeting, it does not have to go back before the planning commission for a simple change in one of the conditions.

Stogsdill said right because this is not substantive change in programming or adding additional types of uses to the property. The code sets out the certain types of things the City Commission is able to amend. The development code parameters are well exceeded in the physical building. What we had to focus on were the building and fire code limitations. Those limitations are based on local fire amendments for square footage per person which would, technically, allow 178 beds. However, the plumbing fixtures have a ratio that limits you down to 140. While there were some plumbing fixtures in another part of the building, that's not part of the area that is currently designated for sleeping use. And, you would have to go through a storage area to get those fixtures. The showers were especially the limiting ratio. That was why the request was reduced from 160 to 140. Stogsdill discussed the floor plan presented in the commissioners packet and on the screen. The highlighted areas are the areas rated for dormitory style sleeping. That is where they get the calculation that allows up to 140. On paper there is the ability to house additional folks in the yellow rated areas. It, specifically, does not allow sleeping in the day room or cafeteria areas because those are not fully fire separated spaces. Staff has recommended approval and if you choose to make this an amendment it would go from one cold weather season to another. You wouldn't see it every year as a separate request.

Schumm said it looked like, according to the development code that was listed, they follow the requirements for 140 guests year round.

Stogsdill said their request was, specifically, capped in the ordinance that approved the shelter at 125. The request is not for an all year round.

Schumm asked if per the development code the occupancy could be 140.

Stogsdill said yes.

Mayor Amyx called for public comment.

Loring Henderson, former director of The Lawrence Community Shelter, said he is speaking primarily because he was the one who submitted the application in April while he was

still the director. And, he was there during the last winter before Steven was involved with the Shelter. We are at the number of 125 fairly often, even in nice weather, and it's prudent to plan ahead to get the number up. When he submitted the original letter, the way he read the code, maybe it was just wishful thinking, he was hoping they could do 160, although, it did seem to require a waiver for the showers. After meeting with staff, and having the walk through, they agreed to the 140 number and submitted amending the request to 140. They have had, under the Good Management Plan, meetings with the Good Neighbor Committee and advised them of this increase through face to face meetings, a letter and email. He doesn't believe anyone is there tonight, nor has he heard any comments from, the committee. This is going to be a bit of juggling issue as far a space but they will work it out. It will probably be mats instead of beds but they have good mats they can use which gives them more flexibility. This is a temporary situation. It will only be on those nights when it's 32 degrees or lower.

Amyx asked if they are still using the churches.

Henderson said they haven't been using the churches and aren't proposing to use the churches. There are logistical issues that would make that complicated.

Brad Cook said he wanted to support, and request the commission approve, the request to increase the number to 140 in the winter months because ultimately it's an issue of saving lives. The part of the job that is the hardest is turning people away. Telling them you can't stay here, we're full. In the summer you hope they will be OK because it's warm out. In the winter you don't have that sense because you never know how cold it is, where they are going to go at night or if they are going to die, or did I just send someone outside to die? It's a horrible feeling. If we can give 15 more people the opportunity to be safe that is an awesome idea.

Richard Schultesaid he hesitates to speak because he lives at the shelter. He expects that he will be homeless tonight or tomorrow, thrown out. Speaking for himself, he is concerned about the number of plumbing fixtures. On the men's side there are 2 toilets. According to plumbing code, one fixture for each 10 people, urinals will substitute so that would be 40 males

maximum. Plumbing code was enacted by the City of Lawrence for health and safety and that needs to be considered. This January there was a food poisoning incident at the shelter. We had 2 toilet fixtures for 40 males, perhaps more with diarrhea and vomiting. Please consider the residents and the plumbing code when considering this proposal.

Amyx asked McCullough if we have a response to possible plumbing code violations. Did we look at any of those when we went through the project?

McCullough said they did a full review of the premises and the code to determine that the 140 is code compliant. That was part of the limiting factor that we couldn't exceed 140.

Amyx said he would definitely want to make sure there was adequate plumbing, no violations existed and that public welfare and health are taken into consideration. He doesn't have a problem with increasing the number but let's do a final look to make sure we have addressed any potential violations that might be there.

Amyx asked if they needed to direct staff to prepare an ordinance.

Corliss said correct.

Schumm said he does a lot of outside activities. Obviously, 32 degrees was chosen because that's freezing but at 40 degrees, and below, if you spend the night outside, you're pretty darn cold. If the wind kicks up its colder at 35 degrees than it is at 32 degrees and no wind. Is there consideration at a 40 degree temperature mark instead of 32. Between 32 and 40 the wind chill has a tremendous effect on people. I would hate to see us turning people away when it's blowing 20 miles an hour outside and it's 38 degrees. I would stand to adjust that to 40 degrees and below.

Amyx said we can do that. He asked if they needed to go back through the process of informing adjoining properties and neighbors.

McCullough said he didn't believe they did. We provided notice of this hearing tonight and it's under your purview and discretion to create the condition that you feel appropriate.

