



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
JEREMY FARMER

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
MIKE AMYX

April 21, 2015

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Farmer presiding and members Amyx, Boley, Herbert, and Soden present.

A. STUDY SESSION (3:00 – 5:15):

1. City Commission Study Session. Topics: Budget update, status of projects, and department orientation.

After a short break, the City Commission meeting will resume its regular meeting at 5:45 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Recognition of Mayor's Day of Service.
2. Proclaimed the week of April 22 – 24, 2015, as Tree City USA Week and April 24, 2015 as Arbor Day.
3. Proclaimed the month of April, 2015, as Fair Housing Month.

C. CONSENT AGENDA

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

1. Received minutes from various boards and commissions:
Community Development Advisory Committee meeting of 02/26/15
2. Approved claims to 186 vendors in the amount of \$3,244,041.41 and payroll from April 5, 2015, to April 18, 2015, in the amount of \$2,025,304.61.
3. Approved licenses as recommended by the City Clerk's Office.

Retail Liquor
K Liquor

Expiration
New License



K Liquor LLC
1910 Haskell Ave. Suite #D11

4. Bid and purchase items:
 - a) Set a bid date of May 5, 2015, for Project No. PW1428 - 23rd Street Lighting Project, Iowa Street to Naismith Drive.
 - b) Set a bid date of May 26, 2015, for Bid No. B1524, Project No. PW1343 - Community Health Facility Improvements, access control equipment and security upgrades.
 - c) Approved purchase of one (1) Altech AT40G F550 chassis for the Public Works Department from Altech Industries, for \$95,332, utilizing the NJPA Government contract.
 - d) Awarded a bid for one (1) roll off container truck for the Public Works Department, to American Equipment Co., for \$108,713.
 - e) Authorized Change Order No. 1 for the Solid Waste Facility (2201 Kresge Road), Phase 1, to B.A. Green Construction Co., for \$19,027, for revised plans to address code requirements.
5. Approved a Special Event Permit, SE-15-00142, for Sertoma Club of Lawrence BBQ Fundraiser Competition, May 8 - 9, 2015, from 9:00 a.m. on May 8 to 3:00 p.m. on May 9. The event will be open to the public from 11:00 a.m.-1:00 p.m. on May 9. The event will take place in the parking lot of Rock Chalk Park, 100 Rock Chalk Lane. Submitted by Sertoma Club of Lawrence, on behalf of the City of Lawrence, property owner of record. Staff Report Special Event Permit
6. Approved a street event temporary use of public right-of-way permit for the 2015 Paw Valley Festival and 5K, Saturday, May 9, 2015, benefitting the Lawrence Humane Society, from 9:00 a.m. – 11:00 a.m.
7. Authorized the submittal of the city's Household Hazardous Waste (HHW) grant application for equipment and supplies for the new City of Lawrence and Douglas County permanent HHW facility.
8. Authorized the Mayor to sign a letter of support for the Langston in Lawrence grant application submitted to the Douglas County Natural and Cultural Heritage Grant Program.
9. Authorized the Mayor to sign a Release of Mortgage for Belinda Conrad, 1605 Powers Street.
10. Approved as signs of community interest, a request from the Lawrence Home Builders Association to place signs in various rights-of-way beginning April 25 through May 4, 2015 for the annual Spring Parade of Homes.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding the review of the 2015 International Code Council Model Building Codes; 2014 Building Permit Trends Report; Public Meeting regarding Bob Billings Parkway Improvements; Lawrence Municipal Airport Runway; City's Earth Day Celebration draws a large crowd; and, Egg Hunt Eggstravaganza takes over South Park.

E. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing to consider the vacation of a drainage easement at 2604 and 2608 Lazy Brook Lane, as requested by property owner Grand Builders, LLC.**

Mayor Farmer called a public hearing to consider the vacation of a drainage easement at 2604 and 2608 Lazy Brook Lane.

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

Moved by Amyx, seconded by Boley, to open the public hearing. Motion carried unanimously.

No public comment.

Moved by Amyx seconded by Boley to close the public hearing.

Amyx stated, "I'm a little bit surprised there really wasn't a restriction for the drainage area, but if you feel comfortable with it, I'm fine."

Moved by Amyx, seconded by Herbert, to approve the order of vacation for a drainage easement at 2604 and 2608 Lazy Brook Lane. Motion carried unanimously.

2. **Conducted public hearing regarding the property at 1231 Pennsylvania Street and consider adopting Resolution No. 7113, declaring the house and accessory structures to be dangerous and unsafe and to order the owner to repair or remove the structures within the specified time and Resolution No. 7114, declaring the exterior yard and front porch debris storage to be injurious to public health and safety and to order the owner to remove the debris within the specified time.**

Mayor Farmer called a public hearing regarding the property at 1231 Pennsylvania Street, declaring the house and accessory structures to be dangerous and unsafe.

Shelly Wakeman, Attorney representing Leon Kimball, stated, "I just wanted to share

some information with you regarding this matter. First, many of you may know Mr. Kimball. He has lived in Lawrence his whole life. He is a person that has done a lot of volunteer work in this town. He volunteers on a daily basis at Health Care Access Clinic. He also volunteers at Jubilee Café, twice a week and many other charities have benefitted from his service well. He is retired and lives on a fixed income. He is a US Army Veteran. He served 3 years active duty in reserve and at this point in time, just needs a little bit of help with his property. I think it's important to know sort of our position tonight is not that the condition does not meet the code specifications for a nuisance, so his yard certainly violates the code and we're here to talk about how we're going to abate that nuisance so that the City Code is being enforced properly and it's no longer a nuisance. You know, it just occurred to me that I probably butted in line, didn't I?"

Farmer stated, "I didn't notice it."

David Corliss, City Manager, stated, "We usually have staff presentation."

Farmer stated, "I messed that up."

Wakeman asked, "Do you want to back up and do that?"

Farmer stated, "Let's do that. I'm sorry Shelly, I just wasn't paying attention."

Kurt Schroder, Assistant Director of Development Services, presented the staff report.

Herbert asked, "Can you tell me if the property is currently being lived in? It's clear that there's still stuff in the property, but is this actually a dwelling for sleeping on a daily basis. You said utilities haven't been on in 20 years. Is this actually someone's home or is it being used as a storage facility?"

Schroeder said, "I think it was Mr. Kimball's primary home at some point in time in the past. Under our codes it would be considered uninhabitable in this condition and we do not believe anybody has been permanently residing in this house for a long time. You can ask him as well, but we have not seen any evidence of someone really living there."

Amyx asked, "Is there any substantial improvement at this point in the clean up?"

Schroeder stated, "Brian might be better to answer that. I think there has been some

cleanup of debris and scrap, but from the yard. I think Ms. Wakeman was out there assisting loading some stuff so from that perspective, there is some movement.”

Brian Jimenez, Code Enforcement Manager, stated, “When I went out there last Wednesday morning the dumpster had yet to start being filled. I had a good conversation with Mr. Kimball and he explained to me that the process would start that day. I visited again today and they’re working on their second dumpster. He is starting to arrange his backyard into certain piles of stuff. He’s created a recycle pile, metals and various items such as that that are going to be taken away. He’s trying to organize those areas right now. So, there has been some improvement. There’s quite a bit to go. Regarding the backyard, there’s been some improvement. Regarding the structures, there has not been.”

Herbert stated, “If we managed to get all of the debris off the exterior of the property, I assume we’re still looking at a property that would be declared uninhabitable?”

Jimenez stated, “Yes we have two resolutions, one is for the structures, the second one is for the yard so we can resolve those independently of each other. The way that would work is if you adopted the Resolution 7114 that would give him a certain amount time to abate the yard conditions. The way that the code works on property maintenance code, it’s 20 days to abate that. At that time we could go in and clean the property up for them and then all costs incurred would be put back on the property. But, yes, if the exterior yard conditions are all resolved, we still then have to address the structures and most importantly, the main one, the house.”

Moved by Boley, seconded by Soden, to open the public hearing.

