



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

December 16, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, and Schumm present. Riordan absent

A. EXECUTIVE SESSION (4:00 – 5 :30 p.m.) :

1. **Consider motion to recess into executive session for 90 minutes for the purpose of discussing non-elected personnel matters. The justification for the executive session is to keep personnel matters confidential at this time and to protect the privacy of non-elected personnel. The City Commission will resume the meeting in the Commission Meeting Room at the conclusion of the executive session.**

Moved by Schumm, seconded by Farmer , to recess into executive session for 90 minutes for the purpose of discussing non-elected personnel items. Aye: Amyx, Dever, Farmer and Schumm. Absent: Riordan

Commissioner Riordan arrived at 4:06 p.m.

Moved by Schumm, seconded by Riordan, to extend the executive session by 20 minutes to 5:50 p.m. Aye: Amyx, Dever, Farmer, Riordan, and Schumm. Motion carried unanimously.

The City Commission reconvened at 6:37 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

C. CONSENT AGENDA

It was moved by Riordan, seconded by Dever, to approve the consent agenda as below. Motion carried unanimously.

1. Approved the City Commission meeting minutes from 11/18/14 and 11/25/14.



2. Received minutes from various boards and commissions:

Horizon 2020 Steering Committee meeting of 11/17/14
3. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to vendors in the amount of \$4,075,187.10 and payroll from November 30, 2014 to December 13, 2014, in the amount of \$2,026,522.71.
4. Approved licenses as recommended by the City Clerk's Office.

Taxicab License Expiration

Jayhawk Taxi December 31, 2014
Shawn Hoefler
2244 Barker Ave.

**Cereal Malt Beverage – Off Premise
(Pending Departmental Approvals)**

Towne Place Suites New License
900 New Hampshire LLC
900 New Hampshire

**Cereal Malt Beverage Renewals – Off Premise
(Pending Departmental Approvals)**

Miller Mart 3300 W. 6th St.
Checkers 2300 Louisiana St.

**Cereal Malt Beverage Renewals – On Premise
(Pending Departmental Approvals)**

Border Bandido 1528 W. 23rd St.
Terrebonne 805 Vermont St.

5. Bid and purchase items:
 - a) Set a bid date of January 13, 2015 for Bid No. B1465, Project No. UT1419 8th Street Waterline Replacement.
 - b) Authorized the City Manager to execute Supplemental Agreement No. 1 in the amount of \$198,644 with George Butler Associates, Inc. (GBA) for Project UT1402 City of Lawrence Flow Monitoring Program for 2015 sanitary sewer flow monitoring services.
6. Adopted on first reading, Ordinance No. 9050, adopting the code of the City of Lawrence, Kansas – January 1, 2015 edition.
7. Adopted on second and final reading, Ordinance No. 9027, repealing Ordinance No. 8951, pertaining to the salary of the City Commissioners and Mayor.
8. Authorized staff to advertise Request for Qualifications Q1500 for plumbing services to Complete Defect Removal on Private Property.

9. Authorized staff to advertise a Request for Proposals (RFP R1416) for data consultation services for the Utilities GIS Data Integration with ESRI Local Government Information Model.
10. Authorized staff to advertise a Request for Proposals (RFP R1417) for rate model and financial services.
11. Authorized staff to Negotiate for Design and Construction Phase Engineering Services for the 2016-2017 Watermain Replacement/Rehabilitation Program (UT1425).
12. Authorized the City Manager to execute a License Agreement permitting Fall Creek Farms Development, Inc., to use a portion of the Running Ridge Road Right of Way for the placement an area marker sign in accordance with the terms of that Agreement.
13. Approved the Findings of Fact - Amended 12/15/14 regarding Application for Special Use Permit, No. SUP-14-00312, regarding the proposed Verizon Wireless telecommunications tower at 1725 Bullene Avenue.
14. Authorized the appointment of a Steering Committee for the Cultural Plan.
15. Authorized the Mayor to sign Releases of Mortgage for Terri L. Faunce, 1808 Mississippi Street, and Opal F. Marshall, 1322 Maple Lane.

Amyx pulled consent agenda item no. 3 regarding claims for a separate vote.

Moved by Schumm, seconded by Riordan, to approve non-Rock Chalk Park related claims to 184 vendors in the amount of \$4,042,761.11 and payroll from November 30, 2014 to December 13, 2014, in the amount of \$2,026,522.71. 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 8 vendors in the amount of \$32,425.99. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding Kennel licensing regulations; City Commission meeting time; Special population celebrating holidays with dinner, dance and decorating the tree; Community applying for Culture of Health Prize; and, the Market

Match Pilot Program providing \$9,000 in SNAP matching funds to help families access healthy, local food.

Amyx stated we may want to talk about kennel licensing and regulations in a study session.

D. REGULAR AGENDA ITEMS:

1. **Considered authorization of payment/claim in the amount of \$1,067,970.77 to RCP, LLC, pursuant to the Rock Chalk Park Development Agreement.**

Mayor Amyx introduced the item. Mayor Amyx stated because of the things that came up because of the way this item was placed on the agenda, it's back this week. I do want to say one thing before I ask the City Manager to speak on this item. Sometimes you're fortunate enough to sit in this middle chair and it is something that I've taken great pride over the time I've served as the City's Mayor and the time I worked on the agenda. In fact, most of these guys will tell you that I call it "my agenda" and I take great pride in that. Things just didn't work out for me last week and I'm very fortunate to live in a community that watches the things that we do and stays right on top of it. They ask hard questions and you lose a lot of sleep, but the truth of the matter is it doesn't make it right. As I said earlier, when we talk about things going on in our community, we have a lot to be proud of in Lawrence Kansas. We talk about Rock Chalk Park and we all know my voting record on Rock Chalk Park. There are communities that would be proud to have Rock Chalk Park in their community and what it's going to mean overtime. The question I've always had is not with the facilities but with the process. We all had so much input on the process that when it came down to the end, I should have caught a simple thing like whether or not there was a link back to a report. I realized I can even make a mistake as much as I try to admit I never make one. This is one of those times that I have to admit that I did. I apologize seriously to everyone in this community, you expect more than that. I apologize to staff in all work that they've done because I know the countless hours that they've done. Two people that I really want to recognize in this is former Mayors Bob Schumm and Mike Dever and

one of the things that they taught me about this project that we were going to make sure that every item, every piece of this was going to be out in front and it was going to be public purview and everything was until it came down to the end when it became my responsibility to make sure this was there. It was on the page, the link just wasn't quite hooked up to it. One thing that is important to me is to tell these two gentlemen sorry, but I know the amount of work, the amount of labor whether it be political whatever it may be. You guys are to be commended on the work that you did and I want you to know again, it's something that's very important. It takes a lot for me to vote against the claims. I truly believe that's where I'm at when it comes to my constituency that I represent, but I do want you to know too that this is a big time project and it means a lot to this community. When I look at the number of kids and people who are using it as a walking a facility and becoming healthy is something that we should all be very proud of. Now that's not to say that I'm not going to have words tonight about it and the process that we continue to follow, but I want everybody to understand, I do appreciate the facility, the work that's being done and I will continue to question.

David Corliss, City Manager, read his apology.

December 11, 2014

Mayor Amyx, City Commissioners and members of the Lawrence community,

I offer my sincerest apology to the City Commission and the Lawrence community for the handling of the recent Rock Chalk Park payment. It was my error – and no one else's – to place it on the City payment claims rather than the regular agenda. Placement on the regular agenda – with the full supporting background material readily available – was what should have happened. It did not. I take full responsibility for this mistake. I also spoke too rashly to Chad Lawhorn when he correctly pointed to this situation – clearly the public deserves and correctly demands the opportunity to review and challenge every cent of City expenditures. It is the public's money. My statement to the contrary is against my public service principles.

The action to stop the payment and place the payment on a regular agenda with the supporting materials is an attempt to respond to that mistake.

It is not enough to admit a mistake and seek to correct it. I also want to be held accountable for this mistake. Lawrence has been very good to me and my family - I will always try to keep the best interests of this community at the forefront of all of my decisions.

Sincerely, David L. Corliss

Corliss stated will spend some time on the item that is now appropriately on your regular agenda which is to follow up the discussion that we had last night on November 18th when you saw the entire request for payment to RCP LLC for the shared infrastructure under the Rock Chalk Park Development Agreement. It's important to keep in mind what the Development Agreement is. It is a combination of promises and considerations back and forth among a number of different parties. The University of Kansas indicated they would have built for them first class athletic facilities at that location almost to the amount of 40 million dollars and almost unprecedented amount of investment in the community that would help that institution or largest employer, but will also provide a means of attracting world class athletes and athletic events to the community. If you will recall we want to induce that to happen. We also wanted to be part of that park and our means of being part of that park was to participate in this development agreement and we would have our expenses capped. We would pay certain amounts for infrastructure and we also then bid the recreation center and that's how this has proceeded. We didn't want to just simply write a check for inducement as we might for other economic development, we wanted to look at every cent that was spent and make sure it was done appropriately, that's why this should have been on the regular agenda last week. It's my mistake. What we're walking through now is where we are in regards to the remaining expenses under the Rock Chalk Park Agreement. Those have sometimes been referred to as soft cost because they're not true infrastructure costs. They're not concrete; they're the soft cost, the legal fees, the origination fee, the loan interest and the professional engineering fees. The amount that was requested was over 1.3 million dollars knowing that we are only obligated to pay \$1,092,970.00 because that is up to our cap of expenses. The original estimate in the development agreement is then provided here. It's important to continue that as part of the analysis because in many cases, much of that work was largely done at the time of the execution of the Development Agreement and at that time, we thought those cost were

reasonable. In looking at the legal fees, the loan origination fee, loan interest, and professional engineer fees, we have communicated with RCP LLC over the past few weeks to try and get additional documentation for all those different items. In regards to the legal fees, we have not been able to get the itemized bill. There is a claim with attorney/client privilege between Bliss Sports that was the contractor for RCP LLC. We were not able to get itemized billing, but we were able to get a timeline as to when those certain expenses were incurred and what we've done is we've gone in and we have removed the expenses that the attorney for Bliss Sports II indicated more arguably not part of the transaction because they included property outside of the site. We also excluded legal fees after the Development Agreement was executed. We didn't think that that was necessary and appropriate to include and that's where you get the amount that we've eventually come down to for the legal fees at \$162,933. In regards to the loan origination fee that was as indicated in the original estimate for the Development Agreement, \$150,000. There were then \$8,643.75 of additional fees associated with the recording and the other necessary legal requirements for the loan origination and we asked RCP LLC for further documentation on that and we received that as well. The loan interest, the amount was requested, you see they're in the original estimate. In looking at that amount we excluded amounts before the development agreement was executed. RCP LLC and Bliss Sports had already started work on the site before we had executed the Development Agreement. We also excluded costs associated with the loan interest amount after the infrastructure was accepted and we were still trying to get additional documentation. We also modified the amount based upon just the infrastructure cost that we determined was the appropriate infrastructure cost. There's a claim from RCP LLC that the contractor spent upwards of 13 million dollars on the infrastructure work, that's not the number that was eventually arrived on so what we've done is we've just have calculated the interest rate based on a smaller infrastructure amount. We didn't get into when they had drawdowns and whether or not that was appropriate, that seemed to be something that was appropriate within the contractors

purview and finally, professional engineering fees. We did look at that amount and Chuck Soules, Public Works Director, who works with this issue frequently and has put together a memorandum where he looked at that amount and compared it with other similar design fees. We do not bid professional design fees; we instead negotiate those fees with qualified engineering firms. The professional fee amount was within our guidelines of roughly 7 percent so we think that fee and then the Alpha Omega fees for their geotechnical and testing services, we believe those items were appropriate. While we did come up with a revised amount of \$1,218,521.85, again, the City's only obligated to pay \$1,092,970.77 which is what you have; less we want to retain \$25,000 because the contractor still has some items, although they are decreasing in number to complete. I think the main one Chuck refers to doing some regarding of the storm water ponds. Can you explain just a little bit more what that is?