Moved by Schumm, seconded by Farmer, to approve request to amend SUP-1-3-10 to increase the overnight occupancy to a total of 140 guests during cold weather defined as when nighttime temperatures are 40 degrees or lower, direct staff to draft a revised ordinance to replace Ordinance No. 8500 to reflect the increased occupancy during cold weather and direct staff to make a determination on adequate plumbing and any possible violations. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

2. **Received a staff report and considered awarding City Bid No. B1439, Wakarusa Drive, North of Oread West to North of Inverness Drive, to R.D. Johnson Excavating Co., Inc. in the amount of \$1,820,016.10.**

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

Mayor Amyx called for public comment.

Amyx said if we go ahead and begin with this project we are going to be slowing traffic on one more north and south route, on a major thoroughfare. Give the timing as to when some of these projects will end so that everybody has an idea as to when they are going to start and when they're going to end. He asked Soules if his recommendation was to proceed with the RD Johnson bid at this time.

Soules said the bids are very good, very competitive, came in under the engineers estimate. We've got a good contractor that is very aware of the 'local issues', getting projects done, getting them done on time. RD Johnson Excavating has been very good to work with and very good about getting jobs completed.

Carl Gallagher, 1129 Williamsburg Ct., said his back yard is one of the 4 properties being taken and one of the 3 where we are still arguing over property values. I've come to talk to you about something different. It has mostly to do with finances. What did our assessed valuation, was there an increase in the assessed valuation this year?

Corliss said he needed to address the commission.

Amyx said they would get him an answer, we got it today, 2 percent.

Gallagher said he read today we have problems with the roof at the Carnegie Library which is about \$300,000.00. With a 2 percent increase in assessed valuation, anybody whose property value went up, even if you don't raise the mil levy, their taxes are going up. If you're talking about raising a mil levy another mil and half or more, taxes go up yet again. I looked at your November, 2013 business with this roundabout and it looks like what we are doing with this is assuming there is going to be a problem with this intersection 5 to 10 years from now. You're going to put in an intersection down off the South Lawrence Trafficway to come down Bob Billings Parkway, which will now be the gateway to the University of Kansas. Do we really need to spend this money on a roundabout, or traffic lights, or anything at this intersection now? What I would like for you to think about before you proceed with this, and go ahead and spend the \$350,000.00 to whatever it ends up being, do you really need to do it? I don't know if the city is currently doing hotel and restaurant inspections. If you're not, you probably will be soon. It will be another one of those things, the state of Kansas is going to give you an unfunded mandate, you take care of it because we're not going to raise the money to do it. The school district is saying they don't think they are going to need to raise taxes to make up for the money they're losing under the latest school finance issues. I hope that's right. There is going to be financial stresses on people all along and you can help a little bit if we look at this holistically. Spend the money we need to spend, don't spend the money to solve a problem that may, or may not, exist 10 years from now.

Garrett Tufty said he has spoken various other times about the repaving and redoing roads. It seems in grand excess. A lot of it is unnecessary, especially if it has to do with problems that are 'to be expected' from 5 to 10 years from now. The money could definitely be put in some very good places. For instance, money that is spent towards health, or education, or the sorts of things that people actively do without financial incentive. Putting money toward that will actually have much more of a beneficial effect for the people in this city. I hope you will

be cautious when it comes to redoing the present roads and the infrastructure that we do have. It was built well to begin with. It reminds me of someone who likes to keep their grass cut short and whenever it gets to an inch above that they run back out with their mower and burn the whole thing again, completely unnecessarily. You wait a little longer and you'll use half as much gas.

Amyx said Gwen had asked him for extra time. He asked her to present comments and she provided her correspondence earlier.

Gwendolyn Kleng said she is from the West Lawrence Neighborhood Association. They are concerned about the actual street at Harvard and Wakarusa. They have been told what's going to be done at Inverness is going to be done at Harvard. She presented a map from the Federal Highway Association of what a roundabout is supposed to look like when you have 2 and 1, otherwise 4 lanes and 2 lanes. This does not fit in the area that they are talking about, only 10 feet on either side more. I was told 150 is what you are trying to do but it is actually up to 300 feet. I found site constraints on the same place; physical complications such as right of way limitations, bottle neck issues, intersection located on arterial street within a coordinated signal network, and the one that gets me the most is those with highly unbalanced traffic flows, which is what we have. If you would try to keep the roundabout in the size it is now, the map that I drew is pretty accurate. Unless, you something that is required by the FHA which is far bigger. The other concern is the commercial to the north that our neighborhood uses. If we have trouble getting onto Wakarusa we will have even more trouble getting back on Wakarusa from Dillons. There is no way to get on 6th street or Wakarusa if the traffic from 15th to 6th street is continuous with nothing to stop it. We need to take into consideration those people who live north of 6th street. They use the commercial district also. They will have the opposite problem trying to get in from the east. If it forces the traffic out onto Congressional you end up having to try back through the back of the commercial shops which those businesses wouldn't appreciate. She referred to the map for a visual. We ask that you give us a couple of years to see if the

Wakarusa and Inverness roundabout even works and can handle more traffic. And, that you take great concern to protect the businesses at that intersection at 6th. I was told by one of the engineers that Clearwater, Florida has a great, 2 lane roundabout. I took a look at it and it's very large. She read from the Clearwater paper, "Though the city hired a roundabout expert to design the traffic circle, it is now generally accepted that the roundabout was squeezed into a space that was too small for it making the circles turning radius too tight and the exits too close." I'm asking that you really reconsider what you are doing.