Wakeman stated, “I think what Mr. Kimball would like to share with the Commission tonight is simply that he wasn’t able to do any cleanup over the winter months. He’s 72 years old and out in the cold was not something that he could do. When this action came about in January, he wasn’t in a position to physically be in the yard. However, now that the weather has changed and it’s warm outside, he has started working in earnest and indeed has his second dumpster almost completely full and it’s going really well. The thing for you to know is that he is

interested in getting this property cleaned up. He has shown complete willingness to throw everything away that's in the yard. We've contacted the 11th and Haskell Recycling Center and they're going to drop off a box for the metal, as soon as we can get the dumpsters out of there. There isn't any reluctance that you might think would be there. He's perfectly willing to do it. So what we're really asking for is for Resolution 7114, the resolution regarding the yard, we would ask for 60 days from tonight's meeting to abate that nuisance and so have Mr. Jimenez or Mr. Schroeder wants to come out and monitor the process, they're perfectly welcome to do so and so then to confirm in 60 days that the nuisance in the yard has been abated. Our goal in that process is to empty the house and then have a general contractor and real estate agent that has already actually been in the house, come in to give us cost estimates on rehabilitation versus raising the property and then the homeowner will make a decision based on those cost estimates on what he's financially capable of doing and what he desires to do with that property at that time and we would need another 30 days after the yard was cleaned up. We're asking for a total of 90 days at this point, from tonight's meeting to get those processes. We're perfectly willing to come back after 60 days and give you the progress report on where we are and then 30 more days with the general contractor and get the estimates in to you. Based on that decision then, we would be in a position to talk about how long we think it will take to either raise the structure or make the repairs. At that point, obviously, if we're going to make repairs we would be ready with a building permit and a financial capability plan. Mr. Kimball is here. He would certainly be able to answer questions if you have some for him. I can tell you he does not reside in the property. He resided there for a while. As far as his health and safety, he lives in a perfectly fine house."

Boley asked, "What are your plans for the accessory structures?"

Wakeman stated, "Two of them have already been brought down as part of cleaning them out. They were sheds basically and they're gone. The only other structure on the property that we haven't specifically addressed is the garage or barn type structure and Mr. Jimenez, I

think his opinion, based on our conversation today is, if there is some exposure to the elements on the side because it wasn't properly sided and so he's worried there are some structural integrity problems. We don't know that and we can't get in there at the moment, but we will be able to get in there and then Mr. Kimball will have the contractor look at the structure, the beams and so forth. If that is structurally still sound, we just need to make a decision on whether that will come down if the house is coming down versus if they'll both be rehabbed, but everything else we agree is in violation of the code and will come down."

Farmer asked, "Is there any other public comment on this item."

Mary Ann Graham asked, "Is this an issue of man power to get people to assist with getting things into the dumpsters?"

Wakeman stated, "If people are interested in helping with this situation they should contact me and I'll be happy to visit specifically about our needs and that sort of thing. My telephone number is (816) 510-3391."

K.T. Walsh, East Lawrence Neighborhood Association, stated, "We've talked about Leon at our meetings. I'm grateful for the respect and care that the City has taken with Leon. I want you to know that Leon Kimball is beloved in Lawrence. I can't tell you how much people love him. I don't want to embarrass you Leon, but it's just true. He is the king of recyclers. I can't tell you how much lumber, tile, clothing, and cookware over the years he has saved from going to the landfill and gotten to families that needed it. He's also a private person. I hope that we can back-off after this gets abated. East Lawrence's position is we want what is best for Leon and what Leon wants and we want him to get a fair shake. He owns this property. I'm really happy he is working with Ms. Wakeman and I also want to mention that Will Ogle is here, another neighbor and he has a bobcat loader so he would be willing to help out with that and Marriam McGraham, the inevitable is here to help. I think we can get a bunch of people if Leon would like that so I think we haven't voted because we didn't know about these two options, but my feeling is that the neighborhood would support abating the yard issue and allowing them time to

get a contractor and a realtor in there.”

Carol Klinknett stated, “I’ve known Leon since I was 19 years old. My question is what kicked off the energy for the City suddenly to go after this property? Leon has help for his whole life. He’s raised people’s children and had taken care of them. I would like the answer of how this got started because this last incident to attack this property, where did it come from? My feeling is that it is the gentrification of East Lawrence and wiping out of the poor. It’s upsetting. It’s possible to me that one person called the City, but I’d like to know what kicked this off because that property has been that way for years and years. Probably, no one has been hurt on it and Leon hasn’t hurt anyone and he’s saved tons of materials from ending up in the trash or wasted. It’s not illegal, not to use utilities. There are plenty of people who are listening to a different drum. Everybody use to live without utilities. It’s not illegal and it’s a life choice, but this man is older and I can barely do my housework now. I would like to get to the bottom and answer my question, who started this and why. I’d like that answered before I leave today if somebody knows. I have a feeling the City has to know because something kicked this off.”

Farmer asked, “Kurt, can you address if this was a complaint or Code Enforcement Office initiated this?”

Schroeder stated, “As I’ve stated before, we’ve had complaints against this property over the years and it has been deteriorating more and more, the buildings anyhow. We did get a complaint from a very upset neighbor in December and we had been trying to work with Mr. Kimball directly over the last couple of years, trying to get small improvements. When there was no action and we received a complaint, we proceeded with the action that you have before you today.”

Farmer stated, “On the memo it really kind of dates back to 2015. How long have there been open cases on this property?”

Schroeder stated, “Off and on for many years.”

Jimenez stated, “We’re talking 10 plus years, easy.”

Farmer stated, "So, it just wasn't something that just kind of came up overnight?"

Jimenez stated, "No. We really took a kind approach a couple years ago. One of my staff was dealing with the neighborhood complaints on it, asked me to go out and help facilitate some direction, so that's when we started meeting with Mr. Kimball weekly, 11:00 a.m., every Friday. We would meet every Friday to try to give direction to have him stay on task to start the yard and then if that was making progress then we would focus in on the bigger issues at the house. For a couple of years, we weren't meeting weekly, but for a long time six or eight months we were. We just weren't getting progress and we just let it simmer. We weren't getting complaints and like Kurt said, in December, one of my staff received a very angry complaint that would probably land on one of your laps if we didn't take any action. At that point, we decided to revisit the problems and see if there's been any progress made and of course the pictures demonstrate the property conditions in January. So, that's sort of what really got these actions before you tonight."

Farmer asked, "Any other public comment on this item?" There was none.

Moved by Amyx, seconded by Boley, to close the public hearing. Motion carried unanimously.

Boley stated, "I appreciate the work staff has done on this. I think it's an important aspect of our life as a City and I appreciate the patience that you've exhibited in dealing with this. It's important for us to be patient. It may not always seem like we're being patient but I think this is the culmination of a long situation and I think we have an opportunity to try and reach some kind of accommodation with Mr. Kimball and staff."

Herbert stated, "My concern with this, in reading through the documents and listening, is I fear we might be approaching the solution in the wrong order. By that I mean, to me, the contents of his yard do not concern me. I'll be perfectly honest with you. What concerns me would be the actual safety of the structure itself. Do we have a structure that children are ever in, that people are in danger and that Leon himself is in danger being in? To me, I got to be

honest with you that I'm not as worried about filling up these dumpsters as I am in making sure the house itself gets to be in habitable condition. It may be such that the debris in the yard creates a scenario where you physically can't get to the house to repair it and that might be the reason we're going in that order and if that's the case I suppose that makes a lot more sense. I want to make sure that we're not making him do all this work to fix up the yard, only to condemn the house. Do we have a house that's falling over that we're begging him to put a coat of paint on?"

Jimenez stated, "The resolutions are simultaneously. We're not really doing the yard first. We just figured, that was a couple of years ago, that was the thing he could focus on, devote manpower hours too. The house has already been declared its condition. That won't change whether the yard gets cleaned up or not. The way we've always worked it with Mr. Kimball is, let's try to get some of this stuff removed out of the house so you can get people in there to do the proper analysis of the inside. One room in the front was pretty waste high full of stuff so I couldn't even see the floor in that room so that was the theory. Let's get some of the stuff removed, start getting cleaned up, that's the first process and, quite frankly, the house and the structures are the bigger task, much more money. Right now I think he's probably just paying what the roll-off costs the City to come pick it up and drop it off. That was our thinking. We've ran these resolutions simultaneously before. The resolution for the yard can have a different date than the structures. We could easily go 90 days like they want on the structures and go 60 on the yard."

Boley asked, "So, you'd be happy with that?"

Jimenez stated, "Yes, we've done similar things in the past."

Soden stated, "I'm certainly satisfied with delaying 60 to 90 days, whichever we decide to do. These kinds of properties take time to go into that kind of deterioration so it takes a while to come out of it as well and it seems that there is progress now to come out the other way. I think we should continue to let it do so."