Chuck Soules, Public Works Director, stated the original detention facilities for Rock Chalk Park there are two ponds basically where all the storm water is directed to. During construction there was a lot of dirt exposed and those ponds silted in a little bit. What we're trying to do is regain the design capacity of those ponds so that we don't have problems down the street.

Corliss stated what you've indicated to me that usually winter work.

Soules stated it could be winter work when it dries up, gets cold, and freezes or potentially could do it next spring. He just wants to do it before it gets too wet or it will tear up the sides so it may take a little while.

Corliss stated and we think this amount is appropriate to retain for that water.

Soules stated yes. They also had previously blue water crossing which had been completed and there's a couple of cracks that we're watching right now, but \$25,000 is enough to make those repairs and finish that project out.

Corliss stated so that provides the overview of that issue. I also want to spend just a few minutes walking through some of the additional information that we have posted on this. This is

on our website and it's under the Sports Pavilion Lawrence area, but it does now have a link to the agenda. I asked the Public Works Director to go through some comparisons that you all have previously been briefed on in regards to the infrastructure work and particularly how that compares with prices that were bid. As he points out in the first part of his memo, there's any number of different variables to go through and he does go through and look at the linear foot basis cost at Venture Park which is a City bid project that was recently completed and then also Iowa and Irving Hill when we talk about them for example, Rock Chalk Drive and George Williams Way and what it costs out at a length amount. The conclusion of Mr. Soule's memo is that the cost for the infrastructure at Rock Chalk Park is generally found to be in line with other projects bid by the City. The infrastructure at Rock Chalk Park is construction in accordance with City specifications and the project was inspected by qualified City inspection staff. The final quantities were measured and the City is only paying for the quantities installed. As you know there's been continued discussions about this amount and I think it would be appropriate to have all this work reviewed by an independent third party and that this statement here which is the conclusion of our work in this regard, would be analyzed by a third party. I think that that will hopefully be responsive to some of the criticism of the project. It's been a very challenging project to administer from a number of different angles, but we are used to the traditional design build delivery system. That was not the case, in this situation it was the completed project that we were paying for as part of the economic development grant that allowed our participation at that site. That is something for you all to direct and consider and it wouldn't be appropriate for us to engage. The third party needs to be something independent of what staff would control. We have here substantial information regarding the project. The closeout documents, the supporting material that we provided to the Commission over the months in regards to our review of the infrastructure cost again, all of that would be appropriate for a third party to review. We have for additional information, as I think you all have been briefed. We've had a challenge in getting the building insured. We obviously insure all our buildings for casualty purposes and

one of the things we did when we received occupancy of the building was include that with our insurance requirements and we pointed out that the bid, plus the change orders was about 10.6 million dollars and we spent some money obviously for some materials and some equipment inside. As you all have been in there you can see that there's not a lot. There's some weight equipment and few other things. When we did that the insurance company came back, the insurance company came back and said if they thought that the value of the building was 27 million dollars from a replacement standpoint. We obviously didn't want to pay a premium higher on value that we thought was appropriate. They wouldn't take the 10.5 million dollar number so we engaged an independent appraisal firm to give us a replacement value of the building. They came back with the ensured value of the building and 18.1 million dollars. Obviously, we didn't pay that much for the building we paid 7 million dollars, 8 million dollars less for the building in regards to that. We've got that for the public's review and we've got any other information here as well in regards to the project. I would be happy to respond questions that you all may have from this evening's agenda item.

Dever stated the insurance company selected a price for replacement and we argued with them regarding that replacement because we didn't want to pay the insurance premium for that price.

Corliss stated correct and Brandon McGuire, Assistant to the City Manager, was the one that had the dialogue with the insurance company.

Dever stated by submitting to them a third party appraisal, they will accept that as an acceptable insurance value.

Brandon McGuire, Assistant to the City Manager, stated that's correct. Our broker for that policy works with the insured and he was told by the insured that's the only way they would accept a lower fee replacement value of the 27 million. We went with the 3rd party appraisal and had submitted that to them with the idea that over the life of the building we'll save the community a significant amount of money in premiums.

Dever stated there's no down side to insuring it for less money assuming that we reconstruct it. Is this a reconstruction price? Is this what the appraisal was trying to render.

McGuire stated insuring it for less than?

Dever stated then the assessed value by the insurance company.

McGuire stated if the building is worth 27 million then that would be the appropriate level to insure it at.

Dever stated so they came up with that number or did they hire somebody.

McGuire stated that would be the insurer's number, based on their formula.

Dever stated so in event that we need to replace if for some reason like there's a catastrophic event or a tornado or whatever, the amount of money we'll receive is that what we appraised it at which is around 18 million dollars.

McGuire stated correct, 18.1 million dollars.

Amyx stated going back to the Development Agreement in Section 1102 which talked about infrastructure improvement cost and in the middle of that paragraph it talks about Bliss Sports II shall provide to RCP and the City copies of those Bliss Sports II's books and records which evidence out of pocket costs incurred and payments made by Bliss Sports II which constitute the Infrastructure Improvements Costs, and substantiation of actual costs incurred and payments made and then interest carrying cost, financing cost, loan origination fees, architectural fees, legal fees, and all of those things. You had made mention of an audit. An audit needs to occur before final payments are made correct?

Corliss stated I think that you can interpret it that way.

Amyx stated as I read this section that's exactly what should happen.

Corliss stated that you want to have that additional information.

Amyx stated prior to that final payment.

Corliss stated what we've been told by RCP LLC is that we have all their documentation in regards to all these expenses.

Amyx stated I concur with you obviously on the idea of an audit and I do think a third party auditor ought to look at this under some type of investigation of the audit, but I think it would be appropriate that we ask our City auditor to make recommendation to us on a firm that might be able to do this on behalf of the City.

Farmer stated in Section 11.02 of the Development Agreement, how we interpret “shall provide to RCP a complete accounting.” How is that interpreted by the City?

Toni Wheeler, City Attorney, stated a complete accounting should answer our questions about the costs that were incurred sufficient detail for us to understand those payments. With regard to the legal fees particularly, we did ask for the detailed billing statements that would show two tenths of an hour on a telephone conversation regarding the Development Agreement with that specificity, that’s what we would expect. We tried to write this document at the time to provide us with sufficient detail. We have made numerous requests for that information and we’ve been told that would not be provided to us.

Farmer stated my next question is because the development agreement that was signed by both the City and other parties, in your legal opinion, do we have a complete accounting of such out-of-pocket costs and payments?

Wheeler stated the documentation that’s been provided by RCP of the legal fees, is a statement from Mr. Fritzel that gives a break down bi-monthly amount. He also makes a statement that those were incurred in conformance with the Development Agreement. RCP has stated to us that they believe that that is sufficient and we’ve been working with them. Personally, I would like to see the detailed bills.

Farmer stated in your legal opinion is not sufficient detail.

Wheeler stated correct.

Mayor Amyx called for public comment.

After receiving no public comment, Schumm stated I would certainly encourage the City Commission look at outside audit with regards to this whole process in terms of the

infrastructure. I firmly believe that we're going to find everything is in order. I think it will help clear the air in terms of mistrust, misinformation, and miss opportunities to collect information. It's been a long process and a very expensive one. I would welcome an audit to demonstrate to the public they got good value out of the whole project. I think that should be a third party group that has no connection to KU, no connection to Lawrence and just let it be completely independent and see what the report states.

Farmer stated are you talking an audit of the financials or an audit of the work.

Schumm stated I would think it would include both. Obviously, we're being billed for commodity units of a product, 100 foot of waterline, 100 foot of sewer line, square yard concrete and 10 inches deep. I'm not concerned about the quantities being there because we inspected as we went along and we had inspectors on the site, but in terms to check the overall validity of the costs and to compare the receipts that we got to make sure that's all right there. While I've said it in the past, I didn't think one was necessary because I do believe our staff has been very adequate and very on top of the situation to make sure we were billed fairly and correctly and it was compared to like items that had been bid in the City. I said I didn't think an audit was necessary, but there seems to be quite a bit of confusion out there as to if those statements hold up, but I'd welcome an audit to make sure the community feels like they've got a very good value out of this.

Amyx stated would the Commission feel comfortable in directing Michael Eglinski, City Auditor, to prepare language that might address a specific type of audit that we should request based on comments by the Commission at this point.

Riordan stated I think that's a good idea.

Amyx stated the City Auditor works on behalf of the City Commission. I think that that's what we should do and get a report back from Michael as to the type of audit that should happen, to be able to answer the question about the value of the project.

Farmer stated I would feel a whole lot more comfortable if our City Attorney were able to definitively say, that we have received a complete accounting of everything. It's troubling to me that there are two interpretations of what's being provided and in the sense of transparency to the public, that's not something that we can just sweep under the rug. Even if it works out to say that it's okay and everybody in the end said we weren't getting taken, I would feel comfortable with making sure that Tony and others had a very good comfort level with saying that we got a complete accounting of everything we spent.

Schumm stated is that the only area, legal fees, where the complete accounting definition fell a little bit short or there other areas of the soft cost that we don't have a complete accounting of.

Amyx stated in Toni's statement was it just to cover the legal or all areas?

Farmer stated all levels according to Section 11.02 of the Development Agreement.

Schumm stated my question was are there others?

Wheeler stated to my knowledge the legal fees are the ones that could use additional documentation. I don't have a discomfort with any others.

Schumm stated the interest, the loan origination fees, and the professional engineering meet the definition of complete account?

Wheeler stated I believe they do. I've worked closely with legal on the legal fees.

Dever stated Jeremy, I want to make sure what you just said. I agree with the audit but there no question about being taken on any of these items. I thought the City did a fair job of summarizing all the infrastructure work that's going on that we've paid for over the last 24 months. My assessment of those fees is they're pretty consistent and in some cases, much better price than we were paying on bid project. I'm agreeing to this because I think it is the public's right to have a third party assessment of the cost, not because I think there's anything wrong with them nor do I think there's any disparity because I think our City staff went through and did an excellent job of getting me the information I needed to make sure that the unit prices

that we paid for the work out there, the amount of work that was done and the quality of work that was done was consistent with the specifications that we provided and the City requirements. I do agree that those costs will probably bear out what our staff has already done. I believe a third party is best suited to carry out that work. Nothing I've seen makes me worry. I don't think any member of the public could look at these numbers and think there's anything acceptable about these unit costs especially in relationship to work that was done contemporaneously to this work.