Amyx asked David, in response to questions that Gwen had, has there been decisions made on what's going to happen at Harvard.

Corliss said the only decision that would be made, will be made by the commissioners in regards to that road. In the draft Capital Improvement Plan we have in 2016 design work for Wakarusa, Inverness to 6th and in 2017 to do reconstruction work. That has not been adopted but that is what we have in our working draft. We haven't made any final decisions in regards to Harvard and Wakarusa. That will be the commission's decision.

Amyx said, at minimum, we're 2 years out.

Corliss said we don't have plans to do any road construction work on Wakarusa, or any design work, in 2015. We don't have plans to do any construction work on Wakarusa in 2016. We would start planning in 2016 and in 2017 we would do reconstruction if we follow this plan. The other piece of information that would be of interest in that general area is that in the draft Capital Improvement Budget we have a planned special assessment benefit district to put in a traffic signal at 6th and Champion. \$250,000.00 of that would be city at large, where we would be reimbursed through the KDOT turn-back agreement. Anything over \$250,000.00 would then be paid for by the property north and south. We don't think it will be much above that but we don't have any city funds in that. I'm not saying that solves the problems at Wakarusa. It does provide access from the Westgate Dillons node to be able to make left turns at a protected traffic signal.

Schumm said there were 2 or 3 speakers that questioned the need for this improvement and if staff could address what the need is at the moment and what the need looks like in the near future.

Dave Cronin, City Engineer, said when they looked at designing the primary scope of the projects to reconstruct the pavement they anticipate future traffic projections and traffic growth to occur on Wakarusa and at this intersection. There is still some potential development that could occur to the West. We feel that traffic will continue to grow and that at some point there will be a need for intersection improvements, a roundabout or traffic signal. We looked at both of those concepts and wanted to do the pavement reconstruction project to be in-line with what we felt a future intersection improvement would dictate or need. We do not want to have to re-do another project and retro-fit something when we've already reconstructed the pavement. The concrete streets we anticipate lasting 40 plus years. We feel the roundabout will operate more efficiently, safer and accommodate future growth.

Schumm asked if he could address the size of the roundabout.

Cronin said for the design guidelines they followed the Federal ASHTO standards for geometric design and the size, KDOT has a roundabout guide they followed. It is a very good reference for determining appropriate size for different roundabouts. It is a hybrid intersection, not 2 lanes all the way around, but 2 lanes on the main street and one on the side street. The size of this roundabout is within the design guidelines for KDOT approved design standards and Federal ASHTO standards. KDOT has a technical group that reviews the plans. When they reviewed this plan they did not have any comments on the size, the lane configurations or the taper lengths. They felt it was appropriately designed.

Dever asked Cronin where the dimensions that Gwen was referencing were coming from.

Cronin said he did not know. He said she mentioned 300 feet and he did not know where that came from. Cronin said the inscribed diameter is 150 foot which is in the appropriate

size range. It is comparable to similarly designed roundabouts in other communities we looked at. Depending on what route they are on they can be larger, state highways or for accommodating trucks. For a city street, for this project, it is appropriately sized and meets standards.

Schumm said it seems like with increased speed limit you would want a larger roundabout. At 30 mile an hour you can use a smaller roundabout easier than at 50 miles an hour.

Cronin said it depends on the geometrics of the approach. The smaller the roundabout it could have higher speeds because there is not as much of a taper to get around the roundabout. If we make it smaller it would increase speeds because you don't have to make as big of a turn. This is designed at 20 miles an hour so it will slow people down but designed to keep people moving.

Riordan asked Cronin to comment on the ability for fire trucks and large vehicles to get through this.

Cronin said fire trucks, and large trucks, will be able to negotiate all turning movements of the roundabout. There will be the standard apron which is for large trucks to negotiate the roundabout. They will use the truck apron as part of the turning radius.

Riordan said he heard several comments about if we don't do this project we would have extra money to do other projects, which we would love to do. He asked Cronin to comment on this. Since this is transportation money, would that be available for projects outside of transportation?

Cronin said the money that is allocated to this project is from the infrastructure sales tax. There are clear outlines that the money should be spent on transportation related items. It is within the guidelines of what the sales tax was approved for. It would not be applicable for roofs or other types of projects. It is related to transportation and, more specifically, improving pavement condition. I think one of the big pushes for it was improving pavement.