Amyx stated, "I think one of the things the City Commission has always prided itself on is to be able to work with property owners as long as we possibly can in preserving that housing stock. It seems to me that we have an owner, through representatives, come forward to lay out a plan that makes a lot of sense to me. Commissioner Herbert's concern about the safety of the property, I share that. If there's a way to secure the property so that somebody can't get in and out during the time of this cleanup and then allow the contractor in there. I don't have any problem with going through the timeframe of allowing what you outlined to have happen."

Wakeman stated, "I appreciate your concern and I want to let you know that Mr. Kimball very carefully and consciously secures the property so that no one can get in. It's all fenced. It doesn't have a regular latch on it. You have to have a hammer to get in so that kids can't get in and hurt themselves. He shares that concern."

Farmer stated, "It sounds like we want to adopt Resolution No. 7113, declaring the house and the accessory structures to be dangerous and unsafe."

Soden asked, "Are we asking to defer for 90 days? I'm not sure what we're moving to do."

Amyx stated, "Let's extend the time out to meet the timeframe but to have any final action come back to the Lawrence City Commission."

Moved by Boley, seconded by Amyx, to adopt Resolution No. 7113, declaring the house and accessory structures at 1231 Pennsylvania Street to be dangerous and unsafe and order the owner to repair or remove the structures within 90 days, and that the property be secured during cleanup and that the City Commission would consider any final action. Motion carried unanimously.

Moved by Amyx, seconded by Boley, to adopt Resolution No. 7114, declaring the exterior yard and front porch debris storage to be injurious to public health and safety and ordered the owner to remove the debris within the 60 days, and that the property would be secured during the cleanup process and that the City Commission would consider any final

action. Motion carried unanimously.

3. **Received presentation and directed staff on the 2015 City of Lawrence Community Survey.**

David Corliss, City Manager, introduced the item.

Jason Morado, Project Manager at ETC Institute, presented the consultant report.

Amyx stated, "You did a survey for us as we did a comprehensive plan update a year ago, is there any overlap to the questions being asked?"

Morado said, "No, there shouldn't be. It's such a different type of survey. The only thing that would be similar would be the demographic questions and we always ask those just to make sure that demographics are matching up with the actual demographics of the city, but the rest of the survey would be completely different."

Soden stated, "Number 22, the last one, where you asked people if they had \$100, what they would allocate revenues for. There are some things on there that I feel like might be helpful such as mental health care. It's a little bit out of the bounds of city services but then again it's something a lot of people are concerned about. I'm not sure how to incorporate that question in there."

Farmer stated, "Social services maybe?"

Soden stated, "It's more than that, its public health."

Morado asked, "This is, as far as, something that you wanted to add to this list?"

Soden stated, "I guess I'm asking for public health, physical and mental issues are how I might phrase it."

David Corliss, City Manager, stated, "If it's the Commission's desire to do that, and ETC says it's okay, I bet we can come up with a good sentence that tries to capture the issue of improving access to mental health care and maybe medical care within the community."

Soden stated, "Yes."

Corliss stated, "When we're done here, Casey might talk a little bit about our internal

process as well as we try to develop these questions.”

Soden stated, “Also, number 22, you know 9th street is a very controversial project so I certainly understand wanting to figure out how people rank it, but it’s a very specific project. Maybe, if that one were re-worded somehow, for art related projects instead of really focusing on a controversial topic.”

Herbert stated, “Isn’t the idea to focus on the controversial topic to see if the will of the Commission matches the will of the people we serve?”

Soden stated, “I’m not saying we should remove it, I’m just saying we should call it art related projects because the other ones don’t mention specific projects, just that one. They are more topical type of questions rather than one specific thing.”

Herbert stated, “I’d have to disagree. I think the more specific we make it, the better. That way we’re actually getting direct feedback on projects we’re proposing. If somebody says, if you had a \$100 how much do you throw to the arts; does that mean the Art Center? What does that mean? Whereas, this is telling us specifically, if you had \$100 do you give any of it to the 9th Street Corridor Project? If they write zero, that’s a pretty clear answer.”

Soden stated, “Perhaps it might be better if we make all of them more specific. It’s just all of them are general and then that one is specific. We either do it all one way or the other way.”

Herbert stated, “I agree.”

Boley stated, “You’re putting streets, city buildings and sidewalks all together. I agree. You’re a professional, how do you feel about that?”

Morado stated, “I think it would be fine to do that. We do need to make sure we don’t make this list too long because then it gets too hard for people to divide \$100 among all these categories. The idea behind that is fine.”

Herbert asked, “Is this a traditional length for a city survey like this? I had a couple of people that looked at this and that was the one consistent piece of feedback is there’s no way

I'm filling that thing out."

Morado stated, "It is a long survey, and people do comment on that a lot, but I think the reason we get a good response is because we contact people multiple times. Before we mail the survey, we place an automated phone call to tell people that they're going to be getting a survey in mail in the next few days. I think the fact that it is for the City makes people want to fill it out more so than if it were some advertisement or something like that. They see it on City letterhead, they feel like they're helping out the City, and then we do the follow up phone calls after we mail it out."

Farmer stated, "I'm wondering just for us to consider, rather than adding things up to \$100, if we just have rank in order of priority. That might make it a little bit easier. I think the data might be better. I don't know. It's just a suggestion. I don't know if that gets to what information that we want to get out. It's just food for thought for everybody. Any other questions?"

Soden stated, "Yes, economic development. Obviously, I just spent four months talking about how something like a conference center is not economic development but is an economic impact. I think we should change the wording on that so even just removing the word, or saying economic initiatives such as the conference center, tax incentives, which can be technically considered economic development or could be economic impact. I think that line needs to be re-worded. 1 through 21, I didn't have any problems with, but then we hit 22 and I was just like we've got problems here."

Amyx stated, "I think we need to get some answers to these things Vice Mayor. This is the opportunity to get help from the public. We've had really good response to these surveys in the past and it's amazing. If we want to be more specific, let's be more specific, but I think it's a good question."

Soden stated, "Okay, but let's definitely re-word it."

Amyx stated, "Okay."

Farmer called for public comment.

Michael Almon stated, "From what I gather, reading through this, compared to previous year, I don't know who compiled them in previous years, but you all are paying attention because I think this is an improvement first of all from previous years. I like that it has a lot of specifics and that's kind of what I wanted to address. The consultant hasn't been privy most likely to the past couple years discussion about bicycle and pedestrian transportation safety issues. The wording in this about people who ride bicycles and people who walk is much more extensive than it was, but it still kind of creates some confusion in two ways. One, that in some cases some of the questions conflate the two, bicycles and pedestrians, which is kind of a convenient way to do it and then other cases, the survey's question overlooks people who ride a bicycle or people who walk. One refers to number 3b, the availability of parking. That is a very common perception and term that's been used forever to refer to automobile parking, but of course there's bicycle parking and we do have ordinances on bicycle parking. Basically, I'd like to go through a few of these things and point out how I think it could be reworded to be more specific and gather accurate information that then could be evaluated."

Farmer stated, "Michael, before you do that, I've got a suggestion for how we might be able to do that, but can we take some other public comments first and then I want to throw out a suggestion on the table for all of us because it sounds like we all have some suggestions for how things might be better and that way we won't have to go through each of them and have whoever break their hand writing stuff down and me breaking my hand writing stuff down. Is that okay, if there is any and then all throw out a suggestion and then we can kind of see how we feel about it?"

Farmer asked if there were additional public comment. There was none.

Farmer stated, "So, here's my suggestion. It sounds like we all have some things that we would like to offer suggestions on. This is not being sent out tomorrow. My recommendation would be for all of us to get our suggestions to Dave by a week from tomorrow, Wednesday,

April 29th. We will then put it on the agenda for final approval and discussion on Tuesday, May 5th, and that way we can incorporate, Michael, some of your ideas, Vice Mayor, your suggestions in relationship to parking and walkability, bike ability and your suggestions how to reword 22. I've got a couple of things that I would like to suggest to get changed and then we can have a more kind of formal conversation about it now that we kind of know the direction that we want to go.

Moved by Amyx, seconded by Soden, to receive the presentation, for the Commission to provide input to the City Manager and to defer until Tuesday, May 5th, and for all to have input to the City Manager by the close of business on Wednesday, April 29th. Motion carried unanimously.

4. **City Commission discussion on City goals and priorities.**

Farmer introduced the item.