Farmer stated let me clarify my comments because I think that is a perception that exists. My reason for suggesting that we should all have a comfort level with this is so that that can't be something that anybody says is a true reality. I like the rest of you guys have spent time copiously going through these spreadsheets and analysis. I believe that they're fair, but there is also a community perception that they're not and we have to do due diligence on behalf of those that have been calling on us to be more transparent and responsible to ensure to them to be accountable them that we in fact weren't taking on this as a matter of fact we probably ended up paying less for this project then we did at 15th and Iowa and 23rd and Iowa etc...

Dever stated Toni I appreciate your comments about being comfortable with the legal fees, but as I pointed out last time when we decided to single out the legal fees, professional fees in general, I think needs to be treated equally and I don't think it's genuine to a true audit if we're going to request from lawyers what in their mind is attorney/client privilege and not ask the professional providers of engineering and architectural services the same level of support that we're expecting with the lawyers because all those hours are billed. If we can't get it that's fine, but I still think that that needs to be part of any audit. It needs to be either comprehensive or we need to spearhead a singular audit of what we believe is not adequate. In my book any professional "soft cost" needs to be assessed, evaluated, and compared to what we pay at the City level.

Corliss stated this will be something that the audit review will get into. Attorneys have an ample obligation to bill on an hourly basis which is what our understanding is to keep track of their time. It's been represented to us that Mr. Warner just gave a flat fee and didn't keep track of his hours and he didn't finalize anything.

Dever stated but we don't ignore that. You analyze each line item, you said this is how the City normally handles it, this is how they handled it, this is what we normally pay on a fee basis or percent fee, and this is what we paid. You don't need to necessarily provide documentation that doesn't exist because obviously, it doesn't, but if you're really going to do a line by line assessment of this, to ignore that half a million or more dollars work is disingenuous.

Corliss stated that's a good point.

Amyx stated I'm asking if you guys will be comfortable in allowing me to work with the City Auditor and the City Attorney, to develop a comprehensive audit on the infrastructure portion to be able to answer the questions that Mike, you've just brought up so that it's fair throughout. If we're going to have an audit, let's have an audit so that we answer these questions once and for all and also to have the City Auditor make recommendation of an auditor that can do this work and have this back on our agenda so we can have both, what the comprehensive audit will look like so we're all comfortable with that and also that recommendation of an auditor.

Dever stated and this is only for the infrastructure portion.

Amyx stated yes. The reason that I say that is that the bidding process that was done on the recreation building at the Sports Pavilion, that was given to the low best qualified builder correct?

Dever stated yes.

Amyx stated the only question here has to do with the infrastructure portion.

Schumm stated with regard to tonight request for payment on the claim, should we pay everything except the legal fees?

Amyx stated I think we should withhold any final payment until after the audit comes back. That's my recommendation.

Dever stated can you tell me where this \$1,067,970.77 is coming from?

Corliss stated it's the public's money. Under the Development Agreement our expenses were capped and then once they were capped, the Development Agreement anticipated that if we got money from the Assist Foundation, it would go to Douglas County Community Foundation which it did. When I knew it was the appropriate time to ask, I asked and that money was then credited to the City's account we just happen to have the same bank. We didn't get a check from the Douglas County Community Foundation it was a transaction that U.S. Bank conducted. These funds are now with the City and you also know that we're keeping \$25,000 in retainage so that's the difference.

Dever stated my specific questions is have we used the money from the Assist Foundation to pay any of the bills thus far.

Corliss stated no we haven't because under the Development Agreement it was to be the last money out.

Dever stated so technically one million dollars of this money is the Assist Foundations money?

Corliss stated it was until they gave it to the Douglas County Community Foundation.

Dever stated a million dollars that we're talking about is the last thing, I wanted to make sure because that's what you said earlier. It hasn't mentioned yet, but certain member associated with the Assist Foundation were asking about what the City had done with their money and wanted to make sure that we answer that question this evening.

Corliss stated we have received it. Just by virtue of the way the Development Agreement was written, it was the last money out the door. Others can correct me if I'm mistaken, but that's how we've looked at it.

Schumm stated on the request for tonight we're fairly certain of the loan origination fee and the loan interest is it payable and would we not want to move ahead and pay that portion and wait for the other information on the billing costs for professional fees and lawyer's fees.

Riordan stated I would be in support of that. I think that that seems a reasonable way to go because those fees aren't documented and seems appropriate. I also agree with the fact that we should have an audit. I can remember Monte Soukup sitting here several weeks ago saying he's never seen anything watched more closely than this project, but at the same time the public does not have the same comfort factor and I would like them to have the same comfort factor and for that reason, I think an audit would be best.

Amyx stated as long as there are questions at this point, I think we're smarter to wait until the audits done for any final payment is made. I understand where you're going, but until we are able to clear this up and I truly believe an audit is the only way to do it to be able to substantiate all the figures are there. I say we wait.

Farmer stated I agree.

Dever stated so you're saying you don't want to pay any of this money until we finish an audit.

Amyx stated yes.

Riordan stated I think it's best if we pay our bills. We don't feel comfortable with the amounts of the legal fees, we don't feel comfortable with the professional engineering fees, but I feel comfortable with the other ones and I think it would not be appropriate to pay those other bills and withhold the monies that we are uncomfortable with.

Dever stated Jeremy help me understand, you don't pay any of this money at all and we don't know when that audits going to be concluded.

Farmer stated we have responsibility as we close this project out to the public, it has nothing to do with the facility and it has nothing to do with how great it is going to be for our community. I came in a little bit late, but supported this since the beginning. I still support and I

think it's a tremendous opportunity for our community, however, I think that the people that have supported this project, we really could do a lot of good by putting the brakes on and just saying let's wait till we get the audit finished to pay the entirety of these soft costs and I think we could do a lot of good building trust with the public to just pay it all at one time when its audited and everything is said to be good which I fully anticipate than an audit will say. I just feel like there could be a lot of folks who think that we're just kind of doing what we've always done with this by virtue of paying part of it and waiting on the other part and I think we can send a really strong message to the public who are expecting us to be responsible with their money in the final few yards of this run down field by waiting. I think we could put a timeline on an audit. I don't think it has to be an 8 month audit. I don't think it will take that long. I think we get Michaels recommendation in the next couple of week and we ask that one be done by the first of February. I don't think a month for an audit is out of the question. I think we could put a timeline on it to where were not just leaving a massive amount of time between when were supposed to pay our bills and when we actually do pay our bills, but his to me is just as much about ensuring to the public that we're going to be holding everyone accountable, including ourselves for how we're finishing the race. I don't want to limp across the finish line.

Corliss stated not that I'm an expert on process, but if you do proceed to pay part of the bill essentially what you will do is then not pay this amount and direct us to pay a different amount on a future agenda so we're not going to cut a new check for a different amount tomorrow. I just want to make sure everybody understands that.

Amyx stated I think we've all had our chance to make comments. If we're going to do something different then what is recommended by me working with the City Auditor and City Attorney about a Comprehensive Audit on infrastructure and to make recommendation. We'll have two separate votes on this on for partial payment and one for the audit portion.

Schumm stated Dave do you have any idea what a timeline might look like for an audit of this nature?

Corliss stated we're in the holiday season, but I would hope that we could get somebody under contract still this year and I think the Vice Mayor suggestion getting something done before 5 weeks is certainly reasonable. The documentation that we have is out there and we're going to make it a staff priority to exhaust all the information we have to make sure they get it. No auditor will have to wait on us in order to get information. We're already doing that work it's going to be the auditor we're going to work with. They're going to want to get it done quickly as well because they've got different calendar seasons that they're going to start gearing up for as well. I think that's a reasonable time period until the City Attorney, City Auditor, the Mayor, and whoever else talked to the firm we don't really know.

Schumm stated I move that we direct City the City Manager to ask our City Auditor to refer to us a name of an outside auditor that can review Rock Chalk Park infrastructure costs, contracts and agreements.

Amyx stated because we want it to be third party, do you want to direct me or the Vice Mayor to work with the City Auditor and the City Attorney that way it takes staff out of the equation and it remains with this body.

Moved by Schumm, seconded by Dever, for the Mayor and Vice Mayor to work with the City Attorney and City Auditor to work on a comprehensive audit on the infrastructure and work with the City Auditor to recommend and outside auditor. Motion carried unanimously.

Schumm stated when a person does the work they liked to get paid and if we have a challenge to that we shouldn't pay them until we know the answer. Part of this there is no questions and is pretty straight forward, the interest part and the loan origination fee so I would certain think we should move ahead because if good faith gesture that we pay our bills in a satisfactory time. I understand the commentary about perceived confidence in our ability to manage, but I think we're holding over half of this request for an audit answer and I think it's more than adequate to take care of any questions that might come up with regards to that audit.

I'd be in favor of paying the loan origination fee money which is \$150,000 in the loan interest which is \$309,515.

Dever stated as the City Manager's pointed out there's no action that's going to be taken in this week so we're basically deferring payment for at least a week until it can be placed on claims. Rather than sit here and dissect which should and should not be paid, I would rather take the time to analyze what we believe is reasonable and then talk about it again next week and make no payment this time. Sitting here trying to figure out what reasonable or not, I feel uncomfortable with that right now because that's judging the information and I don't even feel like we have that information to do that Bob. I would like to make a motion to defer any payment for a week so we can determine what might be excluded from payment for an audit and then vote on that number separately if that's okay?

Schumm stated that's fine.

Riordan stated do you prefer three weeks.

Amyx stated the next time we meet is the 30th.

Corliss all we have plan for that meeting is non-controversial items.

Dever stated I don't want to create controversy and start dissecting the numbers. I agree with Jeremy. If we're going to do it let's do it, but I also think there's reasonable business expenses here and frankly a million dollars of this money is coming from an outside source who is a group that is looking for the investment of those dollars in the community. As the City Manager pointed out that million dollars of their money is sitting in our bank right now. I don't know if there is any impact on not investing those dollars in fiscal year 2014. Do you get my drift?

Amyx stated I do, but wasn't the investment made in the Foundation.

Dever stated it was a million dollars from the Assist Foundation. I don't know if they've put on their books to spend in fiscal year 2014 or not. That's a reasonable question, but I don't

know. We've cashed the check but I don't know if that's donation to the Douglas County Assist Foundation and manifestation of that investment or not. These are real business questions.

Corliss stated I would anticipate that this would probably be an agenda item on the January 6th agenda to execute any contract with an auditing firm. I think you what to have that so you can have an update on it then. I know it doesn't help with the 2014 issue.

Amyx stated how about if we can find out an answer to that question.