Soules said he wanted to add that Wakarusa needs to be re-built. We're going to have to do it one way or the other. Staff has looked at the traffic volumes. It's a 40 year design. Coming back in 5, or 10, years to tear that intersection out would be a waste. We need to re-build it now. We can wait but we're going to have to maintain it significantly. The curbs are in bad shape, the gutter pans. We continue to go out there for pavement failures all the time. Our crews are out there a lot to keep the road open. Another bad winter and we could end up like Kasold. It just fell apart in the middle of winter and we had no way to do anything with it. We are going to have to spend money on Wakarusa. We can patch it together and get it by for another year and spend more. But, I thought the decision was to go ahead with the infrastructure sales tax and make good, lasting improvements. That is what we have been doing with Kasold, Bob Billings and Iowa.

Riordan said people were questioning if this was necessary to do at this nice. The question was whether the roundabout was something we should do or not.

Amyx asked Gwen to answer the question Dever had about where her information came from.

Gwen said she got it off the Federal Highway Association booklet about roundabouts.

Amyx said his only question about the roadway is the roundabout. He said he would like to have, looking at Kasold from Bob Billings south to 22nd Street and the design of that concrete road, is the amount of money that has been saved over the last 6 or 7 years compared to the time that we're spending on overlay on that roadway trying to keep it up. There is something to be said for the concrete design that we're using today versus the street that we had there before. It's got to be an incredible amount of money that is being spent.

Soules said it is not only the money that we spend its the staffs time, the crews, the street departments. They're not out on Kasold every single day fixing that road. They can fix other roads and can get to a lot of the smaller projects like residential needs as well. The arterial streets could carry a lot of traffic, a lot of heavy traffic. Wakarusa is the same. If we

were to change the design of the roundabout we would have operation and maintenance of a signal. The intersection would be widened. We looked at all this and provided those options to the commission to look at last year. The roundabout is an efficient and safe way to go and will be there for a long time in the future.

Amyx asked if the commission was ready to consider the item as is, with no changes to the design.

Dever said the other option is putting in signals, which would cost more.

Amyx said he liked the stop sign.

Dever said stop signs are an option but they're not as efficient.

Amyx said his problem has always been a roundabout at that point. If you want to pull the roundabout out, I'll vote for the road.

Dever said the road is in bad shape and embarrassing. We need to do something. The acquisition of the right-of-way seems to be the biggest problem. If we can't do that we'll have to put it off another year.

Amyx asked if we proceed with this tonight the right-of-way will be acquired.

Corliss a said we are acquiring the right-of-way. We are going through eminent domain proceedings right now. We will be filing on that while still talking to the property owners. And, looking for ways to still get the contractor in the field doing everything they can to keep traffic moving and the road work accomplished this year.

Moved by Farmer, seconded by Riordan, to receive a staff report and award City Bid No. B1439, Wakarusa Drive, North of Oread West to North of Inverness Drive, to R.D. Johnson Excavating Co., Inc. in the amount of \$1,820,016.10. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

3. **Received a staff report and considered adoption of Ordinances repealing City knife and gun regulations.**

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

Amyx asked if we don't repeal our current ordinances what kind of position does it place our police department in, in trying to carry out the state law or the laws that will exist.

Kaminska said the police officers are sworn to uphold and enforce the laws. By leaving something like this on the books it might create some confusion within the police department. Of course, we would train over it and inform them. There is always a risk that somebody might not know about it and enforce criminal carrying, concealed carrying of a weapon or weapon near a bar and that will create a problem. It will get sent to the prosecutor's office and then the prosecutor will have to dismiss it because it would be an invalid law.

Mayor Amyx called for public comment.

Schumm said for him nothing has changed. I will not vote to approve an ordinance that I think puts people at risk. We had a woman stabbed in the neck last night at a bar here in town. I can't do it. I still say, if we are in leadership positions, you have to stand up, and state your position, and not back down from it. All this additional gun carry, and knife carry, is going to be harmful to the citizens of the City of Lawrence and I cannot vote to support that.

Farmer asked Corliss if there are any legal challenges that we could challenge the state on as far as the constitutionality of this ordinance. Could we sue the state? That would be sending a bold statement.

Corliss said the City Attorney and Assistant City Attorney, will confirm this, in our analysis of this legislation we don't see any legal grounds to challenge it in a lawsuit. Completely understand, and agree, with the statements about its appropriateness but we don't see any legal grounds to challenge it.

Toni Wheeler, City Attorney, said her staff has considered this question, and conferred with other cities, and she agrees with Dave Corliss that they are not recommending such an action at this time. We don't think it would be successful.

Amyx said he tends to agree with Schumm and his comments that he makes. We take these oaths of office, and we take them very seriously, about protecting the public health, safety

and welfare of the citizens of our community. If we do nothing, at this point, and we decide that our ordinances are going to stand, and stand on their own, what happens? Do we hurt our ability to protect the public safety.

Wheeler said the law that you are responding to was a law that was enacted by the State Legislature. I suppose any responsibility for actions to the public health and welfare would rest with Kansas Legislature. As Maria said, they have passed a law and our prosecutors could not prosecute, under our city code, because it would be contrary to state law. If it is left on the books, it would be a formality, it would not be something the police could enforce or the prosecutors could prosecute. There is the concern that it would cause confusion for the public as well. I understand your concerns about the public safety. We would just encourage the public to remember that.