Farmer stated, "I really don't have a specific agenda here. I think we do need to talk about appointments because City Commissioners serving on various boards and I would maybe suggest that we start there and then we may just have conversations as a group, publically, in relationship to what we want to do, going forward, about our on-going conversation about goals and Commission discussions. I'm just going to go down the list of this document for members of the public that are sitting down or watching. We'll just kind of go down the different committee's and if you're sitting on something and you don't want to serve on it anymore or you're interested in serving on it then please speak now or forever hold your peace and if we don't have a representative from the Commission to serve on it, then we're just going to appoint Mike Amyx by default. Just kidding. So, Horizon 2020 Steering Committee, Commissioner Amyx, you're good to continue to serve on that one?"

Amyx stated, "Yes sir."

Farmer asked, "The Peasley Center?"

Amyx stated, "Yes sir."

Farmer asked, "The 9th Street Corridor Committee?"

Amyx stated, "Sure."

Farmer asked, "Would you rather have somebody else serve on it?"

Herbert stated, "You had talked last week about possibly having me take that over."

Amyx stated, "I'm 3 or 4 meeting so far into it. I have a second board meeting tomorrow. I think I'll stick around."

Farmer asked, "The LPOA, Commissioner Herbert we talked about you?"

Herbert stated, "Yes, I would be honored to serve on that."

Farmer asked, "IAFF (International Association of Firefighters), Vice Mayor Soden?"

Soden stated, "I would like to do that."

Farmer asked, "JEDC (Joint Economic Development Committee)?"

Soden stated, "I'm on that now. If you want to transfer me to the Commissioner position and then open up the at-large position, that's fine."

Farmer stated, "PIRC (Public Incentives Review Committee), the Mayor and Vice Mayor serve on that one. EDC (Economic Development Corporation) of Lawrence and Douglas County, I would like to serve on that. Typically, it's been the Mayor that's served on the EDC, if nobody has any objections with that."

Farmer asked, "BTBC (Bioscience and Technology Business Center)?"

Soden stated, "I'd be happy to do that."

David Corliss, City Manager, stated, "What we will do is according to the by-laws, draft a resolution appointing Ms. Leslie Soden to the BTBC Board"

Farmer stated, "I was appointed to DMI (Destination Management Inc.) by Mayor Amyx last week and I would love to continue serving on that board and then the MPO (Lawrence-Douglas County Metropolitan Planning Organization)."

Amyx stated, "Boley and Herbert."

Soden stated, "Done."

Herbert stated, "That's terrific."

Corliss stated, "We'll put this in a memo form and we will let you all see it. Mayor, we might just have it on your appointment memo next week along with a City Resolution appointing the Vice Mayor to the Board of Directors of the BTBC that way it just kind of formalizes all that."

Farmer stated, "We'll just kind of open it up to some Commission discussion on City goals and priorities. I think the survey is going to be a great time for us to get public input. The Budget process, for those that were not here for our study session, we did say that we will be having public input meetings on Monday, May 4th and we will announce the time and location later and on Thursday, May 14th, for a public input meeting regarding our budget and we will also announce the time and the location later."

Soden stated, "Strengthening public safety and mental health issues, I think should be two City Commission goals."

Herbert stated, "I would really like to make it a priority that we finalize the city fiber policy. We're about 18 months in and I think it just needs a little bit of resolution at this point."

Soden stated, "I agree with that."

Amyx stated, "I agree with that. I think one of the things we talked about in Horizon 2020 is that is a must. As we look at technology for the future, that policy has to get in place now. I know staff worked really hard on getting that policy done and getting ready to get back on our agenda. Mayor, I just think we need to push and have you get that on as soon as possible. It can go from priority to the front of the line because I just believe we need to have that immediately."

Farmer asked, "Is it ready to go on next week?"

Diane Stoddard, Assistant City Manager, stated, "I think it's on a future agenda."

Corliss stated, "We think so. We think it's ready to go."

Farmer stated, "Next week."

Corliss stated, "Okay."

Herbert stated, "I had the opportunity to sit down with a couple of people in the industry and they're pretty happy with what we have drafted. I think it's pretty close to just needing a rubber stamp."

Amyx stated, "I think it is."

Farmer asked, "Do you have anything else you wanted to add in addition to fiber?"

Herbert stated, "I would just second the public safety issues. There are a lot of public safety needs that we need to decide what direction we're headed in. There's about a billion dollars' worth of spending that we need to figure out what we're not going to spend and what we are instead of leaving people in limbo."

Amyx state, "Mayor, I agree with that. It's time that we have that discussion. I know that there are a number of things going on in the community, the discussion with mental health, and the things that are going on there, Vice Mayor; I appreciate you brining this up. I think it is something that we as a community need to talk about and Mayor I know on a recent trip that you took that there's just been a lot of discussion going on in the community that we need to follow up on and make sure we're doing the right things for the future. If I could go a different direction, one thing that's important to me, obviously, is always going to be our continued support of our infrastructure. I think that we have made some very good strides as a community. When I was elected in 2005, we had just finished a citizen survey and the number one item on there was street repair and maintenance and we had just finished our pavement management report and being able to talk about where we needed to spend money and the recommendation from the City Manager on ways to start funding those things. Former Mayor Dever led charge on a new sales tax where monies were brought in. I think we've made some real strides but we can't turn our back on our road system and we've done some really smart things in our water and wastewater plans in making sure that we're doing some things there throughout the community that are really going to be able to help. I hope that we can continue to keep infrastructure high on our list."

Boley stated, "I think we're probably going to spend about \$400,000,000 in the next 20 years on law enforcement which is an important component in public safety. We have opportunities to make some good decisions about how that money will be spent with the decisions that we make about facilities for law enforcement in our community. I think it's important to learn what the community needs in law enforcement will be over the next 20 years. Our former Mayor said he had some learning to do. Well, I've got a lot of learning to do. I think it will be important to draw on the community for expertise on this topic. I think we should have an independent blue ribbon commission to study the law enforcement needs of our community, what they will be and what the opportunities would be. I think this is very important. I think we need to get right on it."

Soden stated, "I second that."

Farmer stated, "Blue Ribbon Commission for our Police Department. What are the thoughts for the rest of the group?"

Boley stated, "Well, for the community to study the law enforcement needs."

Farmer stated, "But to look at the Police Department, not the Fire Department."

Boley stated, "Well, I think some of this ties into the mental health topics that we're talking about to the extent that fire and safety has interaction on those mental health issues, they should probably be wrapped into it. I think we can try to limit the fire/medical on this. The 40 million dollars is on law enforcement. It's more like a billion when we talk about the entirety of the public safety. I think it's the law enforcement needs. We would also have to consider interactions with KU Police Department and the mental health."

Soden stated, "So, under public safety, you can add the Blue Ribbon Commission for the law enforcement element."

Boley stated, "Yes."

Amyx stated, "I understand engaging the public and wanting to draw on the public's expertise in recognizing maybe what the needs are. We've got a pretty good clear case from

our chief, members of our department, of the actual needs of today. How much more are we going to get by having a panel or a citizens committee of some kind?"

Boley stated, "I think there are some things that they can look at. I think department accreditation is something the Fire Chief brought up today. There are some opportunities in Law Enforcement for that as well. The type of facilities that we build, or obtain, is going to have an impact on the decisions that we make for expenditures of these funds over the next twenty years. We need to build something for the next 20 or 30 years, not just for today. I believe that this is an urgent issue, we need to do something, but, frankly, I need to learn more before I can make decision on these expenditures. I'll be studying it but I think we need to hear from the community about what the communities needs are in law enforcement."

Herbert stated, "If the focus of this blue ribbon panel is to figure out what the needs of a police facility are in 20 or 30 years, I guess I'm a little confused as to what level of expertise the average person has about law enforcement in the next 30 years."

Boley stated, "Commissioner Herbert, it's not just what the needs of the facility are, it's what does the community want to see in the area of law enforcement and I think that's a broader topic then just facilities. I think it's important to consider the impact, for example, of the work that's being done on these mental health issues on the staff level. I think there's a lot of information that may have an impact on this that we haven't figured out yet. Another thing that I'm interested in is to learn what the opportunities are for departmental accreditation."

Soden stated, "So, it's more of a global overview of law enforcement, not just City police, to fill in the gaps and wholes is what you're talking about. It's not just facilities, but policies, people behind it, agencies that we have within the County and the City now. It's a very big picture."

Boley stated, "Also, if we make decisions about how we're going to handle mental health issues in our community, what effect does that have on our law enforcement?"