Dever stated I'll return a phone call so I can answer that question.

Amyx stated you made a motion to defer payment.

Dever stated I think Bob was going to make a motion to bank a partial payment. I was just uncomfortable making a partial payment until I identified those numbers because by assessing what should and should not be paid at this point in time at this meeting, I feel like we're judging what is and what isn't fair and I don't want to vote on something like that.

Schumm stated I concur at this point.

Amyx state so it's the intent of the Commission to have this item back on the agenda January 6th.

Schumm stated we approved this last Tuesday night on the consent agenda did we not?

Dever stated yes.

Schumm stated do we need to rescind that motion.

Corliss stated I think it would be appropriate to have that on record.

Moved by Schumm, seconded by Dever, to rescind the earlier action taken on December 9th regarding payment on Rock Chalk Park. Motion carried unanimously.

2. **Conducted a public hearing on the proposed drinking establishment distance limitation waiver for Hank Charcuterie, 1900 Massachusetts Street, and consider approving the distance limitation waiver.**

Mayor Amyx called a public hearing on the proposed drinking establishment for Hank Charcuterie.

Brandon McGuire, Assistant to the City Manager, presented the staff report.

Mayor Amyx opened the public hearing.

Leo Barbee Jr., Pastor of the Victory Bible Church, stated I'd been in this community for 38 years and have sought to be an asset and not a liability in this community and hopefully we have been so. I first want to thank you for the letter, letting us know about today in considering the license of this liquor establishment of Mr. Hank Charcuterie. It says to you as Commissioners of the City that it shows concern for its citizens as well as the church in the community. We've always been concerned for the whole community and I'm sure you are as well. I want you to know that as Pastor of this congregation we do individually and periodically pray for you, that you will make the best decisions that are good for all the community and not just a certain segment of the community. We do recognize that you're human beings and only God is infallible. Concerning the licensing, there are approximately 19 plus liquor stores in this community. There are a number of liquor stores within the vicinity of the Victory Bible Church. We have AA groups all over the City of Lawrence seeking to address the problem of alcoholism. Liquor stores are not an asset to a community, but it is a hindrance. It contributes to domestic violence, sexual assault, date rape, highway and City debts, murders and we have a problem of students in this community, many of them frequent these liquor stores and they're underage and we know that and I'm sure you men know that and they're not stopped. So what I'm suggesting to you tonight, I'm appealing to you tonight in terms of good common sense and good judgment not to issue another liquor license.

Sebrina Pruitt stated I'm a physician and been in the community for 20 years and moved here with my son who was 10 then and he is now the chef at Hank Charcuterie which is the establishment that you're talking about. Pastor I appreciate all your comments and understand. Believe me as 20 or 30 years in the emergency department I've seen all kinds of tragedy's that have occurred with liquor is consumed inappropriately. That is not the reason Hank Charcuterie came to be. It came to be as a local business. My son loves Lawrence. He considers this home as do I. This is a boutique shop that is a butcher shop and it serves a limited menu at

lunch and early evenings and hours are from 11:00 a.m. to 7:00 p.m., 6 days a week. There is no intent to now or ever become a bar, but would like the opportunity to serve its patrons with a glass of wine or a beer with their food so it would never be our initial point of business, but would certainly help a local business to continue to serve its community.

Amyx stated the hours of operation are 11:00 a.m., to 7:00 p.m.

Pruitt stated yes, there is some intent at some points to offer certain dinners. They will have separate seating and maybe go a little later, but they would never stop serving food, they'll serve only liquor.

Glen Hinkle stated for some reason the ordinance limiting the distance close to a church or a school was put on the books some years ago. So I would like to ask you folks several questions. Why do think that ordinance was originally put on the books?

Amyx stated I don't know.

Hinkle stated does anybody here know the number of that ordinance?

Amyx stated we'll get an answer to that question.

Hinkle stated okay swell.

Hinkle stated I stepped off the distance between Cordley School and 1900 Massachusetts today and it's almost the same as the distance between the church and the address of the business. I want to say that I wish Hank's business great success. I stepped into there today and saw their menu and what they were doing and I think it's great. I would like to see them succeed without alcohol. I believe that many businesses here in Lawrence are doing so quite successfully. I know the church is concerned. I know that the City had a precedent in the past anyway of honoring churches and schools by honoring that ordinance. Maybe 5 or 6 years ago a business man remodeled a store at 7th and Locust and he was kind enough to come over to us and say I'd like to run a liquor store in one of those buildings and we said we'll oppose it and he decided not to do so on the basis of the ordinance that's been there for many years. I believe that the City in the past has honored that ordinance rather than

desiccating it and destroying it. I really would love every business in Lawrence that is a restaurant to succeed without alcohol. You guys probably know that very well because I've been here before to address this subject. I agree with Pastor Leo that instead of building an ambulance at the bottom of the cliff, we ought to build a rail at the top of it so that our young people, college students which you and I have the responsibility for to their parents and to themselves, to protect them and to limit access to alcohol in this City. All of us read the newspaper and we know how those two things are connected. I would really like to see an ordinance on the books saying that no alcohol would be served at 10:00 p.m. or at least after midnight so these rapes are not occurring at 2:00 a.m., after kids get so drunk they don't know what they're doing. I just want to urge you to do the right thing. Hank, I just wanted to wish you success in your business and wanted to express appreciation to you guys to because I understand the long hours you put in studying these things and the kind of guff you take. As a citizen of Lawrence I just want to say thank-you very much.

Corliss stated Toni will give you the code section. The distant limitations that you see in our City code and other City codes, it pretty much predates zoning to where communities were segregating out certain uses within the community and it was just simply the desire to separate out alcohol uses from certain uses within a community that is the best that I can give as an answer as to why we have it and that rationale was appropriate public policy consideration today.

Toni stated this was codified in Section 4-113 of the City Code. I was passed by Ordinance 5828 and Ordinance 6002. I don't have information here for the dates of the passage for those ordinances.

Moved by Schumm, seconded by Dever, to close the public hearing. Motion carried unanimously.

Amyx stated this is a prime example where you have a small business person that is trying to make ends meet. I listened to the hours of operation and it's from 11:00 a.m. to 7:00 p.m., but they do want the opportunity to be able to have dinners. Are there ways that we can

limit the hours of operation in being able to accomplish the ability for this business owner to have alcohol on a limited basis?

Schumm stated it's a drinking establishment which is a state license.

Amyx stated so we can do that?

Corliss stated that was something you can study, the hours of operation. You can look at the food sales requirement. I think you'll probably need to study it a little bit. Commissioner Schumm is correct that the State does give a drinking establishment license, but we have the ability under state law to make these distant limitation requirements. One of the questions for the City Attorneys is the ability to grant the waiver and does it allow for the ability to grant the waiver with conditions.

Riordan sometimes things morph, they go from one owner to the other. Is there an answer whether this project failed or somebody else bought it? Tell the public what happens to the liquor license. Is it granted to the person or to the business?

Schumm stated to the business and it's voided after they go out of business. In fact you have to surrender your license as soon as you terminate your business. You surrender it to the ABC in Topeka.

Riordan stated what if someone was to buy the establishment, continue the name, but create a drinking establishment.

Schumm stated I think that each new operator has to successfully apply for their own license.

Larkin stated they would have to get a new license. We had that issue come up with Shot's. They changed their name and they had to get a new license based on the change of the name even though it was the same continuation of the businesses.

Riordan stated explain to me the difference between this and Bullwinkle because that had change several times, it's a non-conforming use. The use has never changed even though the ownership has changed. There was a ruling that the use has not changed. It's been

continuation as a Cereal Malt Beverage Bar since the 40's or 50's. Even though the ownership has changed there was no significant stoppage in the use. If someone changed it from a restaurant to a bar they would have to get another license and it would have to come before the City Commission and ask them.

Larkin stated correct.

Schumm stated the way to handle it is to ask for the City Attorney to come back with some restrictions on both food sales and hours. The fact that it's a bona fide restaurant we just need the assurance that there's not going to be any excessive consumption of alcohol. Your heavy duty consumption is late in the evening or early morning. If there out of there by 7 or 8 o'clock at night, I don't see that there is a problem, but you would need that restriction there because the drinking establishment license would allow you to sell till 2:00 a.m.

Amyx stated so they can convert their business into a bar after 7:00 at night.

Amy Miller, Assistant Planning Director, stated that use would be allowed in that zoning district.

Schumm stated but if you had restriction that they couldn't serve alcohol after 8:00 p.m., then that's not going to happen.

Amyx stated this is the first one that we ever did this to, limiting the hours of operation?

Dever said the first non-voluntary one. Wasn't there one over at the Poehler Lofts when we put the downtown food restrictions?

Amyx stated by approving this license does it place an adverse effect on the welfare or safety of the church.

Schumm stated not if they indeed have a high percentage of food sales and they indeed close their business at 8:00 or 9:00 at night.

Dever stated I agree. This type of establishment is exactly what we want to see in our community. This is common place in many cities across the Country. I think everyone I talked to I hadn't had the opportunity to enjoy any of their amazing cuts of sausages and meats, but I

hear it's excellent. It's hard to make money doing one thing and I think that's why they're trying to diversify at something like this. I do believe we need to honor the restrictions that were put in place regarding distance limitation to churches. I do believe we need to seriously consider all sorts of complicated rules about when and when they can't serve liquor. I think the idea of having food restriction is one that works pretty well and the hours of operation seemed reasonable. It just seems really complicated for a new one. Citizen that what go in and eat there if they decide to stay open, if they want a glass of wine with some of their fine food then they should be able to do it. If they want a nice beer then they should be able to do it and not walk in and have to say I'm sorry, you can't have a beer, it's after 7:30 pm. I think we need to honor the commitment to the distance limitation. I think we need to simply this matter if we're going to act on it.

Larkin stated I just wanted to point out that the distance waiver is 400 feet from a church or a school, but the consideration of the decision that the City Commission has to make is whether it affects the health, safety and welfare of the general public, not a specific institution.

Dever stated that's the trigger to the comment, but isn't that implicit.

Farmer stated I think the Pastor made some very good points that a bar or a place that sells alcohol in a very large volume would put the church and the school at risk. If there are limitations which would mitigate that, I think we ought to consider that. I think Bob made some good recommendations and I would be supportive of asking City Staff if they can help us with this to make this a possibility, but a possibility that doesn't put those people at risk.

Farmer stated I worked in churches for the better part of 8 years and what I've found if you were to restrict it or make in unavailable, this kind of happened with an incident that took place. There were a group of folks that left a drinking establishment because they stopped serving alcohol at midnight and then they got out and got on the road and just went back to somebody's house a drank some more. I'm not sure what sort of adverse effects there are. This was the only one in the area. I could certainly understand some more, but the Quik Shop

right there that serves 3.2 alcohol, you have On the Rock's right next door, and you have Dillon's right next door to that.

Dever stated there was a liquor store two door down from this shop.

Farmer stated I don't know how many seats are in Hank's.

Vaughn Good, applicant stated 14.