Amyx said based on those comments, and based on the law your staff has read, what can we do, as a commission, to make sure that we are responsible to the public safety in this matter. I don't believe that what we have before us is doing that. Are there any steps that we can take?

Wheeler said, as elected officials, you can state your opinions to the constituents that you serve about your concerns about the law and, perhaps, the legislature will hear from constituents across the state and will reconsider those actions.

Dever asked if we leave our ordinance on the books, as is, and it violates the state law, and somebody is carrying some other weapon that is covered under the same ordinance that conflicts with state law, if we arrest somebody that is carrying one of these other weapons, might they have a legal defense, that our ordinance is confusing and conflicts with state law and could they then sue or use that as a defense against what we are trying to get rid of which is the ability to carry these other weapons? Because it's all grouped together, could that put us in the position where we have to defend our ordinance since it conflicts with state law.

Wheeler said the ordinance that we are proposing that maintains the unlawfulness of the weapons she outlined, those remain unlawful at the state level as well. It would not be a defense.

Dever asked if we have an ordinance that conflicts with state law, so if somebody wants to do it, they can do it and we have no power. If we arrest somebody under an ordinance that conflicts with state law, you're saying, just those items they took out, would be OK to carry even though our ordinance is conflicting and confusing to the public.

Wheeler said the state law that prohibits cities from regulating concealed carry weapons other manufacturing and transporting of other weapons has been passed by the legislature. If we keep our ordinances that are currently on the books, those would be contrary to state law. The legislature did not specifically say that the throwing stars and other weapons that are in the new ordinance are outside of the regulation of a municipality. We are trying to maintain some local control over those weapons that the legislature has not restricted our ability to regulate. She said she understands it is a bit confusing but thinks, based upon what other cities are doing and what the legislature has left on the books, that we are permitted to adopt this new ordinance.

Dever asked Kaminska if we leave our ordinance alone, and he's arrested for carrying smoke bomb, tear gas, this portion of the ordinance, which conflicts with state law could you use that as a defense, that the whole ordinance is null and void because it doesn't make any sense and not consistent with state law.

Kaminska said if someone was arrested for carrying a billy, for example, and they are prosecuted under Chapter 14, they come to court and they have an argument that the entire ordinance is invalid and therefore, even though state law prohibits a billy, they still cannot be prosecuted in municipal court because the ordinance is invalid. She asked if that was the question Dever was asking.

Dever said that is what he is wondering.

Kaminska said she would have to look back to when this ordinance was adopted but in most, if not all, of the ordinances there is a section that says all remaining sections of this ordinance are valid even if other parts of it are deemed to be unconstitutional or invalidated for any reason. She added that the criminal carrying that is before you today on Ordinance 9014 adds extra weapons that are prohibited that currently are not in the city code.

Riordan asked if our police are able to enforce state law.

Kaminska said yes. The state statute for criminal carrying a weapon does prohibit people from carrying any pistol, revolver or other firearm. There is an exception for someone with a concealed carry permit but that doesn't mean that, if the local ordinance is repealed, anyone can carry a pistol around. They can still be prosecuted in the district attorney's office. It's that the cities cannot have laws that regulate. The state legislature wants to make it a state issue that is completely pre-empted by the state.

Riordan asked if state law supersedes ours.

Kaminska said yes in every case.

Riordan asked if we don't pass this ordinance, will those other items still be able to be enforced for them not to be allowed, those in the second part of this. Would that still be enforceable?

Kaminska said in district court but not in municipal because we currently don't have all of those weapons listed in the current ordinance.

Riordan asked if we would need to add that for the ability to prosecute under municipal court.

Kaminska said exactly.

Amyx asked if staff's recommendation is based on the clear statutory language. Staff recommends repealing City of Lawrence code that deals with carry and conceal weapons and carrying weapons near a bar. He asked if that's the language and stated that is pretty strong.

Kaminska said yes.

Amyx asked what happens if we don't repeal those.

Kaminska said on July 1st, when this bill becomes law, our ordinances that conflict will silently be invalidated and no longer have legal effect.

Amyx asked if the only other part of this is to approve Ordinance No. 9014 which repeals those.

Kaminska said yes, that's criminal carrying of a weapon, that's the new one. That provides protection on a municipal level against those other weapons that the state legislature will still allow cities to regulate.

Amyx asked if we don't do 9013, that silently slips away.

Kaminska said yes.

Amyx asked if we approve 9014, it keeps these items in the municipal court.

Kaminska said correct.

Amyx asked if we don't approve 9014 it goes to district court.

Kaminska said correct.

Schumm asked if 9014 talks about knives.

Kaminska said they are not authorized under the state statute to have anything with knives.

Schumm asked if they listed the things that we are able to call contraband.

Kaminska said yes.

Schumm asked if it spoke to the knife issue as well?

Kaminska said the state statute just mentions firearms as criminal carrying of a weapon. There are other places in state law that mention knives but under criminal carrying, which is what this language is adopted from, the state statute addresses pistols, revolvers, other firearms and that language was taken out because cities cannot adopt or enforce laws related to those items.