Farmer stated, "I think our friends at the County would agree that before we really move on anything in relationship to mental health, we were all invited to the meeting next Thursday, Justice Matters at the Lied Center. I think we should go and hear from them. I think they're going to have some great ideas. When the Chief was down in San Antonio, as was Municipal Court Judge Scott Miller, and we can accomplish everything that San Antonio is doing in relationship to having a mental health unit; having all the officers train quickly with CIT, we can have a mental health court, we can have a drug court, but we can't do that with existing resources. The big thing for us is I think we should probably learn some more from the Justice Matters folks, since they've really done a lot of leg work over the last year in a half in faith communities all across Lawrence and Douglas County. Maybe take their recommendations and move from there. I would hate to reinvent the wheel Commissioner in relationship to the mental health and I know that's something you're passionate about. These Justice Matters folks have really done a lot of good work and they've got a lot of momentum. Around that table, they had District Attorney Branson, two County Commissioners, a lot of folks from the faith community, city representation, it was pretty remarkable. My feeling would be to wait and kind of see what they recommend and then figure out how we can tag onto that rather than to kind of be out ahead of it and see what we can do in the hopes that maybe we can kind of tag on with them later. It's a systemic issue. It's Police, its jail, its prosecution; it's all that stuff and they've been doing a lot of good work. That would be kind of my short recap of the San Antonio trip."

Amyx stated, "We'll have time to revisit this item as far as a goal, after that meeting, correct?"

Farmer stated, "Yes. Well, let's keep this open. What I've heard is, Commissioner Boley, you talked about blue ribbon commission for police and law enforcement, Vice Mayor Soden you talked about public safety and kind of tacking onto his idea of the blue ribbon commission and mental health, Commissioner Amyx you talked about infrastructure and seconded public safety, mental health and finalizing our City's fiber policy and Commissioner

Herbert you've talked about public safety and finalizing the City fiber policy. Are we kind of all on the same page with those? Do we want to add anything else?"

Soden stated, "Affordable housing?"

Farmer stated, "Yes, I've got that on my list. What other topics?"

Amyx stated, "During the study session, I brought up an idea of maybe talking about some strategic planning whether it be in-house to start on a scale inside our building and looking at needs before we started talking about some time in the future about the community plan if you will, those kind of things. Horizon 2020 committee has given me an opportunity to hear a lot of great comments from people in our public on a great number of things. Then you fold in all the money requests that we saw today, which is only a very small part of the deal, and I'm realizing we probably don't have the money to do all of these things. One of the things that I think is important is maybe we have that discussion or maybe we ask staff what kind of things would have to happen if we would want to consider some kind of strategic planning on a simple basis inside the building."

Farmer stated, "I think that's a great idea. If I can just tack on a suggestion, but before I do I want to make sure to get to any other suggestions that we have in relationship to issues. Now these aren't solid we can certainly add or take away. Fiber Policy, I think we're all in agreement. Before I make a suggestion, let's take public comment and then we can kind of go from there."

Michael Almon stated, "Excellent discussion. I like all the different ideas. If you know anything about me from my perspective, I speak of the issues of people that ride bicycles and people who walk as a public safety issue. If we have Safe Routes to School, we're talking about public safety. If we have protected bicycle lanes, we're talking about public safety. There's various ways that we can get there. We could have a police officer escort groups of children to school every morning, but yes, the police are public safety, but that's not a very efficient use of our manpower obviously. So if we have facilities physically present, usable, well designed and

safely designed then the safety is part of the infrastructure. In other words, extending the concept of infrastructure is more than just streets and sewers, its sidewalks and protected bicycle lanes and things like that, but basically from your discussion the question about a police facility for example, I don't know how much the vote was dissected officially last fall. A lot of came down to, do we want to spend all this money after spending so much money that was a big part of it, but form what I heard on the street, it wasn't so much that we didn't want to do a police facility, I want to do a police facility, but it was how we do it. I think that's the key to all of these questions. It's not whether the average citizen's knows about meeting the needs of the police, it's how we address those needs. When I heard on the streets for instance in a lot of cases was, I don't want a big central facility for 20 plus million dollars, I want four precincts. I want it distributed throughout the whole community like the fire department with fire stations around the community, much more efficient dispatch. It's just whether that works or not, I don't know, but people were concerned with how the question was being answered and put forth not whether we wanted to do it. So that's just what I wanted to point out in addressing any of these, if we include the mental health as a component of law enforcement, that's another how we do it and if we consider adding more vehicles to the police force for however tens of thousands or whatever dollars per vehicle and if we decide to make a certain percentage of those vehicles bicycles or for that matter motorcycles, they're a lot cheaper. We don't have to have the bicycle patrol officers doing it voluntarily. We could have it so that the ones that want to do it or required to do it a certain time of the year in good weather in certain neighborhoods this could be a way to address the issues alternatively. It's really a matter of how we do it rather than whether we do it. Once again thank you for the time and I appreciate your consideration."

Farmer asked, Is there any other public comment? There was none.

Farmer stated, "Here's my suggestion. I've been kind of doing a lot of talking to folks about the idea of a strategic plan, and by folks I mean a lot of folks in my young elected official's network. One of the things that they said is that there's never enough time in a study session to

accomplish what you want to accomplish. I don't know if you sensed what I did, today, and that is that two hours flew by and by the end of that two hours it's like, gosh we've heard a lot, got a lot of information, but did we really get anything accomplished. I've heard four topics, Michael brought up a fifth one and I think it might be worthy to talk about, I know it is worth to talk about, public safety, mental health, affordable housing, infrastructure and then sidewalks, bike-ability, multi-modal, non-motorized whatever it's going to be called, transportation. I'm not sure how much conversation we need to have about that at this point because we've got a new committee that's being formed and should be making appointments to those, at some point, in the next month or so. Basically taking those four topics and having either a day or a period of two days where we have an extended amount of time, longer than just twenty minutes on an agenda, maybe not here, where we can sit down and really start hammering some of the stuff out. I would recommend that it's a facilitated conversation with folks that don't know us and folks that really don't have any connection with things that have happened or not happened and be able to kind of lead us in a direction where we can find some common ground because we all have great ideas, we'll have different ideas. Some longer facilitated conversations, maybe we won't get too windy if it's somebody other than me facilitating those and kind of a third party but I wanted to throw that out for the group to see what you thought. If that would be something you'd be open to."

Soden stated, "I certainly here where you're going with that. When I think of mental health as a City Commission goal or a priority, I don't actually have any real outcomes that I think of. To me that means us creating something like a mental health task force and then that group would work on what issues we need to work on here in the City, and the County. Whether it would be a joint City/County thing on top of that, I don't know. I hear what you're saying but also I don't have any outcomes that I'm specifically advocating for. I see that more as issues that are not being met now that we need to create a path for those issues to be met."

Farmer stated, "I think that's a great point. One of the things that I didn't know is just how much Lawrence and Douglas County do for people who are mentally ill. Gene Meyer from the hospital was there. He said we would have gladly loved to keep our mental health wing at the hospital open but we had no doctors. It's really difficult for them to find doctors. If we're going to talk about mental health, it might not necessarily be because we have specific outcomes that we want in mind but maybe just to get everybody educated. There was so much value in having everybody around the table. There were light bulbs going off. Chief, I don't know if you felt the same way but it was all over the place with so many people going, oh my gosh I didn't know that that happened, and yeah that's broken, and we need to talk more, and we should meet a little bit better. So, that's kind of the thought. If it's not specific to outcomes maybe it's specific to just finding out what exactly we have in the community because what you may know, I may not."

Amyx stated, "We've had those in the past that work very well, having someone come in and facilitate."

Herbert stated, "If that's the will of the Commission."

Boley stated, "That's fine with me."

Amyx stated, "The only day I can't do it is Saturday. There's one more I would like to bring up we've kind of forgotten, and we talk about it all the time, but our thoughts on what economic development is going to be. We all got great ideas but somewhere along the line we got to have the outfits to pay for it. I don't want us to forget that. I think that it's important for this body to establish how we're going to use public incentives. I think we need to have that discussion. Let's don't put our staff through a whole bunch of work on doing things if we've got a different mindset. Let's talk about what that is, let's get it out on the table. We got a lot of people that serve in a whole lot of capacity that needs to understand where this Commission is going and our use of what those incentives are going to be or the expectations that we have and businesses that we would like to have in Lawrence Kansas, whatever it may be."

Soden stated, "I agree."