Farmer stated is this going to be a rousing 200 people getting slobber snockered. I just think we send a really dangerous precedent by trying to tell a business when they need to operate and when they can do what they can do. I haven't been to Hank's yet but I eat at Mr. Bacon and they partake of your food and that's good. I would have a lot of struggle with trying to tell a business, when we don't tell any other business in the community what they need to do and how they need to do it. I would be inclined to think differently if this was the only thing in the area, but it's not.

Schumm stated we do have that restrictions downtown on bars with the percent of food sales.

Farmer stated I guess I meant more hours of operation. I'd be fine with the 55%, but I don't know if it's that necessary with 14 spots. I don't anticipate that anybody would ever go into Hank's for the alcohol and not for the meat, but that's just my own opinion.

Riordan stated can I ask a question of the applicant? If there were restrictions until 9:00 p.m., and 55% foods, would your business model still work?

Good stated I believe it would. I think the percentage of food would be fine, but at some point we'd like to do specialty course dinners and if somehow they ran over 9:00 p.m., then would we have to stop serving at 9:00 p.m., but people could continue to eat.

Amyx stated for me, we have to make a decision on this. I don't feel it necessary to go ahead and refer this to the City Attorney. I would support the 55%. I think it's reasonable based on the size of the location. I think we can be supportive and allow the business to operate. I do share the concerns of both ministers that came tonight to talk. There have been a lot of

neighbors in the area that look for the little place to go in and just sit down and visit with their neighbors. I think Vaughn's place fits that need. If we can help and this helps a little bit and allows him to operate, I'm fine. Was everybody comfortable with the 55%?

The Commission agreed.

Moved by Schumm, seconded by Riordan, to determine the sale of alcohol by Hank Charcuterie at 1900 Massachusetts Street in proximity to a church is not adverse to the welfare or safety of the public and grant the distance limitation waiver based on the 55% food sales requirement. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve the Drinking Establishment License for Hank Charcuterie at 1900 Massachusetts Street. Motion carried unanimously.

3. **Conducted a public hearing and consider recommendations from the Historic Resources Commission to designate the following properties as Landmarks on the Lawrence Register of Historic Places:**

- a) **L-2-1-10: 645 Connecticut, AJ Griffin House.**
- b) **L-2-4-10: 742 Connecticut, Ripley W. Sparr House.**
- c) **L-2-20-10: 821 New York, Edward Manter House.**
- d) **L-2-9-10: 934 Delaware, Speer House.**
- e) **L-2-26-10: 936 Pennsylvania, Edmondson House.**
- f) **L-2-10-10: 945 Delaware, William H. Schell House.**
- g) **L-2-5-10: 946 Connecticut, William Watts House.**
- h) **L-2-27-10: 946 Pennsylvania, Mann/Gray/Edmondson House.**
- i) **L-2-28-10: 1002 Pennsylvania, Albert & Sarah Sirpless House.**
- j) **L-2-6-10: 1004 Connecticut, August Wahl House.**
- k) **L-2-12-10: 1029 Delaware, Sargent S. Whitcomb House.**
- l) **L-2-13-10: 1208 Delaware, John & Mina Madson House.**

Mayor Amyx called a public hearing to consider recommendations from the Historic Resources Commission to designate certain properties as Landmarks on the Lawrence Register of Historic Places

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Mayor Amyx called for public comment.

Aaron Paden, President of the East Lawrence Neighborhood Association, stated he had a house on the listing at 1208 Delaware. I think it's a long time coming and it's exciting to see

things listed. We have unanimous support from the East Lawrence Board. I want to say as a property owner, I'm in support of my property being listed. I think this is kind of an exciting way that the amount of information and material that they've gathered is really pretty impressive. It's an interesting way to identify our history as a kind of a frontier town, as a national town. Mark Kaplan put that well in a letter to you guys and he shared that letter with me as well.

Bill Tuttle, Professor of American History and American Studies at KU, stated I want to speak this evening about the importance of not only placing these 12 houses on the Local Register of Historic Places, but also about the significance of local history which these 12 houses represent. I want to explore the question of what is it that we can learn from local history that we can't learn elsewhere. In answering this questions it's important to understand that the writing of history has changed significantly over the past 50 years and this very much includes changes in the goals and functions of local history. During the cold war years, from 1945 until mid-1960's that is during the years of political and cultural conformity in America, the story of the United States was quite a simple one. It was profoundly conservative. The United States had evolved through peaceful social change and non-ideological pragmatism or what we might call common sense, into the greatest nation in the world. The self-congratulatory perspective was well suited for the cold war and with the United States contested Galvost communism. God was on our side according to this narrative, but what also made America great were its democratic political institutions. As determined by free and open elections as well as by the commitment to social justice for all people and the American Melting Pile. This was an idealistic vision of American but in truth, it was largely incorrect. These historians were uninterested in studying local history in fact; they were just painful of that subject whom they left to the Antiquarians and the Genealogist. Their historical focus was quite different. It was top down history which studied the triumphs of great white men, especially Presidents and Generals and again, like most Americans, these historians expressed the belief that Americans should trust those men in power, including our political leaders as well as our leaders in religious life, in

our schools, the military and in business and labor. Their argument was moreover was that anyone in American History would found fault with the United States, was a sorehead and indeed perhaps had a psychological problem. Among those who were labeled irrational had been said to be suffering from status anxieties which were the abolitionist, populous and progressives. Today people drive around with bumper stickers that urge people to question authority. That clearly was not the attitude that earlier Americans erased. A slogan in the 1950's for example was "America, Love it or Leave it." What changed all of this? The first cause or fact was the Civil Rights Movement for African/American equality. Beginning with the Brown decision of 1954, but really bursting upon the scene in the 1960's, falling on the heels of the Civil Rights Movement and sharing both this moral outrage and commitment to direct action were other movements which were movements for peace in Viet Nam; for women's political, economic and social equality; for gay rights; and for full citizenship rights for Native Americans and Latino's living in America. Now instead of top down history, we have bottom up history and history from the bottom up focuses on lives of ordinary people, on America's plain folk and economic communities that they have created such as East Lawrence. In other words this town needs local history. In this way local history has become supremely important. It is no long a mere antiquarian and genealogical interest and it no longer consists of puff pieces written by local boosters. There's no longer a history of local elites written by local elites. I think it's fair to say that local history as done today has become a tool for empowering people and their communities. Local history or at least history from the bottom up has been opposed by elite's drawings that cling to the great white man's school of historiography. Fortunately, I think America's newer generations of the scholars and historians have done their research and have produced classic studies of slavery, race relations, of immigrant groups, ethnic cultures and of women in gender. They've also written outstanding local historical studies. Our appreciation of Lawrence and Douglas County has also benefitted from local history rather than focusing on only peaceful social change, local history has emphasized the activities of John Brown and

Quantrill and they're all violence in the town's earliest history. Rather than studying only the merchant class, it has examined the working class and the lives and dwellings of these people and rather than folks that are normally white citizens, local history has studied African/Americans and Native/Americans as well as Mexican/Americans and German/Americans. Rather than folks focusing on the people who have run Lawrence it is also told of the people who challenge their leadership. Local history has much to offer. As Tip O'Neill, former speaker of the US House of Representatives said, "All politics is local." Historians of the United States had acted on the intellectual premises that all history is local. For all of these reasons, I urge the City Commission to place these 12 houses on the Local Register of Historic Places.

Dennis Domer stated Professional Tuttle is one of the sterling historians of the United States and we just happen to have him here at the University and in Lawrence and he's been here for 45 years, has one every award, research, teaching, and service. He's the only faculty member who won all three of those awards. I think we have a real authority here and of course, he knows a lot about local history. I spent more than a couple years on this project and resulted in a very large report, which I don't think you should have to read but nevertheless, we did do a lot of work particularly with the help of Dave Evans who is tremendous finder of new information and Brenda Buchanan who did all the drawings for us and I did all the writing. What I found by studying vernacular architecture in teaching if for 25 or 30 years is that by looking at plain ordinary buildings, you can develop a history, particularly here of manufacturing, building trades, ethnicity in race, architecture, people themselves, slavery, speculation of landownership, economics particular mortgages, and politics of course. I don't have time to really do very much here, but I just wanted to show you why I think this is so exciting. This is one of the most exciting research times that I've ever had the opportunity to be a part of and again, there's not very much time, but showed an example of a German/American carpentry and it was built by Robert Mann, a German/American carpenter in 1872 and he raised the property value of this

plot to \$625, that's what it's value was in 1872. He sold it A.J. Grey, "a colored horseman" who was born a "mulatto slave" in 1820 in South Carolina and owned by his white father until he was 14 until he "fell into the hands of other parties" after his father's death. He and his wife Agnes with whom he had 9 children appear in the 1870 US Census in Franklin County Kansas. They moved to Lawrence in 1881 and later purchased Mann's house for \$1500, he made 100%. A.J. Gray was an important figure in the Republican Party in Lawrence in the 1890's. When A.J.'s widow Agnes died in 1903, Robert Edmondson Jr., purchased the property. Edmondson was a famous K.U. baseball player who played major league baseball with the Washington Senators in 1906 to 1908 and until his death in 1931. He owned the grocery at 847 New Hampshire with his brother C.D. These little houses are medium for opening up all kinds of history and bringing that history together in a coherent way about East Lawrence, one of my goals in the future, should I live long enough to do it. It's been a great pleasure to work with East Lawrence owners and neighbors and the association. I hope you will accept these for the local register.

Dennis Brown, Lawrence Preservation Alliance, stated the LPA has been watching this process which culminates tonight's since September 2008 when we reported on it in our newsletter. Our draft copy, which is an excellent read of that document, is dated in September of 2010 and it really does have a lot of great information in there. This is a major effort by Dr. Domer and a group of dedicated architecture students, typically of the work Dennis does, it's grand in scale, comprehensive in nature, and offers many detailed insights and we're fortunate as a community to benefit from this. According to the text in 2010, there were 603 houses in East Lawrence built before World War II. The group closely considered 100 of those for possible study from there they settled on 44. As the study progressed, the East Lawrence Neighborhood Association became involved by communicating to these homeowners, the goals of the study and the ramifications of listing on the local register and the number shrank to 33. Presentations were made to the Lawrence Historic Resources Commission and after all that work; we're here tonight to nominate 12 of these structures to the Lawrence Register of Historic places and taken

together these 12 offer a very strong context of housing styles with variations in the East Lawrence neighborhood before World War II. Another ground breaking component of this study was documenting the interior of structures as well as the exteriors, even crawling through attics and crawl spaces to develop clues to support each structure change over time. No small feat in a working class neighborhood where multiple smaller additions could have occurred over the structures life time as the occupant's money came in. This extra layer of study give it a human element that perfectly combines preservations twin focuses of architecture and personal history. LPA congratulates all of the participants and supports these nominations to the local register.

Josh Shelton, el dorado Architects, for the recommended team for the 9th Street Corridor Project and I just want to say what a privilege it is to have Dennis Domer on our team and how much this enriches our project to have this underway at the current time.