Schumm asked in voting in the affirmative for 9014 you are agreeing that the only weapons that you cannot carry lawfully are those listed here?

Kaminska said yes.

Schumm asked if that would negate the restriction on knives? That would allow for the carrying of knives?

Kaminska said no. None of these items are knives.

Schumm said by voting for 9014 you are agreeing that only the weapons that are contraband. And knives, therefore, aren't in that list so they are no longer contraband.

Kaminska said we don't have any language at all addressing that because the state legislature says we can't adopt or enforce, municipal court will have silence on the issue of knives.

Riordan said when he reads this it doesn't affect knives or the other aspects of it. It just says these specifically are not. It doesn't address any other issue and it doesn't negate the present city ordinance.

Kaminska said yes, it does not address knives. However, a police officer could still arrest somebody for having a dangerous knife, under a different state statute, and be prosecuted for it.

Amyx asked when it says no person shall engage in the criminal carrying of a weapon and then number 2 talks about conceal on one person a billy, a blackjack, a slingshot or any other dangerous or deadly weapon or instrument of like character. Does that cover it?

Kaminska said you would think a knife would be a dangerous weapon but we are clearly prohibited from enforcing anything like that.

Amyx asked, in Kaminska's opinion, we can take no action on the repeal, we can adopt Ordinance 9014, if we so choose, but next week on July 1st, our old ordinances don't exist anymore and are replaced with the state law.

Kaminska said yes, you would need an ordinance to officially repeal them. So unless an ordinance like 9013 is adopted, those two conflicting ordinances will stay on the books. They disappear as far as the validity but they don't disappear from the code.

Amyx asked if, in any way, they harm the City of Lawrence in being able to carry out their job whether it be in police work, the City Attorney's office, prosecutors office?

Kaminska said the biggest risk is confusion. Aside from that, no real risk. In fact, the Kansas League of Municipalities said that the city could leave them on the books but it's not recommended.

Riordan said he remembered in 1983 being in the emergency room where a young man was stabbed in the heart. As we resuscitated him, and looked at his heart, and saw his aorta was severed and he didn't make it. These are dangerous weapons. I don't think there will be confusion from the police. They will know state law supersedes. But, I don't think we should acquiesce to bad laws. I can't vote for something I think is dangerous and an inappropriate thing to do. I think we need to send a statement, whether it's heard or not. I can't vote for 9013 but I can 9014.

There was a motion made by Riordan and seconded by Farmer to adopt on first reading, Ordinance No. 9014.

Commissioner Schumm said he wanted more discussion to make sure he understood this. He asked if by voting in favor of Ordinance 9014 they are acquiescing to the state legislature and their law that says knives are no longer a contraband instrument.

Kaminska said it will certainly acknowledge that because there is language that is intentionally removed.

Riordan said he didn't see 'limited to' these items.

Amyx said he sees 'any other dangerous or deadly weapon'. If I'm a jury, I can pretty much tell you if it is or it isn't.

Schumm said but knives? I don't want to be difficult. I'm just not going to support anything that changes this.

Dever said if we do nothing then the rule is invalid and we have no rule.

Kaminska said yes.

Amyx said you have state law.

Dever said by doing nothing we are doing something as well, which is letting the state law become the one which we would use to enforce any legal actions against somebody.

Amyx said it can only be used in district court. Municipal court would not be looking at any of this unless we adopt 9014.

Kaminska said yes. Knives and guns. If the city does not adopt 9014, then throwing stars, blungeoons, that will all go through district court. These are the limited amount of weapons that can, at least, stay in municipal court.

Farmer said, so this is a way of sticking it to the man, if that's what you're trying to do. Or, the people.

Schumm said that never crossed his mind.

Farmer said this is the way to do it because it gives us our own ordinance that we can enforce. He said if we don't do anything, throwing star is not included in the state statute?

Kaminska said yes it is.

Farmer said this gets at what you want Bob, and what we all want.

Schumm said 9013, explicitly, is what we acquiesce to the legislature?

Kaminska said yes.

Dever asked if we don't actively vote that down than you are not acquiescing.

Amyx said the only item we are considering at this point, and we have a motion and a second to adopt, Ordinance 9014.

Moved by Riordan, seconded by Farmer, to adopt on first reading, Ordinance No. 9014, prohibiting the criminal carrying of a weapon. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

4. **Received a staff memo on possible names and graphic design options for the new recreation facility at Rock Chalk Park.**

Megan Gilliland, Communications Manager, presented the staff report.

Amyx asked Megan to clarify what pavilion means.

Gilliland said pavilion has multiple meanings. We did a little research and it can mean everything from an outlook, a coming together, and a center. We looked at numerous ideas and comments from the public. We had some concerns about the utilization of field house because you have a field house in Lawrence that is very well known. There are all choices and all options there for you.

Amyx said as you look at the entire complex out there, it's a multi-sports complex. After reviewing pavilion he's not sure if that's the word you would want to put on that, since he was the one who brought it up.