Farmer stated, "So, what I'll do is I'll work with Dave on finding a few facilitators to recommend. You can send out information to the Commission on who those might be, preferable no one affiliated with anyone of us, or really Lawrence, for that matter, who can just facilitate good conversation. Then we'll look at the calendar and pick out a day and we'll just need to find a place to do it, preferably not here, and it's got to be a public meeting obviously. We can talk about whether or not we want to take public comment or just have discussion facilitated amongst the Commission; I feel like it might get muddled, we may have to have a second one where we take public comment that might be good, once we kind of get going in a specific direction."

Corliss stated, "Sometimes what has happened is, it's obviously all public meetings facilitated and then that facilitator comes back with a report and that report is a regular agenda item and then there's opportunity for public comment about, well this wasn't quite articulated completely enough, or don't forget about this issue, those types of things. That's one way to get at the public involvement because obviously you're choosing City Commission goals, you definitely want to have the opportunity for public comment, correction and change if that's necessary."

Amyx asked, "Do you have a timeframe you're thinking about doing this? The month of May is pretty well full."

Farmer stated, "I would say sometime in the next two or three weeks, maybe a month, preferably before budget season because we're going to have a lot of work to do with the budget, hiring a new City Manager."

Corliss stated, "You're in budget season but you're going to probably want to do this sooner rather than later, I think is your point."

Farmer stated, "Right."

Corliss stated, "I think we can work on that."

Farmer stated, "We'll work on that and go from there."

Corliss stated, "We understand to have the fiber policy next week. Then we'll probably try to write a little bit out of what we've heard this evening, not for any finalization, but so that we kept good notes on all of that. I think it would be valuable to have some additional information about accreditation of the police department. I think the Police Chief could provide that for the full Commission so that we all know what that is. I have some familiarity with what our Police Department does as well so at least have some more baseline information about it, not that we're making any decisions on it and then we're essentially holding off on any further work or refinement of this until we have our goal setting session with a facilitator."

Farmer asked, "Can we put under future agenda items, can we make a goals page and on that goals page have essentially public safety, mental health, affordable housing, infrastructure, non-motorized transportation and economic development? Under public safety I think it would be good when the election was happening last November and there was 100's of pages that I know that back from studies that were done and memos and we kind of had some of them tonight in relationship to the police department. I think all of those need to kind of be centered in one place because it's not so much Commissioner Boley that I don't think the information has been out there, has been put out, sometimes it's really hard to find out where it is and I think if we have that goals page where it's kind of our working document, our living breathing document, our own Horizon 2020 if you will, I think that may be good for us to just have out there for the public to see too."

Corliss stated, "Maybe just a goals page on the website under construction where we have all the links to all that information. Is that something you want along those lines? You guys can see it and say, 'no we didn't quite get it right' and we can change it accordingly."

Farmer stated, "Yes, that's exciting. Before we consider a motion to recess into executive session we'll take public comment and I will add that starting next week, I think what I'm going to do is move public comment up in front of Regular Agenda Items. A lot of folks have

given input on that that they don't want to stay through the whole thing before they have general public comment so we'll give that a shot, maybe for a few weeks and try and see how it works. We'll have public comment after each regular agenda item, but as far as general public comment we don't want to have to certainly make folks stay for the whole meeting if they want to talk about something else unrelated."

Corliss stated, "A number of communities do that and make it clear that it's public comment on items that are not otherwise scheduled for the regular agenda so you're not confusing a citizen."

Mayor Farmer called for the public comment portion of the agenda prior to considering Regular Agenda Item No. 5.

Kris Adair stated, "I have to admit I'm very sorry I had planned to be here for consent and had to miss because I was at work. I'm actually going to read a brief statement about something that was on the consent agenda tonight so that the Mayor and Commissioners have my input and information and then maybe something can be talked about at a later time. Mr. Mayor and Commissioners I was going to pull this item in order to save the community money and I'm talking about item 4a from the consent agenda. It was an item discussing the replacement of the City's lights on the north side of 23rd Street from Alabama to Crestline. There are eighteen lights in that run, but when I went to look at the run, seven of them had already been replaced so it looks like just eleven still needs to be replaced. The estimated cost was put for this at \$150,000 or there was money set aside for Capital Outlay and this means that the City could possibly pay \$13,400 per pole to implement this project. I compiled a list of what it would cost to replace the poles with solar power to elimination heads and the total cost would be about \$3,500 per pole. That means we can use solar power at these sites for around \$38,500 depending on the poles now that's just with basic poles not the decorative poles that are talked about. This would save the city more than \$111,500. Rather than send this project out to bid, with CO2 admitting coal, I would propose you specify that the City would like to look

at making these sites solar powered. With Westar's rates continuing to increase about ten percent per year, it makes sense for us to use solar power where possible and where cost effective and I think that this would make sense at this site, especially since it something that the City has discussed going forward and with just eleven poles, it would be a great test site. I'm asking the Commission to direct staff to bid this project with the solar power insulation with the goal of reducing the non-recurring costs, monthly costs and most importantly the environmental impact. This can be a stepping stone on our path to follow the City's Auditors recommendation from 2013 and begin to take ownership of our own street lights. If our street lights were all solar, we would not only save 3.8 million pounds of CO2 admissions per year, but we'd reduce the City's financial exposure to ever increasing electric rates. Finally, I'd like for the Commission to direct staff to work with the Sustainability Advisory Board to evaluate the concept of changing all of our illumination heads to solar power. This would be a great project for the City and would save money and serve the environment. Like I said, this was something that was on consent agenda. I had planned to come and pull and I'm very sorry work commitments got in the way. It's something that I think would behoove us to just look into before we have an actual bid with Westar attachment."

Dennis Brown, President of the Lawrence Preservation Alliance, stated, "Mayor, thanks for moving the general public comment up before you're executive session, I know you've had a long day. Last Wednesday an LPA member contacted me about concerns regarding an action you took on your consent agenda last week. I took these concerns to staff to get some information and I discussed it with the Historic Resources Commission last Thursday and I'm here tonight to visit with you and I believe the President of the Pinckney Neighborhood Association, Pat Miller is here to visit with you as well and the issue is the land swap in process with the City and the School District involving a portion of Clinton Park next to Pinckney School. Pinckney School for many years has been using a portion of the city park for its playground area. In the land swap the School District would be the new owner of this and additional park

land bordering 6th Street. Clinton is an original City Park it was platted in 1858, alongside Central Park which is now Watson Park and South Park. So these are three historic parks in our City's original core. The way the school district has been using the park property for all these years, as a playground is actually in keeping with the broad definition of park use. It's a recreational use. In that sense, even though the district has been encroaching on City park land, the use is compatible, no harm no foul, but what could happen in the future once the City no longer controls this portion of park property if the district or a future owner built that property out, we would lock in a loss of core downtown park property because of actions we are taking today. Since you have passed this on consent, one notice has already been filed in the local newspaper. As I understand it, once that notice is filed again and I believe that's later this week, possibly Saturday, it would be very difficult to back track from this agreement. Commissioners, you really need to tap the brakes on this. You need to first direct staff no to publish the 2nd notice in the paper. It's so important that you take this action tonight and then direct staff to develop some language as a restriction on deed for this property that would ensure only recreational or park uses for this property in the future and specifically not allow parking lots or building projects. These restrictions need to either be in perpetuity or include a transfer back covenant that would give the park property back to the City if in the future the School District were to abandon the school property. I think these are things that the legal staff could work out pretty quickly and there should be a way for the City, the School District, the neighborhood and preservationist to all get what we want from this deal, but if you don't stop the process tonight, back up just a little bit and direct staff to add the restrictive language, we will be in danger of eventually losing historic, core, park land to built environment."

Amyx stated, "I visited with the City Manager about this item after you and I visited with it. He did offer a text about this process so if you can explain this."