Moved by Schumm, seconded by Farmer, to close the public hearing.

Amyx stated a lot of tremendous work was done in this recommendation by Professor Domer and his group, the folks in East Lawrence, and the owner of the property. Again, East Lawrence is a very special place. I think that this is a way to especially recognize history that is so important and to tell its story. I'm obviously in favor of all of these ordinances and making sure that these properties are placed on the register.

Dever stated I agree. It's unfortunate that Living in East Lawrence S.A. for multiple listings nomination is 1.3 gigabytes in size. I think that's the largest document that I've ever seen posted on a City website. I think this merits gigabit internet service in our community. I couldn't get it downloaded, just so you know.

Riordan stated what a great opportunity and what a great project. When you look at these houses and see the fact that they do have history, that's what makes these houses great. As somebody who lives in a historic house, it also provides the opportunity for the areas around them to be preserved and to be scrutinized when significant changes are made. This is a large swath of East Lawrence and I know East Lawrence residence some fears about changes in

their area with upcoming things that might occur. At the same time, this is such a great idea and such a great opportunity for us to protect them and to create an environment that we can all be proud of here in Lawrence.

Farmer stated it's just amazing what a rock star line up here tonight at City Hall. I feel like these folks should be sitting up here and not me. Lynn thanks to you and the HRC for all of your hard work. This is really neat to be able to be a part of doing this.

Schumm stated great night for the history of Lawrence.

Moved by Farmer, seconded by Schumm, to adopt on first reading, Ordinance No. 9057, for landmark designation of 645 Connecticut; Ordinance No. 9058, for landmark designation of 742 Connecticut; Ordinance No. 9059, for landmark designation of 821 New York; Ordinance No. 9060, for landmark designation of 934 Delaware; Ordinance No. 9061, for landmark designation of 936 Pennsylvania; Ordinance No. 9062, for landmark designation of 945 Delaware; Ordinance No. 9063, for landmark designation of 946 Delaware; Ordinance No. 9064, for landmark designation of 946 Pennsylvania; Ordinance No. 9065, for landmark designation of 1002 Pennsylvania; Ordinance No. 9066, for landmark designation of 1004 Connecticut; Ordinance No. 9067, for landmark designation of 1029 Delaware; Ordinance No. 9068, for landmark designation of 1208 Delaware to the Lawrence Register of Historic Places. Motion carried unanimously.

The Commission recessed at 8:35 p.m.

The City Commission reconvened at 8:45 pm.

4. **Received East Lawrence Neighborhood Association (ELNA) document on full partnership and statement of values for the E. 9th Street project. Documentation will be available once it is provided by ELNA, on Monday, December 15)**

Aaron Paden, ELNA President, presented the report on full partnership and statement values for the East 9th Street project. Paden stated we were able to vote on it via email and had unanimous support from the Board in terms of the letter. (The letter is listed on the agenda and available publicly.)

Schumm stated how many people voted on it.

Paden stated 14 people. I have a 14 member board.

Schumm stated was it open to the public or was it a Board member decision?

Paden stated this was just a board member vote. The way I was seeing the process is that we help facilitate that rather large meeting at New York Elementary School and that was kind of a public input process for the City. It was also in part for ELNA to articulate some of that down into a document that was clear about what might be a good way to proceed.

Amyx stated the values in which I read on this document that we're being asked to received tonight, are the items that were discussed during the New York School meeting, correct?

Paden stated yes.

Amyx stated it is your understanding that we are just receiving this item, correct?

Paden stated yes. I'm not expecting action, but there might be questions about what's in it.

Amyx stated gentlemen are you okay with going ahead and receiving this document and have this included in the discussion when we talk about 9th Street again in January.

Riordan stated I think that would be an excellent idea to include it in that discussion.

Schumm stated can I ask El Dorado, principal, a question about this?

Amyx stated that's fine.

Schumm stated point number 1 states: ELNA as a full partner must approve design plans before the plans go on to the city. Presumably on the way there's going to be many plans or ideas and they're going to meet with acceptance, partial acceptance, or rejection as it builds and then you final get a product. With this statement it was a little ambiguous because I don't know if that means the final plan or plans along the way or concepts and so I'm concerned about the length of time this might take that if every time there's a design for a plan or part of a plan for a segment, then it has to go through approval for the ELNA Board and come to the City

Commission and back to you. Any comment on that at all? Does this look good, but difficult? I'd be interested in hearing your thoughts.

Josh Shelton stated it's unorthodox as compared to other public processes that we've either participated in or conducted and unorthodox in comparison to processes that I've even participated in as neighbor in a neighborhood association. I just saw it for the first time just this afternoon so I have wrapped my head logistically around what that would mean along the way. I do know that there may be considerations. This is a complex process and amongst the consultant group would be urban design, our consultants, technical consultants, historians, civil engineers, and electrical engineers. All of this creates a constellation of considerations as decisions are made. What might what appear to be a simple proposal within even a portion of a design solution might have behind it a lot of technical considerations as to how that might play on the future. Typically in this kind of situation, the hired consultant is trusted to seek input from stakeholder groups, from City concerns, from technical concerns, and from sorts of concerns that might have to do with durability and longevity for the project and make the right sorts of recommendations to move forward. It would certainly be a tough act to balance, but I also think with the right kind of stakeholder engagement and the right kind of stakeholder input, a lot of considerations can be thoroughly reconciled and taken into account for. I don't know if that answers the question, but it's a lot to get your head around as complex as this one would be.

Schumm stated as you have time to digest this and once you work on the scope of services, if that statement needs to be expanded, modified, or pointed out where it could be better in terms of how it's going to fit and work within your group.

Shelton stated to the extent that we can really address that, it's somewhat limited. I think the other component is the kind of process the City wants to run and what kinds of schedules you all want to uphold. It would be awfully hard to structure an open ended scope of work and fee proposal not knowing clearly the process of approval. It could be that the process

could go on for long while. I have a hard time understanding how that gets reconciled, how that gets decided, how that gets capped within a complex process. It's a tricky proposition.

Paden stated just to be clear, the way it's laid out in terms of process now, it goes to the Lawrence Cultural Arts Commission and then it comes before the City Commission as a final plan and we were feeling that it would be a good step for it to go before the East Lawrence neighbors as a chance to approve it in a proactive beneficial manner. I don't see it as being a negative thing. The intention is for this to be something that can be easily approved because it's the neighbors making it. That's the idea behind it. It's not meant to be incremental or pick and choose or anything like that.

Schumm stated so you see the plan when it's all done and everybody's had all the input and all bound then that's when you say ELNA should have the right to approve it first.

Paden stated right.

Schumm state along with input along the way, but this in point number 1, is reference to the final product.

Paden stated right and Bob at the Lawrence Cultural Arts Commission is going to be doing the same thing and you guys will be doing the same thing yourself, with the idea that it's happening in our neighborhood and it affects the neighbors very greatly. I honestly just see it as a formality that means that good intentions are that this will be something that will be easy to approve because we will have made it like it's ours and we'll want to approve it, we'll want to be able to come before you guys and say, we really think this is an excellent plan. That's the idea behind it, but as it is right now, it only requires Lawrence Cultural Arts Commission and City Commission.

Schumm stated ELNA (East Lawrence Neighborhood Association) wants to approve the plans for it goes to the City Commission. Is ELNA the citizens of East Lawrence or the Board?

Paden stated I'd imagine it being a Board vote, but I would be open to it being an open public input if that's manageable.

Schumm stated the reason why I say this is because you've gone to great length to say that we should include everyone in the neighborhood along with correspondence and information. It seems only appropriate that if this is going to be a requirement which I don't know how this Board is going to react to that yet, but it should be a neighborhood vote, a neighborhood consensus at the end as opposed to just the Board. We're getting some emails that are suggesting the Board is not as representative as what these people think it should be.

Paden stated I'm aware of some of those emails. There are some personnel stories behind those emails that would lead one to have that point of view. I would think that having lived in the neighborhood; the Board is actually fairly representative of the neighbors. With great pride I say that East Lawrence Neighborhood Association is probably the most active neighborhood by far in the City of Lawrence and not as offense to any other Neighborhood Association, but we do a lot and we have a lot of history and a lot of pride. I can go into specifics about some of the letters you've received.

Amyx stated let's set a rule that we're going to receive this item tonight and set a later date where we'll be able to have all the public debate that is necessary on this item.

Paden said it would be abhorrent to everyone on our Board for us to do something that wasn't a consensus of the neighborhood as a whole.

Amyx stated Dave what is the date that we plan on having the item from El Dorado and further discussion.

Corliss stated Diane or Cristina can speak to that, but it's my understanding that El Dorado has a draft contract scope and then that would then start our discussions back and forth. Is that accurate?

Diane Stoddard stated I think your earlier statement about it being sometime in mid-January or so. Our hope is to get it back in front of you as soon as possible, but I think it will take a little bit of time for use to work with El Dorado in responding to that draft.

Amyx stated because you and I talked earlier and we haven't received that draft yet.

Corliss stated I think what we want to do is we want to approach those draft documents with ample time for people to review and comment. We'll hopefully get something that we can look at

Riordan stated I just want to say that receiving this I'm very happy to do so. I do have some significant concerns on the wording. I do have some thoughts that this has some effects doing something new that we've never done before. When we receive this I think the City staff should look at this and not as something that we're endorsing, but rather just receiving it from the East Lawrence Neighborhood Association as something that's part of the discussion.

Amyx stated very good, but here again we will have our usual debate and final decision on this.

Mayor Amyx called for public comment.

Susan Tate said I think that Commissioner Riordan sort of asked my question, but in receiving the document, could you provide some clarity on whether you're endorsing the document and what this is going to do as far as the City staff's timeline with moving forward with negotiating with El Dorado? Can you publically state whether you're saying that as staff begin their negotiations they should weigh these for demands heavily in their negotiations or there to wait until a different City Commission meeting until they get your direction on how to proceed with these four demands. If they have to wait until another debate, to know your direction on these four demands, the negotiation cannot really start.

Amyx stated I've been put in probably in the worse position because of this whole thing and I'm going to be honest with you, I never thought a project like this would be so hard.

Tate stated I share your sentiment.

Dever stated are you asking, is it implicit that we're endorsing this?

Susan Tate stated I think it's not. I think you're just receiving it, but my real question is, do the negotiations with El Dorado go ahead and start or do they wait until after you've decided how you're going to respond to each of the four points?

Dever stated because you can't negotiate with them unless they know the terms.

Tate stated I wouldn't think so, but he may tell me differently.

Dever stated he implied that, but I wasn't really sure.

Tate stated I wouldn't think the negotiations could really begin until El Dorado knows, are they first report to East Lawrence because they're being hired by the City. Are we going to say that now the East Lawrence Neighborhood Association is the first point of approval, adding a layer to what the City's process is normally are, which is Cultural Arts Commission and the City Commission because that would affect the scope of services el dorado negotiating with the City.

Dever so I think I heard Aaron Paden, the President of ELNA say that it would go through the process, but before it came to us they would have a chance to weigh in on it.