Dever said he thinks it sound great.

Amyx said he likes the way pavilion looks and the way it lays out but isn't sure if it's the appropriate term.

Schumm said he looked up the definition of pavilion and for the most part it's an outdoor type of structure, and more of a temporary structure. There have been a lot of things named pavilion that are not but his concern is if it's a misnomer.

Amyx re-iterated if the word is relaying what they're trying to convey.

Schumm said are kids going to say we're going to go over to the pavilion to play basketball.

Dever said they are going to say Rock Chalk Park.

Amyx said they're going to say the rec center.

Farmer said a pavilion in architecture is derived from a French and Latin word that has two primary meanings. It can refer to a free standing structure sited a short distance from a main residence whose architecture makes it an object of pleasure. That's totally what we're going for. Large or small there's usually a connection with relaxation and pleasure in its intended use.

Riordan said he thinks Lawrence Sports Pavilion is the best one. I doubt that it will be confused with the other KU icon the Anschutz Sports Pavilion. I think this is very acceptable and works nicely with the definition.

Dever said the architect did such a fine job with bringing the outdoor inside and pavilion is an overlook to beautiful views and the nature trail and windows and openness of the structure is something to behold.

Gilliland said other wording that was proposed was center, arena, complex and they looked at all those in the original go around. We'll work with whatever you decide.

Mitch Wheeler with Premier Sports said sponsors, who would be looking at entitlement for this facility, that would be willing to spend in the neighborhood of \$100,000.00 per year over 7-10 years, are going to have strong opinions as to how their brand is going to be connected to a facility. We are in preliminary conversations with a handful and so he provide some of the feedback. He said it would be important, as we engage in conversation, that we are able to meet them with a spirit of cooperation and flexibility. We hear what their needs are and we expect them to understand, and listen to, what the city's needs are. Some of the feedback is that the names are too long once you add a sponsor name in front. The recommendation is that you take Lawrence and use it as an identifier or use Rock Chalk Park as an identifier. It would be the 'sponsor name Sports Pavilion at Rock Chalk Park' or 'sponsor name Freedom Fieldhouse at Rock Chalk Park'. They thought it was a stronger name configuration to have at Rock Chalk Park instead of Lawrence as the identifier. This is not a one meeting thing when you're talking to someone about spending a million dollars over ten years. There will be multiple

conversations and there needs to be and flexibility as we work through some naming configurations.

Dever said he wasn't trying to be condescending but questioned the idea that it was too long.

Mitch Wheeler said primarily taking the word Lawrence out of the name and moving it to an identifier. You could still have the 'sponsor name Sports Pavilion' at Rock Chalk Park.

Dever asked if the word Lawrence is problematic.

Mitch Wheeler said from the standpoint of making the name too long.

Dever said when he said it earlier it was not clear. It was more about it being too long as it relates to sponsors name being inserted.

Mitch Wheeler said if you take the word Lawrence out and move it to an identifier, or stronger play, in our opinion, would be to say 'at Rock Chalk Park'. When you hear Rock Chalk Park, you're thinking Lawrence, Kansas.

Schumm said Sports Pavilion at Rock Chalk Park.

Mayor Amyx called for public comment.

Melinda Henderson asked how Lawrence would be used as an identifier if you remove it from Lawrence Sports Pavilion.

Dever said Rock Chalk Park would be the geographic association.

Henderson asked if that indicates its Lawrence.

Dever said that is what Wheeler is inferring.

Farmer said he thinks it's a bad move to take Lawrence out of the name. If this was something that we are spending money on for the soul purpose of hosting tournaments, then it's completely justifiable but this is our community's recreation center. The primary reason why we dropped \$22.5 million and more because the west side of town had been under served. We do a tremendous disservice to the City of Lawrence by not having Lawrence in the name.

Dever said he is hesitant to take Lawrence out of the name since the people of Lawrence are paying for this. It's their name, their community.

Amyx said the importance of having Lawrence in the name was something they had a lot of quality comments about.

Riordan said having Rock Chalk Park in the name we'll know that it's there. When you talk about different fields in the country you know where they are and they never say the city. I don't like taking Lawrence out of it but if it save \$100,000 a year for the citizens and we can put that money to feed people, create better situations, that's a small price to pay.

Dever asked Riordan if he is presuming we wouldn't get it if we had too long of a name.

Riordan said we wouldn't but we are promoting this to try to minimize the cost. We have an expert here telling us that the people who pay the money are not excited about that, and it effects their decisions, we need to take that into consideration.

Amyx said we can take it into consideration but let's be proud of the name Lawrence and put it on there.

Riordan said we don't have Lawrence Holcom Park.

Dever asked Gilliland if we are talking about the name Sports Pavilion.

Gilliland said yes.

Dever said he knows branding is important. There's nothing wrong with calling it Lawrence Sports Pavilion and if the people who want to pay money want to do logos differently, then they put 'their name Sports Pavilion'. As long as we're walking around with shirts that say 'Lawrence Sports Pavilion', are they going to require branding of our shirts, our website and our brochures? Is this sponsorship going to consume everything about our \$22 million investment?