David Corliss, City Manager, stated, "What the process to date has been is to, pursuant to your authorization, a publish notice of the authority of the City to transfer the property to the

school district. That notice does not bind the City to do that, it just gives us the authority to do that because it's park property so we've gone through that, but it does not obligate us to do that. When we had a Commission discussion about this possible transfer there was very interest on the part of the City Commission in assisting the school district in their need and their desire to improve Pinckney school. It's a strong neighborhood school and we want to help them to that. There is property that we have all largely assumed as we driven up and down 6th Street is owned by the school district and point of fact, it actually owned by the City. It's been used by the school forever. As we all know from being and elementary school or having elementary school kids, playgrounds are an important part of an elementary school and it will be going on in the future. I think with this item comes back to the City Commission it will be very valuable to the City to see what exactly are the plans on that property. Some of it is building, some of it is playground and you can then work your will on that transfer, but it is in keeping with what we have worked out with the school district to transfer that property to them because we value neighborhood schools and it's also part of a land swap that was viewed as appropriate between school and City officials where we got a drainage easement at Schwegler Elementary School that will help facilitate some of the improvements that we eventually hoped to be able to make at 23rd and Ousdahl so they were very helpful and cooperative with us there. We want it to be something similar to Pinckney again all respecting the fact that it's part of that park area, but it's also part of the elementary school and our desire to facilitate that work as well. The notice doesn't need to be stopped. All it does is gives you the authority to do it and it does not obligate you to do it. It's not self executing. You still have to come back after that notice has been published and it has to be an agenda item. We have to work on what type of transfer we want to make, quit claim deed, warranty deed, do we want some kind of reversion if they would ever get out of the school business or their wouldn't be a Pinckney School. Somebody said let's sell the Pinckney property, would we want that property reverted back or would we want an option to purchase, all those kinds of things. That needs to get worked out once we get to that point. I do

think though that Dennis brings up a good point, what is the school districts use. I don't know if they finally decided on exactly what they want to do there at Pinckney. It's probably a little bit in the design stage. I haven't seen it. I'm not aware of it, but when that all comes back then I think you can work your will, but I want to assure the Commission, based upon the discussion that Randy and I had, to help make sure we're following all the right laws here. We haven't obligated the City to do it. It's necessary, but it's not sufficient step in order for us to proceed."

Herbert asked, "Dave, you said that it's part of a land swap?" Did we place a condition on alleys? I just want to make sure we didn't do a land swap and then once we made the trade, we're coming back and saying, oh by the way, we're going to put all these..."

Corliss stated, "I think that may be a concern Commissioner."

Herbert stated, "I don't want to do a land swap and then tell them they can't do anything with the land we just gave them"

Corliss stated, "They've gone ahead through their platting process, they've platted a drainage easement on the property at Schwegler School. We helped them determine its appropriate contours and debt and those types of things and we also made sure that the property would still be usable by Schwegler Elementary School Patrons and those types of things and with that in hand we've gone ahead and started the process of saying we've got some property that the schools been using for some period of time. We would like to go ahead and start that process because it's arguably park property even though it really hasn't been used that way for a number of years. When you as a City want to do something with park property, you have to go through an additional procedure that we otherwise don't have to do as we transfer other city owned property so we've started that process. I think we're going to be able to work this out because again, we value greatly the ability of the school district to make improvements at Pinckney and I think we also understand there need for all of that public access. They've been a great neighbor there with Clinton Park and we cooperated with them on the tunnel under 6th Street and we do a lot of other things. I don't think there's going to be an

issue. There's probably been a little bit of a communication issue to the neighborhood and to historic interest about what's going on and we probably need to step and say, okay, well there's some other interest at play. We need to make sure we're advising people of that. I think that we thought that we would do that maybe after all this process is done and we've got a little bit more definition about what's going to happen on the property."

Boley stated "Dave, I can actually remember when the school board was going to sell some of that playground at Schwegler. I was on the PTA and we had to talk about it. I'm concerned about losing through them."

Amyx asked, "I want folks to be assured that because of the process we have to follow, because its park ground, it has to come back to this body before we can dispose of any property, correct?"

Randy Larkin, Senior Assistant City Attorney, stated, Yes, all this does is allow you the opportunity to transfer the portion of Clinton Park to the school district, it does not obligate you to do anything. It's going to come back to the City Commission and if you want certain conditions placed on contract or placed on the land, then we would work that out with the school district and see if they're remediable, if they're not then we may have to do something different."

Amyx asked, "As Mr. Brown said, we don't have to worry about the second publication?"

Larkin stated, "We have to do that before you can even really begin the process of negotiating. It doesn't obligate the City to do anything."

Corliss stated, "It's necessary for us to consider this, but it's not dispositive or it's not sufficient, you still need to then make an affirmative decision, yes, we want to approve, authorize the Mayor to sign a quit claim deed of this legally described property to USD 497 and that would be a regular agenda item. We would then talk about what other types of conditions that might be appropriate, if any, to place on that."

Larkin stated, "The reasons the two notices have to be done and in that point in time there's a 30 day period where then the citizens of Lawrence could file a protest petition and that

would obviate any need to have any of these discussions with the school district because we couldn't dispose of the park property if that happened."

Pat Miller, Pinkney Neighborhood Association, stated, "I want to say first and foremost that Pinkney Neighborhood Association fully supports additional construction at Pinckney School to make it a viable school. However, we have some concerns with regard to the property. I wasn't personally involved in all of the different studies that were done, the citizen involvement in looking at our school districts, but I heard a lot of the information. One of the things I learned is that the portion of Clinton Park that is right now being occupied by the school's playground is under a hundred year lease that comes up in the 2030's, I believe. The entire part of Clinton Park right now is currently zoned as OS which is open space, park property and whatnot. The area that is specifically owned by Pinckney School is zoned GPI which is Governmental Public and Institutional. My understanding is that in order for Pinckney School to build additional structures and they're looking at a gym, they would be encroaching on part of the property that is now owned by the City and I've heard that they cannot build on something they do not own. However, I don't know that they need the entire parcel, its 1.38 acres and I believed there is an area that's closer to the school building south that would be actually the part of construction. Our concern is that not only will this be a transfer of property, it they will also have the change the zoning or they won't be able to build so it would also become GPI. As we know our schools are constantly in danger of being closed. If the School District owns this property and it becomes one of the schools targeted, because it's a small neighborhood school and the School District owns the entire property, without any restrictions. This is a prime site on 6th Street for potential commercial, residential, multi-structure building. This is not something that the City should give up without really considering that there's a strong public interest in continuing this historic park area and this is vital green space within the city. The other thing I want to point out is the school district is granting an easement for stormwater purposes which I understand are somewhat caused by development in the area of about Iowa

and Clinton Park. So Schwegler School, I think their playground is impacted by those stormwater issues and so by granting the easement to the City they will be able to not only address other stormwater issues, but also improve the viability of the playground for Schwegler Park in exchange for the easement, the City would be giving up control of a prime piece of urban greenspace in a historic park in the urban core. We have several recommendations and I know this is going to come back to the city, but one is to grant a much smaller parcel of the property to the school district and finding out exactly what they need for the structures that they're going to build and with that I'm assuming there would be rezoning. The other would be to go ahead and grant the entire parcel to make sure that there is a convenient in it that if the school district no longer uses it for public school purposes, it would come back to the City. As far as fairness goes, we think this would be fair. The school district would have the enjoyment of the property for as long as they're using the facility. They are not out any funds for purchasing the facility, they're only granting a stormwater easement. I don't believe it's intended to cause any problems that Schwegler with their full use of their playground so hopefully this will come back and we'll be back here to talk about it again, but I think that there are some options that need to be considered before the City ever goes down the path towards giving away this whole piece of land on 6th Street which is part of a very important historic urban greenspace."

Farmer asked, "Can I ask a question for my own clarification? Let's say the school district sold and closed Pinkney etc. If it's zoned GPI, you can't just build a 7 story commercial development, like it has to be rezoned, right?"

Corliss stated, "That is correct."

Farmer stated, "So it would go through the standard process and if it were voted negative by the Planning Commission, a super majority would have to approve it here etc. I know it's not enough protection so I guess my question is what can we do at this point now that we've passed that last week?"

Corliss stated, "Again, keep in mind that all this has done is meaning that once that protest period is past, we will then work up a good staff report and the necessary transfer documents. Clearly, we need to make sure that the neighborhood and others that are interested in this issue know more about it as it comes back and give you a number of options. We need to have a good discussion with our partners and the School District about what are they willing to do to respond to some of these concerns about possible contingent uses out there if they decide they're not going to follow through and use it for Pinckney School for some level of time, I don't know if it would be forever."

Herbert stated, "They don't have a specific plan for that yet, correct?"

Corliss stated, "Commissioner, that's a good question."

Herbert stated, "It's my understanding that there is no specific plan for it which your first comment about maybe we can talk about giving away a smaller parcel. I'm not sure that we can really talk to them about that yet if they don't know what the parcel is being used for. I don't think that conversation can happen yet."

Corliss stated, "We're a little bit disabled this evening, we weren't ready to talk more generally about all this. We probably just need to talk to Dr. Dole or others at the school district and find out where are they in that planning process, I don't know the answer to that."