Tate stated they would have a chance to approve it.

Dever stated that's what the document said, but he just clarified it in this meeting so maybe he could clarify. I had the same question, but when he said that I guess it swayed my fears that there would be some massive rewrite of this document because we're implying that we're going to use input the entire time and then the document would be approved and then it would go to ELNA and then to the City Commission. I guess I was hearing that it was just more of a, make sure they had a chance to weigh in on anything before it came here.

Tate stated this is going to be such an inclusive process and I can't wait for it to get started because I think as soon as it does, a lot of fears will be allayed and it will be a very positive one, but my question is really if we go through a very inclusive public process, but the concept comes to the East Lawrence Neighborhood Association and they do not vote to approve it, does that mean it doesn't then go to the Cultural Arts Commission?

Dever stated yes, I see. I think he said Cultural Arts Commission then ELNA.

Tate stated "must approve."

Dever stated that's what the document stated.

Tate stated I'm just wondering what the direction would be.

Dever stated when they draw it down to detail I'll be happy to do so because I still have lots of questions about how we would be paying, the precedent we're setting by paying, where would the money come from and how we would fund it. There are lots of questions.

Schumm stated we really need to get this on the agenda for discussion, after we've seen it and just go through these points and see who is for and against it or if you want to modify it. Susan was absolutely correct you can't really negotiate a contract. As you heard for El Dorado that they don't know how many meetings they're going to have. The approval process is so wound together on each little element. I think we need to go through this and see what we agree with, what we disagree with and if we're going to modify it.

Amyx stated our next scheduled meeting is the 6th. It's filling up quick.

Corliss stated Mayor you set the agenda and I do know we are going to spend hopefully the next two meetings in January, a lot of the Wastewater Treatment Plant bid which is a very important project, but I don't know we have a whole lot of other things. Usually when we're off a little a bit we can fill up an agenda pretty well.

Dever stated how did this get on the agenda like this?

Amyx stated I put it on.

Dever stated what your intention was?

Amyx stated so we could just have an action of receiving the item this evening since it was a new item, I put it on the regular agenda.

Dever stated that's great, I just wanted to make sure I understood. So your intention was just to receive it?

Tate stated what you're saying is that the negotiations with El Dorado are going to be delayed for three weeks?

Dever and Amyx stated they were not saying that.

Corliss stated what I would hope that we can still go ahead and meet. We could get a lot of the other basic elements of the contract set out, understanding that the consultant has not

been able to determine their full scope and how many meeting they're going to have to participate in until the City Commission makes clear direction, but we can at least meet on some of the items that had to do with roadwork and some of the basic contract elements, we could at least sit down and start that discussion.

Tate stated I understand that, but to be clear the City has a process which dictates that anything up for discussion is on the agenda in time for Commissioner's to read it, if it's important. The way this item came on to the agenda and the timing of it, did not make that possible and this is the reason that the delay for serious negotiations is going to be possible. I regret that this happened because we're making every effort to have public meetings, bring things to the public, to bring things to the Commission in a timely and open fashion. We've been doing so for two years and I regret that this way of maneuvering the agenda is acceptable.

Amyx stated the way this item came to the agenda was that we had a request from the Neighborhood Association last week during the meeting and we kept it as a placeholder knowing well that the information was going to come yesterday at which it was placed for the world to see.

Tate stated I understand.

Dever stated I don't want to wait another month. I guess we could talk about this document we just received it relatively recently, like yesterday. My first impression when I read it was there's unprecedented items or requirements or request in this regarding payment for involvement, regarding authority and power of the neighborhood. This would be power that no other partner would have and from what I'm seeing here is that they would have veto power over the plan from reading this and I would never give one partner the ability to veto the entire process when there's multiple parties involved. I would think that we would concede and we would meet and agree, but veto or the ability to not approve a document is not a partnership that's basically ultimate power. I don't see that its partner, I see that as the ultimate decision maker. If that's what we're implying here, I'm not going to be in favor of it. If there is any

question for anybody out there, this is not partnership this is creating a basically authoritarian government over a project that I don't believe is suitable and reasonable in this situation. I'm trying not to get angry here, but I'm very concerned about the pressure that you're putting under Mike and on us. This process has become unfair. We just got this document yesterday and now we have to wait a whole month before we talk about it again. I would like to maybe let people speak to these unprecedented requests and I heard them before. I heard them spoken in the meeting, but I don't think anyone ever endorsed the idea of paying anyone to be involved in this. I don't remember anyone giving East Lawrence Neighborhood Association leadership with the ability to veto or to overrule any design plans. I guess to speak to the points that the negotiations process might need to speak to and so we could move forward with this, I think we need to address those items if we're going to have to wait a whole month.

Amyx stated Bob, do you have a comment?

Schumm stated do you want to talk about it right now? I'm fine with talking about it right now, but it's not on the agenda as a discussion.

Dever stated okay.

Amyx stated I was told that we were going to receive this item.

Dever stated I can receive and give my opinion, can't I?

Amyx stated you most certainly can.

Dever stated I'm just telling you that I'm just being honest to everybody here so there's no misconception. A full partnership means something to me. Partnership means that the partners get together and agree to something that one doesn't have authority or power over the other. It's a partnership that is resolved by a third party if the two partners or the three partners cannot get along. It's usually not one of the partners having the authority to override the decisions or the desires of the others. When I see full partnership that means you communicate and you agree to stuff. It doesn't mean you veto it after the process.

Schumm stated I absolutely agree and I got some nasty emails today about what's going on. It's our responsibility to except or reject this plan or modify it that's why we were elected. We're the representatives of the community which includes East Lawrence and the road although it is through East Lawrence, it's a community road. It's part of the community and we're the ones responsible to approve or disapprove of anything that went on in the City. I think No. 1 can be altered to say that ELNA should have the right to comment on the project before it goes to the City Commission. I agree with you Commissioner Dever that there's lots of partners involved in this and no one should have the overriding authority over the other partners. I think No. 3 is fine. We talked about that in terms of giving extra compensation to the neighborhood association so that everyone is fully aware of all the issues that are going on at the time. No. 4 is little bit of a loaded question all proposals and present and future budgets related to the East 9th Street Corridor should be known and made public. What's present? How far does present go from this on back? How many months or years? It's just written with a lot of ambiguity as far as I'm concerned. I would say that any new budget or proposal is absolutely open for any kind of discussion, but I don't know about going backwards. I don't know about "two paid staff" because I can go either way on that. I don't know if we need two. I don't know why the number is two. It seems like one person could be the representative, if they feel like they need to be paid to attend all the meetings. I'm not in favor of having that person be a part of the design team, we're hiring the consultants and I don't know if that's what this means or not. It says "As part of the project management team they would be involved directly in shaping the engagement process and design plans." I don't know what all that means. I don't know if there is somebody that's going to be sitting at a meeting and listening or somebody that is actually going to be around the work table drawing pictures and adding hearts to the design process. Those are my thoughts.

Riordan stated I have very similar thoughts. The first statement to me goes beyond what a neighborhood association should do. I certainly think being a full partner would be important,

but the City Commission approves the elected official approves whether it be this Commission or the next, but I think a non-binding approval or a comment, some words like that would be acceptable, but not the present words. I would like the concept of paid people to help in some ways in a working neighborhood in order to have full partnership. We need to have some remuneration with that, but I think it should be very well defined. I think it should be the scope of that. Some limits on the amount that that's done in exactly what they do and that takes time because we're setting precedent here. In my neighborhood, the Oread neighborhood also has very similar income and very similar patterns to this so there are many neighborhoods in Lawrence. I think we need to be very careful about the second statement because we're setting a precedent. Those are my two most major concerns here and by receiving this in no way would I endorse this. I have significant problems with it, but at the same time, what I hear them saying is they want to be a full partner, they want to be heard, they want to have input and I'm hearing that loud and clear and that's what we will do.

Farmer stated what's amazing to me is I don't think I've ever before heard such unprecedented opposition with maybe the exception of 9th and New Hampshire which is funny because I wasn't even on the Commission then, but my grandparents own property in the 800 block of Connecticut and I went door to door to about a hundred different places and found 4 people against the project and everyone else was excited about it, but we heard everybody from the East Lawrence Neighborhood Association say that everybody was against it and everybody turned out to be about 4 people. We're arguing about arts. The neighborhood seems to be concerned about gentrification. Other owners in the neighborhood, however, including my grandparents would like for their property values to increase. We heard last week about the cell phone tower in the Brookcreek Neighborhood and how people didn't want their property values to go down, but if you don't want your property values go down and you don't want them to go up, I really don't know what you do about that. One of these realities can't be true without the other. The main concern that I have is, is ELNA as an association inclusive because it seems

as though they feel like other people are from their group ostracized from their group and other people feel like they've been ostracized from that group. I've said on a few occasions that with neighborhood associations it seems like they're so much in fighting in those groups that they can't even get along with each other. This association already receives funding from the City and I have grave concerns about us funding a neighborhood association even more who continues to oppose everything that comes before us. For me, I think the neighborhood needs to be involved in the process. I think that's incredibly important. I don't want to minimize the voice that folks need to have and what happens in their community. My concern though is this is not language that echoes or initiates that of a partnership, it's dictatorial in nature. I feel like the wording is very threatening. I feel the wording is very disingenuous. I feel like the neighborhood is saying that we're basically going to stop this in its tracks if you don't do it our way. I don't feel like that's what being a good partner is. For me, they already are a full partner just like the City's a full partner of the Culture Arts Commission. Downtown Lawrence should be a full partner; everyone should be a full partner. I disagree completely with the paid positions. I don't think we need to get in the business of doing that. As far as communicating to the neighborhood, I would like to see if we wanted to do something to help get the word out. Maybe the City could send some stuff out. How many residents are in the ELNA neighborhood, 2200? That's something that we should do to communicate to everybody in the neighborhood and I don't think that's something that needs to go out from ELNA specifically because this is a project that are name is on. It's our project in a sense. I feel like we have been extremely transparent. I didn't say this because I wasn't here at the meeting. I run a non-profit for a living. I write grants. Sometimes you have to say in grants things that you wish to have happen. I'm trying to get a grant right now for us to hire some nutritionist to work with local doctor's offices. I've had some of those conversations, but I have to get the funding before I can actually do it. Thankfully my board didn't come to me and say, we'll I can't believe you wrote these grants for something that you haven't even talk to us about yet because I have to get the money. It's going to take a

while to get there before I even go about doing that. I'm like you Mayor; I'm a little frustrated as I'm sure everybody is because this is going to be such a neat thing. I don't know, why there's so much mistrust and malice and why a small group of folks are frustrated about it. It seems like a lot of other folks are for it. I just don't know what to do. We've got everybody on different pages and I hope we can legitimately sit down and have a conversation and figure out what being full partners is with not only ELNA, but the other residences in East Lawrence and Downtown, everywhere from Vermont to Delaware. The Warehouse Arts District included. Everybody needs to be full partner.

Amyx stated this has gone a little bit farther than what I thought.