Gilliland said they are discussing with Mitch right now, what is it we bring to the table for an entitlement sponsor? What is the website going to look like? Is there going to be a place for them? We want to design a site and design the branding for that facility around standard colors and logos and things like that. If we found an entitlement sponsor, we would want that to be

complimentary to what we are designing. We would want to work with an entitlement sponsor to make sure that it fit with what they have already established as their brand. I don't anticipate if their color is orange, then everything in our facility is orange. We may, while we still can, do some movement and work to make sure that they are complimentary. That is my opinion of what we can do. We are in the process of designing the site right now. One of the questions has been what is their presence going to be on the recreation centers website. How would we allow representation of that? That is something we have to, as a community, feel good about.

Mitch Wheeler asked if the commission would be willing to consider 'of Lawrence'. That way you're staying what you feel is your strongest identifier but you're not putting a potential sponsor in the place where they're going to come in and look like the person that took Lawrence out of the name. It would be 'XYZ Sports Pavilion of Lawrence' or 'at Rock Chalk Park'. You keep the strongest identifier but you don't have Lawrence as the lead and then the sponsor looks like the bad guy coming in and replacing that. Now they have a battle in the community. They don't want to pick that fight. If we put them in that position it would strongly disincend somebody from stepping forward. We strongly agree you need an identifier. We think the Rock Chalk Park is unique, fun, fresh, nothing against the name Lawrence.

Schumm said he agrees that the merchantability of the name is going to be much higher if let the sponsor be in the lead. He agrees Rock Chalk Park is more unique in that it identifies our relationship with KU although, it's a Lawrence structure.

Dever asked if we know if we can use Rock Chalk Park.

Gilliland said we can use Rock Chalk Park.

Corliss also confirmed we can use Rock Chalk Park.

Dever asked if there is a majority that likes the words 'Sports Pavilion'.

The commissioners confirmed the use of 'Sports Pavilion'.

The commissioners agreed on Sports Pavilion Lawrence.

Schumm asked Gilliland's opinion on including 'of' or 'in' or 'at' before 'Lawrence'.

Gilliland said the use of any of those words doesn't make a difference. She listed Sporting KC as an example.

Riordan asked if they needed to decide on the logo tonight.

Gilliland said that did not need to be done tonight. She asked the commission for input on the logo options.

The commission agreed on a logo option that included the flame.

Schumm asked if the sponsor name is going to appear in all the logos on every item that carries the logo?

Corliss said that would be part of the discussion and negotiations between the city and potential sponsors.

Moved by Schumm, seconded by Farmer, to direct staff to name the new recreation facility at rock Chalk Park, Sports Pavilion Lawrence. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Public comment was heard before the commission recessed in executive session.

5. **Considered a motion to recess into executive session for 30 minutes for purpose of discussing employer-employee negotiations. The justification for the executive session is to keep these matters confidential at this time. The regular meeting will resume in the City Commission meeting room upon adjournment of the executive session.**

Moved by Farmer, seconded by Riordan, to recess into executive session for 30 minutes for purpose of discussing employer-employee negotiations. The justification for the executive session is to keep these matters confidential at this time. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

The City Commission recessed into executive session at 8:43 p.m.

D. PUBLIC COMMENT:

Dennis Brown, president of Lawrence Preservation Alliance, outlined upcoming events at Turnhalle, the German Emigrant Community Center built in 1869 at 900 Rhode Island and owned by LPA. He also updated the commission on the renovation progress at Turnhalle.

Amyx said he and commissioner Schumm were in Germany a few weeks ago and saw a display put together by the Friends of Lawrence in Eutin. It was quite a display and one of the pictures that really stood out was Turnhalle.

Melinda Henderson said she wanted to give the commission a gentle reminder that the 4th of July is coming up and we have a fireworks ban. She spoke to the commission after the 4th of July last year regarding the dismal enforcement of the fireworks ordinance. Her reasons for bringing the issue to their attention again haven't changed. This is not just a matter of public safety but public health. She asked if this could be made an agenda item next week and hear from Chief Khatib about what plans are in place to improve enforcement of the ordinance. Veterans who live in Lawrence and pay taxes have every right to expect a peaceful holiday without having to worry about illegal fireworks going off in their neighborhood that may trigger a PTSD response. This has happened in her neighborhood and her home the past several years due to lax enforcement. She said she would like a car assigned to her neighborhood and would be available to go on a ride-along. She doesn't believe it is a patriotic right to shoot off fireworks that are illegal in your city.

The City Commission meeting resumed at 9:17 p.m.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

None.

H: CALENDAR:

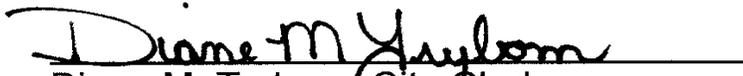
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Farne , to adjourn at 9:22 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON AUGUST 26, 2014.


Diane M. Trybom (City Clerk)