Amyx asked, "Can we not negotiate with them now or at least talk to them before final publication?"

Corliss stated, "I think we would have to start over. The publication that you all authorized says that it will be published twice in the official City newspaper and that if there is no protest petition within a certain period of time, we then have the authority, not the obligation, to transfer it to the school district. If we stop it, then we just probably start over which is not the end of the world either. We don't see the harm in proceeding with the publication knowing what we know about this issue and the fact that you still have complete control to kill it if you find out that you don't want to proceed."

Farmer stated, "We know we have two years to work it out because this body won't change for two years at least."

Corliss stated, "Or you can tell us we didn't know about this issue, let's work all this out ahead of time. We'll take your direction."

Miller stated, "May I say just one thing. If you move forward with this second publication, although we strongly support improvements at Pinckney school, without any kind of assurance that there will be further discussion and probably possible change on this, we might feel a need to start a petition which seems like it would be counter purpose to actually working this out amicably."

Herbert stated, "I think there are a lot of checks that we have along the way. I don't think this can be converted to anything crazy. We've got a Planning Commission check, we've got a City Commission check and it would require rezoning."

Corliss stated, "You're right Commissioner and really your first check is that you're not deciding by publishing this that you're going to make the transfer, you're only deciding that you want to have that authority if it's successful after the protest."

Farmer asked, "Do we have to put the second publication in the newspaper this weekend?"

Larkin stated, "It has to be two consecutive weeks on the same day or start over."

Boley stated, "It's going to have to come back here for us to make the decision on whether we do anything with it or not."

Amyx stated, "Here's the deal, with this room being full of everybody saying support our schools, I can just see all this coming. If we have it worked out, at least everybody knows what they're talking about."

Corliss stated, "What I don't know is where they are in the development process or what they're doing. I don't have any idea about that."

Farmer stated, "Can I make a suggestion?" I work with Dave to set the agenda and the Commission ultimately has input on it. The assurance that I think we can give you that we can get this worked out pretty quickly without starting over. If we maybe set a date to have a staff report conversations with Rick Dole to bring it back and put it back on the agenda, maybe Tuesday, May 12th. Do you think we can get it done by then?"

Corliss stated, "We'll try to."

Herbert stated, "I'm happy to facilitate. I work for the guy every day so I'm happy to facilitate that conversation."

Farmer stated, "So, maybe you could have a conversation with Rick, Pat, Dennis and others."

Amyx asked, "Did you say not to start over Mayor?"

Farmer stated, "It doesn't matter. I'm just talking about the conversation. Whether or not we start over is of little consequence to me. I know that we're not going to give them the property and they're going to close the school next week. We've got time to work it out."

Amy Miller, Assistant Planning Director, stated, "We have a design review in the minor subdivision in process, they have to do some land work at this point, improvements that they're doing right now. We don't have the site plan in yet, but I looked at the drawings they submitted for the design review and it does not include any development that encroaches over what would be part of the land transfer. It's literally just an addition to the building. It doesn't actually encroach over so it's still on the GPI side and what is currently owned by USD497. The only thing currently on the OS side, Clinton Park side, that's part of the land transfer are playgrounds and there's currently a parking lot and drive isle back in that area. Those are the applications we have on file. Any development on the OS portion would require rezoning, if it's something other than a recreation open space use."

Farmer asked, "Can we move that direction? Is that okay?"

Miller stated, "We're happy to engage in more discussions."

Amyx stated, "So what is the direction? Are we deferring this item?"

Corliss stated, "I think we're proceeding."

Farmer stated, "I know that we're not going to arbitrarily, you know it helps to hear that but even not hearing that, Pat you have my word that this is going to get on the agenda, May 12th and we'll have a conversation and talk about it and if we need to put a restriction on it, then we'll put a restriction on it and we'll do whatever we can to protect the interest of the neighborhood. This area means a lot to me. My great grandpa was the first ever principle at that school. I just think there are assurances and I think some more conversations would do a lot of folks good. Is that okay?"

Miller stated, "Yes."

Farmer stated, "Commissioners are we clear on the direction?"

The City Commission concurred.

5. **Consider motion to recess into executive session for approximately 50 minutes for the purposes of: 1) discussing non-elected personnel matters, and 2) and discussions with attorneys for the City on matters under the attorney-client privileges. The justification for closing the meeting is to keep personnel matters confidential at this time and to protect the privacy of non-elected personnel, and to keep confidential matters under the attorney-client privilege. The Commission will reconvene their regular meeting at the conclusion of the executive session in the Commission meeting room.**

Moved by Herbert, seconded by Amyx, to recess into executive session for approximately 45 minutes at 8:20 p.m. for the purposes of: 1) discussing non-elected personnel matters, and 2) and discussions with attorneys for the City on matters under the attorney-client privileges. The justification for closing the meeting is to keep personnel matters confidential at this time and to protect the privacy of non-elected personnel, and to keep confidential matters under the attorney-client privilege. The Commission will reconvene their regular meeting at the conclusion of the executive session in the Commission meeting room. **Motion carried unanimously.**

The City Commission reconvened at 9:11 p.m. There was nothing to report.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Amyx asked, "Did we decide anything on the lighting on 23rd Street from Iowa to Naismith that Chris asked about?"

Farmer stated, "It was approved on the consent agenda."

Corliss stated, "I do have a suggestion and that is that we respond to the issue of PV (photo voltaic) street lights and we have that information available when we get those bids back so that you can see that. We've got some level of experience with photo voltaic, solar power street lights. We actually have one. It's a light out here that we've had for a couple of years that you can see as you walk a little bit to the east of City Hall. We had that as a demonstration. You can look down there and you can see the battery pack. There's pro's and con's. I think Ms. Adair talked about some of the pros. There's an expense side to it that can be fairly significant. There's a maintenance issue along with that as well. You'll be able to see that, and work your will on that, but I think that would be my suggestion is that when we get those bids back, you take a look at that and see what you want to do. We're not required to do this lighting project, we do think it helps that area and it follows through on some of our work that we want to do on 23rd Street. We would like to continue to work on street lights. Ms. Adair made some very good points about rising energy costs and those kinds of things so that's been a project that we tried to work on a little bit more to improve our street light utility. Just so the new Commissioners know, we don't own most of the street lights, we own the ones downtown, we own the ones on the bridge and a few other places. Most of the street lights are owned by Westar and we pay them a per pole charge and I think we spend close to about \$700,000 a year based on that per pole charge that they have and it's set by tariff and how much energy and maintenance they have. They are making a transition away from what they have now to the LED lights which use less energy and probably just as important for us using less energy that's a good sustainability

value. They require less maintenance. You don't have to go back and change those light bulbs if they're LED lights, they last longer."

Farmer stated, "Let's have a report on it when the bids come back."

Soden stated, "There's one thing she brought up that I just remembered is that there is some concern that the new light poles aren't able to power the equipment that they have on the old light poles. I didn't quite understand it."

Corliss stated, "We'll see if we can get some more information on that too."

Soden stated, "Certainly experimenting with renewal energy, I'm all on board for."

Amyx stated, "The only other question I had was about the Indian Hills public hearing meeting tomorrow night. Is this a Commission meeting?"

Farmer stated, "It is not a Commission meeting, this is the Indian Hills Neighborhood about the speed of traffic on 27th Street Terrace."

Herbert stated, "Back when Stuart was on the Traffic Commission I was attending the meeting with this group and spoke on behalf of them. They have a lot of concerns with the school crossing area."

Farmer stated, "This is a different issue, not the school crossing, but the speed humps. I'll be going tomorrow to that meeting."

Amyx stated, "I have the 9th Street Corridor."

Herbert stated, "In terms of our schedule, it appears that at least two of us will be at the Watkins deal on Thursday, I don't know if that would be an issue if three show up."

Corliss asked, "What is that?"

Herbert stated, "Professor Tuttle is doing a deal with the NAACP on the Lawrence promoters which was the all black basketball team at Lawrence High in the 1920's. There are at least two of us that will be there. The event is this Thursday."

Corliss stated, "We'll just add that and we also want to let you know about the Public Incentive Review Committee meeting that is scheduled for 11:00 a.m. on Wednesday, April 29th."

Boley asked, "What about the Justice Matters on May 7th?"

Corliss stated, "We'll add that as well."

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Amyx, seconded by Herbert, to adjourn at 9:19 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JULY 7, 2015.


Diane M. Trybom (City Clerk)