Dever stated it started an avalanche.

Amyx stated I'm having a harder time staying a full partner in this project. Something that I thought that we could do that would be so good for East Lawrence. I'm having a hard time staying in the game and that's tuff to say. I have to admit I take the position of City Commission very serious and realized the final decision does rest with the Commission on what the East 9th Street Corridor will look like, but only after we've had the opportunity to have input from anybody and everybody who is in the neighborhood and a part of everything. If we can't do that, we probably shouldn't do this project at all. It's just as easy as that. Would I be willing to support two positions? We don't do that. I would be willing to pay the expenses because I want everybody included and to make sure their notified on everything that goes along with this. I would make available any and all budget items that are included on 9th Street. People have the right to know how their money is being spent. I want everybody to know that the seriousness at which I take my job as Commissioner to make sure we make the final decision on the corridor, but only after the input is received from members of the neighborhood and everybody involved. As I said last week, my goal is to make sure. I thought last week we had talked about the importance of making sure a street that is usable for the neighborhood is going to be used by so many and the sidewalks available for everybody. It's something that we can connect one part of

the community with another, but somehow I'm feeling that that's all falling apart. I have concern about maybe doing this project, but that's just me.

Amyx stated Dave you have information from the Commission as to what can happen with negotiations. We will put this back on the agenda maybe even prior to discussion with el dorado so we can have what's finished up with this letter, or do we want to do it all at the same time.

Schumm stated the 6th is the earliest you can do it.

Amyx stated Christina do think the El Dorado scope of services is going to be back on the agenda on the 13th at the earliest?

Christina McClelland, Director of Arts and Culture, stated at this point I'm not sure. I haven't received a draft scope from them yet. As Josh pointed out he just saw this document that was given to the Commission today. I'd be interested to see what he would put together as a draft including what might be possible with this information and have city staff review that and do the negotiation process and bring that back to the Commission. Whether its mid-January or late January it's difficult for me to predict. Diane, do you think that's reasonable?

Stoddard stated I think it depends on what you all want back. Typically staff does the negotiation and brings the draft contract back for approval by the Commission, but if there's a desire to have a step in between and have additional input or direction provided, we can certainly do that earlier.

Amyx stated do we want to bring this back on the agenda to have discussion prior to the discussion on the contract with El Dorado or do we want to do it at the same time.

Schumm stated I think you should do this first and be clear on this, that way they have a strong foundation to negotiate from.

Corliss stated is there anything you want us to do in regards to this in the meantime?

Riordan stated the only direction I would ask was that there were very specific things about the project management team and being remunerated. I would like some guidance on scope of remuneration and what they would be remunerated for, just some basic concepts.

Schumm stated I agree with that because that's going to probably need to be an interview with the East Lawrence Association. I don't know if you're talking about payment per hour for a meeting attended or if we're hiring full time employees that are going to send out email all day long. I really don't know what this job entails.

Riordan stated or go door to door or whatever. I think there ought to be some concept what services would be remunerated. This is still a volunteer organization. Some remuneration might be of benefit, but I think we ought to try to define what that might be.

Schumm stated I'm interested in the number of hours per week and the length of time that we'd be signing up for. The other question before No. 2, staff could, as I indicated earlier, quiz the East Lawrence Neighborhood Association about how much involvement there asking for with these two paid residence to be included in the plan. Are they're merely observers or is it the neighborhood association's intent that they actually be involved with the consulting team?

Amyx stated again, any information that you all want to provide us please get it in.

Moved by Dever, seconded by Schumm, to receive the East Lawrence Neighborhood Association (ELNA) document on full partnership and statement of values for the E. 9th Street project; and place this item back on the agenda on January 6, 2015. Motion carried unanimous.

5. **Reviewed existing 2014 City of Lawrence Legislative Policy Statement and direct staff concerning issues for inclusion in the 2015 Policy Statement.**

David Corliss, City Manager, presented the report.

Farmer stated I was really concerned about what the legislature tried to do last year before. Thankfully enough people called on trying to give businesses the ability to turn people away based upon their sexually orientation. I would like to see us put something in here because I think those crazies are going to try and do something like that again. I appreciate the

local taxing and spending decisions should be made by local officials. I heard a few rumbling and I know Dave you mentioned that when you talked to the League last week about touching the liquor tax. I just think we need to put in there that that money funds social services in this community and what a detriment that would be for us to lose that funding. I would also like to see something in here about figuring out a way to fund the schools. I know that we're not like the school district, but are kids are important to us and I think we need to get on board with that. The other thing being just how to continuing to cut social service funding will increase the burden on private non-profits and others to provide homeless shelter, food, mental health care, etc... Those would probably be my top 4 things.

Riordan stated there is only one think I would add and I can't speak for the whole Commission, but the medical community is not being served. Our hospitals are increasing, especially Lawrence Memorial and some of the smaller hospitals in the State some which would go out of business because we did not participate in the Affordable Care Act. I would like to see as a City that we support our local hospital and also support the thought of Gene Myer that these poor citizens who cannot afford insurance now, cannot afford adequate medical care be given the opportunity that the sons and daughters of probably every State Legislature and Senator have which have adequate medical care. I think it's a travesty and something that hurts the children and the adults in Lawrence and also puts our hospital at risk.

Amyx stated any statement on balancing the State budget on the backs of locals specific? I'm not sure we can afford to pick up much more.

Farmer stated if anything with the SLT at risk.

David Corliss, City Manager, stated with my discussions with the Kansas Department of Transportation they have entered into the necessary contracts to complete that roadwork. Similarly Vice Mayor, with the interchange at Bob Billings Parkway and K-10, very similar to what we do when we sign a contract we had to point to money in the bank in order to accomplish that work. So similarly, KDOT has to point to money in the bank when they've

entered into a contract. If there would be significant State withdraw of funds for transportation, it's my understanding that it doesn't impact previously executed contracts. There would be a substantial claim from a contractor if they said okay you need to stop and they've already mobilized and got there 600 pieces of equipment down there and those kinds of things. Vice Mayor, I don't think so, but we still rely greatly on KDOT funding for our road maintenance work and a lot of other things as well. We do have language in here that talks about protecting transportation funding and I think that's something that we really want to make sure because I don't know if the delegation is aware of.

Mayor Amyx called for public comment.

After receiving no public comment Amyx stated so you're going to redraft this thing and bring it up to date and we'll see it again at the earliest meeting in January.

Corliss stated correct. I have support for schools; avoid cutting social services that hurt local agencies, not balancing the State budget on the back of local government. We got language in here about liquor tax, but we probably need to review that and how important that is. Avoid language that would discriminate against individuals on the basis of sexual orientation or marital status I think was the issue as well in regards to businesses, support medical care expansion for on Kansas citizens. Those are the main items that I at least heard you all speak to.

Amyx stated you'll give us a setup date and we'll consider for final adoption in early January.

D. PUBLIC COMMENT:

K.T. Walsh, speaking only for myself, stated as per the discussion about receiving the document from East Lawrence there's another piece that needs to be decided before staff negotiates with el dorado and that's what I brought up last week that on the full Art Place Grant on page 1 and page 7, they say the area of the grant is the 6 blocks from the historic industrial district to downtown and 6 blocks takes you to New Hampshire. So the vast majority of the

grant is happening in the East Lawrence Neighborhood and so to have Downtown Lawrence involved or considered as part of the full team, I think that needs to be discussed publicly. What is the area of the grant? Does the original grant writing need to be changed? Do we need to contact Art Place about that? It has to be decided before then they won't even know what the area is their working in unless this is cleared up.

Michael Almon stated I'm here speaking for the Sustainability Action Network regarding the non-motorized transportation line item that is in the budget, but intending to fund. I just want to apprise you of something that has recently surfaced and is circulating among some advisory boards, possibly City staff, I don't know. It's the draft job description for a Bicycle Pedestrian Coordinator. The allegations for this started two years ago at the budget hearings when Sustainability Action Network proposed two things. One or two million dollars in the line item for bicycle infrastructure build out and the hiring of the City traffic or bicycle engineer to oversee that build out in 2013 and again in 2014. We did a power point presentation on the 13th of May with those same two requests. We submitted information in May and June this year about the bicycle engineer and the line item. Just a long story short, the conversation all along from what we initiated, what has been discussed at the Commission, with the Director of Public Works proposed potential \$200,000 for this engineer and focused on a Bicycle Transportation Engineer, someone who is a professional engineer. P.E. and understand all the design elements that go into creating the infrastructure. Never was it our intention and I don't think any conversations to this point, mention a bicycle pedestrian coordinator. Some of the things in this draft job description are create communication plan for educational efforts, analyze economic and social benefits of the bicycle friendly communities, track and development of current and future bicycle facilities through mechanical count surveys. Those kinds of data gathering and communication things are already being done by transportation planners, City planners, by the Bicycle Advisory Committee. This job description is a duplication of what we're already doing. It doesn't reflect engineering capabilities and engineering skills. I just want to make you

apprised to that difference before this gets too far along and gets too much traction because we don't feel it's really fulfilling what our request originally was.

Corliss stated I'm not aware of any direction from the City Commission to create a job that's not in the budget. I'm not preparing a job description for that. Chuck, are you aware of it?

Chuck Soules, Public Works Director, stated I'm not.

Corliss stated we don't have any authority to do anything like that. It wouldn't be uncommon for us to think about making something for our future budget request, but one of the things I need to do is set the time to meet with Michael and others that are interested in a non-motorized task force or whatever we want to call it. I've not been able to get at that. I want to talk a little bit about what that scope of that group should be. I haven't been authorized to fund a position and have not been authorized to proceed any further. Amy, do you know anything about it?

Amy Miller, Assistant Planning Director, stated almost. I believe there was an agenda item on the Bicycle Advisory Committee which is Lawrence and Douglas County. I'm looking of the agenda item as we speak. There is a job description.

Corliss stated let's find out what we know about it. It could be something from the MPO.

Schumm stated can we put K.T.'s request on the 6th. I would ask is that staff call Susan Tate and find out if we can't amend that grant from Massachusetts Street to Delaware Street.

Farmer stated I think Vermont.

Schumm stated Vermont is fine with me. Actually the district goes to Kentucky Street if you want to be exact about it.

Diane Stoddard, Assistant City Manager, stated I don't know that the actual Cultural District was used in the grant application, but Susan would be the best person to speak to that. She certainly did know that in the RFQ we did state the scope was from Massachusetts Street to Delaware.

Schumm stated just so we can get that. It's such a minor thing, but from my prospective I'd like to see it go from at least Massachusetts Street to Delaware Street. If that could be amended so everything is lined up, that will be great.

Amyx stated we'll have that discussion on January 6th.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

H: CALENDAR:

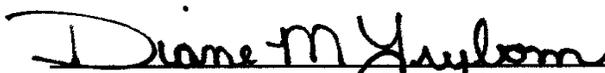
David Corliss, City Manager, reviewed calendar items

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 Farmer, to adjourn at 9:51 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON .



Diane M. Trybom (City Clerk